



### **Plain Language Summary for Bill 2: *Missing Persons Act***

The Government of the Northwest Territories' (GNWT) Department of Justice is proposing to introduce a *Missing Persons Act*.

The Northwest Territories does not currently have legislation that deals with missing persons. The Royal Canadian Mounted Police (RCMP) sometimes face challenges when investigating reports of missing persons when there is no evidence of criminal activity. This can slow and sometimes completely halt an investigation for a missing person.

Most Canadian jurisdictions have passed laws about missing persons that allow police to access records and to enter premises to search for missing persons. In some situations, police may make emergency demands for records without a court order. The proposed *Missing Persons Act* will allow police to move more quickly with their investigations.

The Government of the Northwest Territories committed to developing this legislation in response to Call for Justice 5.8 from the National Inquiry into Missing and Murdered Indigenous Women and Girls.

The Department of Justice engaged broadly during the development of this legislation, including with:

- Indigenous Governments and Community leaders;
- RCMP "G" Division;
- Department of Health and Social Services;
- Director of Child and Family Services;
- Office of the Information and Privacy Commissioner; and with
- Members of the public.

The new Act would work similar to the legislation found in other Canadian jurisdictions, by enhancing the RCMP's ability to investigate missing persons cases. The proposed new Act covers the following areas:

1. Definitions and Interpretation
  - The new Act will define when an individual is considered a missing person.
2. Court Orders
  - The new Act will allow the RCMP to apply for a court order to access information or conduct searches.
3. Emergency Demands
  - The new Act will allow the RCMP to access some information through an emergency demand for records without a court order in some situations, such as where a person is at risk and time is of the essence.

#### 4. Types of Records

- The new Act will specify what information can be gathered, how it must be provided, and how it can be accessed; information that is collected through an emergency demand will be more limited than information gathered by court order.

#### 5. Factors to Consider

- The new Act will include privacy factors that must be considered; it will be mandatory to consider whether the public interest in finding a missing person outweighs privacy interests, and whether a missing person may not wish to be located.

#### 6. Restrictions on use of information gathered

- The new Act will limit the use of information or records that are collected to further safeguard the privacy interests of individuals.

#### 7. Disclosure to the public

- The new Act will allow information to be provided to the public to help locate a missing person. It will also limit the information that can be provided after a missing person is found; exceptions may be made in certain cases, such as when dealing with a minor when a parent or guardian may need to be provided with information.

#### 8. Accountability and reporting mechanisms

- The new Act will include mandatory annual reporting to ensure the Act is used appropriately. The report must be submitted by the RCMP to the Minister of Justice for public release every year.
- There will be penalties for failure to comply with the Act, including for failure to provide information ordered or demanded, and failure to adhere to the privacy requirements.

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