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## **Purpose**

This document sets out the CRT's policy regarding access to dispute records and information about disputes: who can access those records and what information will the CRT make available to the public. The policy is intended to guide CRT employees, members and contractors, when dealing with requests for access to records related to a CRT dispute.

The CRT's objectives for this policy are to:

- Strike the appropriate balance between the competing policy goals of maintaining transparent adjudicative and decision-making processes and protecting the privacy interests of the parties involved,
- Promote consensual resolution of disputes, by confirming the confidentiality of settlement discussions between the parties to a CRT dispute; and
- Protect, to the extent reasonably possible, the privacy interests of third parties (e.g. witnesses), where the third parties' personal information becomes part of the CRT records as a result of the dispute resolution process.



## **Application of this Policy**

1. This policy applies to all CRT records that are linked to a CRT dispute (“dispute records”), regardless of the method by which the information was recorded or the media on which it is stored.
2. This policy applies only to records that are in the care, custody or control of the CRT and does not apply to records in the care, custody or control of a party or witness.
3. This policy does not apply to Provincial Court records for Facilitated Small Claims that proceed to Provincial Court for trial and Tribunal Small Claims for which a Notice of Objection is filed.
4. This policy does not apply to a personal note, communication or draft decision made by a CRT case manager or member in the course of adjudicating a dispute or making decisions about how to facilitate the dispute.
5. This policy does not apply to CRT administrative records<sup>1</sup>, which are subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

## **Background**

Court proceedings are generally open to the public – in most cases, the public will have physical access to the hearing rooms and can observe the proceedings and the parties present their evidence and arguments. Registries will provide access to pleadings, evidence and court decisions.

As a result, the CRT will replace a model where the parties to small claims in Provincial Court or to the Supreme Court for resolution of strata property disputes expect that the trial or hearing will be held in-person, in a courtroom that is open to the public. As most CRT adjudications (the “Tribunal Decision Process”) will involve written submissions, hearings will rarely be conducted in-person in an open forum, there needs to be some way of providing transparency for the Tribunal’s adjudicative processes.

As it is not practical to provide the public with the opportunity to observe the Tribunal Decision Process as it occurs, transparency will be achieved by posting CRT final decisions on a publicly accessible website, as required by the *Civil Resolution Tribunal Act*. Once the final decision is posted, the public may be able to view the evidence submitted, upon payment of the applicable fee.

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<sup>1</sup> The CRT’s records that are not related to a specific dispute are subject to FIPPA. That includes personnel and member records, financial records and administrative records.



The CRT will conduct most of its dispute resolution activities online. If dispute information is available to the public online, it allows people to access the information anonymously from anywhere and to, potentially, manipulate the information and use it in ways that go beyond the goal of transparent justice processes. Online access to CRT dispute records could result in abuse of the information and harm to the parties involved. That potential abuse may be protected by limiting the type of information available online and requiring people to specifically request and pay for access to dispute records, as this policy does.

Another consideration in this policy is that parties who negotiate resolution of a dispute that is before the court generally do so away from the court or in a court-hosted environment that is closed to the public (e.g. a small claims settlement conference). Parties who are engaged in discussions intended to resolve a CRT dispute should be entitled to a similar level of privacy and confidentiality, even though the discussions may be facilitated by a CRT case manager, as part of a CRT proceeding.

## **Protecting Personal Information and Privacy**

In addition to complying with the requirements of the *Civil Resolution Tribunal Act* and any other applicable legislation, CRT employees, members and contractors must ensure they protect personal information, provided that, in doing so, the CRT acts fairly and transparently.

To the extent reasonably possible, the CRT will:

- only include personal information in notices, communications and decisions where there is an administrative justice or practical requirement to do so;
- take steps to ensure that any notices and communications that contain personal information are delivered to the recipients' preferred address for that type of communication and that notices and communications are not misdirected to incorrect destinations;
- avoid referring to personal information about non-parties in CRT decisions, unless that personal information is required for administrative fairness or is a critical element in the decision; and
- where disclosure is authorized by this Policy, only disclose as much personal information as is necessary to satisfy the request, the policy objectives outlined above and the requirements of the *Civil Resolution Tribunal Act*.



