

June 10, 2015
Airdrie, Alberta

RCMP File: P-2015-03517

Steven Morgan, P.Eng. Director General
Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, Quebec
K1A 1H3

Dear Mr. Morgan:

RE: RCMP SAY THERE IS NO FIREARMS INTEREST POLICE (FIP) DATABASE?

Since you last wrote on March 26, 2015 (copy attached), I have received a disturbing letter from the RCMP in response to my Personal Information Request requesting "any record with my name in the Firearms Interest Police (FIP) Database."

On April 28, 2015, the RCMP sent me a letter asking for my date of birth which I supplied immediately via e-mail. On May 21, 2015, I received a letter from the RCMP stating: ***"Unfortunately, the RCMP does not have an [sic] FIP database, therefore we were unable to locate records which respond to your request."***

This response seemed very odd considering that the RCMP Commissioner of Firearms recently tabled his report for 2013 in Parliament. Table 9 of his report records 115,878 Firearms Interest Police(FIP) reports were *"automatically generated and sent to the relevant CFO for review."* (see link below). If the RCMP Commissioner of Firearms doesn't have an FIP database where does the Commissioner get this information for his report to Parliament?

I followed up with the RCMP ATIP branch by e-mail on May 21, 2015 (see copy of our exchange attached). I asked, ***"But if the FIP flags are incorrect, as was found by the Library of Parliament, the Privacy Commissioner and the Auditor General, how does the person who has been the subject of an FIP flag ever know they've been flagged and given the opportunity to correct any mistakes sent to the Chief Firearms Officers and likely uploaded on CPIC?"***

On May 25, 2015, RCMP ATIP Officer Mark Maidment responded: ***"I agree with you on this Dennis. Erroneous flags can be very harmful to law abiding people. To my knowledge there is no avenue to correct them which should be addressed at some level."***

I simply don't understand how this FIP issue, a privacy problem that has been so clearly identified, has been allowed to continue for so long without corrective action being taken by government officials and recommendations from your office and the Auditor General being ignored.

Sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8
Phone: 587-360-1111
E-Mail: dennisryoung@telus.net

cc The Auditor General of Canada
The Information Commissioner of Canada

THE 2013 COMMISSIONER OF FIREARMS REPORT

<http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2013-comm-rpt/index-eng.htm>

CONTINUOUS ELIGIBILITY SCREENING OF FIREARMS LICENCE HOLDERS

Excerpt: If a licence holder is involved in an event involving violence (or other offences specified in Section 5 of the Firearms Act) reported via the Canadian Police Information Centre (CPIC), a Firearms Interest Police (FIP) report is automatically generated and sent to the relevant CFO for review. TABLE 9: Number of FIP Events by Province/Territory (2013) TOTAL = 115,878

OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

Letter sent by Mr. Radwanski to Mr. Breitkreuz on January 17, 2003

Re: Continued errors in the gun registry's FIP database

https://www.priv.gc.ca/media/le_cfp_030117_e.asp

2002 DECEMBER REPORT OF THE AUDITOR GENERAL OF CANADA

Chapter 11—Other Audit Observations

Royal Canadian Mounted Police—Canadian Firearms Program

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Review of the Personal Information Handling Practices of the Canadian Firearms

Program Department of Justice Canada and the Royal Canadian Mounted Police

Final Report - August 29, 2001

https://www.priv.gc.ca/information/fr_010813_e.asp#toc

MP GARRY BREITKREUZ NEWS RELEASE NOVEMBER 3, 1999

RCMP F.I.P. DATA BANK BIG STEP TOWARDS A POLICE STATE

"Even witnesses and victims of crime have been added to the new police data bank."

