



COURIER

October 23, 2017

Sean Bonneteau
Director, Policing Standards and Audits
9th Floor, John E. Brownlee Bldg.
10365 – 97 Street
Edmonton, Alberta T5J 3W7

Dear Mr. Bonneteau:

Re: Street Checks and Policing Public Consultation

Thank you for the work you are undertaking on behalf of Alberta Justice and Solicitor General to publicly consult on the practice of police street checks.

In addition to concerns by members of the public and community groups that this practice disproportionately affects certain minorities, my office has also raised questions in the media about upholding access and privacy rights under the *Freedom of Information and Protection of Privacy Act* (FOIP Act). Through this public consultation process, it is my hope that these questions will be answered to bring further transparency to police street checks and to ensure that police services are complying with the law.

While the discussion guide solicits opinions from the public and community groups, my office's role is to ensure compliance with the FOIP Act. Therefore, my questions relate to police services' obligations to uphold access and privacy rights during the practice of police street checks.

The guidelines should address the following questions:

- What is the purpose for the collection of personal information? Do police services consider this practice to be a community service or for law enforcement? When personal information is collected from people who are not detained or under arrest, under what authority in the FOIP Act do police services collect personal information?

- Do police services expect individuals to disclose personal information to them when asked during police street checks? If not, are individuals notified that they can provide personal information voluntarily and advised of their rights?
- If individuals are not detained or under arrest yet personal information is collected from them, how is their personal information used? Is the use consistent with the purpose for which it was collected? If, for example, personal information is collected for a community service purpose, how do police services limit the use of that information so that it is not later used for a secondary law enforcement purpose?
- Are rules in place that limit the collection, use and disclosure of personal information to only what is necessary to meet the purpose?
- Once personal information is collected, how is the information stored and secured? Is any non-conviction information collected during street checks entered in the Canadian Police Information Centre?
- To whom will personal information be disclosed? What is the authority under the FOIP Act for the disclosure of personal information that is collected during street checks? If personal information is stored in a database, is it disclosed to third parties?
- Part of safeguarding personal information includes retaining personal information. What is the retention schedule for the personal information collected during street checks?
- Once personal information is collected and stored, who in police services has access to this information? How is access to this personal information restricted?
- What steps will be taken to maintain safeguards to protect the personal information that is collected?
- Related to access rights, Albertans have a right to request access to their own personal information in the custody or under the control of a law enforcement agency. How are individuals' access rights upheld to permit access to the personal information collected during street checks?
- Individuals also have a right to request correction to personal information held by law enforcement agencies, is there a process by which individuals can request correction of the personal information collected during police street checks?

- Police services may be collecting personal information from individuals who are part of vulnerable populations in our communities. These individuals may not realize they have a right to request access to their own personal information. Are they notified about their right of access to their own personal information prior to or after collection?

In terms of statistical reporting on street checks, I encourage proactive disclosure and public reporting to enhance openness, transparency and accountability to the public. I also support the evaluation and review to consider the effectiveness of this practice and impacts on privacy, other rights and public safety. De-identification of the personal information collected and used for these purposes should be considered.

Finally, considering this practice involves the collection, use and disclosure of personal information, I recommend that a privacy impact assessment be completed to ensure risks to privacy are considered and mitigated, and to submit it to my office for review. My office would be pleased to meet to discuss this practice.

To encourage openness and transparency in this public consultation process, this letter will be posted on my office's website at www.oipc.ab.ca.

Thank you for your attention to this important public discussion. I look forward to your response.

Sincerely,

[Original signed by Jill Clayton]

Jill Clayton
Information and Privacy Commissioner