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3rd SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
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(Bill No. 104)

Disclosure to Protect Against Intimate Partner Violence Act

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PRIVATE MEMBER'S BILL

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DISCLOSURE TO PROTECT AGAINST INTIMATE PARTNER VIOLENCE ACT

BILL NO. 104

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Definitions

In this Act,

- (a) “**designated person**” means a person or class of persons designated in the regulations;
- (b) “**intimate partner**” means a person who, in respect of another person, is or was in a physically or emotionally intimate relationship with that person;
- (c) “**intimate partner violence**” means violence threatened or committed by a person against or in relation to an intimate partner, including
 - (i) sexual, physical or psychological harm, injury or abuse of the intimate partner, or threats thereof,
 - (ii) damage or threats of damage to property,
 - (iii) threats of harm, injury or abuse of a child or other family member or a pet,
 - (iv) exerting control over the intimate partner’s movements, communications or finances, and
 - (v) stalking, bullying or harassment, whether in person or online;
- (d) “**Minister**” means the Minister of Justice and Public Safety and Attorney General;
- (e) “**person at risk**” means a person who is at risk of intimate partner violence, as determined by a police service;
- (f) “**personal information**” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01;
- (g) “**police service**” means a police service as defined in the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;
- (h) “**risk information**” means the level of risk that an intimate partner will perpetrate intimate partner violence, as assessed by a police service, and recommendations to mitigate the risk.

2. Purpose

The purpose of this Act is to enable a person at risk to safely obtain risk information to inform the person's safety and help mitigate the risk of intimate partner violence, while limiting the use and disclosure of personal information about the person's intimate partner.

3. Administration

- (1) The Minister is responsible for the administration of this Act.

Guidelines or protocols

- (2) The Minister may develop or adopt administrative guidelines or protocols respecting the process of determining whether a person is a person at risk and disclosing risk information to the person.

4. Disclosure of risk information

- (1) On application in accordance with subsection (2) or where a police service identifies a person at risk, a police service may disclose risk information to a person at risk.

Application for disclosure

- (2) Where there is reason to believe that a person may be a person at risk, an application for disclosure of risk information may be made to a police service, in the form required by the police service, by
- (a) the person who may be a person at risk;
 - (b) a designated person, on behalf of and with the consent of the person who may be a person at risk; or
 - (c) where the person who may be a person at risk is not capable of giving consent or is under 18 years of age, a person with decision-making authority for that person under an enactment.

Refusing or discontinuing application

- (3) A police service may refuse to consider or discontinue an application where
- (a) the applicant or the person on whose behalf the application is made does not establish any reason to believe that the person may be a person at risk;
 - (b) the police service determines that
 - (i) the applicant or the person on whose behalf the application is made intends to use the risk information for a purpose other than informing the person's safety, or
 - (ii) the application is frivolous or vexatious;
 - (c) the police service is unable to confirm the identity of the person who may be a person at risk; or
 - (d) other prescribed circumstances exist.

Notice

- (4) Where a police service refuses to consider or discontinues an application, the police service shall notify the applicant and, where applicable, the person on whose behalf the application was made in the prescribed manner.

Notice does not preclude subsequent applications

- (5) Notice under subsection (4) does not preclude a person from making an application under subsection (2) in the future.

5. Information considered

In determining whether a person is a person at risk and, if so, the level of risk to the person of intimate partner violence, the police service may consider verifiable information about the person and the person's intimate partner including

- (a) relevant charges or convictions for criminal or other offences;
- (b) information arising from criminal or other investigations;
- (c) information arising from interactions with police; and
- (d) information obtained or received from the person who may be a person at risk or other persons.

6. Manner of disclosure

- (1) Subject to the regulations, a police service shall disclose risk information to a person at risk and, if applicable, a person who made an application on behalf of a person at risk, verbally and in person.

Personal information

- (2) A police service shall not disclose personal information about an intimate partner to a person at risk or, if applicable, a person who made an application on behalf of a person at risk except where
- (a) the personal information is available to the public; or
 - (b) the disclosure is otherwise permitted by law.

Use and disclosure

- (3) Before receiving risk information pursuant to this section, a person shall complete an undertaking not to use or disclose the risk information for a purpose other than informing the safety of the person at risk.

Support services

- (4) A police service shall provide information about support services for persons at risk with the disclosure of risk information.

7. Not compellable

- (1) A police service, or a member, agent or employee of a police service, is not compellable to
- (a) give evidence in any proceeding of a judicial nature concerning any information that comes to that person's knowledge under this Act; or
 - (b) produce any files, papers, information, reports, correspondence or other documents relating to an application, risk assessment or disclosure under this Act.

Exception, judicial review

- (2) Subsection (1) does not apply to an application for judicial review.

8. Prohibition

- (1) No person shall use or disclose information that comes to the person's knowledge under this Act and is not otherwise available to the person unless the use or disclosure is required or authorized under this Act or another enactment, or an Act of the Parliament of Canada.

Offence

- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000.

9. Limitation of liability

No action or other proceeding lies against the government, the Minister, a police service, an agent, member or employee of a police service, or an agent or employee of the government for anything done or not done, in good faith, in the exercise of a power or the performance of a duty under this Act.

10. Regulations

The Lieutenant Governor in Council may make regulations

- (a) designating a person as a designated person or a class of persons as designated persons;
- (b) respecting the provision of consent by a person who may be a person at risk to an application by a designated person;
- (c) respecting a police service refusing or discontinuing an application, including the circumstances in which an application may be refused or discontinued, and notifying an applicant or a person who may be at risk;
- (d) respecting the collection, use and disclosure of information by a police service under this Act;
- (e) respecting the manner and method of assessing risk;
- (f) respecting the disclosure of risk information, including the manner and method of disclosure;
- (g) respecting the use and disclosure of risk information by a person at risk;
- (h) respecting the form or contents of an undertaking referred to in subsection 6(3);
- (i) defining any word or expression used but not defined in this Act;
- (j) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

11. Commencement

This Act comes into force on a date that may be fixed by the proclamation of the Lieutenant Governor in Council.

(Bill No. 104)

**Disclosure to Protect Against Intimate Partner
Violence Act**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	March 31, 2026
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Brad Trivers, Speaker

Joseph Jeffrey, Clerk

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