



CANADIAN
SHOOTING
SPORTS

Team CSSA Special Report - June 15, 2017



[Subscribe to the E-News](#) | [Become a Member](#) | [Donate Today](#) | [Visit our Website](#)



RCMP Duplicity Keeps Quebec Gun Registry Data Alive

This past weekend, Conservative MP Bob Zimmer discovered the RCMP did not delete Quebec long-gun registry data as RCMP Deputy Commissioner Peter Henschel testified. Mr. Zimmer questioned Minister of Public Safety Ralph Goodale repeatedly about that during Question Period on June 12 and 13, 2017.

“Mr. Speaker, we learned on Friday that the Minister of Public Safety intends to hand over the long-gun registry to Quebec. The only problem is that it is not supposed to exist. The long-gun registry was ordered destroyed by the former minister of public safety and affirmed by our Supreme Court. RCMP Deputy Commissioner Peter Henschel confirmed to finance committee that the registry data, except Quebec's, was destroyed in October 2012, and the remaining Quebec data was destroyed in April 2015.

How can the minister possibly offer a long-gun registry database to Quebec that either does not exist or exists illegally?”

Minister Goodale huffed and puffed, yet said nothing other than to blame the previous government. On Tuesday, Bob Zimmer continued his line of questioning.

"Mr. Speaker, according to RCMP deputy commissioner Peter Henschel's own testimony, June 4, 2015:

...the RCMP destroyed the records between October 26, 2012, and October 31, 2012, with the exception of the Quebec records, which were maintained pending the outcome of a Supreme Court decision.

When that decision was rendered on March 27, 2015, the RCMP deleted the remaining Quebec records from the Canadian firearms information system between April 10 to April 12, 2015....

Someone is not telling the truth. Can the minister explain why he is saying something different from the RCMP?"

Ralph Goodale responded, once again, by blaming the former Conservative government for the RCMP's failure to follow the law and abide by the Supreme Court of Canada ruling. Bob Zimmer followed up by explaining the problem with Goodale's answer.

"There is a problem with what the minister just said, Mr. Speaker. The Quebec data was ordered destroyed after a failed appeal at the Supreme Court, and further confirmed destroyed April 2015 by the RCMP deputy commissioner, Peter Henschel. The Information Commissioner did not ask for the data until June 2015, two months after it was allegedly destroyed by the RCMP.

Someone is not being honest here, and Canadian law-abiding firearms owners deserve to know the truth. If the long-gun registry data is not destroyed, the minister is saying the RCMP did not tell the truth at committee, a serious accusation. An equally serious accusation is that someone illegally preserved the data. Which is it?"

The timeline of events reveals the RCMP's deceptive actions and ultimately explains how copies of the Quebec long-gun registry still exist.

It all starts with an Access to Information request filed on March 27, 2012. That request asked for "An electronic copy of: a) all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and are under the control of the Commissioner of Firearms; and b) all records related to the registration of firearms that are neither prohibited firearms nor restricted firearms that are under the control of each chief firearms officer."

On April 5, 2012, the Ending the Long-Gun Registry Act (ELRA) came into force.

On April 13, 2012, the Information Commissioner wrote then Minister of Public Safety Vic Toews "to inform him that any records for which a request had been received under the [Access to Information] Act were subject to the right of access and could not be destroyed until a response had been provided under the Act and any related investigation and court proceedings were completed. Minister Toews responded on May 2, 2012 providing assurances that the RCMP would abide by the right of access described in section 4 of the Act."

Despite that request and subsequent assurance, the RCMP deleted the long-gun registry records for all Canadians, except Quebec residents, between October 26 and October 31, 2012.

The RCMP did not respond to the outstanding Access to Information request until January 11, 2013, months after the data was deleted. As a result, the initial requestor filed a complaint with the Information Commissioner, who launched an investigation into the matter.

On March 27, 2015, the Supreme Court of Canada ruled Quebec was not entitled to the data.

