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## Intimate Images Protection Act and Service Stakeholder Frequent Asked Questions (FAQ)

### Provision of Services

**1. What is the response time in having images taken down from the time victims apply? / How long does it take to process and implement an application for a protection order?**

This depends on many factors, including whether the applicant has chosen to name a respondent, and how prepared the applicant is to move forward with their claim. Once an applicant files their claim with the Civil Resolution Tribunal (CRT), a Case Manager will reach out to them. This typically happens within 1-2 business days. If an applicant does not name a respondent, and the applicant is already prepared to provide their evidence and information, the request for a protection order could go to a decision-maker very quickly. CRT tribunal members prioritize requests for Intimate image protection orders. The process may be different if an applicant seeks a protection order through the court. Questions about how long the court process takes should be directed to the applicable court.

Once the applicant has their protection order, they will then need to provide it to the people and/or organizations that they want to comply with the order. Typically, the CRT's orders will require anyone served with the order to comply immediately. If the image(s) is not taken down, the applicant can then request the CRT to order the individual or organization to pay an administrative penalty, which is similar to a fine that is payable to the government.

**2. For our VictimLink call takers who can refer callers to this program, are we able to pass on caller information via Voicemail? Email?**

Staff from the Public Safety and Solicitor General's (PSSG) Intimate Images Protection Service check the program email and voicemail throughout the service's working hours, so VictimLink call takers can refer either way. At this time, any voicemail or email left outside of business hours is being responded to the next business day.

**3. Are you able to elaborate on the type of training that was provided to CRT members who will be adjudicating these cases?**

All CRT tribunal members who adjudicate these cases are trained lawyers. The *Intimate Images Protection Act* (IIPA) is a new piece of legislation. As a result, the training on the substance of the legislation has been conducted in-house by CRT legal counsel and vice chairs, following extensive consultation with stakeholders who work in this field. Tribunal members have also received trauma-informed-practice training, cultural competency training, technology training, and training on current trends of intimate image sharing. In addition, the CRT is currently arranging for the ongoing training of tribunal members, including on topics like vicarious trauma.

**4. Is there an option for language-translation? How many languages are supported?**

Yes. Intimate Images Protection Service staff can currently support in Punjabi (verbal only), Hindi and Urdu. Where we require additional translation support, the service can access telephone translation services.

For the CRT, inclusivity and accessibility are core values. The CRT has worked hard to ensure that it is accessible to everyone in B.C. regardless of their primary language, level of education, or location. The CRT's mandate is to provide dispute resolution services in a manner that is accessible, fast, economical, informal, and flexible, and applies principles of law and fairness. As such, the CRT's website can be viewed in 13 languages by using the Google Translate tool at the top of every webpage. In addition, while CRT services and the process are primarily done in English, the CRT also offers access to free telephone interpretation services in over 200 languages including many Indigenous languages.

**5. How can claimants enforce IIPA protection orders in the case of breaches, beyond going back to CRT for civil remedies?**

All the enforcement mechanisms authorized by IIPA are civil in nature. Although it is not technically enforcement, legal experts in this area advise that many websites have terms of use that prohibit unlawful content. If the CRT issues a protection order with respect to an intimate image, it will be a strong indicator that the content is contrary to many sites' terms of service.

**6. Other than the CRT's new protection and support measures, what additional protections and supports will be made available to victims?**

In addition to the CRT's protection and support measures, the Intimate Images Protection Service supports victims in B.C. who have had their intimate images shared without their consent. The service can help with:

- Providing emotional support, information, resources, and referrals to other services,
- Providing information about legal rights and options,
- Supporting victims through the CRT's process, or criminal processes,
- Communicating orders to online platforms and/or perpetrators,
- Escalating orders and providing information about enforcement options available.

**7. Given the rise in cybercrime, how will the CRT guarantee that sensitive information will remain secure?**

In response to the escalating threat of cybercrime, the CRT has implemented robust measures to protect sensitive information. The CRT's IT Support team diligently applies modern data standards and conducts regular penetration testing to ensure data security, and they strictly adhere to government regulations and maintain stringent protocols for data management. The penetration testing procedures use the latest methods and tools to identify and address any security gaps, mitigating the risk of cyber attacks. The CRT is committed to ensuring the security and confidentiality of sensitive information.

