

## **BC Coroners Service - Release of Information**

### **Authority:**

*Coroners Act*, Sections 63, 64, 65, 69, *Freedom of Information and Protection of Privacy Act and Regulation*

### **Background:**

Section 63 of the *Coroners Act*, prohibits the disclosure of any information in respect of a deceased person or a person related to or otherwise connected with a deceased person and any information provided or record compiled, made, used or submitted in the course of an investigation, inquest or review except where **necessary and incidental to a Coroner's investigation**. The ability to disclose information where necessary or incidental **does not** apply after the investigation, inquest or review is concluded.

Section 64 provides discretion to refuse to disclose information in an open investigation despite the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

Section 69 permits the chief coroner to disclose a Coroner's Report, Inquest Verdict, or Review report when certain criteria are met.

The *Freedom of Information and Protection of Privacy Act* (FOIPPA) permits the disclosure of personal information under certain circumstances by the Chief Coroner, or delegate.

Neither FOIPPA nor the *Coroners Act* provides specific guidance regarding the discretionary disclosure of personal information by the Coroners Service, such as the name of a decedent and/or specific details of a death until the investigation, inquest or review is concluded.

### **Policy**

#### **General:**

Unless authorized by this policy, staff members are prohibited from disclosing any information regarding a death.

Information includes digital and hard copy records gathered, compiled, made, used or submitted during an investigation, inquest or review. Digital records include information reviewed on or down-loaded from electronic devices including phones, cameras, laptops, tablets, hard drives, and cloud and internet services. Information may also include passwords.

## Disclosure During Investigation

1. **During an Investigation, Inquest or Review**: Coroners and members of the child death review unit or a person acting on their behalf *may* disclose information *as necessary or incidental to carrying out an investigation, inquest or review*<sup>1</sup>. When disclosing information, detailed notes must be recorded in the coroner database that include the name of the person to whom the information was disclosed, when it was disclosed, and why disclosure was necessary or incidental to the investigation, inquest or review. The Regional Coroner must be consulted before releasing any sensitive information.
  - a) **Autopsy Results** – the preliminary results of an autopsy may be shared verbally with the personal representative or nearest relative of the deceased as incidental to an investigation, inquest or review, with the advice that the information cannot be considered final until the Coroner’s Report is issued. (If requested in writing, the request will be logged in the database and a copy of the final autopsy report will be provided by the regional office or Office of the Chief Coroner to the personal representative or nearest relative once the investigation, inquest or review is concluded.)
  - b) **Toxicology Results** – the preliminary results of toxicology testing may be shared verbally with the personal representative or nearest relative of the deceased as incidental to an investigation, inquest or review, with the advice that the information cannot be considered final until the Coroner’s Report is issued. (If requested in writing, the request will be logged in the database and a copy of the final toxicology report will be provided by the regional office or Office of the Chief Coroner to the personal representative or nearest relative at the conclusion of the investigation, inquest or review.)
  - c) **Other Information** – requests for information when disclosure is not necessary or incidental for purposes of an investigation, inquest or review should be referred to [CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca). The request will then be reviewed and a response provided as per the criteria of the *Coroners Act* and/or *Freedom of Information and Protection of Privacy Act*. To protect the integrity of the investigation, information will only be shared in exceptional circumstances during an open Coroner’s investigation. If a police investigation is ongoing, no information designated as “holdback information” will be released until the conclusion of that investigation.
  - d) **Police Agencies/ Independent Investigations Office (IIO)/ WorkSafeBC/ Transportation Safety Board** – the preliminary results of an autopsy and/or toxicology testing may be shared verbally with police or other authorized investigators when necessary or incidental to an investigation, inquest or review. This will occur when the police, IIO, WorkSafeBC or Transportation

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<sup>1</sup> Section 63, *Coroners Act*

Safety Board are conducting a parallel investigation into the death and the results of their investigation will assist the coroner, inquest jury or review with their determinations. If requested in writing, a copy of the final autopsy and/or toxicology report will be provided to the police, IIO, WorkSafeBC or Transportation Safety Board when necessary to assist an **open** coroner's investigation, inquest or review.

- e) **First Nations** – in many First Nations communities, the nearest relative(s) will appoint a spokesperson to represent them following a death. In this circumstance, the coroner will engage with the family's spokesperson to provide information.

### **Disclosure on Closed Files**

2. **Following an Investigation**: Requests for a copy of a Coroner's Report may be made by request to the coroner of record, phoning or e-mailing the Coroners Service regional office in the region with jurisdiction in the death or by e-mailing the Office of the Chief Coroner at [CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca) and providing the name of the deceased. The request will be noted on the Information Request screen in the database. When the requestor does not know the name of the deceased but provides sufficient information for Coroners Service staff to readily identify the deceased, a copy of the Coroner's Report will be provided to the requestor with identifying information redacted. Staff must note in the database that the name of the deceased was not provided.
3. **Following an Inquest**: Verdicts at inquest will be provided upon request to those present in the courtroom at the conclusion of an inquest, or by telephone or email request to: [CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca). Inquest Verdicts will also be posted on-line as soon as possible after an inquest concludes.
4. **Following a Review**: Reports of Death Review Panels will be posted on-line as soon as they are approved for release by the chief coroner.
5. **Disclosure of information retrieved from Electronic Devices**: The Coroners Service may be able to retrieve information from an electronic device that would not easily be retrievable or found when the device is returned. This could also include a password to access information on the device. Where the information is relevant to the Coroner's Report findings or otherwise appropriate when balancing the circumstances and the deceased's right to privacy, the Chief Coroner may exercise discretion under FOIPPA and the regulation to provide that information to the personal representative, executor or nearest relative.
6. **Autopsy and Toxicology results to Personal Representative or Nearest Relative**: If requested in writing, the request will be logged in the database and a copy of the final autopsy report and toxicology report, as applicable, will be

provided by headquarters to the personal representative or nearest relative at the conclusion of the investigation.

7. **Other Information:** If an individual, lawyer, police or other agency requests other information about a death once the investigation, inquest or review has concluded, they should be directed to [CoronerRequest@gov.bc.ca](mailto:CoronerRequest@gov.bc.ca). The request will then be reviewed and a response provided as per the criteria of the *Coroners Act* and/or the *Freedom of Information and Protection of Privacy Act*. Under this process, information may be provided in exceptional circumstances.

### **Media Requests**

1. If approached by media while at a death scene, the attending coroner may confirm that a death has been reported and refer the media to [CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca). This mailbox is monitored during working hours.
2. The Manager, Strategic Communications will respond to all media requests. When a death is being investigated for possible criminal charges by police or the Independent Investigations Office, the Manager will refer media to the respective authority.
3. When a death is not being investigated for possible criminal charges, the Manager will confirm when a death is under investigation by the Coroners Service. Where the general circumstances of the death are public (i.e. motor vehicle crash), the Manager will confirm general, non-identifying information only about the incident. At his/her discretion, the Manager may delegate confirmation of this information to the Regional Coroner.
4. Personal information about the deceased (including release or confirmation of identity) and details about the circumstances of death cannot be disclosed during an investigation. Exceptions to this are when the personal representative or nearest relative (as defined by the *Freedom of Information and Protection of Privacy Act*) explicitly requests in writing that the Coroners Service release or confirm the identity of the deceased.
5. For other information, media should be advised that they may make a request for information by e-mail to: [CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca). Their request will then be reviewed as per the provisions of the *Coroners Act* and/or the *Freedom of Information and Protection of Privacy Act*.