

Standing Committee on Families and Communities

Review of the *Missing Persons Act*

Twenty-Ninth Legislature
Fourth Session

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STANDING COMMITTEE ON FAMILIES AND COMMUNITIES

May 2018

**To the Honourable Robert Wanner
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Families and Communities, the Committee's final report on the **Review of the *Missing Persons Act***.

Sincerely,

[original signed by]

Nicole Goehring, MLA
Chair, Standing Committee
on Families and Communities

c. Mr. Robert Reynolds, Q.C.
Clerk of the Legislative Assembly

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Members Also in Attendance:

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‡‡ September 13, 2017

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1.0 EXECUTIVE SUMMARY

During its deliberations on March 29 and April 27, 2018, the Standing Committee on Families and Communities made the following recommendations pertaining to the *Missing Persons Act*, SA 2011, c. M-18.5 (the “Act”).

1. That the Act be amended to expand the type of records that may be provided under section 3(2) to include any type of instant messaging, online account activity information, and records from group homes, shelters, and rehabilitation facilities.
2. That the Act be amended to limit the type of health records that may be subject to a records access order under section 3(2) to the extent that those records indicate the location or mental and physical condition of the missing person.
3. That the Act be amended to establish a time limit of 72 hours or such other reasonable time limit ordered by a justice of the peace for complying with an order to produce records as well as a requirement on the person subject to the order to provide a police service with an estimated amount of time required for the records to be provided.
4. That the Act be amended to permit a police service to apply for an order to obtain access to dental records.
5. That the Act be amended to clarify the circumstances in which a police service may require a person to produce records in an emergency situation.
6. That the Act be amended to expand the type of records that may be demanded in emergency circumstances pursuant to section 4(2) to include video recordings.
7. That the Act be amended to allow applications by police services for records access and search orders to be made electronically or by other means in addition to in-person applications.
8. That the Act be amended to permit applications and orders made under the Act to be sealed.
9. That the Act be amended to include a mandatory statutory review of the Act by a committee of the Legislative Assembly every five years.

In addition, the Committee made the following recommendations pertaining to the *Missing Persons Regulation*, AR 151/2012 (the “Regulation”).

10. That the Lieutenant Governor in Council revise Form 1, Application for Access to Records, prescribed pursuant to section 14(f) of the *Missing Persons Act*, in accordance with the recommendations made by the Edmonton Police Service.
11. That the Lieutenant Governor in Council revise Form 2, Order for Records, prescribed pursuant to section 14(f) of the *Missing Persons Act*, to indicate that a police service must destroy any records received in connection with that order in accordance with the regulations.
12. That the Regulation be amended to make the signatory to applications for court orders under the Act be a justice of the peace.

Finally, the Committee made the following additional recommendations.

13. That the Government of Alberta engage with other provincial and territorial jurisdictions to develop a co-ordinated legislative approach to missing persons legislation that would allow for the reciprocal recognition of court orders across Canada.

14. That the Government of Alberta, in considering amendments to the *Missing Persons Act*, consider the creation and adoption of strategies to deal with the challenges faced by marginalized groups in order to encourage more effective communication between police services and the marginalized groups they serve.
15. That Alberta Justice and Solicitor General co-ordinate with police services to examine annual reporting on the use of their powers under the *Missing Persons Act*.
16. That the Government of Alberta consult with stakeholders, including the College and Association of Registered Nurses of Alberta, to harmonize the practices and education with respect to the standards for information disclosure in the *Missing Persons Act*, the *Health Information Act*, and the *Children First Act*.
17. That the Lieutenant Governor in Council work with the Office of the Information and Privacy Commissioner and Alberta Justice and Solicitor General to ensure that the *Missing Persons (Silver Alert) Amendment Act, 2017*, operates in harmony with the *Missing Persons Act* prior to being proclaimed.

2.0 COMMITTEE MANDATE

On June 1, 2017, the Legislative Assembly passed Government Motion 26, which deemed the Standing Committee on Families and Communities the special committee for the purpose of conducting a comprehensive review of the *Missing Persons Act*.

