



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IN 1

Overview on Information-Sharing

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Updates to chapter

Listing by date:

Date: 2005-06-15

Under Section 6, Definitions, the definition of "Personal Information" was amended to include "photographs or facial images."

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1. What this chapter is about

This chapter will:

- provide background information for personnel authorized to engage in the sharing of personal information with third parties.
- highlight the provisions of various acts that apply to the collection, retention, sharing and use of personal information.
- identify and reflect departmental and Treasury Board policy governing the sharing of personal information with third parties.
- list selected agreements and arrangements entered into with domestic and foreign partners that permit information-sharing.

2. Program objectives

The object of information-sharing is to support the effective administration and enforcement of Canada's citizenship and immigration programs including, but not limited to, such matters as:

- travel to Canada, authorization to enter into Canada, the investigation of matters relating to program abuse, criminality, public safety and health, the coordination and streamlining of enforcement cases and the sharing of services and facilities, i.e., those used for detention purposes;
- the selection of foreign nationals, issuance of visas, protection of refugees, integration of newcomers, support of provincial and territorial immigration programs and settlement services;
- the support of Canada's public safety and security objectives with respect to the management of the global movement of people and combating international terrorism, war crimes, crimes against humanity and organized crime.

3. The Act and Regulations

While there is no explicit right to privacy of personal information in Canada's *Constitution* (1867), *Bill of Rights* (1960) or the *Charter of Rights and Freedoms* (1982), Canada's courts have recognized an individual's right to a reasonable expectation of privacy when interpreting section 8 of the Charter (which grants the right to be secure against unreasonable search or seizure).

Since the 1960s, the Government has acted to modernize and improve government records including the collection and use of personal information. For example, in 1966, the Public Records Order expressed the Government's intention to inventory, control and organize government records and reduce the need for numerous government departments to repeatedly collect the same personal information from clients. Later came the *Privacy Act* (1985), the *Access to Information Act* (1985) and the *Personal Information Protection and Electronic Documents Act* (2000) which, subject to statutory constraints, speak to privacy protection issues yet continue to maintain the benefits of disclosing information.

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Internationally, Canada is a signatory of the United Nations (UN) *International Covenant on Civil and Political Rights* (March 1976) in which article 17.1 provides a basis for Canadian privacy legislation governing the sharing of personal information as follows:

17.1 No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

For the full text of the Covenant, see <http://www.ohchr.org/english/law/ccpr.htm>

In addition, Canada is a member of the Organisation for Economic Co-operation and Development (OECD) and relied on the *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data* (1980) in the drafting of the federal *Privacy Act* of 1985.

As the result of Canada's domestic advances in information management and its participation in international forums, strong privacy values and principles are embedded in Canada's legislation and policy governing the sharing of personal information. See the *Privacy Act*, *Access to Information Act* and the *Personal Information Protection and Electronic Documents Act* as well as the Treasury Board's *Management of Government Information (MGI) Policy*, the *Use and Disclosure of Personal Information Policy*, the *Privacy and Data Protection Policy* and the *Data Matching Policy*.

A fundamental premise of these values and principles is that personal information shall not be shared with third parties without the consent of the individual to whom the information relates. This is because the sharing of personal information by government agencies with third parties could infringe on the personal rights, freedoms and liberties that exist in Canada today. However, there are a number of exemptions that allow government agencies to use personal information, without the individual's consent, in order to efficiently administer programs, enforce the law, act to protect the safety of Canada and contribute to international peace and good order.

Federal public servants need to be aware of these broad values and principles in order to utilize the specific acts, regulations and policies governing the sharing of personal information with third parties. It is also important to be aware of the exemptions and their sources.