<http://www.garrybreitkreuz.com/breitkreuzgpress/Fire53.htm>



Mr. Dennis Young
1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8

MAR 26 2015

Dear Mr. Young:

RE: Recommendations – Firearms Interest Police Data Bank

I am responding on behalf of Commissioner Therrien to your letter which was received in our Office on March 17, 2015 regarding the Firearms Interest Police Data Bank. In your letter, you requested an update to the recommendation that was made in 2001 that “Mechanisms should be in place to ensure that individuals have easy access to FIP records and the ability to correct or place a notation to file relating to disputed FIP entries”. You also indicated that in 2003, then Commissioner Radwanski noted that this recommendation had yet to be implemented.

A search of this file was undertaken over the past week, as well, employees who had knowledge of this file were also consulted. The records that we had on this issue were disposed of as per our record keeping practice and the employees consulted were not aware of any progress made with respect to this recommendation.

Since 2009, it has been the practice of the Audit and Review Branch of the Office of the Privacy Commissioner of Canada to follow up with institutions approximately two years after an audit report was completed to see what was done to address a recommendation. A summary of the results are then made public in our annual reports. This practice was unfortunately not in place at the time that this recommendation was made. You may wish to follow-up with the RCMP and enquire what progress has been made in this regard.

Federal departments are not required to accept or implement our recommendations as our Office does not have order-making powers. However, we have noted that in most cases they in fact are accepted and implemented.

You also mentioned the risk that there may be errors in the database or that individuals may have been entered by mistake. The *Privacy Act* allows individuals access to information held by federal institutions and the right to correct this information. If an individual has knowledge that these rights are not being respected, that person may file a complaint with our office. The process for doing so is described here https://www.priv.gc.ca/complaint-plainte/index_e.asp.

.../2

In 2009-2010, our Office undertook a risk assessment to help determine audit priority for the next five years. We will be undertaking a significant updating of this exercise later this year and the issues raised in your letter will be sent to the team for consideration.

Thank you for bringing this issue to our attention.

Yours truly,

A handwritten signature in blue ink, appearing to be 'SM', is written above the printed name.

Steven Morgan, P.Eng.
Directeur général / Director General
Vérification et revue / Audit & Review

E-MAIL FROM RCMP ATIP BRANCH - MAY 25, 2015
NO FIREARMS INTEREST POLICE (FIP) DATABASE?

From: Mark Maidment [mailto:Mark.Maidment@rcmp-grc.gc.ca]
Sent: May-25-15 11:52 AM
To: Dennis Young
Subject: RE: RCMP File: P2015-03517 - Who controls the FIP Database?

I agree with you on this Dennis. Erroneous flags can be very harmful to law abiding people. To my knowledge there is no avenue to correct them which should be addressed at some level.

Regards,

Mark

>>> "Dennis Young" <dennisryoung@telus.net> 2015/05/25 1:44 PM >>>

Thanks for trying to help Mark but if the FIP flags are incorrect as was found by the Library of Parliament, the Privacy Commissioner and the Auditor General, how does the person who has been the subject of an FIP flag ever know they've been flagged and given the opportunity to correct any mistakes loaded on CPIC?

I think I'll let the Privacy Commissioner, Information Commissioner and the Auditor General address this problem.

Dennis

From: Mark Maidment [<mailto:Mark.Maidment@rcmp-grc.gc.ca>]
Sent: May-25-15 6:00 AM
To: Carina Funicelli; Dennis Young
Cc: Serge Lauzon
Subject: Re: Carina: RCMP File: P2015-03517 - Who controls the FIP Database?

Good morning Mr. Young,

The RCMP does not have a specific database for FIP. The way I can explain it is that when a person is suspected of a crime of violence then a "Firearms Interest to Police" flag is associated to that person's CPIC entry. CFP - The Canadian Firearms Program may be notified of this so that if down the road this person applies for a Firearms Licence they can research and decide whether to issue one or not.

Think of your driver's licence where it would have eye colour "Brown" or "Blue". There is no database for "Brown" or "Blue" it is part of the licence database. In this case, FIP is an entry in the CPIC database. The police use this "FIP" entry to help them be more alert to a person's past dealings.

