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News Release

NEWS RELEASE

For immediate release

April 15, 2014

Stop disclosing non-conviction information in employment-related record checks, says B.C. Privacy Commissioner

VICTORIA — Government and municipal police boards should immediately direct police forces to stop disclosing non-conviction information as part of employment-related records checks outside the vulnerable sector, says B.C. Information and Privacy Commissioner Elizabeth Denham.

The Commissioner's recommendation, one of five, is at the heart of a wide-ranging investigation report that examined the growing use of employment-related record checks in British Columbia. The focus of the report is police information checks, one of three types of employment-related checks.

"Each year in B.C. thousands of police information checks are requested from police and used by employers or volunteer groups in the hiring process. The information in these checks can have a significant and lasting impact on an individual's privacy, human rights, and feelings of dignity and self-worth. There is no evidence that the non-conviction information in these record checks predicts a risk of future criminal behaviour, improves the safety of citizens, or results in better hiring decisions.

"With the exception of those working with children and vulnerable adults, non-conviction information should be off-limits in an employment-related record check," said Denham.

Police information checks are the only available employment-related record check from municipal police forces in B.C. Police information checks processed in B.C. reveal more information about individuals than any other jurisdiction reviewed in the course of this investigation.

While a criminal record check reports an individual's prior convictions, a police information check can contain details about investigations that do not result in charges, charges that do not result in convictions, and information about an individual's mental health.

The Commissioner expressed grave concern regarding the inclusion of mental health information in police information checks of all types. Police have the authority under Section 28 of the *Mental Health Act* to apprehend individuals where an individual's safety, or the safety of others, is in question.

“Mental health information should never be included in an employment-related record check. There is no reason why this information should be disclosed to employers, who would have no right to otherwise ask about this information in the hiring process. Releasing this information threatens to further stigmatize the one in five of us who are affected by a mental health issue,” said Denham.

“It is important that the process for employment-related record checks achieves the correct balance between an individual’s right to keep information private and an employer’s desire for relevant background information about an applicant,” said Denham.

Investigation Report F14-01: Use of Police Information Checks in British Columbia, is available for download at: www.oipc.bc.ca/report/investigation-reports

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