The CRT is required to post its decisions on a publicly available website. In most cases, the parties' names will be included in those decisions. However, where required by this policy (see [Minors and Parties with Impaired Capacity](#)) or by decision of the CRT chair or a member (see [Sealing Records of CRT Proceedings](#)), the CRT may redact individuals' names and personal information in decisions posted on the CRT website. A party should request that his or her name be redacted from the decision, before the dispute enters the Tribunal Decision Process.

## **Security and Storage of CRT Records**

Section 86 (1) of the Civil Resolution Tribunal Act requires that the CRT must protect personal information in its custody or under its control. The information provided by parties during the CRT's online application for dispute resolution is recorded in the Tribunal's Dispute Resolution Suite (DRS), which operates on a cloud-based platform that is subject to the highest possible levels of security for the data it stores.

Initially, most dispute information will be copied from DRS and manually transferred by staff, from DRS to other formats (Word, Excel, PDF) and stored on the CRT's SharePoint server (which will be located in Canada, in the Telus Data Centre in Kamloops), with access limited to employees, members and contractors authorized by the CRT. DRS will remain the source of truth for party contact information and will be updated in DRS, when requested by a party.

Longer term (once DRS is moved to Canadian-based servers), almost all dispute information will be recorded in, stored in and accessed from DRS. Once the Canadian-based servers are established, all information stored on the United States-based servers will be deleted.

In addition to the digital records, the CRT will maintain limited physical records for some dispute-related information (generally, physical evidence or digital files on portable encrypted memory devices that are too large for DRS and are kept), which will be kept in a secure file room at the CRT's offices.

CRT staff, members and contractors must ensure that dispute records and information in those records are handled in a manner that ensures the security of the information. That includes:

- Adhering to government IM/IT policies (check wording), such as:
  - not sharing passwords;
  - downloading dispute records only where required for dispute resolution activities (e.g. by a member, for adjudication of the dispute);



- appropriately securing and disposing of printed copies of dispute records;
  - using only secure methods (e.g. encrypted USBs) where it is necessary to download dispute information;
- Disclosing records and information only in accordance with this policy;
- Verifying contact information in all correspondence to data in dispute records for the recipient, before correspondence is finalized and sent;
- Prohibiting downloading electronic dispute records to personal computer or electronic devices, except temporarily, for viewing the record from secure CRT facilities (DRS or Sharepoint);
- Printing dispute records only where necessary, keeping printed copies of records secure and shredding them as soon as the printed record is no longer required;
- Avoiding viewing electronic or printed dispute records in public and, if necessary to do so, ensuring there is no ability for an unauthorized person to inadvertently see the contents of a record;
- Where it is necessary for a member or employee to have a portable, electronic copy of a CRT record, using only an encrypted memory device provided by the CRT;
- Ensuring only authorized persons are allowed access to the CRT's physical file storage;
- Only disclosing or sending dispute information or records to persons who are authorized to receive the information.

The CRT will take steps to ensure adherence to these security precautions, including the following:

- Policy and procedure documents and checklists will specify steps to ensure the security of personal information is maintained (e.g. double-checking contact information before sending correspondence);
- Employees will receive privacy, security and records management training that is tailored to the unique requirements of an administrative tribunal, such as the CRT;
- Employees and members are required to acknowledge, in writing, that they have read and understand the applicable Standards of Conduct document and the Information Management and Information Technology Agreement;
- As part of their regular meetings with employees, CRT supervisors will remind employees of the need to maintain the security of CRT systems and physical records.



## **Access to Records**

### **A. Overview**

CRT disputes go through up to four stages of dispute resolution:

1. **Intake** – To initiate a CRT dispute resolution process, the applicant will submit an application to the CRT. The CRT will review the application and, if appropriate, issue the initiating notice package to the applicant, who is responsible for serving it on the respondent(s). The respondent(s) will have a limited period of time to file a response to the notice with the CRT.

