

PART 6

PUBLICATION, RECORDS AND INFORMATION

Protection of Privacy of Young Persons

Identity of offender not to be published	110. (1) Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.
Limitation	<p>(2) Subsection (1) does not apply</p> <p>(a) in a case where the information relates to a young person who has received an adult sentence;</p> <p>(b) subject to sections 65 (young person not liable to adult sentence) and 75 (youth sentence imposed despite presumptive offence), in a case where the information relates to a young person who has received a youth sentence for an offence set out in paragraph (a) of the definition "presumptive offence" in subsection 2(1), or an offence set out in paragraph (b) of that definition for which the Attorney General has given notice under subsection 64(2) (intention to seek adult sentence); and</p> <p>(c) in a case where the publication of information is made in the course of the administration of justice, if it is not the purpose of the publication to make the information known in the community.</p>
Exception	(3) A young person referred to in subsection (1) may, after he or she attains the age of eighteen years, publish or cause to be published information that would identify him or her as having been dealt with under this Act or the <i>Young Offenders Act</i> , chapter Y-1 of the Revised Statutes of Canada, 1985, provided that he or she is not in custody pursuant to either Act at the time of the publication.
<i>Ex parte</i> application for leave to publish	<p>(4) A youth justice court judge shall, on the <i>ex parte</i> application of a peace officer, make an order permitting any person to publish information that identifies a young person as having committed or allegedly committed an indictable offence, if the judge is satisfied that</p> <p>(a) there is reason to believe that the young person is a danger to others; and</p> <p>(b) publication of the information is necessary to assist in apprehending the young person.</p>
Order ceases to have effect	(5) An order made under subsection (4) ceases to have effect five days after it is made.
Application for leave to publish	(6) The youth justice court may, on the application of a young person referred to in subsection (1), make an order permitting the young person to publish information that would identify him or her as having been dealt with under this Act or the <i>Young Offenders Act</i> , chapter Y-1 of the Revised Statutes of Canada, 1985, if the court is satisfied that the publication would not be contrary to the young person's best interests or the public interest.
Identity of victim or witness not to be	111. (1) Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it

published	would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.
Exception	<p>(2) Information that would serve to identify a child or young person referred to in subsection (1) as having been a victim or a witness may be published, or caused to be published, by</p> <p style="padding-left: 40px;">(a) that child or young person after he or she attains the age of eighteen years or before that age with the consent of his or her parents; or</p> <p style="padding-left: 40px;">(b) the parents of that child or young person if he or she is deceased.</p>
Application for leave to publish	(3) The youth justice court may, on the application of a child or a young person referred to in subsection (1), make an order permitting the child or young person to publish information that would identify him or her as having been a victim or a witness if the court is satisfied that the publication would not be contrary to his or her best interests or the public interest.
Non-application	112. Once information is published under subsection 110(3) or (6) or 111(2) or (3), subsection 110(1) (identity of offender not to be published) or 111(1) (identity of victim or witness not to be published), as the case may be, no longer applies in respect of the information.

Fingerprints and Photographs

<i>Identification of Criminals Act</i> applies	113. (1) The <i>Identification of Criminals Act</i> applies in respect of young persons.
Limitation	(2) No fingerprint, palmprint or photograph or other measurement, process or operation referred to in the <i>Identification of Criminals Act</i> shall be taken of, or applied in respect of, a young person who is charged with having committed an offence except in the circumstances in which an adult may, under that Act, be subjected to the measurements, processes and operations.