Table 1: Values and principles governing the use of personal information.

| Principle | Exemption | Exemption/Exemption Authority |
|--|-----------|---|
| Personal information should be obtained only if it relates directly to an operating program or activity of the collecting institution. | No | No exemption |
| Personal information should be obtained fairly and lawfully. | No | No exemption |
| Personal information should be obtained from the individual. | Yes | s. 5.3 of the <i>Privacy Act</i> |
| Personal information should be used only for the original specified purpose for which it was obtained. | Yes | s. 7(b) and s. 8(2) of the <i>Privacy Act</i> |
| Personal information should be adequate, relevant and not excessive to the original purpose for which it was obtained. | No | No exemption |
| When used for administrative purposes personal information should be reasonably accurate and up to date. | No | No exemption |
| Personal information should be accessible to the subject. | Yes | s. 13-26 of the <i>Access to Information Act</i> – "Exemptions" s.18-28 of the <i>Privacy Act</i> – "Exemptions" |
| Personal information should be kept secure. | No | No exemption |

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| Personal information should be shared only with the subject's consent. | Yes | s. 8(2) of the <i>Privacy Act</i> |
| Personal information should be disposed of after its purpose is achieved and legal retention requirements are satisfied. | No | No exemption |

The President of the Treasury Board is the minister responsible for government-wide administration of information collection, use, sharing and retention. This includes the responsibility of issuing to the public a directory of federal government information holdings known as Info Source, which lists federal institutions, the information (including personal information) they collect and how it is used.

Although the *Privacy Act* is the federal legislation that governs the vast majority of personal information-sharing carried out by public servants with third parties, other Acts of Parliament also contain requirements related to the sharing of personal information with third parties. These other Acts of Parliament address very specific types of personal information-sharing, for example, juvenile criminal records. Whenever one of these other Acts of Parliament authorizes, prohibits or regulates the sharing of information, then it **takes precedence over the *Privacy Act***.

Information concerning individuals in immigration and citizenship records falls within the definition of "personal information" under section 3 of the *Privacy Act*. Section 8 of the *Privacy Act* states that personal information cannot be disclosed (shared) without the written consent of the individual concerned OR unless it is shared under specific legislation, as set out in the *Privacy Act* or in another federal Act of Parliament.

Three of the most often cited legal methods by which personal information may be shared without the written consent of the individual concerned are contained in the *Privacy Act*.

Firstly, paragraph 8(2)(a) of the *Privacy Act* allows personal information to be shared with a third party "for a purpose for which the information was obtained or compiled . . . or for a use consistent with that purpose." A test of whether a proposed use or disclosure is "consistent" may be whether it would be reasonable for the individual who provided the information to expect that it would be used in the proposed manner. This means that the original purpose and the proposed purpose are so closely related that the individual would expect that the information would be used for the consistent purpose, even if the use is not spelled out.

Secondly, paragraph 8(2)(e) of the *Privacy Act* allows personal information to be shared on a written request of an **investigative body** (see Schedule II of the Privacy Regulations for a listing of investigative bodies), ". . . for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed."

Thirdly, paragraph 8(2)(f) of the *Privacy Act* allows personal information to be shared with provincial and foreign governments and international bodies for administering or enforcing any law or carrying out any lawful investigation when the sharing of personal information is carried out under the terms of an agreement or arrangement.

These and other *Privacy Act* exemptions to the requirement for consent are noted in Table 2.

Table 2: *Privacy Act* (1985)

| Section 8 authorities for sharing personal information without the individual's consent | |
|---|---|
| In the absence of the written consent of the individual, sharing of their personal information with a third party is prohibited by section 8 of the <i>Privacy Act</i> , except in the specific instances listed below. | |
| s. 8(2)(a) | For the purpose for which the information was obtained or compiled or for a use consistent with that purpose. |
| s. 8(2)(b) | For any purpose in accordance with any Act of Parliament or regulation that authorizes its sharing. |
| s. 8(2)(c) | For the purpose of complying with a subpoena, warrant or court order. |
| s. 8(2)(d) | To the Attorney General of Canada for use in legal proceedings involving the Crown. |