The scope of the Committee's review with respect to the *Missing Persons Act* is mandated by section 13 of that Act:

A special committee of the Legislative Assembly must begin a comprehensive review of this Act within 5 years of the coming into force of this Act and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

The Committee began its review of the Act on June 28, 2017.

3.0 INTRODUCTION

The *Missing Persons Act* provides a police agency the mechanisms to access personal information or search a private dwelling or other place in order to aid in the search for a missing person in cases where there is no evidence that a crime has been committed.

The *Missing Persons Act* was enacted in 2011 and proclaimed in force September 6, 2012.

This report is the result of a comprehensive review of the Act by the Standing Committee on Families and Communities, which began in June 2017. It contains recommendations that were made during the Committee's deliberations. For a complete record of the Committee's deliberations please consult the transcripts of the Committee's meetings, which are posted online at assembly.ab.ca.

4.0 ACKNOWLEDGEMENTS

The Committee wishes to acknowledge the useful contributions of the individuals and organizations who provided written submissions and/or appeared before the Committee.

The Committee also wishes to acknowledge the valuable assistance of the technical support staff and Legislative Assembly Office support staff.

Technical Support Staff

Office of the Information and Privacy Commissioner

Mr. LeRoy Brower, Assistant Commissioner
Ms Kim Kreutzer Work, Director, Knowledge Management

Ministry of Justice and Solicitor General

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5.0 CONSULTATION AND REVIEW PROCESS

The Committee's review of the *Missing Persons Act* involved a series of meetings that were open to the public, streamed live on the Legislative Assembly website, and, recently, also broadcast on Assembly TV. These meetings took place on June 28 and September 13, 2017, and January 18, February 21, March 29, and April 27, 2018.

As part of the review process the Committee received a technical briefing on the *Missing Persons Act* from Ms Kelly Hillier, Barrister and Solicitor, Ministry of Justice and Solicitor General, and Mr. LeRoy Brower, Assistant Information and Privacy Commissioner, on September 13, 2017.

The Committee invited written submissions from identified stakeholders. Stakeholders included law enforcement and legal organizations; missing persons search and support organizations; advocates for privacy, protection of personal information, and civil liberties; Indigenous communities and organizations; academics; communications organizations and companies; banking associations and institutions; health and social services organizations; the Public Guardian and Trustee; and the Alberta Seniors Advocate.

The Committee received six written submissions from identified stakeholders. On February 21, 2018, the Committee heard oral presentations from the Alberta Rural Development Network, Canadian Centre for Child Protection, Dr. Lili Liu, University of Alberta, Carya (formerly Calgary Family Services), Dr. Linda Many Guns, University of Lethbridge, Institute for the Advancement of Aboriginal Women, Alberta Health Services, College and Association of Registered Nurses of Alberta, Information Technology Association of Canada, Edmonton Police Service, Calgary Police Service, Alberta Association of Chiefs of Police, and Royal Canadian Mounted Police K Division. Appendices A and B contain a list of the individuals and organizations that provided written submissions and oral presentations to the Committee.

The Committee met on March 29 and April 27, 2018, to deliberate on the issues and proposals arising from the written submissions and oral presentations. Representatives from the Office of the Information and Privacy Commissioner and the Ministry of Justice and Solicitor General attended the meetings and supported the Committee by providing technical expertise.

This report is the result of the Committee's deliberations and contains its recommendations in relation to the Act.

6.0 COMMITTEE RECOMMENDATIONS

6.1 Records Access Orders

The Act provides authority to a police service to apply to a justice of the peace for a records access order for the purposes of investigating the whereabouts of a missing person and sets out the type of records that may be requested in such an application (e.g., telephone and other electronic communication records, financial records, health records, employment records).