*While a dispute is in the CRT **Intake** stage, only CRT staff and the parties to the dispute (including their representatives) will have access to the CRT's dispute records.*

2. **Facilitation** – During Facilitation, the CRT will attempt to guide the parties to a consensual resolution of the dispute, sometimes through negotiations directly between the parties, but almost always through dispute resolution discussions facilitated by a CRT Case Manager. If it becomes apparent that the parties will not be able to resolve the dispute consensually, the Case Manager will prepare the dispute for Adjudication, through disclosure of evidence and narrowing of the issues.

*While a dispute is in the **Facilitation** stage, access to most dispute records is still limited to CRT staff and parties to the dispute. However, some records may be provided to people who are not a party, upon submission of a Public Information Request Form, review of the request by the CRT Chair, the Registrar and Executive Director or a member and, if the request is approved, payment of the applicable fees. Records of discussions or communications aimed at resolution of the dispute will not be disclosed to a non-party, even after the **Facilitation** stage is complete.*

3. **Tribunal Decision Process**– Where consensual resolution is not achieved, the CRT can hold a hearing and make a final decision in strata property disputes and small claims below a limit set by Cabinet, through an Order-in-Council (Tribunal Small Claims). Small claims over that limit will proceed to Provincial Court (Facilitated Small Claims). The CRT will hold most hearings through written and online submissions, sometimes accompanied by a telephone or video conference. In rare cases, the CRT will conduct an in-person hearing for the dispute.



*The public will be able to search online indices<sup>2</sup> of CRT cases in the **Tribunal Decision Process** stage and search by party name, dispute number, dispute status and dispute subject area. As well, non-parties will have access to most dispute records that do not involve discussions or communications regarding settlement of the dispute. Access will require submission of a Public Information Request Form and payment of the applicable fees. CRT staff will review the request and, if authorized by this policy, provide the requester with access. In some cases, the request may be reviewed by a CRT member, to ensure providing access is consistent with the purposes of this policy.*

4. **Post-resolution Support** – After the dispute is resolved, whether consensually or through the Tribunal Decision Process, the parties may require information about how to enforce the CRT decision. In some cases, a party may disagree with the CRT decision and may be able to appeal to the BC Supreme Court (strata property disputes) or file a Notice of Objection in order to proceed to a Provincial Court trial. *If a dispute was resolved through the Tribunal Decision Process, the public will be able to request access to evidence and arguments submitted during the Tribunal Decision Process, unless access is specifically restricted (see below, regarding [Sealing Records of CRT Proceedings](#)). The person requesting access will have to complete the Public Information Request Form and pay the applicable fees. CRT final decisions and orders made after the Tribunal Decision Process will be available free, from the CRT's website and can be searched and viewed by anyone. If the dispute was resolved during facilitation, the public will only have access to any orders made as a result of that settlement, upon submission of a Public Information Request Form.*

Who can access CRT records related to a dispute depends upon the type of record and the resolution stage that the dispute is in, as indicated in the table below. If access is permitted, the record can be accessed and copied by paying the applicable fee and following the process set out in the applicable procedure for that person and that record (see [Procedure for Accessing Records or Information](#), below).

<sup>2</sup> The indices are still to be designed and developed, but will be searchable by party names, dispute number, dispute status and dispute subject area. The indices will not include information about third parties (i.e. witnesses)





## B. Types of Records and Access

The table below lists the types of records that are commonly found in a CRT dispute. The table also provides guidance about who can have access to each record type and, if so, what limitations may apply to the access.

<b>Legend:</b>					
Y: Yes – can be accessed	N: No – cannot be accessed	R: Subject to review by CRT staff or member			
P: Can be accessed by party record is about	SR: May be searchable, subject to review	N/S: No during Intake or Facilitation; Yes if resolved through Tribunal Decision Process			
L/V Listen or View only	S: Searchable	W: Available on website			
Type of Record (electronic or physical)	CRT Staff	CRT Members	Applicant*	Resp.*	Public
Application for Dispute Resolution	Y	Y	Y	Y	N/S
Dispute Notice	Y	Y	Y	Y	N/S
Proof of Notice Form	Y	Y	Y	Y	N/S
Dispute Response Form	Y	Y	Y	Y	N/S
Request for Waiver of Fees Form	Y	Y	P	P	N
Request for Directions on How to Provide Notice Form	Y	Y	Y	Y	SR
Additional Claim Form	Y	Y	Y	Y	N/S
Other CRT Forms	Y	R	R	R	SR
Dispute search indices	Y	Y	Y	Y	N/S
Party contact information	Y	Y	Y	Y	N/S
Indices of CRT disputes	Y	Y	Y	Y	N/S
Party special circumstances	Y	Y	P	P	N
Information about representatives	Y	Y	Y	Y	N/S
Discussions between parties regarding resolution of dispute	Y	N	Y	Y	N
Records of discussions and communications between all parties and the CRT, regarding resolution of dispute	Y	N	Y	Y	N