Additionally, the CRT has implemented a system that enables it to track all file activities and maintain constant audit logs, further enhancing our security measures. Additionally, each file is securely locked down, inaccessible until an authorized request is made, and access is granted only to the designated individual. This proactive approach minimizes the risk of unauthorized access through backdoor methods, ensuring the confidentiality of sensitive information. By integrating these comprehensive strategies, the CRT can maintain a robust security framework, ensuring that sensitive information remains secure and protected from cyber threats.

**8. Are there any maximum amounts of punitive damages that can be awarded to victims?**

No, there is no maximum amount of punitive damages that can be awarded to victims. However, the CRT's jurisdiction is limited to \$5,000 or less. If an applicant is seeking more compensation, they would have to pursue their damages claim in court.

**9. What safeguards are in place to assist the CRT in identifying sexual exploitation and trafficking enterprises?**

The CRT obtains its jurisdiction in this area from the IIPA, which was created and implemented by the B.C. Legislature. The IIPA is a civil mechanism designed to empower victims to stop or prevent the distribution of intimate images without consent, and to provide a basis for seeking redress. Non-consensual distribution of intimate images is an aspect of sexual exploitation, and the legislation is designed to ensure there are tools to stop this form of harm. The IIPA is not aimed at trafficking enterprises, other than if the non-consensual distribution of intimate images (NCDII) were associated with that enterprise – in which case the IIPA (and the associated tools) would apply.

**10. Does everyone begin the process by contacting the CRT? Is the CRT the “entry” point or “gatekeeper” for initiating?**

Depending on the type of action needed, the process can be started in several different places. Applications for intimate image protection orders can be started at the CRT or the B.C. Supreme Court. Claims for damages can be started at the CRT, Provincial Court, or B.C. Supreme Court, depending on the value of the claim. Claims for administrative penalties can only be started at the CRT.

Additionally, people can contact the Intimate Images Protection Service at any point in the process. Some people will contact the service as a starting point to better understand their options and receive emotional and other supports, while others may choose to begin the process through the CRT or court and then contact the service for assistance in communicating the order.

**11. Will IIPA support victims of 'sextortion' as well as revenge porn?**

If an individual is using or threatening to use an intimate image as leverage in an extortion attempt, the IIPA has provided legal tools for the victim to try and stop and/or prevent this conduct. In terms of “revenge porn,” the legislation does not require the image to be pornographic in nature and does not require there to be an element of revenge or intention for one person to harm another. Rather, the legislation is only concerned with images that meet its definition of “intimate image,” that are distributed without consent.

**12. What efforts are made to track down perpetrators who are unknown to the victim? (as is almost always the case in sextortion)**

Because IIPA is a civil process, it is up to the victim to decide how they wish to communicate the order to the perpetrator. However, it is worth noting that a victim can make an application for a protection order without naming a respondent, which means they won't be prevented from taking action if it proves difficult or impossible to identify the person.

**13. Do the individuals running the task force have any training for supporting victims with intellectual/developmental disabilities? If not, what plans are there for increasing competence?**

Intimate Images Protection Service staff have deep knowledge in supporting vulnerable populations and there is ongoing learning to ensure that we can provide exceptional service to individuals with diverse experiences, including those who identify as neurodiverse.

CRT staff and tribunal members have significant experience identifying barriers in the CRT process and offering accommodation to those who need it, including additional assistance to participants who may have intellectual and developmental disabilities. In certain circumstances, an individual may need to be represented by a litigation guardian in order to participate in the CRT process. For most types of CRT claims, parties navigate the process independently, with additional supports available for those who need them. For claims under the IIPA, the CRT process has been designed under the assumption that a CRT staff member will assist participants through each step, and only step back if a participant wants to work independently or with the assistance of a helper.

Considerations for supporting this population:

- Individuals may have communication challenges or use nonverbal communication modalities - such as sign, Augmentative and Alternative Communication (AAC), or are minimally verbal.
- Individuals may have receptive communication challenges and struggle to communicate over the phone, or require visual supports to increase comprehension.
- Individuals may have executive functioning challenges, and struggle to follow verbal, or complex written instructions to complete tasks.
- Individuals may have expressive communication challenges and struggle to relay an experience, use proper tense, use pronouns correctly, etc.
- For some people, their disability is inherited, and so their caregiver may not have a strong skill set to complete these tasks for them.
- Individuals may have delayed processing and require up to 10 seconds to process what is said to them to be able to respond, which they likely will not communicate to the person they are talking to.
- Individuals may not have the skill set to search and find the CRT to get support, so it would be worth considering additional measures to disseminate the information in a way that is sure to reach them.

