
MPPAC Seeks Accountability in Court Re: Members Privacy Breach

Dear National Membership:

MPPAC Supports Members Pursuing Privacy Breach:

You may be aware that RCMP Health Services disclosed to the College of Psychologists in British Columbia the highly sensitive and personal medical information of a number of RCMP members, all in support of a complaint the RCMP made against psychologist Dr. Michael Webster. This complaint, which was deemed unfounded, was sanctioned by Commissioner Bob Paulson and was carried out by his direct reports in senior management positions of the RCMP and the doctors and psychologists in RCMP Health Services. MPPAC took the disclosure issue to the Privacy Commissioner of Canada, who conducted an independent investigation. The RCMP defended its' conduct. The Privacy Commissioner, however, determined that the RCMP was in the wrong, describing the disclosure as a 'serious privacy breach'. The Privacy Commissioner also expressed concern over the description of permitted uses for members' medical information found in the relevant personal information databank, RCMP PPE 808.

MPPAC then took the Privacy Commissioner's decision to the RCMP seeking redress for its members, as well as changes to the way that the RCMP collects, maintains and uses our members' private medical information. The requested changes included revisions to RCMP PPE 808. Despite repeated efforts, the RCMP has chosen not to respond. Given that the RCMP denied that its conduct was wrong and that the privacy breach appears to have been sanctioned by a number of senior RCMP managers, there is a substantial risk that these kinds of breaches continue to occur today. This conduct is not in keeping with the core values of the RCMP, or members and public expectations. Indeed, it is not lawful. MPPAC has reached out to the Minister of Public Safety, Steven Blaney seeking accountability for the actions of his Deputy Minister, Bob Paulson, but without success.

As the RCMP and the government have chosen not to take appropriate action, some of our members have done so. As peace officers, we are sworn to uphold the law. As members, we are also bound to expose unlawful behaviour and seek to have those who have broken the law, prosecuted, regardless of their position. Our members have filed a Notice of Civil Claim in the Supreme Court of BC today, identifying those implicated in the privacy breach. Those named were in positions of authority over the members, and abused their positions of trust. MPPAC believes that the intentional disclosure of members' private medical records is more than an error in judgment, but rather that it may also constitute a Breach of Trust contrary to s.122 of the Criminal Code. Our members have taken an important next step in seeking accountability and transparency on this important issue. MPPAC supports its members' in this initiative, and is hopeful that this further scrutiny of the conduct of these RCMP managers and doctors will prompt the RCMP to take action. We are seeking to have the RCMP acknowledge the unlawful actions of these employees, hold those responsible accountable, provide redress to the affected members for the harm which has occurred, and take appropriate steps, including working with MPPAC, to ensure that no RCMP members' trust is violated in the future.

Your new Blue Cross Card and your Medical Information:

Members recently received new Medavie Blue Cross health cards to facilitate access to supplemental benefits.

This new card was delivered with a privacy notice indicating that use of the card constituted consent by members to the collection, use and disclosure of personal information by the RCMP, Blue Cross and their agents and service providers for benefits administration. The notice goes on to refer to personal information databank RCMP PPE 808 for information on how the RCMP handles members' information.

Like the Privacy Commissioner, MPPAC is concerned with the language in RCMP PPE 808. While there is a legitimate need for Blue Cross to collect, use and disclose certain basic subscriber information in order to facilitate benefits administration, our concern is that once information has been gathered by the RCMP within PPE 808, it may be used by departments within the force beyond those with an immediate need, and for purposes beyond that which our members may anticipate or for which informed consent has been provided. For example, PPE 808 currently specifies that information collected may be used for “research, planning, evaluation and audit and statistical analysis” and may be linked to other systems, including HRMIS, or provided to training coordinators or supervisors for monitoring PARE compliance. Information may be used by Health Services and their delegates to assess suitability for various duties, postings and promotions, and in some instances, your medical information may also be accessed by a Commanding Officer or an Appropriate Officer.

As federal government employees whose privacy interests are protected under the Privacy Act and the Personal Information Protection and Electronic Documents Act, we have a right to expect that our personal information is only obtained through real consent – that which is clear, informed and voluntary, and that it focuses on limited and justified collections, uses and disclosure. These imperatives are at their highest in relation to personal medical information, and in particular, mental health information, where mistrust can lead individuals not to obtain the health care they require, as the Canadian Mental Health Association has noted in our discussion with them. Increasingly, we see and must acknowledge the potentially significant impact that the profession of policing has on members’ mental health. Appropriate support must be a priority and that begins with ensuring that members can access the resources they need, in confidence, and without fear that their information will be inappropriately used or disclosed. This is a priority for MPPAC and our members, and we are urging the RCMP make it a priority as well.

What Comes Next:

MPPAC is concerned about the potential for continued improper collection, use and disclosure of members’ medical information, and that the breach of trust issues raised today will not be the last. We are particularly concerned that members are not aware of how their information will be used and disclosed, and that the consent implied by the use of our new benefits cards is not true and informed consent. To date, the RCMP has chosen not to respond and address those concerns which were identified by MPPAC and the Privacy Commissioner, however MPPAC intends to continue to pursue this issue on behalf of our members, through all appropriate means. We need you to support this effort, and that begins with you informing your colleagues to raise awareness of this issue. Members can also take steps directly to deal with their concerns, by contacting Health Services and Blue Cross to discuss the scope of consent they are prepared to provide. You can also contact us at national@mppac.ca for more assistance. Ultimately, it will be up to us, working together, to ensure that all of our concerns are properly addressed, and that we are accorded the privacy we have a right to expect from our employer.

LET US BE YOUR ADVOCATE

The Mounted Police Professional Association of Canada (MPPAC) aims to become the independent labour representative for all non-commissioned RCMP members. MPPAC was established in 2010 to fight for the right to engage in collective bargaining through an independent association on behalf of RCMP regular and civilian members across Canada. We strive for excellence in our conduct and obligations. We provide leadership to all of our membership, on justice issues which affect the quality of life of all Canadians. The Association does not seek or support the right to strike. To learn more, visit www.mppac.ca.

Become a member today and let's put forward a collective voice on work issues that concern us all. Please forward this message to your RCMP colleagues who are not yet members of MPPAC.

MPPAC | Mounted Police Professional Association of Canada
ACPMP | Association Canadienne de la Police Montée Professionnelle
MPPAC.CA // [COMMUNICATIONS](#) // [BECOME A MEMBER](#) // [CONTACT](#)