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|------------|---|
| s. 8(2)(e) | To investigative bodies specified in the regulations, for law enforcement and lawful investigations. |
| s. 8(2)(f) | To provincial and foreign governments and international bodies, under agreement, for administering or enforcing any law or carrying out any lawful investigation. |
| s. 8(2)(g) | To a member of Parliament for the purpose of assisting the individual whom the information concerns. |
| s. 8(2)(h) | To staff of the institution for internal audit purposes; to the office of the Comptroller General. |
| s. 8(2)(i) | To the Library and Archives of Canada for archival purposes. |
| s. 8(2)(j) | For research or statistical purposes under certain conditions. |
| s. 8(2)(k) | To any aboriginal government, association of aboriginal people, Indian band, government institution, etc. for research and validation of Aboriginal claims, disputes or grievances. |
| s. 8(2)(l) | To any government institution to locate an individual in order to collect a debt owed to the Crown or make a payment to an individual. |
| s. 8(2)(m) | For any purpose where sharing would: i) be in the public interest; or, ii) clearly benefit the individual to whom the information relates. |

Note: Subsection 8(2) of the *Privacy Act* permits the sharing of information but does not require it. The institution continues to have discretion in deciding whether or not to share the personal information without the consent of the individual concerned.

Also pertinent is subsection 5(3) of the *Privacy Act* which provides for two exceptions to the requirement to collect personal information directly from the individual to whom it relates. These instances are where the direct collection of such information might result in collecting inaccurate information or might defeat the purpose or prejudice the use for which the information is collected. These exceptions are primarily intended for use by investigative bodies in those circumstances where direct collection would jeopardize an investigation.

For detailed discussion of all section 8 exemptions please consult the *CIC Privacy Manual* at <http://www.ci.gc.ca/cicexplore/english/guides/guides/pm/index.htm>

Other relevant Canadian legislation

Table 3: Other applicable federal acts and their provisions

| Act | Provision(s) | Notes |
|--|--|--|
| <u><i>Access to Information Act</i></u> 1985 | s. 19(2)(c) provides for sharing with a third party without consent. | When the disclosure is in accordance with s. 8 of the <i>Privacy Act</i> . |
| <u><i>Citizenship Act</i></u> 1985 | n/a | No references to information-sharing without consent appears in the <i>Citizenship Act</i> and its Regulations |
| <u><i>Criminal Records Act</i></u> 1985 | s. 6(2) | No information may be released concerning an individual's criminal convictions for which a pardon has been granted unless the permission of the Minister (Public Safety and Emergency Preparedness Canada) has been obtained -- or with the written consent of the individual concerned. |
| <u><i>Customs Act</i></u> 1985 | s.107(5)(j) | Personal information collected by a customs inspector may be shared (without consent of the individual to whom the information pertains) with "an official of the Department of Citizenship and Immigration solely for the purpose of administering or enforcing the <i>Immigration and Refugee Protection Act</i> , if the information relates to the movement of people into and out of Canada;" |
| <u><i>Immigration and Refugee</i></u> | A7, A8 and A9 | Provides for agreements to be entered into with provinces, government of a foreign state and international organizations for the |

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| <p><u>Protection Act</u>....</p> <p>..... and <u>Regulations</u></p> <p>2002</p> | <p>A148(1)(d), s. A149(a) and A149(b)</p> <p>A150.1(1)(b)</p> <p>R264, R265, R267, R268, R270</p> <p>R269</p> | <p>purposes of the Act.</p> <p>Authorizes sharing of information provided by a transportation company providing that “A149(a) the information may be used only for the purposes of this Act or to identify a person for whom a warrant of arrest has been issued in Canada; and (b) notice that the information was used must be given to the person to whom it relates.” This means a person who is subject to an inadmissibility report, arrest, or a removal order.</p> <p>Provides for “the disclosure of information [gathered under IRPA] for the purposes of national security, the defence of Canada, and the conduct of international affairs,…”</p> <p>With respect to persons carried to Canada:</p> <ul style="list-style-type: none"> • A “transporter” is required to share with CIC information concerning an individual’s itinerary, ticket information and travel/identity document AND crew list details and changes. • A “transporter” must provide advance passenger information to CIC. |
| <p><u>Youth Criminal Justice Act</u></p> <p>2002</p> | <p>s. 118(1) of the Act.</p> <p>For exceptions to s. 118(1) see s. 125(1) – s. 125(6) inclusively.</p> | <p>No person shall be given information that may identify the young person, to whom it relates, as a young person dealt with under the <i>Youth Criminal Justice Act</i>.</p> |
| <p><u>Public Safety Act</u></p> <p>2002</p> | <p>s. 4.82 of the <i>Aeronautics Act</i> (Not yet in force).</p> | <p>Requires airlines to share personal information of persons on domestic and international flights with Public Safety and Emergency Preparedness Canada.</p> |