The Alberta Association of Chiefs of Police (AACP) recommended that the type of records that may be provided in a records access order be expanded to include records of all forms of instant messaging, information related to online account activity, and records from group homes, shelters, and rehabilitation facilities. In making the recommendation related to online account activity, the AACP indicated that it is referring to online apps, which, even if they are not actively being used by a missing person, are collecting data in relation to that person. The AACP hopes that if this type of information is explicitly authorized under the Act to be produced in a records access order, telecommunications companies and other Internet service providers will be less resistant to requests for information in records access orders.

The Committee was supportive of expanding the type of records available under a records access order as recommended by the AACP, noting that this recommendation had the support of several stakeholders including “police services and several of the Indigenous presenters.” The Office of the Information and Privacy Commissioner (OIPC) indicated that it did not have concerns with the Committee recommending expansion of the type of records that could be requested in an application for a records access order mainly because of the judicial oversight that exists with respect to granting this type of order. According to the OIPC, where granting access to records “occurs with judicial oversight, that provides an independent look at what records are actually necessary to support the investigation.” In addition, the OIPC noted that “judicial oversight provides some balancing of the privacy interests of the individual.”

Therefore, the Committee recommends:

- 1. That the Act be amended to expand the type of records that may be provided under section 3(2) to include any type of instant messaging, online account activity information, and records from group homes, shelters, and rehabilitation facilities.**

The College and Association of Registered Nurses of Alberta (CARNA) recommended that the type of health records that may be made available pursuant to a records access order be subject to some limitations. According to CARNA, under the current provisions of the Act an application for a records access order for health records “could apply to every record containing health information for the individual who is missing,” which is too broad. The Committee felt that the provision should be subject to some qualifications but not to the degree that the limits would possibly hamper the ability of a police service to access important information that could assist in locating a missing person. The Committee focused on the importance of health records that indicate the location and condition of a missing person as information that may potentially be important to a police service in a search for a missing person.

On that basis the Committee recommends:

- 2. That the Act be amended to limit the type of health records that may be subject to a records access order under section 3(2) to the extent that those records indicate the location or mental and physical condition of the missing person.**

The Institute for the Advancement of Aboriginal Women (IAAW) and the Calgary Police Service recommended that a process be developed to require records that are ordered to be provided under a records access order be produced in a timely manner. The Calgary Police Service noted that while there is a specific time limit to respond to an emergency demand for records, no time frame exists for responding to a records access order, and therefore “a company could [technically] take up to a year” to produce such records. As part of the discussion on this recommendation the IAAW suggested that the 72 hours following a person being identified as missing is considered to be a critical period in terms of gathering information to help to locate that person.

The Committee expressed support for this recommendation and discussed what time frame for production of records under a records access order would be reasonable. The Committee agreed that 72 hours would be a reasonable time frame but noted that the justice of the peace making the order should be explicitly authorized to impose a different time frame in place of the 72 hours. In addition, the Committee agreed that the person required to produce the records be required to specify to the police service asking for the records an estimate of the time required to produce those records.

The Committee therefore recommends:

- 3. That the Act be amended to establish a time limit of 72 hours or such other reasonable time limit ordered by a justice of the peace for complying with an order to produce records as well as a requirement on the person subject to the order to provide a police service with an estimated amount of time required for the records to be provided.**

The Alberta Association of Chiefs of Police recommended that a formal process should exist under the Act for police to obtain dental records of unidentified persons who are deceased in order to provide police more information to aid them in identifying missing persons who have died. The Committee agreed that making dental records available to the police that may identify persons who have been reported missing and have died would offer “important closure to family and loved ones.” The Department of Justice and Solicitor General confirmed that “[t]here is a category of missing persons ... where there is a deceased person that is found but they are technically missing because [the medical examiner’s office does not] know who they are.” According to the Department, there is also a concurrent “separate system of missing person records that the police services keep.” However, the Department indicated that the information in the two systems “sometimes [cannot] be matched up, and the dental record [of an unidentified deceased person], if the police had access to it, would help to match up some of these cases and, hopefully, identify some of the people that are currently [classified as] missing persons in the medical examiner’s office.” Based on this information, the Committee was supportive of this recommendation.

