



## Civil Resolution Tribunal

### Access to Information and Privacy Policy



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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## About the CRT

The Civil Resolution Tribunal (CRT) is an online tribunal. We're part of the British Columbia justice system. We offer an accessible, affordable way to resolve many types of civil law disputes without needing a lawyer or attending court. We operate under the authority of the [Civil Resolution Tribunal Act](#) (CRTA). Generally, the CRT meets its goal of transparent decision-making by communicating expectations to participants in the CRT process and 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 a CRT decision. These policies take into account the fact that most CRT hearings take place through written submissions, with most parties representing themselves.

This document also sets out the CRT's policies about protecting personal information, anonymizing decisions, sealing records, and records management.

## 1. Purpose of the CRT's Access to Information and Privacy Policy

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

- "Personal information", which is information about individuals, including their contact information, accommodation requirements, and sometimes medical, employment, and financial information,
- Evidence provided by participants,
- Written arguments provided by participants during the hearing stage (also known as the CRT Decision Process) or during consideration of preliminary issues,
- Written communications and supporting documentation between participants and the CRT, and
- Dispute Notices, Notices of Application, Dispute Responses, Responses to Notices of Application, decisions, orders, and other formal documents the CRT



issues CRT about a dispute.

These policies aim to:

- Strike a balance between exercising transparent decision-making and protecting participants' privacy,
- Encourage a collaborative approach to resolving disputes while keeping settlement discussions confidential as required under the *Civil Resolution Tribunal Act*, and
- Reasonably protect the privacy of people who are not a party in a CRT dispute (such as non-party witnesses not acting in their professional capacity), where the non-party's personal information becomes part of the CRT dispute records.

For claims under the [Intimate Images Protection Act](#) (IIPA), the CRT also aims to:

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

## 2. Application of this Policy Document

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

This policy document does not apply to:

- 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.
- Records that are not stored or maintained by the CRT.
- CRT administrative, financial, management, or personnel records.



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### 3. 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, the CRT's rules, a tribunal or court order, or where disclosure is necessary to meet the CRT's duty to be fair and transparent.

#### Protecting Personal Information in Intimate Image Claims

Participants in intimate image claims need a high degree of privacy, given the sensitive nature of those claims. The CRT acknowledges that these applicants may have experienced some trauma. The CRT will protect their personal information to the highest possible level.

In most intimate image claims, the tribunal member will order a publication ban on the participants' names, or at least the applicant's name, as required by the *Intimate Images Protection Act*. For more information about publication bans in intimate image claims, see the [Frequently Asked Questions about intimate images claims](#) on the CRT's website.

#### Policy and Procedure for Protecting Personal Information

To the extent reasonably possible, for all disputes the CRT will:

- Ensure that any notices and communications containing personal information are sent to the address provided and are not misdirected, 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's rules](#).



In their decisions tribunal members generally avoid disclosing any names or personal information about non-parties, unless the non-party is acting in their professional capacity. Tribunal members also avoid disclosing named parties' personal information unless it is necessary to write a clear and reasonable decision.

For intimate images protection order and administrative penalty disputes, the CRT will:

- Not include applicants' contact information in Notices of Application 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 images submitted to the CRT by implementing strict technical safeguards and staff policies. The assigned tribunal member will decide whether they need to attach any submitted intimate image to an order (and whether that image must be blurred or otherwise further protected) to clarify what the order applies to.

If the CRT discloses information to the wrong person by mistake, as soon as possible the CRT will:

- Inform the person whose information the CRT disclosed,
- Ask the incorrect recipient to immediately destroy the information, and
- Take steps to inform the proper recipients of the mistaken disclosure and provide them with the information.

## 4. Anonymization of Decisions

### Context

Except for some decisions under the *Intimate Images Protection Act*, the *Civil Resolution Tribunal Act* requires the CRT to publish its final decisions online. Sometimes, the CRT will anonymize parties' names to protect identities.



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## Anonymization General Policy and Procedure

The CRT usually includes parties' names in published decisions. However, in disputes where there is a need to protect a party's identity (such as if they are a minor (a child under 19) or an adult with impaired mental capacity), a tribunal member may anonymize one or more parties' names. The tribunal member may do this on their own initiative or on a party's request. Only the tribunal member decides whether to anonymize a decision. For intimate image claims, see the policy and procedure below.

If a party wants their decision to be anonymized, they should tell CRT staff before the dispute enters the CRT's hearing stage (also known as the CRT Decision Process).

When requesting anonymization, a party should provide detailed reasons about why it is necessary. 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:

- The dispute's circumstances and nature of the evidence provided,
- The potential impact on the person and any others impacted by the dispute if the decision is not anonymized, and
- How anonymization would impact the CRT's goals of transparent decision-making processes and protection of personal information.

Except for some intimate image 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 deciding the dispute should receive the anonymization request before the CRT issues the final decision.
- 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 the separate order document that uses the party's real name.
- 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 that include party names and other personal information.

### Anonymization Policy and Procedure for Intimate Image Claims

Generally, the *Intimate Images Protection Act* 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 decide if this is appropriate.

Under the *Civil Resolution Tribunal Act*, the CRT doesn't have to publish intimate images decisions. Generally, because of the IIPA publication ban requirement, the CRT will anonymize any other intimate images decisions that the CRT must publish. This includes claims about damages (compensation). To anonymize a party's identity, a tribunal member usually refers to the party by false initials instead of their name.

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

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.