4. Instruments and delegations

There are approximately 150 arrangements and agreements in which the sharing of immigration and citizenship information is referenced. Each agreement or arrangement, and its related implementation material, specifies the detailed requirements to be met when sharing information, including, in some cases, the designation of officials.

5. Departmental policy

The following policy applies to all information-sharing with third parties and is general in nature. For specific guidelines, the particular agreement / arrangement and its implementation material must be consulted.

5.1. Responsibility to protect the personal information of all clients

A large number of immigration and citizenship clients are not Canadian citizens, permanent residents or even residents in Canada. Staff must be aware of the responsibility to protect clients’ personal information regardless of an individual’s status or location even if they have never been to Canada. Thus, the sharing of any client’s personal information, without their consent, must comply with applicable requirements. [CIC’s *Privacy Manual* at 1.05 at <http://www.ci.gc.ca/cicexplore/english/guides/guides/pm/index.htm>]

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5.2. **Privacy Act compliance**

All personal information-sharing and exchange shall be carried out in accordance with the *Privacy Act* or the provisions of another Act of Parliament. [CIC's *Privacy Manual* at 9.04(3)(b) at above address]

5.3. **Optimum use of personal information**

The departmental (CIC) *Privacy Manual*, at 2:3(c), notes that it is necessary to balance the requirements for privacy with the need to ensure the optimum use of personal information for any purpose permitted by the *Privacy Act*, in order to promote general efficiency in government operations, eliminate unnecessary collection of information, reduce the response burden on individuals and facilitate the sharing of data for research or statistical purposes.

5.4. **Privacy impact assessment (PIA)**

In May 2002, the Treasury Board of Canada Secretariat (TBS) implemented its *Privacy Impact Assessment Policy*. The policy requires that, where a government institution commences a new program or service or significantly changes an existing one, the institution be required to do a privacy impact assessment (PIA). For existing programs, a PIA is required if there is a significant change to the manner in which personal information is collected, used or disclosed. The goal of the PIA is a comprehensive report that ensures that privacy protection is a core consideration in the initial framing of program or service objectives and in all subsequent activities.

5.5. **Recording the sharing of information**

Pursuant to sections 8(4), 8(5), 10 and 11 of the *Privacy Act*, government institutions must take steps to ensure that individuals shall have the opportunity to be aware that their personal information has been or may be shared without their consent and with whom and for what purpose.

This is accomplished in four ways:

- each program should ensure that all disclosures under section 8(2)(f) of the *Privacy Act* – Agreements and arrangements – are listed in InfoSource;
 - each instance of sharing with a third party that is not listed in InfoSource must be recorded on the individual's file;
 - when required by arrangement or agreement;
 - when required as part of administrative and/or case-noting practices.
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5.6. **Methods of sharing information**

Authorized sharing of personal information with third parties without the consent of the individual(s) concerned may be carried out in a number of ways. Case-by-case information-sharing may take place between individual officers; sharing of client information may also take place using databases to undertake data matching exercises; and the systematic sharing of data sets containing multiple personal records may also be carried out.

5.7. **Who may share information**

Authorization to share information is restricted to those persons/categories of positions that need and/or have access to the information in order to carry out specific administrative and program activities. These activities include, by way of example: visa issuance and extension; overseas interdiction of improperly documented travellers; passenger analysis; examination at port of entries; asylum seeker/refugee protection; integration/settlement work; investigations; detention;

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removals; and data management. As a result of this wide range of activities, there are a correspondingly large number of agreements and arrangements that permit the sharing of information.

