

**AUTHORIZATION FOR INDIRECT COLLECTION OF PERSONAL INFORMATION**  
**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL – INTIMATE IMAGES**  
**PROTECTION SERVICE**

Michael McEvoy, Information and Privacy Commissioner

January 29, 2024

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**SUMMARY**

Under [section 42\(1\)\(i\) of the \*Freedom of Information and Protection of Privacy Act\*](#) (FIPPA), the Commissioner authorizes the Ministry of Public Safety and Solicitor General (Ministry) to collect personal information from sources other than the individual the information is about for the purposes of providing support services to victims of non-consensual disclosure of intimate images who seek support from the Ministry after being threatened with non-consensual disclosure of an intimate image, or whose intimate image has been distributed without consent, as defined by the *Intimate Images Protection Act* (IIPA).

**BACKGROUND**

The Community Safety and Crime Prevention Branch of the Ministry has created the Intimate Images Protection Service (IIPS) in Victim Support Services with funding allocated by Treasury Board.

The IIPS supports victims of non-consensual disclosure of intimate images and their families. One support service helps victims stop the distribution of intimate images without consent and seek the removal of those images through orders issued by the Civil Resolution Tribunal (Tribunal) pursuant to the IIPA.

The IIPA Tribunal can determine that the distribution of an intimate image is unlawful and issue an order requiring online platforms and distributors to remove those images. Threats to distribute intimate images are also unlawful and can be the subject of an order. The IIPS supports victims with applying for these Tribunal orders and provides specialized expertise to assist with their enforcement.

To administer the IIPS, the Ministry must collect personal information from victims about the individuals who distributed, or threatened to distribute, the intimate image. Section 27 of FIPPA requires that public bodies collect personal information directly from the individual the information is about, with specific exceptions. One of these exceptions is s. 42(1)(i) of FIPPA, which gives the Commissioner the authority to permit public bodies to collect personal information from sources other than the individual the information is about. The Ministry asks me to exercise that authority in this instance.

## **DISCUSSION**

A decision whether to exercise my discretion authorizing the collection of the personal information requested by the Ministry for the purposes of administering the IIPS is guided by answering the following questions:

1. Has a clear and sufficiently compelling public interest or objective been identified that cannot reasonably be accomplished through direct collection of personal information?
2. Is the requested departure from FIPPA's rule of direct collection clearly justified when judged against the nature of the personal information to be collected and the purpose for which (and to whom) it is to be disclosed or used?

With the recent passage of the IIPA, the Legislature has recognized the severe harm that can result when an individual distributes or threatens to distribute an intimate image of an individual without their consent. When the IIPS works with victims to assist them, it is unrealistic in these circumstances that it can collect information directly from the individual who the victim claims distributed or threatened to distribute intimate images of them without their consent. In these circumstances, there is a compelling public interest to support victims that cannot reasonably be accomplished by directly collecting personal information from those individuals. In addition, a departure from the rule of direct collection in s. 27 of FIPPA is clearly justified when judged against the nature of the personal information to be collected and the purpose for which it will be used, which is to support victims and assist them in making applications to the Tribunal and enforcing Tribunal orders. The Ministry states that the personal information collected by the IIPS about victims and individuals who have distributed or have threatened to distribute intimate images of the victim will not be accessible by or disclosed to law enforcement, except when required by law to disclose the information, or to comply with legal requirements to report minors who are in need of protection, such as s. 14 of the *Child, Family, and Community Service Act*.

## **AUTHORIZATION**

There is, at present, no enactment in British Columbia authorizing the Ministry to collect this information from individuals other than the individual directly. For the Ministry to do so requires my authorization in accordance with [s. 27\(1\)\(a\)\(ii\) of FIPPA](#) for the purpose of administering the IIPS. For the reasons above, I have decided to exercise my discretion to authorize the Ministry's request.

This authorization is effective 12:01am January 29, 2024, and expires the sooner of when provincial legislation takes effect that would make this authorization redundant, or six months from the date of this authorization.

January 29, 2024



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Michael McEvoy  
Information and Privacy Commissioner for British Columbia