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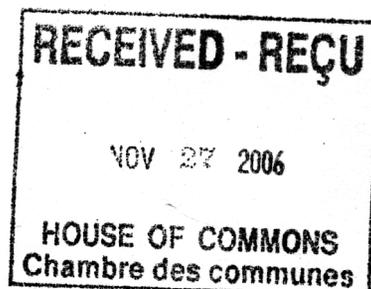
**Commissariat  
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NOV 23 2006

Mr. Dennis Young  
Parliamentary Assistant to  
Garry Breitkreuz, M.P. Yorkton-Melville  
Parliamentary Office  
Room 452-D, Centre Block  
House of Commons  
Ottawa, Ontario  
K1A 0A6



Dear Mr. Young:

This is further to your inquiry in July 2005 on behalf of Mr. Garry Breitkreuz M.P., in which you requested that this Office verify if the application form for gun collector status distributed by the Canada Firearms Office in Alberta contravenes the *Privacy Act* or Treasury Board privacy guidelines. Mr. Breitkreuz questions whether the Canada Firearms Program has a demonstrable need for the personal information questions it asks of applicants to determine eligibility for gun collector status.

You provided a copy of the application form to determine eligibility for gun collector status distributed by the Chief Firearms Office in Alberta. The form includes questions relating to membership in gun collector associations, readership of firearms magazines and attendance at gun shows.

We appreciate that the Firearms Program is of continuing concern to Mr. Breitkreuz and apologize for the delay in responding to your inquiry. It has taken some time to gather the information necessary to respond fully to your request.

The Canada Firearms Centre (CAFC) was created in 1996 to oversee the administration of the *Firearms Act* and the Canadian Firearms Program (CFP) under the principal responsibility of the Department of Justice Canada. The *Firearms Act* and its regulations govern the possession, transport, use and storage of firearms in Canada.

In April 2003, the CAFC was established as a stand alone agency within the portfolio of Public Safety and Emergency Preparedness Canada.

In May 2006, responsibility for the administration of the CFP, including overseeing the day-to-day activities of the program as well as financial and performance reporting to Parliament, was transferred to the RCMP. However, delivery of the firearms program remains a partnership involving the federal and provincial governments and law enforcement agencies.



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There are ten Chief Firearms Officers (CFOs) who serve as the key administrators of the firearms program within their respective jurisdiction. The CFO is responsible for the decision-making and administrative work related to licences including:

- determining an applicant's eligibility and either issuing or refusing to issue a firearms license, including eligibility as a collector;
- renewing or revoking a firearms license; and
- authorization to transport, carry or transfer firearms.

There are five provinces (Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island) which administer the firearms program under direction of their provincial governments, in a manner consistent with the federal *Firearms Act*. These provinces are referred to as opt-in provinces and the CFO is a provincial appointment.

The eight remaining provinces and territories (British Columbia, Yukon, Alberta, Northwest Territories, Saskatchewan, Nunavut, Manitoba and Newfoundland/Labrador, are opt-out jurisdictions in which the firearms program is administered federally and the CFOs are federal appointments.

Section 4 of the *Privacy Act* states that "no personal information shall be collected by a government institution unless it relates directly to an operating program or activity of the institution."

The Treasury Board Manual, *Privacy and Data Protection* stipulates that an institution must have "parliamentary authority for the relevant program or activity, and a demonstrable need for each piece of personal information collected in order to carry out the program or activity."

The Canada Firearms Program has the legislative authority to collect personal information for the purposes of administering the firearms program and determining firearms licence eligibility. Therefore the question to be considered is whether the firearms program has a demonstrable need for the personal information questions it asks of applicants for gun collector status.

Section 30 of the *Firearms Act* lists the criteria for designation as a gun collector and authority to transfer a firearm or restricted handgun to form part of a gun collection. Applicants must:



- possess a valid Possession and Acquisition License (PAL);
  - have knowledge of the historical, technological or scientific characteristics that relate or distinguish the restricted firearms handguns that he or she possesses;
- comply with requirements respecting knowledge of secure storage techniques and the keeping of records of restricted firearms or handguns; and
- consent to the periodic inspection of premises in which the restricted firearms or handguns are to be kept.

Information regarding gun show attendance, firearms related reading material and membership in a gun association is not listed in the *Firearms Act* as criteria for designation as a gun collector.

The application form for gun collector status is only available through the Chief Firearms Office in the province or territory in which the applicant resides and there is no province-wide standard form.

Although Mr. Breitzkreuz's inquiry focussed on the information questions in the Alberta application form, for comparison purposes, we requested application forms from four other provinces, Ontario, Quebec, New Brunswick (opt-in provinces) and British Columbia (opt-out province). The following table compares the information required in the application forms included in our representative sample.