**Legend:**

Y: Yes – can be accessed

N: No – cannot be accessed

R: Subject to review by CRT staff or member

P: Can be accessed by party record is about

SR: May be searchable, subject to review

N/S: No during Intake or Facilitation; Yes if resolved through Tribunal Decision Process

L/V Listen or View only

S: Searchable

W: Available on website

Type of Record (electronic or physical)	CRT Staff	CRT Members	Applicant*	Resp.*	Public
Records of discussions and communications between CRT case manager and one party, regarding resolution of dispute (caucusing)	Y	N	P	P	N
Notes, summaries, transcripts or other records of facilitated dispute resolution activities	Y	N	Y	Y	N
Settlement Agreement or draft Settlement Agreement	Y	N	Y	Y	N
Other correspondence between CRT and one or more parties	Y	R	Y	Y	SR
Notices from CRT to one or more parties	Y	Y	Y	Y	SR
Tribunal Decision Plan	Y	Y	Y	Y	SR
Evidence disclosed by a party during Intake or Facilitation	Y	Y	Y	Y	N
Evidence submitted by a party during Tribunal Decision Process	Y	Y	Y	Y	S
Submissions and arguments submitted by a party to the CRT	Y	Y	Y	Y	S
Summons Form	Y	Y	Y	Y	R
Witness statements submitted during Tribunal Decision Process	Y	Y	Y	Y	S
Evidence submitted by a witness during Tribunal Decision Process	Y	Y	Y	Y	S
Consent order	Y	R	Y	Y	S
Default/non-compliance order	Y	R	Y	Y	W
Tribunal final decision and order	Y	Y	Y	Y	W
Request for Cancellation of Final Decision or Dismissal Form	Y	Y	Y	Y	W
Other Tribunal orders	Y	Y	Y	Y	S
Recordings of Oral Hearings	Y	Y	L/V	L/V	L/V



**Legend:**

Y: Yes – can be accessed

N: No – cannot be accessed

R: Subject to review by CRT staff or member

P: Can be accessed by party record is about

SR: May be searchable, subject to review

N/S: No during Intake or Facilitation; Yes if resolved through Tribunal Decision Process

L/V Listen or View only

S: Searchable

W: Available on website

Type of Record (electronic or physical)	CRT Staff	CRT Members	Applicant*	Resp.*	Public
Transcripts from Oral Hearings (if filed with CRT)	Y	Y	Y	Y	S
Public Information Request Form	Y	Y	R	R	P
Other records, not identified	Y	R	R	R	R

\* Includes representative of Applicant or Respondent

### C. Minors and Parties with Impaired Capacity

The CRT will not disclose to the public personal information related to a minor or a party who has impaired capacity (a party with impaired capacity refers to a person who has a committee of estate, a representative appointed in a representation agreement, or an attorney appointed in an enduring power of attorney). This will require the following steps:

- Where the public is entitled to access to dispute records, any information in the records that might identify a minor or person with impaired capacity will be redacted (this would apply to a party to the proceeding or a witness);
- System-generated indices of disputes for public search will include only the initials of persons who are minors have impaired capacity, instead of full, legal names;
- In drafting decisions and orders, CRT members will refer to persons who are minors or have impaired capacity using initials, rather than their full legal names;
- CRT staff responsible for reviewing draft decisions and orders will check to ensure any persons who are minors or have impaired capacity are referred to using their initials.



