



Civil Resolution Tribunal

ACCESS TO INFORMATION AND PRIVACY POLICIES JANUARY 2024



The Civil Resolution Tribunal (CRT) collects information during the dispute resolution process. Generally, the CRT will share that information with the other parties and their representatives. In some cases, members of the public may also be able to access certain CRT dispute records, when authorized in this policy document.

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Background

The CRT is an online dispute resolution system, whose authority is set out in the *Civil Resolution Tribunal Act* (CRTA). The CRT is also part of BC's justice system and shares in the common goal of transparent decision-making. Generally, the CRT meets this goal by publishing its final decisions.

This privacy policy document addresses which records the CRT will disclose and to whom. It also addresses how someone's information will be treated in the CRT's decisions. These policies take into account the fact that most CRT hearings take place through written submissions, with most parties representing themselves.

Purpose

The CRT collects and creates many types of records during its dispute resolution process:

- "Personal information" which is information about individuals, including their names, contact information, accommodation requirements, and sometimes medical, employment, and financial information,
- Evidence provided by the parties or non-parties,
- Submissions provided by the parties during the hearing stage (also known as the Tribunal Decision Process) or during consideration of preliminary issues,
- Written communications and supporting documentation between the parties and the CRT, and
- Initiating notices, responses, decisions, orders, and other formal documents issued by the CRT about a dispute.

This document sets out the CRT's policies for providing public access to the above dispute records, including which records can be accessed and in what circumstances access will be provided. It also sets out the CRT's policies about protecting personal information, anonymizing decisions, sealing records, and the security and storage of records.

The CRT's objectives for these policies include:

- Striking an appropriate balance between exercising transparent decision-making and protecting parties' privacy interests,
- Promoting consensual resolution of disputes according to the CRT's mandate, by keeping settlement discussions between parties confidential, and
- Reasonably protecting the privacy interests of people who are not a party to a CRT dispute (such as non-party witnesses), where the non-parties' personal information becomes part of the CRT dispute records.

For claims under the *Intimate Images Protection Act* (IIPA), the CRT's objectives also include:

- Protecting parties who may be traumatized or harmed by the release of identifying information or sensitive dispute-related details, consistent with the IIPA's harm-reduction mandate.

Application of this Policy Document

This policy document applies to all records stored and maintained by the CRT that are related to a CRT dispute, whether they are physical or electronic records.

This policy document does not apply to:

1. Any CRT records that have been filed with another agency or a court. Once filed elsewhere, the rules and policies of that agency or court will apply.
2. Records that are not stored or maintained by the CRT.
3. CRT administrative, financial, management, or personnel records.

Policies in this Document

This document contains a series of policies about privacy and access to information in CRT disputes. The policies are:

1. [Protecting Personal Information and Privacy](#)
2. [Anonymization of Decisions](#)
3. [Access to Records](#)
4. [Records Sealing](#)
5. [Security and Storage of CRT Records](#)
6. [Information Sharing Agreements](#)

Policy 1: Protecting Personal Information and Privacy

Context

The CRT must balance its commitment to transparent decision-making with individuals' reasonable expectations that their personal information will not be disclosed, except where authorized and necessary to support the dispute resolution process.

The CRT, including its employees, tribunal members, and contractors, will not disclose personal information unless required to by legislation, CRT Rules, a tribunal or court order, or where disclosure is necessary to meet the CRT's duty to be fair and transparent.

IIPA Claims

Given the sensitive nature of IIPA claims, participants in these disputes need a high degree of privacy. The CRT acknowledges that applicants to these disputes may have experienced some degree of trauma. The CRT will protect their personal information to the highest possible level.

Generally, the IIPA requires the CRT to order a ban on publishing an applicant's name or other identifying information, unless they are an adult who requests there be no publication ban and there are no other reasons to protect the applicant's identity. The IIPA also requires the CRT to order a publication ban on a respondent's name if they were a minor at the time of sharing or threatened sharing or if there are other reasons to protect the respondent's identity.

Policy & Procedure

To the extent reasonably possible, the CRT will:

- Ensure that any notices and communications that contain personal information are delivered to the address provided for that type of communication and that notices and communications are not misdirected,
- Avoid referring to personal information about non-parties in CRT decisions and orders, unless the personal information is required for administrative fairness or is a critical element in the decision or order, and
- Where a CRT policy authorizes disclosure of personal information, only disclose as much personal information as is necessary to satisfy the request, the policy objectives, and the requirements of the CRTA and the CRT Rules.

