

**2005 ANNUAL REPORT**

**INVASION OF PRIVACY**

**PART VI of the *CRIMINAL CODE OF CANADA***

Protection of Privacy Act - Annual Report  
Section 195(5) Criminal Code of Canada

This report covers the period January 1, 2005 to December 31, 2005, inclusive.

Section 195(2) C.C.

(a)	The number of applications made for authorizations under:	
(i)	s.185	67
(ii)	s.188	6
(b)	The number of applications made for renewals of authorization under:	
(i)	s.185	0
(ii)	s.188 (renewals are not granted under this section)	N/A
(c)	The number of applications granted:	
(i)	Original authorizations - s.185	67
(ii)	Original authorizations - s.188	6
(iii)	Renewals of authorizations - s.185	0
	The number of applications refused under:	
(i)	s.185	0
(ii)	s.188	0
	The number of applications granted, which were granted with conditions under:	
(i)	s.185	67
(ii)	s.188	6
(d)	The number of persons identified in an authorization against whom proceedings were commenced at the instance of the Attorney General of British Columbia in respect of:	
(i)	an offence specified in the authorization (Incomplete number, some investigations are still ongoing as of December 31, 2006)	24

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|-------|--|---------|
| (ii)  | an offence other than an offence specified.<br>(Incomplete number, some investigations are still ongoing<br>as of December 31, 2006)   | 0       |
| (iii) | an offence in respect of which an authorization may not be given<br>(Incomplete number, some investigations are still ongoing<br>as of December 31, 2006)  | 0       |
| (e)   | The number of persons not identified in an authorization against whom<br>proceedings were commenced at the instance of the Attorney General<br>of British Columbia in respect of:  |         |
| (i)   | an offence specified in such an authorization<br>(Incomplete number, some investigations are still<br>ongoing as of December 31, 2006)   | 3       |
| (ii)  | an offence other than an offence specified in such an<br>authorization but in respect of which an authorization<br>may be given<br>(Incomplete number, some investigations are still<br>ongoing as of December 31, 2006) | 0       |
| (iii) | an offence other than an offence specified in such<br>authorization for which no such authorization may<br>be given<br>(Incomplete number, some investigations are still<br>ongoing as of December 31, 2006)             | 0       |
|       | and whose commission or alleged commission of the offence<br>became known to a peace officer as a result of an interception of<br>a private communication under an authorization.  |         |
| (f)   | The average period for which authorizations were given and<br>for which renewals were granted:   |         |
| (i)   | s.185  | 60 days |
| (ii)  | s.188  | 60 days |
| (g)   | The number of authorizations by virtue of one or more renewals were valid:   |         |
| (i)   | for more than 60 days  | 0       |
| (ii)  | for more than 90 days  | 0       |
| (iii) | for more than 180 days   | 0       |

(h) The number of notifications given pursuant to Section 196 (538 delivered, 202 undelivered) 740

(i) The offences in respect of which authorizations were given, specifying the number of authorizations given in respect of each such offence:

<i>Criminal Code of Canada</i>	Section	No.
Using Explosives	81	3
Possession Without Lawful Excuse	82	3
Possession of Weapon for Dangerous Purpose	88	1
Weapons Trafficking	99	7
Possession for Purpose of Weapons Trafficking	100	7
Murder	235	48
Attempt Murder	239	12
Accessory After the Fact (Murder)	240	22
Criminal Harassment	264	3
Assault with a Weapon	267	2
Unlawfully Causing Bodily Harm	269	4
Kidnapping	279	21
Robbery	344	5
Extortion	346	2
Breaking and Enter with Intent	348	5
Possession of Property Obtained by Crime	354	3
Arson / Disregard for Human Life	433	39
Arson / Damage to Property	434	38
Conspiracy	465	63

<i>Controlled Drugs and Substances Act</i>	Section	No.
Trafficking in Substance	5	10
Production of Substance	7	6
(j) A description of all classes and places specified in authorizations and the number of authorizations in which each such class of place was specified:		
(i) Residence: permanent		19
temporary		13
(ii) Commercial premises		10
(iii) Vehicles		17
(iv) Other		24
(k) A general description of the methods of interception involved in each interception under an authorization:		
(i) Telecommunications		1674
(ii) Microphone		581
(iii) Other		223
(l) The number of persons arrested whose identity became known to a peace officer as a result of an interception under an authorization (Incomplete number, some investigations are still ongoing as of December 31, 2005)		5
(m) The number of criminal proceedings commenced at the instance of the Attorney General of British Columbia in which private communications obtained by interception under an authorization were adduced in evidence and the number of such proceedings that resulted in a conviction:		
(i) Criminal Proceedings adduced in evidence (Incomplete number, some cases are still before the courts as of December 31, 2005)		21
(ii) Resultant Convictions (Incomplete number, some cases are still before the courts as of December 31, 2005)		U/K

- (n) The number of criminal investigations in which information obtained as a result of the interception of a private communication under an authorization was used although the private communication was not adduced in evidence in Criminal proceedings commenced at the instance of the Attorney General of British Columbia as a result of the investigation:
- (i) Intercepted information used but not adduced 3  
(Incomplete number, some cases are still before the courts as of December 31, 2005)
  - (ii) Resultant convictions U/K  
(Incomplete number, some cases are still before the courts as of December 31, 2005)

Section 195(3) C.C.

Other information

- (a) The number of prosecutions commenced against officers or Servants of Her Majesty in right of Canada or members of the Canadian Forces for offences under Section 184 or Section 193:
- (i) Number of Prosecutions 0

General Assessment

Interception of private communications pursuant to the provisions of Part VI of the *Criminal Code of Canada* is still proving to be an essential element in combating serious crime. Often, the police obtain information via wiretapping that they could not have received by any other means. New information may also trigger additional investigations. Due to the serious nature of invasions of privacy, there are statutory safeguards to ensure that abuses do not take place. Generally, the interception of private communications must only be done with the authorization of a Justice of the Supreme Court. When the police require an authorization, a designated Crown Counsel reviews the application to ensure it complies with the appropriate laws. (Designated senior police officers may in cases of emergencies directly apply to the Courts for an authorization.) The application is then brought before a Justice or Judge, who will grant the authorization if it is in the best interests of the administration of justice and the application meets other criteria, set out in Part VI of the *Criminal Code of Canada*. The authorizations are valid for a specific amount of time, and must be renewed by a Justice if they are required for a longer period of time. The application process is complex and time-consuming, but is necessary to ensure that an individual's right to privacy is not breached without cause or appropriate authorization.