Information Question	AB	ON	NB	QC	BC
What types of firearms do you wish to collect?	Yes	Yes	Yes	Yes	Yes
Why do you wish to collect these specific firearms?	Yes	No	Yes	Yes	Yes
What is the historical, scientific or technological significance of the firearms you wish to collect?	Yes	Yes	Yes	Yes	Yes
What distinguishes these firearms from any other type(s) of firearm(s)?	Yes	No	Yes	Yes	Yes
Are the firearms you wish to collect still being manufactured?	No	Yes	Yes	Yes	Yes



Do your firearms come in different calibres or gauges?	Yes	Yes	Yes	Yes	Yes
What type of ammunition can be used with the firearms you wish to collect?	Yes	Yes	Yes	Yes	Yes
Do you have any objection to the periodic inspections as required by the legislation? If you object to inspections please explain.	Yes	Yes	Yes	Yes	Yes
How do you plan to store your firearms?	Yes	Yes	Yes	Yes	Yes
What records do you keep in relation to your firearms?	Yes	Yes	Yes	Yes	Yes
Do you subscribe to or regularly read any periodicals or magazines relating to firearms? Identify.	Yes	No	Yes	Yes	Yes
Do you belong to any gun collector associations? Identify.	Yes	No	Yes	Yes	Yes
Do you attend gun shows? Identify	Yes	No	Yes	Yes	Yes

Of the five provinces included in our representative sample, Ontario is the only province that did not include questions concerning readership of firearms publications, membership in gun collector associations, or attendance at gun shows in the collector application form. The personal information elements required in Alberta, Quebec, New Brunswick and British Columbia are identical.

Although Quebec asks the same personal information questions, the process is different. The Chief Firearms Office in Quebec does not have a separate application form for gun collector status. When an individual applies to register a firearm and indicates their reason for acquiring or transferring the firearm is to form a collection, the application is transferred for further analysis. The applicant is interviewed either in person or by telephone and will have to show their knowledge of the technological and historic significance of the firearms they wish to collect and their involvement in the collector domain. The Quebec CFO advised that involvement in the collector field is assessed using the personal information questions (i.e. readership of firearms publications, membership in gun collector associations and attendance at gun shows).



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Following our review of the application forms/process, we wrote to the CFO in each of the five provinces requesting the following information:

rationale for including the personal information questions on the collector status application forms given that s. 30 of the *Firearms Act* does not list those factors as criteria for approval;

total number of collector status applications received in 2004 to 2005;

- the total number of applications refused and reason for refusal;
- How responses to the personal information questions are weighted

On September 5, 2006 we received a coordinated response from the Manager of Firearms Licensing, CAFC, to our individual letters to the provincial CFOs.

The CAFC informed our Office that following a policy meeting in September 2005, and after a period of consultation with the CFOs, a new gun collector status application form was developed. A sample of this form is attached for your information.

The CAFC feels that this form, which does not include personal information questions relating to reading material, attendance at gun shows and membership in gun associations, meets with the requirements of the legislation and requires of the applicant the minimum information necessary in order to comply with the *Firearms Act*.

The CFOs in the eight opt-out provinces and territories, this includes Alberta, were obliged to adopt the revised application form as the firearms program in these jurisdictions is federally administered.

The CFOs in the five opt-in provinces which administer the firearms program under direction of their provincial governments are not obliged to use the new form as it is not prescribed by the *Firearms Act*.

Our representative sample included three opt-in provinces (Quebec, New Brunswick and Ontario). Ontario and New Brunswick have adopted the new form while Quebec advises it will continue with the process of personal interviews with applicants during which questions concerning involvement in the gun collector domain may still be asked to assess eligibility for collector status.



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Further to our request for specific numbers of applicants for collector status and the number which were subsequently rejected and the reason for rejection, the CAFC does not keep these statistics for all jurisdictions. However, the following information is available:

- Ontario - 3,884 licence-holders who have collector status. The CFO's office could not recall any rejections;  
New Brunswick - 2004-2005, three applications received, none rejected; 2005-2006, two applications received, both approved. The New Brunswick CFO advised that there are approximately 70 individuals designated as collectors in the province and no one has been denied gun collector status since 1998;  
Alberta - 2004-2005, no applications received, no applications rejected; 2005-2006, 37 applications received, none rejected.

The data elements included in the revised application form are based solely on the criteria listed in Section 30 of the *Firearms Act* for designation as a gun collector and authority to transfer a firearm or restricted handgun to form part of a gun collection. Specifically, knowledge of the historical and technological significance of the firearms, requirements for safe storage and consent to periodic inspections.

The revised form does not include the personal information questions regarding gun show attendance, readership of firearms related material and membership in gun associations. We would have been concerned with these questions had they not been eliminated in all eight opt-out provinces/territories including Alberta, given that s. 30 of the *Firearms Act* does not list those factors as criteria for designation as a gun collector. We do not have issue with the latest application form for gun collector status.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Shaw', written over a white background.

Trevor Shaw CA, CMC  
Director General, Audit & Review

c.c. Jennifer Stoddart  
Raymond D'Aoust  
Aline Gélinas  
Patricia Kosseim