



22 May 2009

Mayor Gregor Robertson
Chair, Vancouver Police Board
c/o 312 Main Street
Vancouver, BC
V6A 2T2

David Loukidelis
Information and Privacy Commissioner
Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038, Stn Prov Govt
Victoria, BC
V8W 9A4

Dear Messrs. Loukidelis and Lowe

Re: obligation to ensure accuracy of records

I am writing on behalf of the BC Civil Liberties Association to initiate a privacy complaint according to s. 42(2)(a) of the *Freedom of Information and Protection of Privacy Act* and a service and policy complaint under s. 52 of the *Police Act* regarding the failure of the Insurance Corporation of BC and the Vancouver Police Department to adequately ensure the accuracy of personal information according to s. 28 of the *Freedom of Information and Protection of Privacy Act*.

This complaint arises over a CBC news story addressing how victims of identity theft have been issued tickets based on the fraudulent use of their stolen driver's license.¹ Drivers in BC cannot renew their insurance until outstanding fines are paid, and if an ICBC client reports that a ticket was issued to someone impersonating them, they must apply to have the improperly issued ticket cancelled. The BCCLA submits that ICBC and the VPD are not making a reasonable effort to ensure that inaccuracies in tickets and drivers' records are not being corrected within a reasonable time.

Once a driver initiates the process to have the improperly issued ticket cancelled with ICBC, according to Adam Grossman of ICBC, ICBC forwards that request to the appropriate police agency, whereupon the issuing officer must confirm the mistake. According to the CBC article, this process can take months.

¹ <http://www.cbc.ca/canada/british-columbia/story/2009/01/19/bc-ticketmistakes.html>

Section 28 of the *Freedom of Information and Protection of Privacy Act* states:

If

(a) an individual's personal information is in the custody or under the control of a public body, and

(b) the personal information will be used by or on behalf of the public body to make a decision that directly affects the individual,
the public body must make every reasonable effort to ensure that the personal information is accurate and complete.

Section 29 of the *Freedom of Information and Protection of Privacy Act* establishes a right to have inaccurate information corrected. That right should allow for corrections to be made in a timely manner. The BCCLA is a public interest organization dedicated to preserving the privacy and access rights of Canadians. We request that your offices investigate this matter to determine why claims of improperly issued tickets cannot be resolved in a timely manner.

Thank you for your prompt attention to this matter. I look forward to hearing from you.

Sincerely

A handwritten signature in black ink, appearing to read "M. Vonn", with a horizontal line extending to the right.

Micheal Vonn
Policy Director
BC Civil Liberties Association