Therefore, the Committee recommends:

- 4. That the Act be amended to permit a police service to apply for an order to obtain access to dental records.**

6.2 Emergency Circumstances

Where the police are investigating the whereabouts of a missing person, they are authorized under section 4 of the Act to serve a written demand on a person for immediate access to specified records “if there are reasonable grounds to believe that immediate access to records is necessary to prevent imminent bodily harm to or the death of a missing person.”

The Committee heard from the Alberta Association of Chiefs of Police (AACP) that police services requesting records from telecommunications companies and Internet service providers sometimes face resistance from those types of companies to provide the requested information because of a difference in interpretation on what constitutes an emergency circumstance. The AACP argued that in the course of executing emergency orders for records, the police “have a duty to bring forward truthful information” that should be accepted as such by those persons being ordered to provide information and that a complaint mechanism is available to those persons should the police fail in that duty. The Information Technology

Association of Canada indicated that when telecommunications companies and Internet service providers are presented with emergency demands for records from police agencies, they sometimes feel that they need to seek clarity on what has led the police to believe that emergency circumstances exist. “Having some ambiguity about what is and what is not an exigent circumstance leads them to sometimes have some reservations about whether or not they are both legally obligated and are permitted under the privacy legislation to hand over that information.” Given the concerns expressed by these stakeholders, the Committee determined that the Act should be amended to clarify the meaning of emergency circumstances as they relate to emergency demands for records under section 4.

On this basis the Committee recommends:

5. That the Act be amended to clarify the circumstances in which a police service may require a person to produce records in an emergency situation.

The Act currently includes video recordings as a type of record that can be included in an application for a records access order under section 3 of the Act but does not include video recordings as a type of record that may be requested in an emergency demand under section 4(2). The Committee determined that the type of records to be included in an emergency access demand under section 4 of the Act should include video recordings.

The Committee therefore recommends:

6. That the Act be amended to expand the type of records that may be demanded in emergency circumstances pursuant to section 4(2) to include video recordings.

6.3 Application Process

The Alberta Association of Chiefs of Police, RCMP, and the Missing Persons, Missing and Murdered Indigenous Women’s Initiative in the Ministry of Justice and Solicitor General each recommended that a provision be added to the Act that explicitly authorizes the use of alternatives to in-person hearings to apply for a records access order or a search order under the Act in order to reduce the time it takes to get such an order. Some of the alternative application processes suggested included telephone, facsimile transmission, and electronic means such as e-mail. The RCMP indicated to the Committee that “time is a very important factor in finding people who are missing, and any delay in accessing information that may assist in finding a person is significant.” The RCMP elaborated, noting that because RCMP detachments are situated throughout Alberta, RCMP officers sometimes experience “significant delays” in obtaining orders under the Act because they “do not always have convenient access to a sitting judge or justice of the peace” and sometimes must drive long distances to “hub courthouses” that are only open during business hours in order to make an application. The RCMP also indicated that as an alternative to an officer having to drive long distances to make an application for an order, from time to time an officer will request that another officer from a detachment located close to a courthouse make an application for an order on the original officer’s behalf. According to the RCMP a possible consequence of having a third-party officer make the application is that the officer who has prepared the application and has “the best knowledge of that information” is not present to make the application, and if the justice of the peace requires any clarification, the officer presenting the application may not be able to provide it, which can lead to delays in having an order granted.

The Committee discussed the importance of the police being able to present applications for orders under the Act in a timely manner and therefore expressed support for this recommendation. In order to protect the privacy rights of individuals whose information might be accessed under an order under the Act, the Committee agreed that if the Act is to be amended to authorize the use of alternative forms of applications, it should be clear in the amended provision that only a police service may make such an application.

