



Guidelines for Disclosing Information to Law Enforcement

As part of the Law Society's mandate to protect the public interest, the Executive Director may deliver to a law enforcement agency any information or documents that may be evidence of an offence. Rules 2-53(4), 3-3(5), 3-23(3), 3-46(5)(c) and 4-8(5) require that the Discipline Committee consent prior to the Executive Director making a disclosure to law enforcement.

A law enforcement agency includes any organization, entity, or public body whose main functions fit within the meaning of "law enforcement" as defined in Schedule 1 of the *BC Freedom of Information and Protection of Privacy Act*.

In considering whether to consent to the Executive Director disclosing information to law enforcement, the Committee may want to consider the following:

1. The Committee should be satisfied that there are reasonable grounds to believe the information or documents in the Law Society's possession are likely evidence of an offence.
2. Absent exceptional circumstances, it will be in the public interest for the Executive Director to disclose information about a criminal offence to law enforcement.
3. Disclosure to law enforcement will not be necessary if the conduct is already known to them.
4. If there are reasonable grounds to believe that disclosure to law enforcement is necessary to prevent an imminent risk of death or serious bodily harm, which may include serious psychological harm, to any person then disclosure to law enforcement will generally be in the public interest.

If the Committee consents to the disclosure to law enforcement, the Executive Director may then prepare information to be delivered to law enforcement, which may consist of a summary or outline. Voluntary disclosure to law enforcement will not include information that is subject to solicitor client privilege unless privilege has been waived by the client.

The Law Society may provide documents to law enforcement if a search warrant or production order has been obtained, with the appropriate safeguards (e.g. appointment of a referee) to protect privilege.