For protection orders and administrative penalties claims under the IIPA, the CRT will also:

- Not include applicants' contact information in notices of application, dispute notices, or communications, unless there is an administrative fairness or operational requirement to do so, or ordered to do so by a tribunal member or a court, and
- Protect any intimate images submitted to the CRT by implementing strict technical safeguards and staff policies. The assigned tribunal member will decide whether they need to see the intimate image or attach it to an order, to give effect to the requested order.

If the CRT discloses information contrary to its policies, the CRT will as soon as possible inform the person whose information was disclosed, take steps to inform the proper recipients of the information and ask the incorrect recipient to immediately destroy the information.

Policy 2: Anonymization of Decisions

Context

Apart from certain IIPA decisions, the CRTA requires the CRT to publish its final decisions online. In some instances described below, the CRT will anonymize parties' names to protect identities.

Policy & Procedure - General

Parties' names are usually included in published decisions. However, in disputes where there is a need to protect the identify of a party (such as if they are a minor or an adult with impaired mental capacity), a tribunal member may anonymize one or more parties' names. The tribunal member may do so on their own initiative or on a party's request. The tribunal member has sole discretion whether to anonymize a decision. Exceptions for IIPA claims are discussed below.

If a party wants to ask the CRT tribunal member to anonymize the decision, they should make their request to CRT staff before the dispute enters the CRT's hearing stage (also known as the Tribunal Decision Process).

When requesting anonymization, a party should provide detailed reasons about why it is appropriate and necessary. This will help the CRT decide whether to anonymize. The CRT may share the anonymization request with the other parties to the dispute, and ask them for their position on the request.

In deciding whether to anonymize a decision, the tribunal member will consider:

1. The dispute's circumstances and nature of the evidence provided,
2. The potential impact of disclosure on the person and any others impacted by the dispute, and

3. How anonymization would impact the CRT's goals of transparent decision-making processes and protection of personal information.

Apart from certain IIPA claims discussed below, the CRT's ability to anonymize a decision may be limited by the following:

- CRT final decisions are posted online when they are issued, so the tribunal member hearing the dispute must receive the anonymization request before the final decision is issued.
- Party names may only be anonymized in the version of the decision posted online. The official version of the decision and copies of it provided to the parties will include party names.
- The CRT cannot anonymize a party's name in a CRT order. The CRT does not publish orders online or elsewhere.
- If there are subsequent court proceedings about the CRT decision, the CRT may be required to file its dispute records in court. This may include the non-anonymized version of the decision, and other records which include party names and other personal information.

Policy & Procedure – IIPA Claims

Generally, the IIPA requires the CRT to order a ban on publishing an applicant's name and the names of respondents who were minors when the image was shared or threatened to be shared. An adult applicant may ask the CRT to lift the publication ban but it will be up to a tribunal member to determine if this is appropriate.

Under the CRTA, the CRT does not have to publish intimate image protection order decisions or administrative penalty decisions. Generally, any CRT IIPA decisions that are published, including damages decisions that we must publish, will be anonymized given the publication ban requirement. Anonymization is usually done by replacing names with initials or other anonymous identifiers.

The official version of the decision and orders provided to the parties will include party names unless the IIPA prohibits naming the party.

If there are subsequent court proceedings about the CRT decision, the CRT may be required to file its dispute records with the court. This may include the non-anonymized version of the decision and any orders.

Policy 3: Access to Records

Context, Policy & Procedure

This policy applies to requests for information and access to records. Whether someone is entitled to access to CRT dispute records depends on their role in the dispute: parties, representatives, persons affected by IIPA protection orders, or the public.

The parties' evidence and submissions often include parties' personal information and personal information about other individuals who are not involved in the CRT process. This is information that the public would not usually have access to in a traditional court process. Given this, the CRT will not provide public access to the parties' evidence and submissions.

Parties

Generally, parties will have access to dispute records, unless otherwise decided by a tribunal member, or the CRT's Privacy Officer who is a senior staff member who oversees applications for access to records.