**Cases involving Minors**

**14. Are there special considerations for minors and are there specific resources for parents and if the minor contacts the Intimate Images program, do you have to notify a parent/guardian?**

The Intimate Images Protection Service recognizes how distressing NCDII is to a minor and will ensure the minor has emotional support and crisis resources for support. When working with a minor there are additional resources the Intimate Images Protection Service will connect with to ensure the minor has the best support available to them. Any minor under 18 years old will be referred (with consent) to the Canadian Centre for Child Protection to connect with Project Arachnid which unifies automated Child Sexual Abuse Materials (CSAM) detection methods with a team of dedicated analysts around

the world to quickly send removal notices to electronic service providers. Take It Down (ncmec.org) is another important resource to connect minors with which can also help remove intimate images and videos from mainstream platforms.

In terms of providing direct support, the Intimate Images Protection Service utilizes a mature minor assessment and if a minor over the age of 12 meets the threshold, services may be offered to some minors without the consent or involvement of a parent or guardian. Even when a minor is considered a mature minor, it may be in the minor's best interest to get a supportive parent or guardian involved with the minor's consent (ensuring the person is a non-offending parent/guardian). It is the Intimate Image Protection Service policy that Caseworkers should talk to a minor about whether they have any supportive adults in their life, and to canvas with the Program Manager if they have any concerns.

The CRT requires applicants and respondents to provide their age. In some situations, minor applicants can bring their application for a protection order without a parent or guardian being involved in the process. If a claim is made against a minor, their parent or legal guardian must also be served. The CRT will provide flexibility to help accommodate a minor's needs, including allowing them to text their case manager. The CRT will also refer minors to other supports as appropriate, including to Public Safety and Solicitor General (PSSG) via the Intimate Images Protection Service, and the Children and Youth Legal Clinic. The CRT will provide individuals with information about reporting to the police as well.

If a respondent to an intimate image protection order application or a defendant to a claim for damages is a minor, they may require a litigation guardian. Anyone who might be in this situation may want to start by checking the rules of procedure in the tribunal or court where the action is started. Other sources of law may also apply. Anyone with questions should consider discussing their situation with a legal professional.

**15. Is there an age cut-off where you'd have to notify?**

For minors under the age of 12 years old, it is the Intimate Images Protection Service policy that they will not be considered a mature minor and will require parental/guardian consent to work with the program beyond emotional/crisis support.

**16. Are there specific resources for parents?**

The intimate Images Protection Service is in the process of developing resources for parents, but parents are always welcome to reach out to the service to get support.

**17. Will this information be shared in elementary and high schools? Such as information about IIPA through posters and QR codes where kids can reach out for help?**

The Intimate Images Protection Service will be working with the Ministry of Education and Child Care and the Ministry of Post-Secondary Education and Future Skills to leverage their existing networks to deliver awareness initiatives in schools. Additionally, the government is connecting with various subject matter experts who present in schools who will also be sharing information about the available program and services.

The CRT is also working on creating resources that are targeted towards minors and will be engaging with the Ministry of Education and other stakeholders to determine the best way to provide this information to minors within the educational system.

**18. Can you provide further details regarding the support available to youth who are reporting?**

The Intimate Images Protection Service recognizes how distressing NCDII is to a minor and will ensure the minor has emotional support and crisis resources for support. When working with a minor there are additional resources the Intimate Images Protection Service will connect with to ensure the minor has the best support available to them. Any minor under 18 years old will be referred (with consent) to The Canadian Centre for Child Protection to connect with Project Arachnid, which is an online tool that crawls the light and dark web searching for Child Sexual Abuse Material (CSAM), sending thousands of removal requests daily to service providers. Take It Down (ncmec.org) is another important resource to connect minors with which can also help remove intimate images and videos from mainstream platforms.

**19. Can this service be used for minors whose images are being circulated in school? E.g. not being posted anywhere but being sent around by multiple people. What would the process for this look like?**

Yes. The IIPA addresses the “distribution” of images in all forms, including transmission, publishing or otherwise making it available. There is no requirement for the image to have been posted online in order to access the available resources. The process the individual would follow when reaching out to the CRT is outlined here: <https://civilresolutionbc.ca/solution-explorer/intimate-images/>

**20. What happens when there is a child (person under 19 in B.C.) as the victim and what is the interaction with the police?**

The legislation of the IIPA is a civil remedy which provides special access to justice measures for minors. If a victim wants to make a police report, an Intimate Images Protection Service caseworkers can work support the victim through that process. While separate to the CRT process, it can occur simultaneously with a criminal process. Caseworkers can further support victims with their interactions with police by attending meetings if requested by the victim.