The appropriate agreements/arrangements must be consulted in order to determine who is authorized to share specific information.

5.8. What information may be shared

There are provisions in the *Privacy Act* and in a large number of departmental/agency agreements and arrangements that permit the sharing of a wide range of personal information by government officials administering and enforcing Canada's citizenship and immigration programs.

The personal information that is permitted to be shared varies under the terms of each arrangement and agreement and is restricted to the information needed to advance specified program objectives. The appropriate agreements/arrangements must be consulted in order to determine what information may be shared.

5.9. What information may not be shared

Few, if any, agreements and arrangements permit the sharing of information related to young offenders, an individual's medical information or an individual's social insurance number.

Due to the large number and variety of information-sharing agreements, it is not possible to specify in this chapter what may be shared. The appropriate chapter or information-sharing agreement/arrangement must be consulted for specific guidance on what information may be shared.

6. Definitions

Table 4. Definitions

| | |
|---|--|
| Administrative Purpose | In relation to the use of personal information about an individual, it means the use of that information in a decision-making process that directly affects that individual. |
| Agreement | A legally binding document such as a treaty. |
| Arrangement | A non-legally binding statement of cooperation between two or more parties such as a memorandum of understanding or statement of mutual understanding. |
| Citizenship and immigration laws | Laws and regulations of Canada relating to authorization to enter into Canada, permanent residence, temporary residence, asylum, detention, removal, naturalization, denaturalization, or loss of nationality. This includes but is not limited to: laws and regulations relating to provisions contained in the <i>Immigration and Refugee Protection Act</i> , the <i>Citizenship Act</i> , the <i>Crimes Against Humanity and War Crimes Act</i> ; and any other laws that relate to immigration and citizenship matters contained in an Act of Parliament. |
| Data | Personal information stored electronically. |
| Data-matching | Data-matching is defined as the comparison of personal data obtained from different sources, including personal information banks, for the purpose of making administrative decisions about the individuals to whom the data pertains. |
| InfoSource | InfoSource is a series of publications containing information about the Government of Canada, its organization and information holdings. It supports the Government's policy to explain and promote open and accessible information regarding its activities. It is a key reference tool to assist members of the public in exercising their rights under the <i>Access to Information Act</i> and the <i>Privacy Act</i> . |
| Personal Information | Means information about an identifiable individual that is recorded in any form including: <ul style="list-style-type: none">• information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual; |

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| | <ul style="list-style-type: none"> • information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; • any identifying number, symbol or other particular assigned to the individual; • the address, fingerprints or blood type of the individual; • photographs or facial images; • the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations; • correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence; • the views or opinions of another individual about the individual; • the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in paragraph (e) above, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and • the name of the individual where it appears with other personal information relating to the individual or where the sharing of the name itself would reveal information about the individual. |
| Sharing of Information | Refers to the disclosure, exchange or receipt of personal information, by any method, e.g., transmission, provision of a copy, examination of the record, to/from anybody or person. |
| Transporters | Commercial passenger carriers. |

6.1. Acronyms

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| CBSA | Canada Border Services Agency |
| CIC | Citizenship and Immigration Canada |
| DHS | U.S. Department of Homeland Security |
| MGI | Management of Government Information |
| MOU | Memorandum of Understanding |
| OECD | Organisation for Economic Co-operation and Development |
| PIA | Privacy Impact Assessment |
| SMU | Statement of Mutual Understanding |
| UN | United Nations |

7. Procedures

Specific procedures for sharing information with a third party

Due to the large number and wide variety of information-sharing agreements, it is necessary that the appropriate agreement or arrangement be consulted.

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Appendix A: Agreements and Arrangements

A.1 Provincial and territorial agreements and arrangements

These agreements set out the responsibilities of each party with respect to a range of matters relating to the movement of refugees, visitors, and immigrants to the specified province or territory. Included are aspects of recruitment and selection of foreign nationals, settlement and integration activities and cooperation in sharing information in order to ensure the integrity of citizenship and immigration programs.

