



March 21, 2011

Honourable Shirley Bond
Solicitor General of British Columbia
PO Box 9053 STN PROV GOVT
Victoria, BC

VIA FAX: 250-356-8270

Dear Solicitor General Bond:

RE: PRIME-BC

I am writing you in my role as President of the B.C. Civil Liberties Association (“BCCLA”). We are writing to express our concern about the current use of the Police Records and Information Management Environment (PRIME-BC) employed by police forces province-wide. Based on the latest reports from PRIME-BC, it is now our understanding that between 80-98% of B.C.’s adult population may now be recorded in this database system, the same system used through criminal record checks to identify individuals to employers or volunteer agencies as potential threats who should not be employed.

The PRIME-BC 2009-2010 Annual Report states that at the time of writing there were 2,671,781 “Master Name Entries” in the Lower Mainland, 865,931 in the North/Southeast, and 914,453 on Vancouver Island.¹ This totals 4,452,165 “Master Name Entries” in British Columbia. “Known Offenders” account for only 227,932 of these entries, suggesting that only 5% of those in the database are identified by police as having been convicted of an offence, or, in the alternative, that 95% of people recorded in our provincial police database are not offenders.

Even more concerning, BCStats lists the total estimated population for British Columbia on October 1, 2010 at 4,551,853, including infants and children.² Back of the envelope math suggests, as a result, that nearly 98% of the total population of British Columbia, including children, is currently listed in the PRIME-BC database.

Criminal record checks which indicate to employers that an individual has had “negative police contact” are based on information in PRIME-BC. The

¹ Volume 1, Issue 1, August 2010. Retrieved Feb 23, 2011 from:
http://www.pssg.gov.bc.ca/police_services/publications/docs/PRIMECorp-2009-10-annual-report.pdf

² BC Quarterly Population Estimates. Retrieved Feb 23, 2011 from:
<http://www.bcstats.gov.bc.ca/data/pop/pop/BCQrtPop.asp>

increasing use of criminal record checks by employers and volunteer organizations, combined with this obvious over-recording of personal information by police, means that the B.C. PRIME system may be a significant impediment to the economic opportunities and rights of B.C. residents to obtain the employment, schooling or training of their choice, and may restrict employers and schools from choosing the most qualified employees due to false positives in these checks and over-confidence in the information these checks provide.

Mediating some of this concern is that, of course, it is possible to have multiple name entries for the same individual as a result of misspellings or pseudonyms. Similarly, “master name records” may exist for people who live out of province, even though all entries have been put in the system by B.C.-based police officers. However, even if one quarter of all entries could be associated with another current entry or with an individual who resides out of province, the database would still contain approximately 73% of all British Columbians, and still likely more than 80% of B.C. residents over the age of 10.³

It is clear that “Master Name Entries” exist not only for those accused or convicted of serious crimes, but also those citizens who come into contact with police for minor traffic offenses, bylaw violations, or as witnesses and innocent parties to other investigations. Troublingly, no information is available as to how long this information will be kept in the system.

In our experience, without the assistance of a friendly senior police official, correcting or removing inaccurate information in this system is impossible without litigation or months, and sometimes years, long complaints processes with the Information and Privacy Commissioner. Exemptions for “law enforcement”, however, render these complaints functionally useless. No safeguards exist of which we are aware to audit or confirm the accuracy of information put into this database by officers. We are not aware of routine, systematic audits of how officers or civilians access this information or what information is entered.

The BCCLA has received many complaints from members of the public concerning Section 4 of the Criminal Record Check (“Negative Contact”) – required by many employment and volunteer agencies. Complaints raised by individuals have included allegations that some cases of “negative contact” have consisted of: being a witness in a case involving third parties; living in the basement of a house where illegal activity has occurred in another unit; and, mental health-related contact with police.

Eventually, if this process remains unchecked, people will be reluctant to contact police, provide names or identification where such information is not legally required, and even to report a crime or serve as a witness, in order to

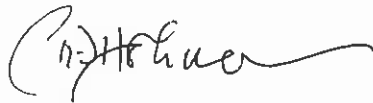
³ Based on historic percentages of population in this age group attained from BC Stats

protect their privacy and maintain a clear Criminal Record Check. Certainly this was not the stated intention of the Police Amendment Act of 2003 which introduced PRIME-BC.

It is clear that PRIME-BC is not being used as intended to track criminals. It is being used to track everyone. In fact, based on the numbers available it is safe to assume that many of the Members of the Legislative Assembly who supported the implementation of PRIME-BC, along with many other British Columbians, may now find themselves on the system. Correcting or removing that information will prove difficult, if not impossible.

We ask that you review this information and investigate the current practices involved PRIME-BC information input and processing. We hope that the implementation of this system will come to align with the intentions for which it was introduced and create policies and procedures to protect the privacy and rights of the citizens of British Columbia.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long, sweeping flourish extending to the right.

Robert Holmes, Q.C.
President

cc. *Office of the Information and Privacy Commissioner of BC*