



OFFICE OF THE  
POLICE COMPLAINT COMMISSIONER

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British Columbia, Canada

August 21, 2019

**Sent Via Email**

Chairs of BC Municipal Police Boards  
Abbotsford Police Board  
Central Saanich Police Board  
Delta Police Board  
Nelson Police Board  
New Westminster Police Board  
Oak Bay Police Board  
Port Moody Police Board  
Saanich Police Board  
South Coast BC Transit Police Board  
Stl'atl'imx Tribal Police Board  
Vancouver Police Board  
Victoria & Esquimalt Police Board  
West Vancouver Police Board

Dear Chair,

**Re: Recent decision by Retired Judge, the Honourable Brian Neal regarding the unauthorized disclosure of sensitive information**

I write pursuant to section 177(4)(a) of the *Police Act* to provide you with the attached decision of Retired Judge, the Honourable Brian Neal, acting as an adjudicator under section 141. Adjudicator Neal was deciding a matter involving a Vancouver Police Officer who accessed and disclosed sensitive law enforcement information including information related to the *Youth Criminal Justice Act (YCJA)*. I encourage Boards to review the decision in its entirety as the underlying facts raise important considerations for governing bodies regarding privacy breaches.

The decision highlights that improper access and disclosure of information obtained from the Police Records Information Management Environment (PRIME) or the Canadian Police Information Centre (CPIC) constitutes a violation of the *BC Freedom of Information and Protection of Privacy Act (FIPPA)*. As you know, pursuant to *FIPPA*, Police Boards are required to ensure that personal information is protected from unauthorized disclosure and that information is only accessed and used in accordance with the provisions of that Act. Police Boards may also

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Police Complaint Commissioner

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have certain obligations when a breach of privacy occurs either under statute or under their agreements to access certain data-bases (BC-PRIME, CPIC).

At paragraph 166 of his decision, Adjudicator Neal recommended the Chief Constable apply a *“renewed focus to all VPD members... [to] reinforce the importance of complying with policy and statutory obligations of all members arising in connection with access to police databases, disclosure of information on those databases and privacy obligations of members with respect to such data, particularly data governed by the YCJA”*. I suggest all Boards consider this recommendation carefully and review their own oversight and governance mechanisms related to such occurrences. When a privacy breach does occur, I further recommend you consider enshrining within your policies mandatory engagement with the Office of the Information and Privacy Commissioner as a *“best practice”* in the interests of accountability and transparency.

Finally, you will be aware that section 28(1) of the *Police Act* requires a municipal police board to make rules respecting, among other things, *“the prevention of neglect and abuse by its municipal constables.”* Moving forward therefore, and in the interests of supporting your preventative and remedial role, our office will require conduct investigations related to privacy breaches to include information as to how the Police Board has been informed, whether internal policies and procedures were adhered to, and what steps the department took to comply with the duties and obligations arising from the privacy breach. We will also be carefully considering any offences which may arise under FIPPA.

Sincerely,



Clayton Pecknold  
Police Complaint Commissioner

- Cc. Brenda Butterworth-Carr, Assistant Deputy Minister and Director of Police Services  
Chief Constable Mike Serr, Abbotsford Police Department  
Chief Constable Les Sylven, Central Saanich Police Service  
Chief Constable Neil Dubord, Delta Police Department  
Chief Constable Paul Burkart, Nelson Police Department  
Acting Chief Constable Dave Jansen, New Westminster Police Department  
Chief Constable Andrew Brinton, Oak Bay Police Department  
Chief Constable David Fleugel, Port Moody Police Department  
Chief Constable Scott Green, Saanich Police Department  
Chief Officer David Jones, South Coast BC Transit Police  
Chief Officer Deborah Doss-Cody, Stl'atl'imx Tribal Police Service  
Chief Constable Adam Palmer, Vancouver Police Department  
Chief Constable Del Manak, Victoria Police Department  
Chief Constable Len Goerke, West Vancouver Police Department

Attachment: 2017-14249 Review on the Record Decision (Redacted)

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