Table 5: Federal-Provincial/Territorial Agreements

| # | Province/Territory | Date signed | Expiry date |
|----|---|------------------------|-------------|
| 1 | Canada-Newfoundland and Labrador Agreement on Provincial Nominees | 1999 | 2004 |
| 2 | Agreement for Canada-Prince Edward Island Co-operation on Immigration | 2001 | 2006 |
| 3 | Canada-Nova Scotia Agreement on Provincial Nominees | 2002 | 2007 |
| 4 | Canada-New Brunswick Agreement on Provincial Nominees | 1999 | 2004 |
| 5 | Canada-Quebec Accord | 1991 | Ongoing |
| 6 | Canada-Ontario Memorandum of Understanding on Information Sharing | 2004 | Ongoing |
| 7 | Canada-Manitoba Immigration Agreement | 1996 (Renewed 2003) | Ongoing |
| 8 | Canada-Saskatchewan Immigration Agreement | 1998 (Amended 2004) | 2005 |
| 9 | Canada-Alberta Agreement on Provincial Nominees | 2002 | 2004 |
| 10 | Canada-Alberta Agreement on Information Sharing | 2003 | Ongoing |
| 11 | Agreement for Canada-British Columbia Co-operation on Immigration | 2004 | 2009 |
| 12 | Agreement for Canada-Yukon Co-operation on Immigration | 2001 | 2006 |

Local/regional written agreements to share information may exist with provincial/territorial children's aid agencies, social services, health services and corrections services—and should be consulted as required

A.2 Other domestic arrangements and agreements

Table 6: Other domestic agreements and arrangements

| # | Arrangement / Agreement | Date Signed | Description |
|---|---|-------------|---|
| 1 | Memorandum of Understanding between Citizenship and Immigration and Canada Customs and Revenue Agency. | 2003 | Sets out roles and responsibilities at ports of entry and ensures effective examination of persons seeking entry to Canada. |
| 2 | Memorandum of Understanding Canada Employment and Immigration Commission and External Affairs and International Trade Canada. | 1992 | Concerns the management of Canada's immigration programs. |
| 3 | Memorandum of Understanding between the Documentation, Information and Research Branch, Immigration and Refugee Board of Canada (DIRB-IRB) and the Refugees Branch, Citizenship and Immigration Canada. | 1997 | Permits CIC Refugee Branch to share claim/claimant-specific information with DIRB-IRB. |
| 4 | Information sharing agreement between Citizenship and Immigration Canada and the Immigration and | 1997 | Includes sharing of personal information on inquiries, detention reviews, appeals and refugee determinations. |

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| | Refugee Board of Canada. | | |
| 5 | Agreement between Citizenship and Immigration and the Immigration and Refugee Board of Canada regarding claim-related information from refugee claimants. | 1999 | Permits CIC officers to share personal information with the IRB that was obtained during refugee claimant examinations. |
| 6 | Memorandum of Understanding concerning the resettlement of witnesses appearing before the International Criminal Tribunal of the former Yugoslavia [signed by CIC and the Criminal Tribunal of the former Yugoslavia] | 2002 | Permits sharing of personal information with CIC in order to assess the admissibility of persons who need to be relocated as a means of giving them protection. |
| 7 | Agreement between CIC and CSIS on joint interviews. | 1996 | Sets out the responsibilities of officers from customs, immigration and Canada's intelligence service in the examination of persons seeking entry into Canada who may represent a threat to national security. |
| 8 | Memorandum of Understanding between the Minister of National Defence, the Minister of Citizenship and Immigration Canada (CIC) and the Solicitor General of Canada. | 2002 | Defines the scope and process for the provision of Canadian Forces assistance for the purpose of enforcing immigration laws with respect to irregular maritime arrivals. It includes the sharing of relevant information and intelligence. |
| 9 | Our Missing Children's Program – Agreement between DFAIT, CIC, CCRA and the Department of Justice | 1993 | Permits sharing of personal information in order to reunite children with their families. |
| 10 | Memorandum of Understanding between Citizenship and Immigration and the Royal Canadian Mounted Police concerning partnership, communication, cooperation and information sharing | 2002 | Concerns the provision of mutual assistance between CIC and the RCMP with respect to enforcement actions and their respective program operations. |
| 11 | Memorandum of Understanding between Citizenship and Immigration and Canada and the Canadian Police Information Centre | 1995 | Concerns the conditions under which CIC personnel may access the Canadian Police Information Centre |
| 12 | Memorandum of Understanding between Citizenship and Immigration Canada and the Correctional Services of Canada (Regional MOUs were signed in 1993) | 1994 | Concerns the arrangements for services, including custodial services, and the necessary sharing of personal information. |
| 13 | Reciprocal arrangement between the Canada Employment and Immigration Commission and the United States Immigration and Naturalization Service, Department of Justice, for the exchange of deportees between the United States of America and Canada | 1987 | Provides for the orderly and expeditious return of deportees between the immigration services of Canada and the United States (includes 3 rd country nationals) |
| 14 | Memorandum of Understanding between the Canadian Red Cross and Citizenship and Immigration Canada | 2002 | Provides for an external monitoring mechanism to assess the conditions and treatment of detainees in accordance with international and departmental standards. |

