

Information on the publication ban and protecting the privacy of deceased children

The need to protect the privacy of vulnerable people is balanced with our responsibility to be open and accountable about the work we do and how we do it.

To help ensure the privacy of children and their parents or guardians, the *Child, Youth and Family Enhancement Act* and the *Protection of Sexually Exploited Children Act* prohibit the publication of specific identifying information in a manner that reveals the child's involvement with the child intervention system.

What does the publication ban cover?

The *Child, Youth and Family Enhancement Act*, section 126.2(1), prohibits the publication of the name and photograph of a child, or the child's parent or guardian, if the publication reveals that the child is receiving, or has received, intervention services.

The Act contains a definition of intervention services. These services include, but are not limited to, foster care, secure services, and enhancement services provided to a family in their home. For further clarification on what constitutes an intervention service, see s.1(1)(m.1) of the *Child, Youth and Family Enhancement Act*.

The *Protection of Sexually Exploited Children Act*, section 6.3(1), includes a similar publication ban. Under this legislation, help is available to children who are sexually exploited through prostitution.

Does the publication ban apply to a deceased child?

No. The name and photograph of a deceased child may be published.

Publication of the parent/guardian's information is not permitted.

What can a family do if they do not want their deceased child's identity made public?

If those closest to the child do not wish to have the child's name and picture published, they will need to follow the process currently in place for families to apply to the court for a publication ban.

Information on this process can be found in the [Publication Ban Regulation](#).

If a family member decides to apply for a publication ban, they must complete the Court forms provided in the regulation and submit an *ex-parte* application.

What if a family member disagrees with a publication ban that has been granted?

Anyone can apply to the courts to appeal a publication ban.

Can government apply for a publication ban?

In exceptional circumstances and by following the operational policy, the Statutory Director may apply for a publication ban for a child who was receiving child intervention services when they passed away.

When determining whether to pursue a publication ban, the Director will consider:

- Whether the wishes of the deceased young person are known; and
- Whether publication could harm siblings or children of the deceased young person.

For more information about the process, families can access a variety of legal resources:

Legal Aid Alberta: 1-866-845-3425 (toll free)

Law Society of Alberta: www.lawsociety.ab.ca/