Examples of records that will not be disclosed, even to a party:

- Discussions and communications between CRT case managers and an opposing party, about settlement negotiations.
- Notes, communications, or drafts made by a tribunal member or any CRT staff member, during, or related to, any stage of the tribunal decision process or adjudication of the dispute.

Public

Generally, the public will be given only limited access to records or information in CRT disputes. Except in IIPA disputes, the CRT may provide the following records to members of the public on request:

- Pleadings, including notices and responses, and
- Decisions, including preliminary and summary decisions.

The CRT will redact (block out) personal information in any records it provides to the public.

Affected Persons

A tribunal member may give "affected persons" as defined in CRT Intimate Image Protection Order Rule 12.4 limited access to the IIPA dispute records, for the purpose of applying to cancel a CRT intimate image protection order.

Other

The CRT's Privacy Officer may review any record before it is disclosed and:

- Despite the policies set out above, approve or deny access to all or part of a record, and

- Set conditions on the disclosure that the requesting person must comply with.

The CRT will also provide records where it is required to do so by legislation or court order, or if the CRT is authorized to do so under an information sharing agreement with a government agency.

The CRT can require a person to pay fees for obtaining copies of information or CRT records. The CRT has discretion about the format to disclose the requested records, which could be electronic or printed copies.

A tribunal member can, at any time, direct that some or all information in a dispute file be sealed or redacted.

If you want to request CRT dispute records, please fill out and submit the Claim Records Request form.

Policy 4: Sealing Records

Context

With the exception of IIPA disputes, the public generally has access to dispute notices, responses, and decisions, as described above. However, at any time, a tribunal member may limit public access to these documents by sealing the records. Parties will still have access to sealed records unless a tribunal member orders otherwise. A sealing order may include restrictions on parties' access to the CRT dispute records, and on which CRT employees and tribunal members may access the records and information.

Policy & Procedure

A tribunal member may direct that a CRT dispute record be sealed, on their own initiative or on a party's request. The tribunal member has sole discretion about whether to seal the record.

Any direction to seal the records for a CRT dispute will specify the following:

- a) The file number and style of cause for the dispute,
- b) What types of records the order applies to,
- c) Who may have access to the records and what they may do with them (i.e., view only or receive a copy),
- d) The reason for the order, and
- e) The expiry date of the order, if any.

If there are subsequent court proceedings relating to the CRT dispute, the CRT may be required to file its records with the court, including the records sealed by the CRT. The CRT order cannot prevent a court or other tribunal from accepting those sealed records as evidence in a proceeding or providing access to those sealed records.



Policy 5: Security and Storage of CRT Records

Context, Policy & Procedure

The CRT protects personal information in its custody or control in accordance with section 86(1) of the CRTA and the Government of British Columbia's policy and standards about information technology as established by the Office of the Chief Information Officer. The Information Security Policy and Guidelines can be found [here](#).

IIPA claims information is only available to those CRT staff and tribunal members who have been trained and authorized to deal with these claims and to limited technical support staff within government. Where contracted developers external to the government are required to address technical support issues, they will only be given the limited and temporary access they require to do their work.

Policy 6: Information Sharing Agreements

Context

The CRT may occasionally enter into an agreement with a government organization or agency, authorizing the disclosure of dispute records to that organization or agency, even if those records are not ordinarily available to the public.

Policy & Procedure

The purpose of an information sharing agreement must be to support:

1. Parties' needs arising from the CRT dispute resolution process,
2. Law enforcement or regulatory activities, or
3. Another purpose that is consistent with the CRT's mandate and the CRTA.

The information sharing agreement's terms must:

- Restrict the further disclosure of the records outside the other organization or agency, and
- Require the other organization or agency to maintain the security of the records and prevent unauthorized disclosure of information, consistent with government policy and as described in [Policy 5: Security and Storage of CRT Records](#).



References

[CRT Standard Rules](#): PART 12 – TRIBUNAL INFORMATION AND DOCUMENTS

[CRT Intimate Image Protection Order Rules](#): Part 14 – PRIVACY AND ACCESS

[CRT Claim Records Request Form](#)

CRT [Schedule of Fees](#)

[Civil Resolution Tribunal Act](#): Particularly sections 85 through 90, 62 (1) and 62 (2) (l) (ii) and (iii)