Records That May Be Kept

Youth justice court, review board and other courts	114. A youth justice court, review board or any court dealing with matters arising out of proceedings under this Act may keep a record of any case that comes before it arising under this Act.
Police Records	115. (1) A record relating to any offence alleged to have been committed by a young person, including the original or a copy of any fingerprints or photographs of the young person, may be kept by any police force responsible for or participating in the investigation of the offence.
Police Records	(2) When a young person is charged with having committed an offence in respect of which an adult may be subjected to any measurement, process or operation referred to in the <i>Identification of Criminals Act</i> , the police force responsible for the investigation of the offence may provide a record relating to the offence to the Royal Canadian Mounted Police. If the young person is found guilty of the offence, the police force shall provide the record.
Records held by R.C.M.P.	(3) The Royal Canadian Mounted Police shall keep the records provided under subsection (2) in the central repository that the Commissioner of the Royal Canadian Mounted Police may, from time to time, designate for the

purpose of keeping criminal history files or records of offenders or keeping records for the identification of offenders.

Government records

116. (1) A department or an agency of any government in Canada may keep records containing information obtained by the department or agency

- (a) for the purposes of an investigation of an offence alleged to have been committed by a young person;
- (b) for use in proceedings against a young person under this Act;
- (c) for the purpose of administering a youth sentence or an order of the youth justice court;
- (d) for the purpose of considering whether to use extrajudicial measures to deal with a young person; or
- (e) as a result of the use of extrajudicial measures to deal with a young person.

Other records

(2) A person or organization may keep records containing information obtained by the person or organization

- (a) as a result of the use of extrajudicial measures to deal with a young person; or
- (b) for the purpose of administering or participating in the administration of a youth sentence.

Access to Records

Exception - adult sentence

117. Sections 118 to 129 do not apply to records kept in respect of an offence for which an adult sentence has been imposed once the time allowed for the taking of an appeal has expired or, if an appeal is taken, all proceedings in respect of the appeal have been completed and the appeal court has upheld an adult sentence. The record shall be dealt with as a record of an adult and, for the purposes of the *Criminal Records Act*, the finding of guilt in respect of the offence for which the record is kept is deemed to be a conviction.

No access unless authorized

118. (1) Except as authorized or required by this Act, no person shall be given access to a record kept under sections 114 to 116, and no information contained in it may be given to any person, where to do so would identify the young person to whom it relates as a young person dealt with under this Act.

Exception for employees

(2) No person who is employed in keeping or maintaining records referred to in subsection (1) is restricted from doing anything prohibited under subsection (1) with respect to any other person so employed.

Persons having access to records

119. (1) Subject to subsections (4) to (6), from the date that a record is created until the end of the applicable period set out in subsection (2), the following persons, on request, shall be given access to a record kept under section 114, and may be given access to a record kept under sections 115 and 116:

- (a) the young person to whom the record relates;
- (b) the young person's counsel, or any representative of that counsel;

- (c) the Attorney General;
- (d) the victim of the offence or alleged offence to which the record relates;
- (e) the parents of the young person, during the course of any proceedings relating to the offence or alleged offence to which the record relates or during the term of any youth sentence made in respect of the offence;
- (f) any adult assisting the young person under subsection 25(7), during the course of any proceedings relating to the offence or alleged offence to which the record relates or during the term of any youth sentence made in respect of the offence;
- (g) any peace officer for
 - (i) law enforcement purposes, or
 - (ii) any purpose related to the administration of the case to which the record relates, during the course of proceedings against the young person or the term of the youth sentence;
- (h) a judge, court or review board, for any purpose relating to proceedings against the young person, or proceedings against the person after he or she becomes an adult, in respect of offences committed or alleged to have been committed by that person;
- (i) the provincial director, or the director of the provincial correctional facility for adults or the penitentiary at which the young person is serving a sentence;
- (j) a person participating in a conference or in the administration of extrajudicial measures, if required for the administration of the case to which the record relates;
- (k) a person acting as ombudsman, privacy commissioner or information commissioner, whatever his or her official designation might be, who in the course of his or her duties under an Act of Parliament or the legislature of a province is investigating a complaint to which the record relates;
- (l) a coroner or a person acting as a child advocate, whatever his or her official designation might be, who is acting in the course of his or her duties under an Act of Parliament or the legislature of a province;
- (m) a person acting under the *Firearms Act*;
- (n) a member of a department or agency of a government in Canada, or of an organization that is an agent of, or under contract with, the department or agency, who is
 - (i) acting in the exercise of his or her duties under this Act,
 - (ii) engaged in the supervision or care of the young person, whether as a young person or an adult, or in an investigation related to the young person under an Act of the legislature of a province respecting child welfare,
 - (iii) considering an application for conditional release or pardon made by the young person, whether as a young person or an adult,
 - (iv) administering a prohibition order made under an Act of Parliament