## Procedure for Accessing Records or Information

The following sections set out the process for accessing CRT dispute records, assuming the CRT policy provides access, based on the table above.

### A. If access is requested by a party to dispute

The following table sets out the process for a party (Applicant, Respondent or representative) to access CRT dispute records marked with a “Y”, “P” or “R” in the applicable columns in the [table above](#):

Step	Responsible	Activity	Details/Comment
1.	Party (including representative)	Access document through portal	<ul style="list-style-type: none"><li>• If the party has access to DRS portal<sup>3</sup> and record is stored in DRS, party may access the record through DRS</li><li>• If DRS indicates the record is not stored in DRS, the party may send a message to responsible case manager, requesting record</li></ul>
2.	Party or representative	Request document	<ul style="list-style-type: none"><li>• If record is not stored in DRS or party does not have portal access, party requests copy of record</li></ul>
3.	Case manager	Search for record	<ul style="list-style-type: none"><li>• Reviews records for dispute and determines whether record matching the request exists</li><li>• Determines type and location of record (DRS or physical location)</li><li>• Advises requestor if no match is found or requests clarification</li></ul>
4.	Case manager	Reviews whether access should be allowed	<ul style="list-style-type: none"><li>• If Types of Records and Access table, above, indicates record is “R”:<ul style="list-style-type: none"><li>• Reviews nature of record and information it contains;</li><li>• Considers whether access was provided for similar records, in this or other disputes;</li><li>• Considers the Purpose for this policy, above; and</li><li>• Determines whether providing it is appropriate for requesting party to have access.</li></ul></li><li>• If necessary, consults the Chair, Registrar, a Vice Chair or a member</li><li>• Considers whether parties should be asked to comment on request</li></ul>

<sup>3</sup> The DRS portal is currently being developed – it is not expected to be available until late 2016 or early 2017.



Step	Responsible	Activity	Details/Comment
5.	Case manager	Confirm authority to access record	<ul style="list-style-type: none"> <li>Confirms that person requesting record is party or authorized representative</li> <li>Assume requests through DRS portal are already authenticated</li> <li>If necessary, confirms identity of person requesting record</li> </ul>
6.	Case manager/ Resolution Support Clerk	Charge fee	<ul style="list-style-type: none"> <li>Determines whether party should be required to pay fee for accessing record</li> <li>Fee payable if: <ul style="list-style-type: none"> <li>Party was provided with copy previously</li> <li>Party could have accessed record through DRS or CRT website</li> </ul> </li> <li>Fee is not payable if party has been approved for fee waiver</li> <li>If applicable, requests payment of fee from requesting party</li> <li>Monitors for payment of fee</li> </ul>
7.	Case manager/ Resolution Support Clerk	Provide record	<ul style="list-style-type: none"> <li>If fee paid, prints or makes copies of requested records</li> <li>Sends copies to requesting party, by preferred contact method</li> </ul>

## **B. Dispute records searchable by the public**

The process set out in the following table is for providing a person who is not a party to a CRT dispute with access to dispute records marked with an “S”, “NS” “P”, “R” or “SR” in the [table above](#):

Step	Responsible	Activity	Details/Comment
1.	Resolution Support Clerk or Case Manager	Receive Public Information Request Form	<ul style="list-style-type: none"> <li>Receives and reviews Form</li> <li>Confirms all required information was completed</li> <li>If active facilitation, refers request to Case Manager responsible for dispute</li> </ul>
2.	Case Manager	Search for record	<ul style="list-style-type: none"> <li>Reviews records for dispute and determines whether a record matching the request exists</li> <li>Determines type and location of record (DRS or physical location)</li> <li>Advises requestor if no match is found or requests clarification</li> </ul>