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A.3 Canada / U.S. Agreements and Arrangements

Table 7: Canada / U.S. Agreements and Arrangements

| # | Arrangement / Agreement | Date signed | Description |
|---|--|-------------------------|--|
| 1 | Statement of Mutual Understanding on Information Sharing (SMU) with the U.S. Immigration and Naturalisation Service (INS) and the U.S. State Department | 1999 renewed 2003 | The 2003 arrangement permits the exchange of information, including pro-active sharing, on a case-by-case basis. It includes provisions for incorporating annexes for systematic information exchanges. |
| 2 | Annex Regarding the Sharing of Information on Asylum and Refugee Status Claims to the Statement of Mutual Understanding on Information Sharing | 2003 | An annex to the SMU permitting the exchange of personal information on asylum claimants. |
| 3 | Agreement Between Canada and the United States for Co-operation in the Examination of Refugee Status Claims by Nationals of Third Countries (Canada-US Safe Third Country Agreement) | 2002 | An agreement between Canada and the U.S. that discourages asylum shopping and optimizes resource allocation in both participant countries and promotes the orderly processing of refugee protection claims in both Canada and the U.S. |
| 4 | TUSCAN/TIPOFF Aide-Memoire between the United States and Canada | 1997 | Citizenship and Immigration Canada and the U.S. Department of State share data in order to deny entry to foreign terrorists who may attempt to travel to Canada and/or the United States. |

A.4 Other International Arrangements and Agreements

Table 8: Other international Agreements and Arrangements

| # | Arrangement / Agreement | Date signed | Description |
|---|---|-------------|--|
| 1 | Memorandum of Understanding on the Removal of Hong Kong Residents from Canada | 1996 | Permits sharing of information to the extent needed for removal activity and combating illegal migration. |
| 2 | Memorandum of Understanding on the Removal of Canadian Residents from Hong Kong | 1996 | |
| 3 | Memorandum of Understanding with Hong Kong on Mutual Co-operation in Combating Illegal Migration | 1996 | |
| 4 | Memoranda of Understanding between Citizenship and Immigration and Transporters. (45 MOUs are maintained with airlines operating flights into Canada) | Ongoing | Includes requirement that airlines provide information pertaining to passenger identity, itinerary, etc., in order to support efforts to identify passengers whose identity is in doubt and to assist in deterring organized smuggling activity. |

Note: Hyperlinks: Web links have been provided for the convenience of readers. All links provided are working at the time of the publication and updating of this chapter. Even so, users may experience problems using the hyperlinks when Web addresses are changed by their respective site managers.

Note: Listing of agreements and arrangements: This chapter does not contain an exhaustive listing of all agreements and arrangements pertaining to the exchange of personal information in citizenship and immigration records.