or the legislature of a province, or

(v) administering a youth sentence, if the young person has been committed to custody and is serving the custody in a provincial correctional facility for adults or a penitentiary;

(o) a person, for the purpose of carrying out a criminal record check required by the Government of Canada or the government of a province or a municipality for purposes of employment or the performance of services, with or without remuneration;

(p) an employee or agent of the Government of Canada, for statistical purposes under the *Statistics Act*;

(q) an accused or his or her counsel who swears an affidavit to the effect that access to the record is necessary to make a full answer and defence;

(r) a person or a member of a class of persons designated by order of the Governor in Council, or the lieutenant governor in council of the appropriate province, for a purpose and to the extent specified in the order; and

(s) any person or member of a class of persons that a youth justice court judge considers has a valid interest in the record, to the extent directed by the judge, if the judge is satisfied that access to the record is

(i) desirable in the public interest for research or statistical purposes, or

(ii) desirable in the interest of the proper administration of justice.

Period of access

(2) The period of access referred to in subsection (1) is

(a) if an extrajudicial sanction is used to deal with the young person, the period ending two years after the young person consents to be subject to the sanction in accordance with paragraph 10(2)(c);

(b) if the young person is acquitted of the offence otherwise than by reason of a verdict of not criminally responsible on account of mental disorder, the period ending two months after the expiry of the time allowed for the taking of an appeal or, if an appeal is taken, the period ending three months after all proceedings in respect of the appeal have been completed;

(c) if the charge against the young person is dismissed for any reason other than acquittal, the charge is withdrawn, or the young person is found guilty of the offence and a reprimand is given, the period ending two months after the dismissal, withdrawal, or finding of guilt;

(d) if the charge against the young person is stayed, with no proceedings being taken against the young person for a period of one year, at the end of that period;

(e) if the young person is found guilty of the offence and the youth sentence is an absolute discharge, the period ending one year after the young person is found guilty;

(f) if the young person is found guilty of the offence and the youth sentence is a conditional discharge, the period ending three years after the young person is found guilty;

(g) subject to paragraphs (i) and (j) and subsection (9), if the young person is

found guilty of the offence and it is a summary conviction offence, the period ending three years after the youth sentence imposed in respect of the offence has been completed;

(h) subject to paragraphs (i) and (j) and subsection (9), if the young person is found guilty of the offence and it is an indictable offence, the period ending five years after the youth sentence imposed in respect of the offence has been completed;

(i) subject to subsection (9), if, during the period calculated in accordance with paragraph (g) or (h), the young person is found guilty of an offence punishable on summary conviction committed when he or she was a young person, the latest of

(i) the period calculated in accordance with paragraph (g) or (h), as the case may be, and

(ii) the period ending three years after the youth sentence imposed for that offence has been completed; and

(j) subject to subsection (9), if, during the period calculated in accordance with paragraph (g) or (h), the young person is found guilty of an indictable offence committed when he or she was a young person, the period ending five years after the sentence imposed for that indictable offence has been completed.

Prohibition orders not included

(3) Prohibition orders made under an Act of Parliament or the legislature of a province, including any order made under section 51, shall not be taken into account in determining any period referred to in subsection (2).