## 5. Access to Dispute Records

### Context, Policy, and 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 protection orders under the *Intimate Images Protection Act*, or the public.

The parties' evidence and arguments often include parties' personal information and personal information about other individuals who are not involved in the CRT process. In a traditional court process, the public wouldn't usually have access to this information. So, the CRT will not provide public access to the parties' submitted information, including evidence and written arguments.

### Participants' Access to Records

Generally, participants in a CRT claim will have access to dispute records, unless a tribunal member or the CRT's Privacy Officer, a tribunal member who oversees applications for access to records, decides otherwise.

The CRT can require a participant to pay fees for copies of information or records from the CRT.

Examples of records that the CRT will **not** disclose, even to a participant, include:

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

### Affected Persons Access to Records

An "affected person" is a person or organization who is affected by an intimate image protection order, but who was not a party to the dispute. A tribunal member may give affected persons limited access to the intimate image claim records for their purpose of applying to cancel a CRT intimate image protection order. See the [CRT Intimate Image Protection Order Rules](#) to learn more about affected persons and cancellation requests.





### Public Access to Records

Generally, the CRT will only give members of the public limited access to records or information in CRT disputes.

A person can ask the CRT for the names of parties or other information that is not already publicly available on the CRT website or another public website by completing a Claim Records Request Form and paying a fee. We can't share any information about disputes under the *Intimate Images Protection Act*.

Except in IIPA disputes, the CRT may provide the following records to members of the public on request:

- Dispute Notices and Responses, and
- Decisions, including preliminary and summary decisions.

Except for “affected persons” discussed above, the CRT will not disclose any IIPA dispute records to the public, other than any decisions already published on the CRT's website.

The CRT will redact (block out) personal information in any records it provides to the public. The CRT may also make an order setting out any limitations on the use or handling of any information that it discloses.

When reviewing a request, the CRT will:

- Consider the privacy of any person whose information might be the subject of the request,
- Maintain confidentiality of settlement discussions in all open or closed CRT disputes, unless otherwise required by law, and
- Consider the interests of justice and fairness, both for the person making the request and for any person whose information would be disclosed.



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## Other Access to Records

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.

## Requests for Records

If you want to request CRT dispute records, please fill out and submit the [Claim Records Request Form](#). The CRT can require a person to pay fees for obtaining copies of information or CRT records.

The CRT's Privacy Officer may review any record before it is disclosed. Despite the policies set out above, the CRT's Privacy Officer may approve or deny access to all or part of a record.

The CRT has discretion about the format to disclose the requested records, which could be electronic or printed copies.

## 6. Sealing Records

### Context

The public generally has access to Dispute Notices, Responses, and decisions, as described above. But we can't share information about claims made under the *Intimate Images Protection Act*.

A tribunal member may limit public access to dispute 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. The order may also restrict which CRT employees and tribunal members may access the records and information.

### Sealing Records Policy and Procedure

A tribunal member may order that a CRT dispute record be sealed either on their own

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initiative or on a party's request. The tribunal member decides whether to seal the record.

An order to seal CRT dispute records will specify:

- The file number,
- The style of cause (example: *Smith v. Jones*),
- What types of records the order applies to,
- The order's expiry date, if any, and
- How the records may be unsealed.

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

## 7. Security, Storage, Conversion, and Retention of CRT Records

### Context, Policy, and Procedure

Personal information that the CRT keeps or controls is protected under the *Civil Resolution Tribunal Act* section 86(1) and the Government of British Columbia's policy and standards about information technology, as established by the Office of the Chief Information Officer. You can visit the Government of BC's [Information Security Policy web page here](#).

Information and records related to intimate image claims are only available to CRT staff and tribunal members who have been trained and authorized to deal with these claims. Support staff within government have limited access when technical support is needed. If contracted developers outside government are needed to address technical support issues, they are given limited and temporary access to do their work.



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## Conversion of Evidence, Information, Records, and Other Information

The CRT may convert physical evidence, information, records, and other data into an electronic or digital format. The electronic or digital copy is considered an accurate copy of the original. After conversion, the CRT may dispose of the original or return it to the participant.

## Retaining and Destroying Records

The CRT must balance its recordkeeping responsibility with participants' privacy rights and efficiency. Parties are responsible for keeping copies of records related to their dispute.

The CRT will keep dispute records for 4 calendar years after the dispute closes. For example, if a dispute closed on any day in 2025, the CRT will destroy the records after December 31, 2029.

A dispute is closed when:

- An applicant withdraws the claim,
- The CRT refuses to issue a Dispute Notice or Notice of Application under *Civil Resolution Tribunal Act* (CRTA) section 6,
- The CRT refuses to resolve a dispute under CRTA sections 10 or 11,
- The participants settle the claim by agreement, or
- CRT makes a final decision.

If there are subsequent court proceedings that require the CRT to re-open a dispute, the 4-year retention policy will restart when the court proceedings end and the CRT dispute closes again.

The CRT will keep records related to any disputes closed on or before December 31, 2025, until December 31, 2029.



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## 8. 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.

### Information Sharing Agreement Policy and Procedure

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

- Participants' needs arising from the CRT dispute resolution process,
- Law enforcement or regulatory activities, or
- Another purpose that is consistent with the CRT's mandate and the *Civil Resolution Tribunal Act*.

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. See the section of this policy titled [Security, Storage, Conversion, and Retention of CRT Records](#).



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## References

[CRT Standard Rules](#)

[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) (I) (ii) and (iii)