

Policy Name:	DUTY TO WARN – PUBLIC INTEREST NOTIFICATION		
Policy #:	4.19.1	Last Updated:	2022-05-12
Issued By:	INVESTIGATIVE SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

AD 9.18 *Security and Confidentiality of Records and Information*

OP 4.19 *Duty to Warn*

1. PURPOSE

- 1.1. To ensure that general information and personal information disclosed by Surrey Police Service (SPS) through Public Interest Notifications is disclosed in a responsible manner, balancing SPS’s responsibility to protect the public and the right to privacy of individuals.
- 1.2. This policy provides general guidance to all Members on Public Interest Notifications under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. For detailed instructions and advice, contact the SPS Manager, Information and Privacy Unit.

2. SCOPE

- 2.1. This policy applies to all Members.

3. POLICY

- 3.1. In British Columbia, disclosure of general information and personal information by a public body is governed by FOIPPA. Although the protection of sensitive general information and the privacy of personal information is extremely important, public safety is paramount. There are times that the duty to warn the public overrides confidentiality expectations for general information and the privacy of personal information.
- 3.2. This policy applies to Public Interest Notifications made under the authority of FOIPPA section 25, and disclosures of personal information under FOIPPA sections 33(2)(l) and 33(3)(a).

- 3.3. Section 25 of FOIPPA is a mandatory disclosure requirement, meaning that once a risk or threat has been detected and the criteria in section 25 are met, SPS must issue the Public Interest Notification. Section 25 states that the head of a public body (e.g., Chief Constable) must disclose information where disclosure is clearly in the public interest.
- i. The decision to disclose must be based on a contextual assessment and determination whether there is a risk or threat of significant harm (including future significant harm) to the safety of the public or a group of people;
 - ii. Public Interest Notifications under section 25 of FOIPPA may be considered where there is a credible, serious and imminent risk or threat of injury, loss or death to the public, either as individual persons or groups of people;
 - iii. The identity of persons who have caused the threat may not be known; however, the duty to warn the public exists whether SPS knows or does not know the identity and/or source of the threat;
 - iv. Contact the SPS Manager, Information and Privacy for advice and guidelines for the preparation and approval of public interest notifications under section 25 of FOIPPA.
- 3.4. Sections 33(2)(l) (complying with subpoenas, warrants and orders by Courts and persons with jurisdiction to compel the production of personal information in Canada) and 33(3)(a) (disclosure of personal information in compelling circumstances that affect anyone's health or safety) of FOIPPA establish a narrowly defined set of purposes under which a public body may disclose personal information. Disclosure approval by the Chief Constable is not required for disclosures of personal information under sections 33(2)(l) and 33(3)(a) of FOIPPA.
- 3.5. Each Public Interest Notification will be carefully considered. The SPS Member (as authorized by the Chief Constable or designate) responsible for the disclosure of personal information will consider the potential risks associated with the disclosure, including the potential for harm to the victim if the disclosure triggers retribution, and reputational harm to the subject if inaccurate information is disclosed.
- 3.6. Personal information disclosed will be limited to that which provides potential victims sufficient information to make fully-informed decisions on how to recognize and mitigate their risk.
- 3.7. In determining whether to recommend disclosure of information under section 25 FOIPPA, consider the relevant circumstances including whether:
- i. less intrusive means may be used to remove the risk of harm;
 - ii. the disclosure is likely to lessen the risk of harm; or
 - iii. the disclosure could reasonably be expected to result in physical or psychological harm to any individual.

4. PROCEDURE

S. 15

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]

APPENDIX A: DEFINITIONS

“Chief Constable” means the Surrey Police Service Chief Constable or delegate.

“Duty Officer” means the Frontline Policing Inspector.

“FOIPPA” means *Freedom of Information and Protection of Privacy Act*.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Personal Information” means any information about an identifiable individual.

“Public Interest Notification” means a disclosure in the public interest under section 25 of FOIPPA.

“SPS” means Surrey Police Service.

“Supervisor” means a Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

APPENDIX B: REFERENCES

Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165