

Clare's Law in Alberta

Fact sheet for the Disclosure to Protect Against Domestic Violence (Clare's Law) Act

Call **911** in an emergency.
Call **310-1818** to access local supports on family violence – help is available 24/7 in over 170 languages.
Chat in english at alberta.ca/safetychat – available daily from 8am to 8pm.

Purpose of the law

Clare's Law allows people to make informed choices about potentially harmful intimate partner relationships, and is an important tool in protecting Albertans from domestic violence.

Definitions

Domestic violence

For Clare's Law purposes, domestic violence is the actual or threatened use of force in an intimate partner relationship that may include a single act or a number of acts of violence, which could include: physical, sexual, emotional, or psychological abuse; criminal harassment (e.g., stalking); threats to harm children, other family members or pets; property damage; and exerting control over movements, communications or finances.

Intimate partner relationship

An intimate partner relationship is a relationship between two individuals, regardless of gender, which can be characterized as being physically or emotionally intimate, or both.

This includes current and former marriage, common-law and dating relationships.

Disclosure

When police provide a person at risk with information about potential risk of domestic violence.

Process overview

The Clare's Law process consists of three steps:

1. Initiation and validation of the application
2. Risk analysis
3. Providing the disclosure

Applying for a disclosure

Right to Ask

Albertans have a right to ask for information regarding their current or former intimate partner's potential risk for domestic violence. A person can also apply on behalf of someone else if they have their consent, are a legal guardian of the applicant, or have legal authority of the person. Applicants must provide a reason for why they are asking for information.

Right to Know

Police can apply, through the Right to Know process, to proactively provide relevant information to an individual if they have reason to suspect intimate partner violence is likely to occur.

Information that may lead to a Right to Know request may come from a variety of sources, such as other investigative actions and anonymous reporting.

The *Freedom of Information and Protection of Privacy (FOIP) Act* already allows police to disclose information under circumstances of imminent risk.

Visit [Alberta.ca/ClaresLaw](https://alberta.ca/ClaresLaw) for more information.

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Applications

Applications and more information are available online at <http://Alberta.ca/ClaresLaw>

There is no cost to apply.

Once an application and all information has been confirmed, the Alberta government will confirm if the application is eligible under Clare's Law.

Disclosure will typically take approximately 4 weeks.

Clare's Law is not a domestic violence reporting tool, please contact 911 or your local police if you are reporting domestic violence.

Eligibility

To be eligible for Clare's Law a person must:

- Live in Alberta
- Be in an intimate partner relationship
- Have a reason for applying which details why you feel at risk
- Have met the person they have requested information on
- Be willing to talk to, and meet with police to receive disclosure information

Supports and services

During the Clare's Law process, the applicant and/or person-at-risk will be asked at various times if they want to be connected with social supports. If they do, they will be referred to an appropriate service.

Risk Analysis

On all eligible applications, police will run background checks followed by a risk analysis conducted by trained risk assessors. Police will then disclose risk-related information to the person-at-risk using the following risk levels:

- **Domestic violence related information identified**

- **No domestic violence related information identified**
- **Insufficient information**

Note: "Insufficient information" does not mean that risk is not present, but that current available information is not sufficient to identify the presence of relevant information. Intimate partner violence is underreported, which is why supports are offered, regardless of risk.

Disclosure

If the risk analysis indicates **Insufficient Information** or **No Domestic Violence Related Information Identified**:

- Disclosure can occur via telephone.
- **Right to Ask:** the police contact the applicant. Once the applicant's identification has been verified, police will proceed with a verbal disclosure.
- **Right to Know:** the police are not required to inform the person that a risk analysis has been completed, although they can choose to do so on a case-by-case basis.

If the risk analysis indicates **Domestic Violence Related Information Identified**:

- Disclosure **must** occur in person. However, alternate options (i.e. video conferencing) may be used in specific circumstances, such as to comply with public health restrictions.
- **Right to Ask:** The police will contact the person at risk, and upon meeting and confirming identification, police will provide risk-related information to the person at risk. The police will offer them supports to discuss personal safety and risk mitigation strategies.
- **Right to Know:** Police will contact the person at risk and explain why they are doing so. If the person at risk would like to continue with the Clare's Law Right to Know process, police would advise that the disclosure can only be made in person. Upon meeting and confirming identification, police will provide the risk related

information to the person at risk, as well as connect them to supports to discuss personal safety and risk mitigation strategies if they consent.

- Depending on the preferences or safety concerns of a person at risk, police may arrange to conduct disclosure interviews at an alternative location outside of a police station. Additional individuals may be permitted to attend at police discretion, on a case-by-case basis.

Once disclosure has occurred, police will complete the disclosure package and return the file to the Government of Alberta.

Applicants will not receive physical documentation as part of disclosure. All information will be provided verbally.

Disclosure will **not** occur if:

- the applicant has not met the person-of-disclosure, in person;
- the application is determined to have been made with malicious intent;
- the intent is to use any information received for a purpose other than informing their safety;
- an application is being made for the purpose of use in legal proceedings, such as child custody hearings or divorce proceedings;
- the person seeking disclosure will not meet with police.

Privacy

Albertans applying to Clare's Law have a right to privacy and can trust that their personal information will be safeguarded and only relevant details will be disclosed. Clare's Law is allowed under the *FOIP Act*. Privacy legislation in Alberta governs the collection, use and disclosure of personal information.

The person of disclosure **will not** be made aware an application was made about them.

The person at risk cannot share disclosure information with any other person, including posting on social media, or use any information they received during this process in any legal proceedings (e.g. child custody matters, divorce, etc.). Disclosures are made only for the purpose of allowing a person-at-risk to make an informed choice about their safety.

If a crime is reported— or if an applicant or person of disclosure or third party applicant (if applicable) has warrants – the police have a duty to respond and conduct an investigation in line with normal operating procedures. If a crime is reported, it may not be possible to protect the identity of the person at risk. The Clare's Law application process can run at the same time as ongoing police investigations.