



Official complaint regarding P-2025-000040 non disclosure

From Mark Lepore <mlepore@hotmail.com>

Date Sun 2025-07-27 9:34 PM

To atip-aiprp@fintrac-canafe.gc.ca <atip-aiprp@fintrac-canafe.gc.ca>

1 attachment (183 KB)

P-2025-00040 - Response Letter.pdf;

During ongoing investigation... involving disclosure of KYC information P-2025-000040 (attached for reference)

I. Issue

Refusal to disclose personal KYC information, in the context of an active fraud investigation, may constitute a breach of statutory obligations or unjustified interference with investigative rights.

II. Background

- I, Mark Lepore, am seeking access to personal KYC documentation linked to a suspected fraudulent activity, and potential forged KYC documents.
- FINTRAC, while in possession of relevant information, has declined to disclose said data, citing statutory and regulatory limitations under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)*.

III. Legal Framework

1. Proceeds of Crime (Money Laundering) and Terrorist Financing Act

- FINTRAC's mandate includes detecting and deterring financial crimes and supporting law enforcement practices.
- Section 55 provides for voluntary information disclosures (VIRs) where FINTRAC has grounds to suspect involvement in criminal activity. Since the OSC is investigating these matters, it is paramount I review any submitted KYC documents which may have been disclosed fraudulently as no KYC documents were filled out by me, Mark Lepore, directly for any international private securities, yet FINTRAC claims there are documents on file which suggest fraudulent submission and possible forgery.

2. Canadian Charter of Rights and Freedoms

- Section 7 protects the right to life, liberty, and security. When information is being withheld in a way that undermines the security or legal recourse of the individual, this can trigger Charter-based rights for disclosure.

3. Privacy Legislation: PIPEDA

- While protecting personal information, PIPEDA also allows for disclosure under exceptions justification allows. KYC information is solely a document which does not affect other parties or integrity of an investigation when it is something solely submitted on my behalf. KYC documents

are provided to verify my accreditation, and safety in where I purchased these securities, and has no bearing on the outcome of an investigation, other than revealing potential fraud of the offending party for submitting documents which were not formally filled out by me, Mark Lepore, in regards to (ECI Development).

IV. Argument

- FINTRAC's refusal to disclose key personal KYC information is **impeding the progress** of an ongoing fraud investigation. This refusal may violate the spirit of the PCMLTFA, which obligates FINTRAC to support the detection and deterrence of financial crime.
- When such refusal contributes to prolonged financial harm or obstructs efforts to reveal truth, the **balance between privacy and investigative necessity** has been improperly skewed to protect perpetrators.
- If my, Mark Lepore's, rights to seek recourse or protection is impaired due to lack of access to personal information — and especially if disclosure would not compromise broader enforcement goals — there is a potential **Charter breach**, particularly under Section 7.

V. Remedy Sought

- Formal review of FINTRAC's non-disclosure by the **Office of the Privacy Commissioner of Canada in regards to freedom of information request in regards to P-2025-0000040**, or
- A judicial application seeking a **mandamus order** for disclosing relevant KYC documents under controlled conditions are requested, or
- FINTRAC's agreement to simply disclose personal KYC documentation which has been apparently submitted on my behalf, as requested.

Thank you in advance for your time,
Mark Lepore