



MEETING SD 5-20-24

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

MONDAY, MARCH 25, 2024  
DET'ANCHOGH KÙÉ - EAGLE ROOM / ZOOM  
2:30 PM

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### AGENDA

1. Call to Order
2. Prayer
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. In Camera Matters
  - a. Confidential Correspondence:
    - i. 2024-02-28 – Hon. Minister of Health and Social Services
    - ii. 2024-03-19 – Hon. Minister of Health and Social Services
    - iii. 2024-03-20 – Hon. Minister of Health and Social Services
  - b. Legislation Before Committee:
    - i. *Mental Health Act* Review
      1. Update on Timeline and Engagement
    - ii. Bill 2: *Missing Persons Act*
      1. Update on Timeline, Engagement and Travel
      2. Internal Briefing
6. Public Matters
  - a. Ministerial Briefing with Hon. Minister of Justice on Bill 2: Missing Persons Act
7. New Business
  - a.
8. Date and Time of Next Meeting: Thursday, April 4, 2024 at 10:00AM
9. Adjournment



# Bill 2: Missing Persons Act

Public Briefing  
Standing Committee on Social Development

March 25, 2024



Government of  
Northwest Territories

# Contents

1. Overview/Purpose
2. Development of Bill
3. Summary of Legislation



# Overview/Purpose

- Increased RCMP investigative powers
  - Court orders to access information and to search premises
  - Emergency demands without a court order in specific urgent situations
- Balanced with protection of privacy
- National Inquiry into MMIWG
  - Call for Justice 5.8
  - *Changing the Relationship: Draft GNWT Action Plan in Response to the Calls for Justice*



# Development of Bill 2: Missing Persons Act

- Jurisdictional Review
- Public and Stakeholder Engagement:
  - Indigenous Governments and Communities
  - RCMP “G” Division
  - Office of the Information and Privacy Commissioner
  - Department of Health and Social Services
  - Director of Child and Family Services
  - Members of the Public
- What We Heard Report



# Summary of Legislation

1. Definitions
2. Court Orders (Searches and Information Access)
3. Emergency Demands
4. Access to Records
5. Factors to Consider
6. Restrictions on Use of Information
7. Public Disclosure
8. Legislative Interactions
9. Offences
10. Accountability



# Definitions

- Missing Person
  - Whereabouts must be unknown despite reasonable attempts to locate them, and one of the following:
    - They must not have been in contact with people who would likely be in contact with them, or;
    - It is reasonable in the circumstances to fear for their safety because of the circumstances surrounding their absence

# Court Orders

- Record Access Orders (s. 7)
  - A justice may require a person to produce copies of records to the RCMP
- Search Orders (s. 8)
  - A justice may authorize RCMP to enter a specific location





# Emergency Demands

- S. 9: The RCMP may demand a person produce copies of records if they have reasonable grounds to believe:
  - The records are in the custody or under control of the person;
  - The records will assist in locating a missing person; and
  - The records may be destroyed, or a missing person may be seriously harmed, in the time it takes to make a Record Access Order.



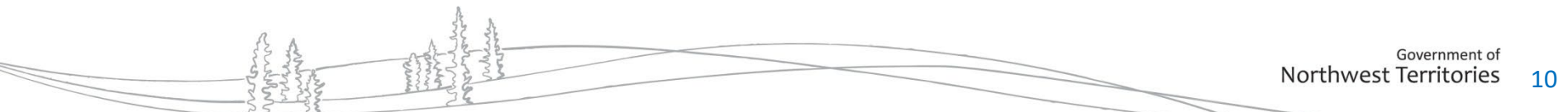
# Access to Records

- Records can be key to locating a missing person
- Different records have different privacy concerns
- Emergency demands are more limited



# Factors to Consider

- Public interest **must** outweigh privacy interest
  - Common language
  - Ensures reasonable access to and use of information
- Missing person does not want to be found
  - Concern raised by victims' advocates in multiple other jurisdictions, including Yukon
  - Does **not** prevent a Demand or Order from being issued – just requires **consideration**



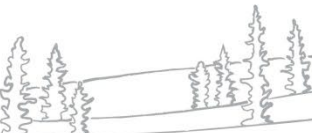
# Restrictions on Use

- Section 12 limits the use of information collected under the Act
  - Missing persons investigation
  - Complying with a law
  - Consent
  - Accountability
- Important privacy safeguard



# Public Disclosure

- Section 13 deals with disclosure of information collected under the Act.
- Prior to Location of a Missing Person
  - Can disclose information only if reasonable grounds to believe disclosure will assist in locating a missing person, or it is for a prescribed purpose
- After Location of a Missing Person
  - Can only disclose that it is no longer a missing persons case, that missing person has been located or is deceased
  - Missing person can consent to disclosure of information to facilitate contact between them and another person
  - RCMP can disclose information about a minor to protect their safety



# Legislative Interactions

- Federal Law
  - *Privacy Act*
  - *RCMP Act*
- Territorial Law
  - *Health Information Act*
  - *Access to Information and Protection of Privacy Act*
  - *Child and Family Services Act*



# Offences

1. Failure to comply
2. Obstruction
  - Penalty: \$10,000 for individual or \$25,000 for corporation
  - Continuation for each day
3. Unlawful use or disclosure
  - Penalty: \$10,000 maximum



# Accountability

- Annual Report
  - Emergency Demands
  - Number of Investigations
  - **No** personal information
- Offences
- Notice to individuals when information accessed





# Regulations

- Procedures
- Provision of notice
- Disclosure of information
- Annual Reports
- Other necessary matters

