



BY FAX: (250) 356-8270

October 23, 2009

Hon. Kash Heed
Minister of Public Safety and Solicitor General
Room 236 Parliament Buildings
Victoria BC V8W9E2

Dear Minister:

Bill 16 – 2009—Body Armour Control Act—OIPC File F09-39915

I write to comment on Bill 16, the *Body Armour Control Act*, which would regulate the possession and disposition of personal body armour.

Several sections of the Bill raise privacy issues. In brief, s. 4(2)(a) requires applications or renewals be made in the form set out by the registrar. Section 4(2)(b) authorizes the registrar to conduct prescribed checks on the applicant or permit holder. Section 15 requires the registrar maintain a registry of every (a) permit holder and permit status, (b) licenced sellers and licence status, (c) permit and licence refusals, and (d) the reasons for refusal. Section 19 invokes s. 50 of the *Security Services Act*, whereby the registrar can ask police, who are required once requested, to conduct background investigations into permit or licence applications and report back to the registrar with the results.

In reading these sections, it is not clear which elements of personal information will be collected in the application and renewal process. It is also not apparent what the scope of the police background investigation will be. Finally, there are no prescribed limits on other possible uses or disclosure of information contained in the registry. I recommend that these issues be clarified when the regulations are drafted. Future regulations should reflect the principles that only the minimum amount of personal of information necessary to accomplish the purpose should be collected. The regulations should also set clear limits on the use and disclosure of a registrant's personal information.

It is regrettable that your Ministry did not consult my office during the drafting of the Bill, the tabling of which took me by surprise, as we could have provided the above

perspective at that time. I urge you to ensure that my office is consulted in future on legislative proposals or draft Bills with access or privacy implications.

Consistent with our longstanding practice when commenting on a Bill tabled in the Legislative Assembly, I am sending a copy of this letter to the Opposition critic for your Ministry. Similarly, a copy of this letter will be posted on my office's website.

Yours sincerely,

ORIGINAL SIGNED BY

David Loukidelis
Information and Privacy Commissioner
for British Columbia

Copies: Mike Farnworth MLA
Opposition Critic

David Morhart
Deputy Solicitor General
Ministry of Public Safety and Solicitor General