



F07-18-MS Lawyer Challenges Inconsistent Practices in the Release of Witness Information

The lawyer for a woman involved in a motor vehicle accident requested a review of a police department's response to his request for records related to the accident. He wanted to know if information about charges against the other driver had been withheld, and he also expressed concern that police departments appeared to have no standard policy regarding the release of contact information of witnesses – some police he had dealt with supplied only the addresses of witnesses, others only phone numbers, and in other cases no contact information at all.

In this case, the police department had withheld information about a charge against the other driver because he had not yet had an opportunity to dispute the charge and hence it was not listed on his driving record. By the time we conducted the review, the charge was listed on the driver's record and the police were prepared to release that information to our applicant.

With regard to the lawyer's second concern, section 67(10) of the *Motor Vehicle Act* provides only that the authorized representative of a person involved in an accident is entitled to obtain the name of a witness, with no mention of contact information. The result is that police and ICBC, recognizing the practical necessity of providing contact information for witnesses in certain circumstances, may release contact information but, in the absence of legislative guidance, do not always do so in a consistent manner.

Our office has been involved in the past in consultation regarding the wording of section 67(10) and it does not appear that amendment is anticipated in the foreseeable future. As with many other legislative provisions touching on access to personal information, the fine balance between the need to protect citizens' privacy and a public interest argument for access to information produces a tension at the law-making level that is not always easily resolved.