Extrajudicial measures

(4) Access to a record kept under section 115 or 116 in respect of extrajudicial measures, other than extrajudicial sanctions, used in respect of a young person shall be given only to the following persons for the following purposes:

(a) a peace officer or the Attorney General, in order to make a decision whether to again use extrajudicial measures in respect of the young person;

(b) a person participating in a conference, in order to decide on the appropriate extrajudicial measure;

(c) a peace officer, the Attorney General or a person participating in a conference, if access is required for the administration of the case to which the record relates; and

(d) a peace officer for the purpose of investigating an offence.

Exception

(5) When a youth justice court has withheld all or part of a report from any person under subsection 34(9) or (10) (nondisclosure of medical or psychological report) or 40(7) (nondisclosure of pre-sentence report), that person shall not be given access under subsection (1) to that report or part.

Records of assessments or forensic DNA analysis

(6) Access to a report made under section 34 (medical and psychological reports) or a record of the results of forensic DNA analysis of a bodily substance taken from a young person in execution of a warrant issued under section 487.05 of the *Criminal Code* may be given only under paragraphs (1)(a) to (c), (e) to (h) and (q) and subparagraph (1)(s)(ii).

Introduction into evidence	(7) Nothing in paragraph (1)(h) or (q) authorizes the introduction into evidence of any part of a record that would not otherwise be admissible in evidence.
Disclosures for research or statistical purposes	(8) When access to a record is given to a person under paragraph (1)(p) or subparagraph (1)(s)(i), the person may subsequently disclose information contained in the record, but shall not disclose the information in any form that would reasonably be expected to identify the young person to whom it relates.
Application of usual rules	(9) If, during the period of access to a record under any of paragraphs (2)(g) to (j), the young person is convicted of an offence committed when he or she is an adult, <ul style="list-style-type: none"> (a) section 82 (effect of absolute discharge or termination of youth sentence) does not apply to the young person in respect of the offence for which the record is kept under sections 114 to 116; (b) this Part no longer applies to the record and the record shall be dealt with as a record of an adult; and (c) for the purposes of the <i>Criminal Records Act</i>, the finding of guilt in respect of the offence for which the record is kept is deemed to be a conviction.
Records of offences that result in a prohibition order	(10) Despite anything in this Act, when a young person is found guilty of an offence that results in a prohibition order being made, and the order is still in force at the end of the applicable period for which access to a record kept in respect of the order may be given under subsection (2), <ul style="list-style-type: none"> (a) the record kept by the Royal Canadian Mounted Police pursuant to subsection 115(3) may be disclosed only to establish the existence of the order for purposes of law enforcement; and (b) the record referred to in section 114 that is kept by the youth justice court may be disclosed only to establish the existence of the order in any offence involving a breach of the order.
Access to R.C.M.P. records	120. (1) The following persons may, during the period set out in subsection (3), be given access to a record kept under subsection 115(3) in respect of an offence set out in the schedule: <ul style="list-style-type: none"> (a) the young person to whom the record relates; (b) the young person's counsel, or any representative of that counsel; (c) an employee or agent of the Government of Canada, for statistical purposes under the <i>Statistics Act</i>; (d) any person or member of a class of persons that a youth justice court judge considers has a valid interest in the record, to the extent directed by the judge, if the judge is satisfied that access is desirable in the public interest for research or statistical purposes; (e) the Attorney General or a peace officer, when the young person is or has been charged with another offence set out in the schedule or the same offence more than once, for the purpose of investigating any offence that the young person is suspected of having committed, or in respect of which the young person has been arrested or charged, whether as a young person or as an