Furthermore, from an ATIP perspective, as we vet file here if we see there is a "FIP" entry - we remove that under Paragraph 22(1)(b) of the Privacy Act or it's equivalent in Access to Information. The reason is that "FIP" is there as a technic to help police do their job in as safe as possible environment.

I hope this explains better than we did in our response to you in the letter.

Your quote below I've copied and pasted eludes to my response above.

CONTINUOUS ELIGIBILITY SCREENING OF FIREARMS LICENCE HOLDERS

Excerpt: If a licence holder is involved in an event involving violence (or other offences specified in Section 5 of the Firearms Act) reported via the Canadian Police Information Centre (CPIC), a Firearms Interest Police (FIP) report is automatically generated and sent to

the relevant CFO for review. TABLE 9: Number of FIP Events by Province/Territory (2013) TOTAL = 115,878

Regards,

Mark

Mark Maidment
Access to Information and Privacy Branch
RCMP MAILSTOP # 61
73 LEIKIN DR
OTTAWA ON
K1A 0R2
Tel/tél.: 613-843-6905
Fax/télec.: 613-825-8221

>>> "Dennis Young" <dennisyoung@telus.net> 2015/05/23 1:41 PM >>>

Hi Carina: Please find attached Mark Maidment's response to my Personal Information Request (RCMP File: P2015-03517) stating: "Unfortunately, the RCMP does not have an (sic) FIP database, therefore we were unable to locate records which respond to your request." This response seems very odd considering that the RCMP Commissioner of Firearms recently tabled his report for 2013 in Parliament. Table 9 of his report records 115,878 Firearms Interest Police(FIP) reports were "automatically generated and sent to the relevant CFO for review." (see link below)

If the RCMP Commissioner of Firearms doesn't have an FIP database where does he get this information for his report and could you direct me to the federal department or agency that does control the FIP database?

BACKGROUND INFORMATION: Privacy Commissioner's Response - FIP Data Bank - March 26, 2015
<https://nfa.ca/news/privacy-commissioners-response-fip-data-bank-march-26-2015>

THE 2013 COMMISSIONER OF FIREARMS REPORT
<http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2013-comm-rpt/index-eng.htm>

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"Even witnesses and victims of crime have been added to the new police data bank."

<http://www.garrybreitkreuz.com/breitkreuzgpress/Fire53.htm>

Thanks, Dennis

Dennis R. Young

Honourary Life Member of the CSSA and the NFA

Member of the Calgary RCMP Veterans Association

Airdrie, Alberta Phone: 587-360-1111

E-Mail: dennisryoung@telus.net



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Your file Votre référence

Our file Notre référence
P-2015-03517

Mr. Dennis YOUNG
1330 Ravenswood Dr. SE
Airdrie, Alberta T4A 0P8

*Received
21 May 2015
[Signature]*

Dear Mr. YOUNG:

This is in response to your request under the *Privacy Act*, which was received by this office on April 24, 2015, for:

any record with your name in the firearms interest police database (FIP).

Unfortunately, the RCMP does not have an FIP database, therefore we were unable to locate records which respond to your request.

You have the right of complaint, per section 30 of the Act, which stipulates that a "complaint under this Act shall be made to the Privacy Commissioner in writing unless the Commissioner authorizes otherwise" at the following address:

Office of the Privacy Commissioner of Canada
30 Victoria Street, 7th Floor
Gatineau, Quebec K1A 1H3

Should you wish to discuss this matter further, you may contact Ms. Carina Funicelli at 613-843-3254 or Carina.Funicelli@rcmp-grc.gc.ca. Please quote the file number appearing on this letter.

Regards,

Julie Monette for
Mark Maidment
Access to Information and Privacy Branch
Mailstop #61
73 Leikin Drive
Ottawa, Ontario K1A 0R2

Canada

March 7, 2015
Airdrie, Alberta

Daniel Therrien, Commissioner
Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, Quebec
K1A 1H3

Dear Mr. Therrien:

RE: RECOMMENDATIONS - FIREARMS INTEREST POLICE (FIP) DATA BANK?

