



June 14, 2016

VIA: Email

Reply to: Douglas King
Direct Line: (604) 229-9625
E-mail: doug@pivotlegal.org

Chief Adam Palmer/
Darrin Hurwitz – Information and Privacy Unit
Vancouver Police Department
2120 Cambie St.
Vancouver, B.C. V5Z 4N6

Dear Chief Palmer and Mr. Hurwitz,

Re: VPD Access to Stingray Device and Captured Information

In July of 2015 Pivot Legal Society filed a freedom of information request to the Vancouver Police Department asking for any records pertaining to the acquisition of an IMSI-catcher device, colloquially referred to as a “Stingray”. The VPD’s initial response was to neither confirm nor deny the existence of records pertaining to the device, and Pivot challenged that response on appeal to the Office of the Information and Privacy Commissioner for British Columbia. The Commissioner called an inquest into the matter, and upon receiving submissions from Pivot, along with submissions from interveners B.C. Civil Liberties Association, B.C. Freedom of Information and Privacy Association, OpenMedia, and the B.C. Association of Chiefs of Police, the VPD sent the following response:

As you noted in your Submission, since the filing of your complaint and review, information about the device commonly referred to as an IMEI Device or IMSI Catcher has been accessed through court records in Canada and reported on by media organizations. In consideration of all the relevant circumstances, the Vancouver Police advises that it does not have this device and does not hold records responsive to your access request of July 23, 2015.

While we are thankful that your office has elected to answer the question of whether or not the VPD owns a Stingray device, bringing an end to the inquest into the initial freedom of information request, the recent lifting of a publication ban regarding the use of Stingrays by the Royal Canadian Mounted Police requires us to ask additional questions regarding the use of these devices.

It was revealed last week that during Project Clemenza, an RCMP operation targeted at organized crime in Quebec, the RCMP not only obtained and used Stingray devices, but allowed other police departments to access RCMP Stingray devices or data captured by these devices. An article detailing these revelations by news outlets Motherboard and Vice News is below:

<http://motherboard.vice.com/read/the-rcmp-surveilled-thousands-of-innocent-canadians-for-a-decade>

While the original request for information focused on the VPD's acquisition of the device, or intention to purchase the device, it did not directly ask whether or not the VPD had access to either the device or its data through a third party like the RCMP. In light of the disclosure that the RCMP has obtained Stingray devices, and has allowed other police departments access to these devices, we would like to request that you clarify the following questions:

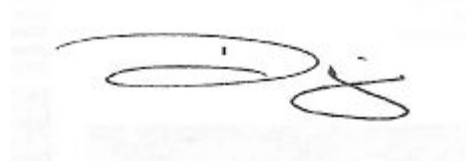
1. Has the VPD ever been given access to an RCMP Stingray device, and used such device for either training or in the course of an investigation, or does the VPD intend to request access to the RCMP's Stringray devices?
2. Has the VPD ever been given access to data collected from an RCMP Stingray device, or does the VPD intend to access data collected from the RCMP's Stringray devices?

Thank you for your attention to this matter, and we hope to receive a response from you on this very important subject.

Sincerely,

PIVOT LEGAL SOCIETY

per:



Douglas C. King
Litigation Director

B.C. CIVIL LIBERTIES ASSOCIATION

per:



Micheal Vonn
Policy Director

OPENMEDIA

per:



Laura Tribe
Digital Rights Specialist

B.C. FIPA

per:



Vincent Gogolek
Executive Director