	adult;
	(f) the Attorney General or a peace officer to establish the existence of an order in any offence involving a breach of the order; and
	(g) any person for the purposes of the <i>Firearms Act</i> .
Access for identification purposes	(2) During the period set out in subsection (3), access to the portion of a record kept under subsection 115(3) that contains the name, date of birth and last known address of the young person to whom the fingerprints belong, may be given to a person for identification purposes if a fingerprint identified as that of the young person is found during the investigation of an offence or during an attempt to identify a deceased person or a person suffering from amnesia.
Period of access	(3) For the purposes of subsections (1) and (2), the period of access to a record kept under subsection 115(3) in respect of an offence is the following: <ul style="list-style-type: none"> (a) if the offence is an indictable offence, other than a presumptive offence, the period starting at the end of the applicable period set out in paragraphs 119(2)(h) to (j) and ending five years later; and (b) if the offence is an offence set out in paragraph (a) of the definition "presumptive offence" in subsection 2(1) or an offence set out in paragraph (b) of that definition for which the Attorney General has given notice under subsection 64(2) (intention to seek adult sentence), the period starting at the end of the applicable period set out in paragraphs 119(2)(h) to (j) and continuing indefinitely.
Subsequent offences as young person	(4) If a young person was found guilty of an offence set out in the schedule is, during the period of access to a record under subsection (3), found guilty of an additional offence set out in the schedule, committed when he or she was a young person, access to the record may be given to the following additional persons: <ul style="list-style-type: none"> (a) a parent of the young person or any adult assisting the young person under subsection 25(7); (b) a judge, court or review board, for a purpose relating to proceedings against the young person under this Act or any other Act of Parliament in respect of offences committed or alleged to have been committed by the young person, whether as a young person or as an adult; or (c) a member of a department or agency of a government in Canada, or of an organization that is an agent of, or is under contract with, the department or agency, who is <ul style="list-style-type: none"> (i) preparing a report in respect of the young person under this Act or for the purpose of assisting a court in sentencing the young person after the young person becomes an adult, (ii) engaged in the supervision or care of the young person, whether as a young person or as an adult, or in the administration of a sentence in respect of the young person, whether as a young person or as an adult, or (iii) considering an application for conditional release or pardon made by the young person after the young person becomes an adult.
Disclosure for research or	(5) A person who is given access to a record under paragraph (1)(c) or (d)

statistical purposes	may subsequently disclose information contained in the record, but shall not disclose the information in any form that would reasonably be expected to identify the young person to whom it relates.
Subsequent offences as adult	<p>(6) If, during the period of access to a record under subsection (3), the young person is convicted of an additional offence set out in the schedule, committed when he or she was an adult,</p> <p>(a) this Part no longer applies to the record and the record shall be dealt with as a record of an adult and may be included on the automated criminal conviction records retrieval system maintained by the Royal Canadian Mounted Police; and</p> <p>(b) for the purposes of the <i>Criminal Records Act</i>, the finding of guilt in respect of the offence for which the record is kept is deemed to be a conviction.</p>
Deemed election	121. For the purposes of sections 119 and 120, if no election is made in respect of an offence that may be prosecuted by indictment or proceeded with by way of summary conviction, the Attorney General is deemed to have elected to proceed with the offence as an offence punishable on summary conviction.
Disclosure of information and copies of record	122. A person who is required or authorized to be given access to a record under section 119, 120, 123 or 124 may be given any information contained in the record and may be given a copy of any part of the record.
Where records may be made available	<p>123. (1) A youth justice court judge may, on application by a person after the end of the applicable period set out in subsection 119(2), order that the person be given access to all or part of a record kept under sections 114 to 116 or that a copy of the record or part be given to that person,</p> <p>(a) if the youth justice court judge is satisfied that</p> <ul style="list-style-type: none"> (i) the person has a valid and substantial interest in the record or part, (ii) it is necessary for access to be given to the record or part in the interest of the proper administration of justice, and (iii) disclosure of the record or part or the information in it is not prohibited under any other Act of Parliament or the legislature of a province; or <p>(b) if the youth court judge is satisfied that access to the record or part is desirable in the public interest for research or statistical purposes.</p>
Restriction for par. (1)(a)	(2) Paragraph (1)(a) applies in respect of a record relating to a particular young person or to a record relating to a class of young persons only if the identity of young persons in the class at the time of the making of the application referred to in that paragraph cannot reasonably be ascertained and the disclosure of the record is necessary for the purpose of investigating any offence that a person is suspected on reasonable grounds of having committed against a young person while the young person is, or was, serving a sentence.
Notice	(3) Subject to subsection (4), an application for an order under paragraph (1)(a) in respect of a record shall not be heard unless the person who makes the application has given the young person to whom the record relates and the person or body that has possession of the record at least five days notice in

