

# DISCLOSING PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND GOVERNMENT BODIES

## Disclosure

### Requests from Canadian Government Bodies

### Requests from Foreign Government Bodies

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## Disclosure

Under the FIPPA, VIU is authorized to disclose personal information to Canadian law enforcement agencies to assist in a law enforcement investigation.

Non-emergency requests from Canadian law enforcement agencies for personal information must be referred to the University Secretary.

In emergency situations where there is not enough time to refer the matter to the University Secretary, personal information may be disclosed directly to law enforcement agencies if this is necessary to avert a risk of significant harm to health or safety.

VIU is also legally required to disclose personal information, without delay, in the following circumstances:

- a. there is a risk of significant harm to the environment or to the health or safety of the public or a group of people; and/or,
- b. there is reason to believe that a minor (anyone under the age of 19) has been or is likely to be abused or neglected.

### Requests from Canadian Government Bodies

Canadian government bodies other than law enforcement agencies may also request information from VIU; for example:

Federal	Canada Revenue Agency, Canadian Border Services Agency
Provincial	Ministry of Finance, WorkSafe BC
Local	City of Nanaimo, Regional District of Nanaimo

#### **Example of Legal Authority**

Under Section 179 of the Workers Compensation Act, an officer of WorkSafeBC is authorized to inspect records that may be relevant to a health or safety investigation.

Under the FIPPA, VIU faculty and staff members may disclose personal information to Canadian government bodies in accordance with an enactment (law) of British Columbia or Canada that authorizes or requires its disclosure. The government body must make the request in writing and must specify:

- a. the reason for the request; and,
- b. the section of the enactment that authorizes or requires the disclosure.

If there is no enactment that authorizes or requires disclosure of the requested information to the Canadian government body, that body will need to provide the individual's signed consent to disclose his or her information. This consent must specify:

- a. what information may be disclosed; and,
- b. the purpose of the disclosure of the information.

### **Requests from Foreign Government Bodies**

Requests from foreign courts, agencies of foreign states or other authorities outside Canada must be accompanied by the individual's signed authorization to disclose his or her information.

Unauthorized requests from foreign government bodies may be subject to special restrictions under the FIPPA; therefore, requests that are not accompanied by an authorization must be referred to the University Secretary.

#### **Example of Foreign Request**

The U.S. Consulate sometimes requests personal information about American students attending VIU. These requests must be accompanied by an authorization signed by the student.