**21. In terms of minors, can you please clarify what “prescribed age” means?**

“Prescribed age” means the age that is set out in regulations made under the IIPA. Section 4 of the regulation says that a person who is 14 years of age or older can choose to make their own application to the CRT for an intimate image protection order, without assistance by a parent or any other adult. Section 5 of the regulation says that a person who is 12 years of age or older may authorize another individual to apply to the CRT on their behalf.

The CRT is working on creating resources that are targeted towards minors and will be engaging with the Ministry of Education and other stakeholders to determine the best way to provide this information to minors within the educational system.



**22. Is there any obligation/duty to report to the Ministry of Children and Family Development (MCFD) or involve a guardian if the child is under a certain age?**

Intimate Images Protection Service staff have a duty to report a child in need of protection as outlined in the [Child, Family and Community Service Act \(gov.bc.ca\)](http://gov.bc.ca) but there is not a general obligation to report to MCFD if the child is under a certain age.

When factoring in the duty to report under s. 14 of the *Child, Family and Community Service Act*, this would likely depend on many other factors aside from there being a child depicted in an intimate image that was distributed without consent. The IIPA does not actively disapply that duty or address it specifically in any other way.

**Interactions with Police**

**23. If victims report to the police, will they just be redirected to the website? Or will the police make the report on their behalf?**

The IIPA is intended to be complementary to Criminal Code of Canada offences for the NCDII. The proceedings for reporting to the police would be separate from any process relating to IIPA or related services. In addition, the CRT does not anticipate any CRT proceedings being initiated by the police.

**24. Are there situations when case managers would alert the police regardless of wishes of the complainant?**

The CRT follows best practices established across government and would contact police in cases where a party makes a credible threat to harm themselves and/or others.

**25. Are intimate image protection orders filed with the Protection Order Registry?**

No, IIPO are not filed with the Protection Order Registry.

**26. What kind of relationship does the CRT have with police in terms of seeking advice or consulting given the complexity of the issue and the expertise the police have in this area?**

Like the courts, the CRT operates independently from government. If the CRT felt it necessary to seek advice or consultation with police, it could do so directly, or through the Ministry of Attorney General and/or PSSG. It is important to remember that police would focus on criminal investigations and prosecutions, while the CRT's focus is on civil actions brought under a more victim-focused process created by the IIPA.

**Legal Concerns**

**27. Is there any guidance about the range of damages that they can provide us, without the benefit of available CRT case law as of yet?**

The legislation does not prescribe a range of damages. Decisions made by the CRT will not be binding precedent. Decisions on damage claims made in the courts can be binding precedent unless they are

overturned by a higher court. To further elaborate on this, the CRT created a blog post that addresses damages in similar civil cases across Canada; <https://civilresolutionbc.ca/blog/value-of-canadian-court-awards-in-intimate-image-damages-claims/>

**28. What is the statute of limitations to bring a claim forward to the CRT?**

Limitation periods can be very complicated, so anyone who has a question on an issue should make all their own inquiries, including consulting a legal professional. The IIPA does not include any specific provisions that override the [Limitation Act](#). However, issues around discoverability, continuing facts or harms, legal capacity, minors, and the retroactive application provision in s. 23 of IIPA must all be considered in each individual case. Anyone with any questions should assess the law as it applies to their own situation and consider getting assistance from a legal professional.

**29. If a respondent breaches an intimate image protection order, how can a claimant seek to enforce the order? Are there any remedies beyond going back to the CRT for a fine or other civil remedies?**

The legislation includes two methods of enforcing intimate image protection orders. Firstly, it authorizes a person to file an order in the B.C. Supreme Court and enforce it as if it were an order of the B.C. Supreme Court, using all the methods available in that forum. Secondly, it authorizes the CRT to order administrative monetary penalties for contraventions of intimate image protection orders.

**30. Would you need a lawyer at any moment if you were reaching out?**

No. There is nothing in the IIPA legislation that requires a person to be represented by a lawyer prior to reaching out to the CRT or the Intimate Images Protection Service.