writing of the application, and the young person and the person or body that has possession have had a reasonable opportunity to be heard.

Where notice not required

(4) A youth justice court judge may waive the requirement in subsection (3) to give notice to a young person when the judge is of the opinion that

(a) to insist on the giving of the notice would frustrate the application; or

(b) reasonable efforts have not been successful in finding the young person.

Use of record

(5) In any order under subsection (1), the youth justice court judge shall set out the purposes for which the record may be used.

Disclosure for research or statistical purposes

(6) When access to a record is given to any person under paragraph (1)(b), that person may subsequently disclose information contained in the record, but shall not disclose the information in any form that would reasonably be expected to identify the young person to whom it relates.

Access to record by young person

124. A young person to whom a record relates and his or her counsel may have access to the record at any time.

Disclosure by peace officer during investigation

125. (1) A peace officer may disclose to any person any information in a record kept under section 114 (court records) or 115 (police records) that it is necessary to disclose in the conduct of the investigation of an offence.

Disclosure by Attorney General

(2) The Attorney General may, in the course of a proceeding under this Act or any other Act of Parliament, disclose the following information in a record kept under section 114 (court reports) or 115 (police records):

(a) to a person who is a co-accused with the young person in respect of the offence for which the record is kept, any information contained in the record; and

(b) to an accused in a proceeding, if the record is in respect of a witness in the proceeding, information that identifies the witness as a young person who has been dealt with under this Act.

Information that may be disclosed to a foreign state

(3) The Attorney General or a peace officer may disclose to the Minister of Justice of Canada information in a record that is kept under section 114 (court records) or 115 (police records) to the extent that it is necessary to deal with a request to or by a foreign state under the *Mutual Legal Assistance in Criminal Matters Act*, or for the purposes of any extradition matter under the *Extradition Act*. The Minister of Justice of Canada may disclose the information to the foreign state in respect of which the request was made, or to which the extradition matter relates, as the case may be.

Disclosure to insurance company

(4) A peace officer may disclose to an insurance company information in a record that is kept under section 114 (court records) or 115 (police records) for the purpose of investigating a claim arising out of an offence committed or alleged to have been committed by the young person to whom the record relates.

Preparation of reports

(5) The provincial director or a youth worker may disclose information contained in a record if the disclosure is necessary for procuring information that relates to the preparation of a report required by this Act.

Schools and others

(6) The provincial director, a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the

supervision or care of a young person - including a representative of any school board or school or any other educational or training institution - any information contained in a record kept under sections 114 to 116 if the disclosure is necessary

- (a) to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;
- (b) to ensure the safety of staff, students or other persons; or
- (c) to facilitate the rehabilitation of the young person.

Information to be kept separate

- (7) A person to whom information is disclosed under subsection (6) shall
- (a) keep the information separate from any other record of the young person to whom the information relates;
 - (b) ensure that no other person has access to the information except if authorized under this Act, or if necessary for the purposes of subsection (6); and
 - (c) destroy their copy of the record when the information is no longer required for the purpose for which it was disclosed.

Time limit

(8) No information may be disclosed under this section after the end of the applicable period set out in subsection 119(2) (period of access to records).