Step	Responsible	Activity	Details/Comment
3.a	Case manager	Reviews whether access should be allowed – “SR” and “R” records	<ul style="list-style-type: none"><li>• If Types of Records and Access table, above, indicates record is “SR” and dispute is in Facilitation or if record type is “R”:<ul style="list-style-type: none"><li>• Reviews nature of record and information it contains;</li><li>• Considers whether access was provided for similar records, in this or other disputes;</li><li>• Considers the Purpose for this policy, above; and</li><li>• Determines whether providing it to public is appropriate for record, based on stage of dispute resolution for dispute; and</li></ul></li><li>• If disclosure is appropriate, reviews contents and redacts any content that might identify a minor or person with impaired capacity.</li><li>• If necessary, consults the Chair, Registrar, a Vice Chair or a member<ul style="list-style-type: none"><li>• Considers whether parties should be asked to comment on request</li></ul></li></ul>
3.b	Case manager	Reviews whether access should be allowed - “S”, “P” or “N/S” records	<ul style="list-style-type: none"><li>• If Types of Records and Access table, above, indicates record is “N/S” and dispute is in Tribunal Decision Process or subsequent stage or if record type is “S” or “P”:<ul style="list-style-type: none"><li>• Reviews nature of record and information it contains;</li><li>• Confirms record type and eligibility for access;</li><li>• Reviews contents to ensure nothing in record makes it inappropriate to provide access to a non-party; and</li><li>• Reviews contents and redacts any content that might identify a minor or person with impaired capacity.</li></ul></li></ul>
4.	Case manager	Confirm authority to access record (“P”)	<ul style="list-style-type: none"><li>• If record is marked with “P” above, assesses whether person requesting record is the person who provided form.</li><li>• If necessary, confirms identity of person requesting record.</li></ul>
5.	Case manager/ Resolution Support Clerk	Charge fee	<ul style="list-style-type: none"><li>• Determines applicable fee for accessing record</li><li>• Advises requestor of fee and confirms search wanted</li><li>• Monitors for payment of fee</li></ul>



Step	Responsible	Activity	Details/Comment
6.	Case manager/ Resolution Support Clerk	Provide record	<ul style="list-style-type: none"> <li>If fee paid, prints or makes copies of requested records</li> <li>Sends copies to requestor, by chosen method</li> </ul>

### C. Dispute records that are, by default, not accessible by public

The process set out in the following table is for providing a person who is not a party to a CRT dispute with access to dispute records marked with “N” in the Public column in the Types of Records and Access [table above](#).

Step	Responsible	Activity	Details/Comment
1.	Resolution Support Clerk or Case Manager	Receive Public Information Request Form	<ul style="list-style-type: none"> <li>Receives and reviews form</li> <li>Confirms all required information was completed</li> <li>If active facilitation, refers request to Case Manager responsible for dispute</li> </ul>
2.	Case Manager	Search for record	<ul style="list-style-type: none"> <li>Reviews records for dispute and determines whether a record matching the request exists</li> <li>Determines type and location of record (DRS or physical location)</li> </ul>
3.	Case Manager	Confirm access not supported	<ul style="list-style-type: none"> <li>Verifies that this policy does not allow access to requested record</li> <li>Considers whether special circumstances exist (e.g. in response to a Police warrant).</li> <li>If special circumstances that could justify providing access: <ul style="list-style-type: none"> <li>1. Consults parties to dispute, if appropriate and practical to do so; and</li> <li>2. If so, refers to Chair, Vice Chair or designated member, for decision</li> </ul> </li> <li>If access approved, follows process in steps 4 through 6 of <a href="#">B. Dispute records searchable by the public</a></li> </ul>
4.	Case Manager	Advises requestor	<ul style="list-style-type: none"> <li>If access is not approved, advises requestor that request has been declined</li> </ul>



## **Sealing Records of CRT Proceedings**

### **A. Policy**

The CRT chair (or another member designated by the Chair) may, at any time, order that access shall be limited for some or all information and records related to a specific dispute. Such an order/direction may apply to records and information that would otherwise be available to the public or to a party to the dispute. The order/direction may also include restrictions on which CRT employees and members may access the records and information.

Any order/direction sealing the records for a dispute shall specify the following:

- a) the case number and style of cause for the dispute;
- b) what types of records the order/direction applies to;
- c) who will have access to the records and what those persons may do with them (view only or photocopy);
- d) the reason for the order/direction; and
- e) the expiry date of the order/direction, if any.

A request for the Chair to seal records can be initiated by any person, whether or not that person is a party to a proceeding or an employee or member of the CRT.