The RCMP Commissioner of Firearms recently tabled his report for 2013 in Parliament. Table 9 of his report records 115,878 Firearms Interest Police(FIP) reports were "automatically generated and sent to the relevant CFO for review." See link for this document below.

In 1999, the Library of Parliament reported the following problems with the FIP Data Bank:

1. "The reliability of this system depends on the information that is being kept in the files of the different police agencies across the country."
2. "It should be noted that all police agencies have their own procedures for their files and how events get coded. This means that a similar event that occurs in two different locations may be coded differently. In such a case, one of the events might end up being linked to the F.I.P. file while the other is not."

3. "Another consequence of the different procedures used by police agencies across Canada is that, in some cases, individuals who are not a safety concern will be linked to the F.I.P. data base. For example, in some agencies all of the names in a file are linked to the ORI code.

Therefore, a person who is a witness to an offence or even the victim of an offence may have their name in the F.I.P data base because their name was linked to one of the codes which fell under the selection criteria pursuant to section 5 of the Firearms Act."

4. "If the individual wished to obtain the information contained in the police agency's file, a second privacy request would have to be made to this agency. Depending on the agency, this might require a privacy request under provincial privacy legislation." [Emphasjs added]

See link to this document below.

In 2001, Privacy Commissioner George Radwanski made the following recommendation regarding the FIP Data Bank: **"Mechanisms should be in place to ensure that individuals have easy access to FIP records and the ability to correct or place a notation to file relating to disputed FIP entries."** [Emphasis added] See link to this document below.

In 2002, Auditor General of Canada Sheila Fraser reported the following concerns regarding the FIP Data Bank:

11.30 In November 1998 and March 2000, the Senior Executive Committee of the RCMP was informed that officers responsible for the RCMP's contributions to the Firearms Interest Police database had serious concerns about the accuracy and completeness of the information. We reviewed RCMP files and made other inquiries to confirm the significance of these concerns.

11.31 An April 2001 RCMP review of data quality stated that:

- persons are known to be in the database who should not be, and thus could be denied firearms licences or have their eligibility reviewed; and

- some persons who should be in the database are not and these individuals could be issued licences and subsequently use firearms to commit a violent offence.

The review concluded that a tragic incident could arise as a consequence of the poor data quality and that the RCMP therefore faces serious legal risks.

11.32 In 2002, the RCMP further indicated that the quality of the data was still questionable. [Emphasis added] See link to document below.

In 2003, in response to a request for a status report from MP Garry Breitkreuz's office, Privacy Commissioner George Radwanski stated: "I have reviewed Chapter 11 of the Auditor General's Report, which dealt with the Firearms Interest Police (FIP) database operated by the RCMP for the Firearms Program. **Many of the systemic problems noted by the Auditor General with FIP record inaccuracies were previously outlined in my "Firearms Report" of August 2001. At that time, I had noted problems of individuals being improperly flagged in FIP, while other individuals who should have been flagged were not.** For FIP to be an effective early warning flag for potential violence, it is vital that police officers keep their incident reports accurate and up-to-date regarding the status of persons responsible for incidents covered by section 5 of the *Firearms Act*. Moreover, the *Privacy Act* requires that information collected for an administrative purpose be up to date and as accurate as possible. **To date, the department has not implemented my recommendations, nor has it provided any of the progress reports I have requested.**" [Emphasis added] See link to document below.

I respectfully request an update from your office on any progress that has been made over the last ten years with respect to implementing the recommendations made by your office; thereby, correcting the errors in and improving access to the FIP Data Bank, especially those who have done nothing wrong and have been entered in the database by mistake.

Sincerely,

[Original signed by]

Dennis R. Young
1330 Ravenswood Drive SE
Airdrie, Alberta T4A 0P8
Phone: 587-360-1111
E-Mail: dennisryoung@telus.net

cc The Auditor General of Canada

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