Records in the custody, etc., of archivists

126. When records originally kept under sections 114 to 116 are under the custody or control of the National Archivist of Canada or the archivist for any province, that person may disclose any information contained in the records to any other person if

- (a) a youth justice court judge is satisfied that the disclosure is desirable in the public interest for research or statistical purposes; and
- (b) the person to whom the information is disclosed undertakes not to disclose the information in any form that could reasonably be expected to identify the young person to whom it relates.

Disclosure with court order

127. (1) The youth justice court may, on the application of the provincial director, the Attorney General or a peace officer, make an order permitting the applicant to disclose to the person or persons specified by the court any information about a young person that is specified, if the court is satisfied that the disclosure is necessary, having regard to the following circumstances:

- (a) the young person has been found guilty of an offence involving serious personal injury;
- (b) the young person poses a risk of serious harm to persons; and
- (c) the disclosure of the information is relevant to the avoidance of that risk.

Opportunity to be heard

(2) Subject to subsection (3), before making an order under subsection (1), the youth justice court shall give the young person, a parent of the young person and the Attorney General an opportunity to be heard.

Ex parte application

(3) An application under subsection (1) may be made *ex parte* by the Attorney General where the youth justice court is satisfied that reasonable efforts have been made to locate the young person and that those efforts have

not been successful.

Time limit (4) No information may be disclosed under subsection (1) after the end of the applicable period set out in subsection 119(2) (period of access to records).

*Disposition or Destruction of Records and
Prohibition on Use and Disclosure*

Effect of end of access periods **128.** (1) Subject to sections 123, 124 and 126, after the end of the applicable period set out in section 119 or 120 no record kept under sections 114 to 116 may be used for any purpose that would identify the young person to whom the record relates as a young person dealt with under this Act or the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985.

Disposal of records (2) Subject to paragraph 125(7)(c), any record kept under sections 114 to 116, other than a record kept under subsection 115(3), may, in the discretion of the person or body keeping the record, be destroyed or transmitted to the National Archivist of Canada or the archivist for any province, at any time before or after the end of the applicable period set out in section 119.

Disposal of R.C.M.P. records (3) All records kept under subsection 115(3) shall be destroyed or, if the National Archivist of Canada requires it, transmitted to the National Archivist of Canada, at the end of the applicable period set out in section 119 or 120.

Purging CPIC (4) The Commissioner of the Royal Canadian Mounted Police shall remove a record from the automated criminal conviction records retrieval system maintained by the Royal Canadian Mounted Police at the end of the applicable period referred to in section 119; however, information relating to a prohibition order made under an Act of Parliament or the legislature of a province shall be removed only at the end of the period for which the order is in force.

Exception (5) Despite subsections (1), (2) and (4), an entry that is contained in a system maintained by the Royal Canadian Mounted Police to match crime scene information and that relates to an offence committed or alleged to have been committed by a young person shall be dealt with in the same manner as information that relates to an offence committed by an adult for which a pardon granted under the *Criminal Records Act* is in effect. Despite subsections (1), (2) and (4), an entry that is contained in a system maintained by the Royal Canadian Mounted Police to match crime scene information and that relates to an offence committed or alleged to have been committed by a young person shall be dealt with in the same manner as information that relates to an offence committed by an adult for which a pardon granted under the *Criminal Records Act* is in effect.

Authority to inspect (6) The National Archivist of Canada may, at any time, inspect records kept under sections 114 to 116 that are under the control of a government institution as defined in section 2 of the *National Archives of Canada Act*, and the archivist for a province may at any time inspect any records kept under those sections that the archivist is authorized to inspect under any Act of the legislature of the province.

Definition of "destroy" (7) For the purposes of subsections (2) and (3), "destroy", in respect of a record, means

(a) to shred, burn or otherwise physically destroy the record, in the case of a

record other than a record in electronic form; and

(b) to delete, write over or otherwise render the record inaccessible, in the case of a record in electronic form.

No subsequent disclosure

129. No person who is given access to a record or to whom information is disclosed under this Act shall disclose that information to any other person unless the disclosure is authorized under this Act.