An order/direction sealing CRT records does not prevent a party from submitting those records as part of a Tribunal Decision Process, or from using the records for the purposes of a notice of objection, appeal or judicial review from a CRT decision.

### **B. Procedure for Restricting Access to CRT Records (Sealing a Dispute)**

Step	Responsible	Activity	Details/Comment
1.	Party / CRT employee or member	Submit request	<ul style="list-style-type: none"><li>• Party submits request, in writing, to CRT to seal records for dispute</li><li>• Describes records requesting be sealed</li><li>• Provides justification for request</li></ul>
2.	Case Manager/ Resolution Support Clerk	Receive request	<ul style="list-style-type: none"><li>• Receives request to seal dispute records submitted by a party</li></ul>
3.	Case Manager/ Resolution Support Clerk	Refer to Chair or designate	<ul style="list-style-type: none"><li>• Notes request in DRS</li><li>• Forwards request to Chair or designate</li></ul>





Step	Responsible	Activity	Details/Comment
4.	Chair, designate or members assigned to decision process	Consults parties	<ul style="list-style-type: none"><li>• If appropriate and necessary, advises other parties of request and seeks comments</li><li>• Sets deadline for providing comments</li></ul>
5.	Chair, designate or members assigned to decision process	Makes decision	<ul style="list-style-type: none"><li>• Assess whether concerns can be addressed by other means<ul style="list-style-type: none"><li>• E.g. redacting party and witness names in decisions and orders posted to website</li></ul></li><li>• Considers whether</li><li>• Reviews nature of records to be sealed and information they contains</li><li>• Considers the Purpose for this policy, above and determines whether, in circumstances, the need to protect privacy outweighs goal of transparent process</li></ul>
6.	Chair, designate or members assigned to decision process	Record decision	<ul style="list-style-type: none"><li>• Records decision, with directions<ul style="list-style-type: none"><li>• what records, if any, are sealed;</li><li>• who can access records</li></ul></li></ul>
7.	Chair or CRT staff	Communicate decision	<ul style="list-style-type: none"><li>• Decision sent to requesting party, by preferred method of contact</li><li>• Other parties also advised, if appropriate</li><li>• Ensure CRT staff informed of decision and steps taken to implement</li></ul>
8.	CRT staff	Implement decision	<ul style="list-style-type: none"><li>• Appropriate flags set and notes made in DRS</li><li>• Appropriate flags and note on physical records</li></ul>



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**Strategies for staff and members to avoid  
unnecessary disclosure of personal information:**

1. During Facilitation and preparation for the Tribunal Decision Process, the parties will be advised to avoid identifying third parties, except where that party's identity is part of the evidence or they are a witness and will provide a statement.
2. Facilitators should take reasonable steps to review evidence and other submissions provided by parties and request parties reconsider and resubmit, where irrelevant personal information is included.
3. All CRT staff should avoid including names or personal information in communications, except where the name or personal information is clearly relevant (e.g. it is required by principles of natural justice; it is impractical to refer to a party by role, such as where there are multiple applicants or respondents).
4. When drafting decisions, members should try to refer to parties by their role ("Applicant", "Respondent"), unless a party's name is required for clarity. Unless necessary to the decision, members should refrain from including identifying information including, for example, location, addresses, family information, financial or health information, occupation, third party information, and school or work details.
5. When drafting decisions that refer to people who are not parties to the dispute, members should try to anonymize the names (e.g. use initials) and avoid including other personal information for the non-parties (do not use dates of birth, social insurance or bank account numbers, etc.), unless specifics are required by the principles of natural justice.
6. CRT staff, members and contractors should flag a case and bring it to the attention of the Chair or Registrar, if there is any indication that some additional restrictions should be placed on access to information about the dispute, the parties or a witness.

**References:**

CRT Rules: TRIBUNAL INFORMATION AND DOCUMENTS

CRT Rules, Public Request for Information Form

CRT Rules, [Table of Fees](#)

*Civil Resolution Tribunal Act*: Sections 85 through 90, 62 (1) and 62 (2) (i) (ii) and (iii)