Based on this criteria, the Committee recommends:

- 7. That the Act be amended to allow applications by police services for records access and search orders to be made electronically or by other means in addition to in-person applications.**

6.4 Sealing Court Records

The RCMP and the Canadian Centre for Child Protection (CCFCP) both made a recommendation that the Act be amended to provide that documents obtained under or associated with the Act be sealed by the Court. The CCFCP suggested that there be a “general publication ban” on applications for records access or search orders involving missing children and youth. It argued that, currently, members of the public may be able to access information in a police file that is used to support the application by the police for a records access or search order, which “may result in some potentially sensitive information about children and youth becoming accessible to the public.” In its recommendation the RCMP noted that in situations where a missing person is also “the subject of domestic violence,” information contained in an application or order that related to that person’s telephone number might compromise “the safety of the missing person” if the alleged abuser was able to obtain that information.

The Committee agreed with this recommendation; however, the Committee felt that it may not be necessary for all applications and orders under the Act to be sealed but, rather, that the justice of the peace considering the application and making the resulting order should have the discretion to determine which applications and orders should be sealed.

Therefore, the Committee recommends:

- 8. That the Act be amended to permit applications and orders made under the Act to be sealed.**

6.5 Regular Review of Act

Dr. Linda Many Guns, Professor, Department of Native American Studies, University of Lethbridge, recommended that the Act be reviewed on a regular basis to ensure that it is fair and protects the privacy rights of vulnerable individuals and that it is not “overstepping its goal.” Dr. Many Guns also suggested that the Act is a “work-in-progress” that contains “gaps” which will take more than one review to address. The Committee expressed support for this recommendation suggesting that it is “good practice to review legislation” such as the *Missing Persons Act* every five years, and a regular review would provide an opportunity to address any changes to technology that may affect provisions of the Act.

The Committee therefore recommends:

- 9. That the Act be amended to include a mandatory statutory review of the Act by a committee of the Legislative Assembly every five years.**

6.6 Prescribed Forms

The Act requires that an application for a records access or search order and an emergency demand for records be made in the prescribed form. The forms under the Act are contained in the Schedule to the *Missing Persons Regulation*.

The Edmonton Police Service and RCMP expressed concern regarding the design of Form 1, Application for Access to Records, noting that the form’s design does not provide sufficient opportunity to “describe other investigative steps that are carried out in order to satisfy a justice of the peace that the issuance of an Order is necessary.” Currently the Edmonton Police Service addresses this issue by attaching an

appendix to the application that includes a description of other investigative steps taken to support the application but suggested that it would be beneficial if Form 1 could be amended in the following ways:

- Expand the number of check boxes on the form to allow the applicant “to document basic investigative steps completed (i.e., checks regarding hospitalization, incarceration, and access to social agencies)”; and
- Provide “additional space [on the form] to allow for other significant investigative steps or crucial information that would support” the need for an order to be issued.

In addition, the Edmonton Police Service informed the Committee during its oral presentation that after consulting with the RCMP K Division and the Calgary Police Service Missing Persons Units, it became clear “that each agency is using a different version of the Form 1” and that the various “versions of the Form 1 have been altered over the last several years to meet the needs of individual agencies.” The Edmonton Police Service noted that while the Act prescribes Form 1, none of these three police agencies “are using the form exactly as laid out in the Regulations.” Therefore, the Edmonton Police Service requested that Form 1 be standardized to “meet the needs of all police agencies” in Alberta.” The Committee agreed with these suggestions, noting that the recommended changes to Form 1 are “practical” and aim to make the form more effective.

On this basis the Committee recommends:

10. That the Lieutenant Governor in Council revise Form 1, Application for Access to Records, prescribed pursuant to section 14(f) of the *Missing Persons Act*, in accordance with the recommendations made by the Edmonton Police Service.

Pursuant to section 7(1) of the *Missing Persons Regulation* “records obtained under the authority of the Act” must “be disposed of within 90 days of locating a missing person,” where that “person has been safely located.” However, those records “may be retained if the missing person is not found or is found dead.” In addition, those records “may be retained if any further investigations arise or are likely to arise regarding the disappearance of the missing person until any and all investigations are concluded.”