**31. If a matter is before the criminal courts and a conviction is given for the distribution of an intimate image (i.e. criminal harassment), could Crown seek a condition as part of the order to have it removed here as well, in the event the CRT application/order has not been successful in the removal from personal devices and/or online?**

Legal advice should be obtained from a legal professional with expertise in this area, regarding what orders Crown could seek in a criminal matter. If the CRT is hearing applications for intimate image protection orders, it will have to hear the application under the authority of the IIPA legislation.

**32. Does a referral to the CRT tribunal supersede charges in the Federal criminal code or do they occur concurrently?**

The IIPA is intended to be complementary to Criminal Code of Canada offences for the NCDII. The proceedings of the CRT and the Criminal Code of Canada would be separate.

**33. Considering the publication ban provision in the Act, what other types of confidentiality measures or orders may be issued by the CRT or the courts in considering these claims (e.g., sealing orders, anonymity orders, etc.)?**

The IIPA only addresses publication bans. Other measures and orders (e.g. Sealing orders, Anonymity orders, etc.) would be handled under a court's or the CRT's ordinary processes, relying on other

authorities, which may include a tribunal or court records access policy, practice direction or rules of procedure.

**34. Is there a “tier” process – where you begin with CRT, then elevate things to Provincial and then Supreme Court depending on various outcomes?**

A person might go from the CRT to a court process for an enforcement process that is only offered by the court. If an Intimate image protection order made by the CRT is challenged through a judicial review, that review would happen in court. Challenges to decisions and orders to pay damages might follow the same enforcement and appeal processes as typical civil claims for damages. If the decision is a CRT decision, it is subject to judicial review and not to an appeal.

Also, the CRT could issue a protection order, but the applicant could file an additional claim for damages in court for more than \$5,000 or the B.C. Supreme Court could issue a protection order and the applicant can come to the CRT at a later point. It is not a linear process and there are multiple options available for people.

**35. If you begin with CRT, and disagree with the outcomes, is there an appeal process? Is this when things can be elevated to the Provincial or Supreme Court level?**

The [Civil Resolution Tribunal Act](#) includes provisions for challenging a CRT decision. Judicial review is the mechanism used for this purpose. An application for “judicial review” is when an individual asks the B.C. Supreme Court to review if the CRT’s decision was reasonable or correct. The court can also look at if the CRT’s decision-making process was fair. The CRT cannot give legal advice, tell an individual whether a judicial review might be successful, or help an individual apply for a judicial review.

**36. Can a civil matter be heard at the CRT at the same time as a criminal proceeding?**

Yes, a civil matter can be heard at the CRT at the same time as a criminal proceeding. The IIPA is civil legislation that is complementary to criminal offences in this area. Section 19 of the IIPA also makes it clear that the CRT can order an administrative penalty against a person even if there is a criminal proceeding under way in relation to the same contravention. The definition of intimate image is slightly different in the Criminal Code of Canada. For example, IIPA expressly addresses near nudity, altered images, and livestream content.

**37. Will this law cover and penalize B.C. residents accused of cybersex trafficking from other countries (ex: Philippines, Indonesia, Malaysia, etc.)?**

When it comes to this, there are many factors to consider, making each case unique. There could be many relevant facts, and legal issues that would have to be decided by an adjudicator on a case-by-case basis.

**Reconciliation**

**38. From the Modern Treaty Perspective, what is the Government’s position on the ability to keep the Distinction-Based Approach in this Act? Language is important.**

The Government is publicly committed to a distinctions-based approach. In addition, the CRT's Reconcili(action) Plan sets out the CRT's commitment to implement specific, measurable, and timely actions toward reconciliation. The Reconcili(action) Plan can be found here:

<https://civilresolutionbc.ca/wp-content/uploads/CRT-Reconciliaction-Plan-2021-2024.pdf>

**39. How does the Ministry intend to create processes that are culturally sensitive when supporting First Nations individuals through recourse?**

The Intimate Images Protection Service will be implementing ongoing training with Indigenous knowledge keepers to ensure that appropriate culturally sensitive services are provided. This is an individualized service, and PSSG aims to be attuned to the unique needs of the individual. This includes being responsive to unique cultural needs and providing appropriate referrals.

The CRT has a comprehensive cultural agility training program for all staff and tribunal members. This includes mandatory training regarding Indigenous peoples, as well as ongoing annual training requirements including history, reconciliation, and current issues. The CRT also has a CRT Navigator role. This person specifically assists participants who self-identify as Indigenous. The CRT Navigator could support an Indigenous Person in an IIPA dispute, if that individual wanted the Navigator's assistance.