



PARTNERS IN POLICING

**HALIFAX**

# **Access to Information & Privacy (ATIP)**

# Access to Information Act

The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

# Privacy Act

The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

# **Right of Access under *Access to Information Act***

Any Canadian citizen, permanent resident or any person or corporation residing in Canada has the right to request access to records of government institutions that are subject to the Access to Information Act.

**Any Canadian citizen, permanent resident or individual present in Canada has the right to access their personal information held by government institutions that are subject to the Privacy Act.**

# *What do you need*

- Access to personal Information

Information about yourself – No Fee

Access to a valid email account

Electronic copies of any documents you wish to attach for proof of Canadian citizenship, status as a permanent resident status or proof of temporary status in Canada (work, study, visitor permit)

# *Privacy Act Provisions Authorizing Disclosure of Personal Information*

- With the consent of the individual about whom the information relates – subsection 8(1)
- Without the consent of the individual - 14 provisions under subsection 8(2) include:
  - disclosure for the purpose for which the information was obtained or compiled (law enforcement);
  - to comply with a subpoena, warrant or order made by a court;
  - agreement/arrangement between GoC and government of province/territory;
  - public interest disclosure (Sex offender)

# Access to Personal Information

<https://atip-aiprp.apps.gc.ca/atip/privacyTerms.do>

# Information Requested

- 1) Department where you would like to submit an ATIP request
- IE: RCMP or Canada Revenue Agency
- 2) Name, address, phone number, email
- 3) Are you requesting on your own behalf?
- 4) Category that best describes you?
- 5) Preferred method to receive requested records

# What type of information are you requesting?

- **Privacy Act – Personal information**
  - no fee
  
- **Access to Information Act - \$5.00 fee**

# Narrative

- **Requests must include sufficient detail to enable an experienced employee of the RCMP, with reasonable effort, to identify the records that are being requested.**
- **Examples: time periods, file numbers, file names, report titles, locations, names of individuals**

# Proof of Identity/Signature and Final Steps

- Scan and upload in one document (pdf, jpg, tiff, png, doc, docx) 2MB
- Scan attach a photo of your signature
- Review, modify, certify and you will receive an acknowledgement e-mail within 15 minutes
- Government agency has 30 days to respond

# ATIP Branch

- Acts on behalf of the Office of Privacy and Access to Information to ensure compliance in both spirit and intent with the Access to Information Act and the Privacy Act.
- Responds to formal requests.

# Complaints

- The Office of the Privacy Commissioner of Canada (OPC) is authorized to receive and investigate complaints under subsection 29(1) of the *Privacy Act*.
- The Office of the Information Commissioner of Canada (OIC) is authorized to receive and investigate complaints under subsection 30(1) of the *Access to Information Act*.

# OPC / OIC Commissioners' Powers

- Summon persons and compel to give evidence
- Compel the production of documents
- Administer oaths
- Receive evidence
- Enter any government premises
- Converse in private with any persons (no representation)
- Examine or obtain copies of any records under the control of the RCMP

# Role of OPI During Complaint Process

ATIPB Analyst or OIC / OPC investigators directly, may ask the Office of Primary Interest (OPI) to:

- conduct a supplementary search for responsive records
- provide details of search parameters
- provide (further) justification/rationale for the application of an exemption

# Offence under Section 67.1 ATIA

- (1) No person shall, with intent to deny a right of access under this Act,
  - **(a) destroy, mutilate or alter a record;**
  - **(b) falsify a record or make a false record;**
  - **(c) conceal a record; or**
  - **(d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c)**
  
- Fines range from imprisonment not exceeding 2 years and/or fine not exceeding \$10,000