The RCMP acknowledged to the Committee that in the course of “conducting a missing persons investigation, the police are requesting access to personal information not generally accessible without a judicial authorization” and that “[t]here are still concerns by the judiciary” with respect to granting such authorization. Similarly, the Alberta Association of Chiefs of Police (AACP) noted that “the act is still relatively new, and [there is] uncertainty with some justices of the peace [as to] whether or not [they are] prepared to issue these orders.” Therefore, the AACP and the RCMP recommended that although the destruction of records is addressed in the *Missing Persons Regulation*, it would be beneficial to add that information to Form 2, Order for Records, in order to improve the level of comfort for justices of the peace granting orders for records under the Act. The Committee discussed this recommendation, noting that a provision respecting the destruction of records obtained under the Act is contained in section 7(1) of the Regulation, and agreed to support this recommendation if the language to be added to the order regarding the destruction of records maintained consistency with section 7(1) of the Regulation.

Therefore, the Committee recommends:

11. That the Lieutenant Governor in Council revise Form 2, Order for Records, prescribed pursuant to section 14(f) of the *Missing Persons Act*, to indicate that a police service must destroy any records received in connection with that order in accordance with the regulations.

Currently the prescribed form for an application for a records access order, for a search order, or for an order to comply with an emergency demand requires that an affidavit in support of the application be sworn before a commissioner for oaths. The RCMP recommended that the signatory on an application for an order under the Act should be changed from a commissioner for oaths to a justice of the peace. The RCMP suggested that since a justice of the peace is required to sign orders made under the Act, it would

be less confusing and reduce delays if a justice of the peace also signed the applications. The Committee heard from the Department of Justice and Solicitor General that it had no “technical concerns” with such a change to the forms, and therefore the Committee supported the recommendation.

Consequently, the Committee recommends:

- 12. That the Regulation be amended to make the signatory to applications for court orders under the Act be a justice of the peace.**

6.7 Interjurisdictional Recognition of Court Orders

An order made under the Act to produce records or search for a missing person at a particular location is recognized inside Alberta, but if a missing persons investigation leads police to a different province, that order has no effect in that province. As part of its technical briefing to the Committee regarding the Act, the Department of Justice and Solicitor General informed the Committee that if a missing persons investigation leads the police who are investigating, to a different province, it believes that the investigators “would have to transfer [the case] or get help from the police agencies in those other jurisdictions and then apply for another court order in that jurisdiction, assuming that that jurisdiction had its own missing persons act.”

The Canadian Centre for Child Protection (CCFCP) and Dr. Many Guns, University of Lethbridge, recommended that orders made under the various missing persons statutes in Canada should be recognized reciprocally. According to the CCFCP adding a provision that accounts for “the interjurisdictional nature of missing person cases and that streamlines recognition of orders made in other provinces would assist in speeding up the search for a missing person that crosses a provincial boundary.” In making this recommendation, Dr. Many Guns discussed the mobility patterns of Aboriginal people, suggesting that “Aboriginal people move more than the general population and tend to pool in large cities.” In considering this recommendation, the Committee commented that Canada has a “mobile population,” and therefore having reciprocal recognition of court orders made under missing persons legislation makes sense and “would be a good tool for police forces to have.”

The Committee therefore recommends:

- 13. That the Government of Alberta engage with other provincial and territorial jurisdictions to develop a co-ordinated legislative approach to missing persons legislation that would allow for the reciprocal recognition of court orders across Canada.**

6.8 Communication by Police Services Regarding Missing Persons

The Committee heard some concerns from Dr. Many Guns, University of Lethbridge, and the Institute for the Advancement of Aboriginal Women (IAAW) with respect to communication between a person reporting an Aboriginal person missing and the police. According to these stakeholders police sometimes decide not to investigate a report of a person as missing, which can be a source of frustration for the person making a missing person report, and there may sometimes be a perceived lack of communication from the police with respect to such decisions. In expressing these concerns, the IAAW argued that sometimes “risk assessment and management of the missing persons file are not done well or not at all” and “[t]here are unique vulnerabilities that should be considered [by the police as part of deciding whether to conduct a missing persons investigation]; i.e., intergenerational trauma, unfamiliarity with urban settings.” Dr. Many Guns suggested that sometimes Aboriginal people who are reporting someone missing or who are missing are not considered to be credible to police “for all sorts of reasons.”

In addressing these concerns, the Calgary Police Service, Edmonton Police Service, and RCMP informed the Committee about the processes they each use to assess missing persons reports. These processes, which are similar in each of the three police services, include the following: 1) gather information; 2) conduct a risk assessment to categorize the priority of the report; 3) have the missing persons unit review each of the cases that were reported during the previous shift or day.

The Committee considered the concerns expressed by Dr. Many Guns and the IAAW. The Committee wanted to clarify to those stakeholders that “their concerns about the *Missing Persons Act* and about the vulnerability of the Indigenous population were heard and acknowledged by the Committee.” The Committee agreed that many of the concerns expressed by these stakeholders “stem from the fact that ... Indigenous and marginalized people do face challenges and that it is important to recognize those challenges.” Consequently, the Committee felt that a strategy should be developed to improve communication between the police and marginalized groups.

Based on this, the Committee recommends:

- 14. That the Government of Alberta, in considering amendments to the *Missing Persons Act*, consider the creation and adoption of strategies to deal with the challenges faced by marginalized groups in order to encourage more effective communication between police services and the marginalized groups they serve.**

Dr. Many Guns, University of Lethbridge, and the Institute for the Advancement of Aboriginal Women (IAAW) recommended that police services should be required to report annually on missing persons investigations. The IAAW argued that “the police do not report on missing persons in a useful manner,” indicating that it “can only speculate on how many missing Indigenous women are in the province.” The IAAW argued that annual reporting of who is missing and who has been found would give stakeholders a base of information from which to “ask more questions” and “keep the police on task.” In hearing from these stakeholders, the Committee felt their frustration in not having access to information they feel could help them advocate for missing persons who have not been found. The Committee was supportive of the recommendation and discussed what type of information should be included in annual reporting and to whom the police should make the report. Ultimately the Committee determined that because the Minister of Justice and Solicitor General is responsible for the *Missing Persons Act*, it would be prudent to recommend that the Department of Justice and Solicitor General work with the police services in Alberta to examine annual reporting on the use of the Act.

Therefore, the Committee recommends:

- 15. That Alberta Justice and Solicitor General co-ordinate with police services to examine annual reporting on the use of their powers under the *Missing Persons Act*.**

6.9 Education Regarding Disclosure Provisions

The College and Association of Registered Nurses of Alberta (CARNA), Alberta Health Services, and the Calgary Police Service each expressed concern regarding the disclosure provisions under the Act with respect to health records. Some stakeholders suggested that it is not clear if healthcare workers are permitted to disclose certain health-related information pursuant to an order under the Act either because of provisions in the *Health Information Act* that are believed to prevail over the disclosure provisions in the *Missing Persons Act* or because of a lack of clarity as to what is and is not permitted to be disclosed. In addition, some stakeholders suggested that the disclosure provisions regarding health records in the *Missing Persons Act*, the *Health Information Act*, and the *Children First Act* are not aligned.

The Office of the Information and Privacy Commissioner and the Department of Justice and Solicitor General each stated that, in their view, the *Missing Persons Act* and the *Health Information Act*, as currently written, are aligned. The Department of Justice and Solicitor General suggested that instead of an alignment issue the concerns expressed by these stakeholders reflect “a misunderstanding of how [the two Acts] work together.” The Office of the Information and Privacy Commissioner agreed “that there are

some challenges for the [people] that need to apply these laws and in interpreting them and making the disclosures that the laws authorize[,] and [also] understanding that the law authorizes certain disclosures.” The Committee felt that it may be beneficial for the Government to work with stakeholders to ensure that the health information disclosure practices that currently exist with respect to the *Missing Persons Act*, the *Health Information Act*, and the *Children First Act* are appropriate and that the people who are faced with determining what health information they can disclose have a clear understanding of what they can and cannot disclose.

The Committee therefore recommends:

- 16. That the Government of Alberta consult with stakeholders, including the College and Association of Registered Nurses of Alberta, to harmonize the practices and education with respect to the standards for information disclosure in the *Missing Persons Act*, the *Health Information Act*, and the *Children First Act*.**

6.10 Bill 210, *Missing Persons (Silver Alert) Amendment Act, 2017*

The College and Association of Registered Nurses of Alberta, Dr. Lili Liu, Chair Department of Occupational Therapy, Faculty of Rehabilitation Medicine, University of Alberta, and Carya (formerly Calgary Family Services) all expressed support for Bill 210, *Missing Persons (Silver Alert) Amendment Act, 2017*, and recommended that it be proclaimed. However, the Committee also heard from the Office of the Information and Privacy Commissioner (OIPC), which outlined some possible “inconsistencies between the language that currently exists in [Bill 210] and [the language] in the *Missing Persons Act*.” The OIPC indicated that these “inconsistencies in the language make it unclear” whether the provisions of the current Act “would apply to some of [the provisions in Bill 210].” The Information and Privacy Commissioner indicated that she would be supportive of a recommendation by the Committee that she work with the Department of Justice and Solicitor General “to ensure that any silver alert amendments to the [Act] support the goals of a silver alert system and the [Act].” The Committee was provided technical advice from the Department of Justice and Solicitor General regarding possible approaches to address these potential inconsistencies and ultimately determined that the necessary work should be done to ensure that Bill 210 operates in harmony with the Act.

Therefore, the Committee recommends:

- 17. That the Lieutenant Governor in Council work with the Office of the Information and Privacy Commissioner and Alberta Justice and Solicitor General to ensure that the *Missing Persons (Silver Alert) Amendment Act, 2017*, operates in harmony with the *Missing Persons Act* prior to being proclaimed.**

APPENDICES

Appendix A: Written Submissions to the Committee

Name	Organization
Dr. Linda Many Guns Chair of Native American Studies	University of Lethbridge
Roland Gosselin Inspector	National Centre for Missing Persons and Unidentified Remains
Lisa Graham Provincial Coordinator, Missing Persons	Missing and Murdered Indigenous Women's Initiative Department of Justice and Solicitor General
Lianna McDonald Executive Director	Canadian Centre for Child Protection
Ryan Tebb Acting Staff Sergeant Criminal Investigations Division	Edmonton Police Service
Andy McGrogan President	Alberta Association of Chiefs of Police

Appendix B: Oral Presentations to the Committee

Name	Organization
Dee Ann Benard Executive Director	Alberta Rural Development Network
Christy Dzikowicz Director Child Safety and Family Advocacy	Canadian Centre for Child Protection
Dr. Lili Liu Chair Department of Occupational Therapy	Faculty of Rehabilitation Medicine University of Alberta
Kim Savard Program Manager	Carya (formerly Calgary Family Services)
Dr. Linda Many Guns Chair of Native American Studies	University of Lethbridge
Rachelle Venne Chief Executive Officer	Institute for the Advancement of Aboriginal Women
Steven Jewell Legal Counsel	Alberta Health Services
Margaret Ward-Jack Chief Public Affairs Officer	College and Association of Registered Nurses of Alberta
Andre Leduc, Vice-president Government Relations and Policy	Information Technology Association of Canada
Kevin Harrison Sergeant Missing Persons	Edmonton Police Service
Lynn MacDonald Acting Sergeant Missing Persons	Calgary Police Service
Greg Preston Acting Chief, Edmonton Police Service	Alberta Association of Chiefs of Police
Jason Zazulak Staff Sergeant	Royal Canadian Mounted Police K Division