“The decision to dismantle the long-gun registry and destroy the data that it contains is a policy choice that Parliament was constitutionally entitled to make. The principle of cooperative federalism does not constrain federal legislative competence in this case, Quebec has no legal right to the data, and s. 29 of the *ELRA* is a lawful exercise of Parliament’s criminal law legislative power under the Constitution.”

According to RCMP Deputy Commissioner Peter Henschel’s testimony before the Finance Committee, following the Supreme Court decision, the remaining Quebec data was deleted between April 10 and April 12, 2015.

On May 7, 2015, the government introduced Bill C-59, the *Economic Action Plan 2015 Act*, into Parliament, which included an amendment to the *Ending the Long-gun Registry Act* authorizing the destruction of remaining Quebec long-gun records in the Canadian Firearms Registry, records the RCMP claim they already deleted.

In May 2015 the Information Commissioner concluded the RCMP “destroyed records responsive to the request with the knowledge that these records were subject to the right of access guaranteed by subsection 4(1) of the Act.”

In order to deal with the outstanding complaint against the RCMP for deleting long-gun registry records in 2012, Bill C-59 also retroactively excluded the long-gun registry data from the *Access to Information Act*, presumably to protect the RCMP from charges of violating that Act. The Information Commissioner had harsh words for that retroactive exclusion.

“The proposed changes in Bill C-59 will deny the right of access of the complainant, it will deny the complainant’s recourse in court and it will render null and void any potential liability against the Crown. Bill C-59 sets a perilous precedent against Canadians’ quasi-constitutional right to know.”

The timeline is critical to determining if the RCMP both thwarted the express will of Parliament and are in contempt of the Supreme Court of Canada ruling in *Quebec (Attorney General) v. Canada (Attorney General)*, 2015 SCC 14, [2015] 1 S.C.R. 693.

Despite her strong words for Bill C-59's retroactive exclusion of the long-gun registry from the Access to Information Act, Federal Information Commissioner Suzanne Legault did not request the preservation of Quebec's long-gun registry data until June 3, 2015. In other words, she filed a request to preserve data RCMP Deputy Commissioner Peter Henschel assured us no longer existed as of April 12, 2015.

So where does the firearm registration data come from that our Liberal government wants to hand over to the government of Quebec? How can it exist at all, given the testimony of RCMP Deputy Commissioner Peter Henschel?

The answer to these questions are found in the decision of The Honourable Justice Luc Martineau, rendered in *Canada (Information Commissioner) v. Canada (Public Safety and Emergency Preparedness)* on June 26, 2015, two months after the data was supposedly deleted by the RCMP.

[12] On March 27, 2015, the Supreme Court of Canada dismissed an appeal by the Attorney General of Quebec with respect to the constitutionality of section 29 of the ELRA and in a split decision (5-4), concluded that the province of Quebec had no legal right to obtain the data of the long-gun registry concerning Quebec residents. On April 3, 2015, the RCMP expired 1.6 million non-restricted firearm registration records for residents of Quebec. Between April 10 and April 12, 2015, the RCMP permanently destroyed the 1.6 million Quebec non-restricted firearm registration records in CFIS. However, this time, a back-up copy of the deleted information was kept [the records at issue].

[13] Prior to the expiration of the Quebec registration records for non-restricted firearms, two steps were taken by the institution [RCMP] to retain the records that had not been already destroyed between October 25 and October 29, 2012:

1. First, the RCMP made a complete copy of CFIS as it existed on April 3, 2015; the same resides currently on a virtual server within the RCMP Data Centre [final back-up];
2. Second, the RCMP created a copy of the Quebec registration records for non-restricted firearms, selecting any data that may have been associated to the 64 fields identified by the Information Commissioner as relevant to registration records. This data, in a delimited text file, resides on an external hard drive [hard drive].

The RCMP made a backup of the Quebec data despite a Supreme Court of Canada ruling that Quebec has no right to that data and in defiance of the express will of Parliament, a fact RCMP Deputy Commissioner Peter Henschel conveniently left out of his testimony before the Finance Committee on June 4, 2015.

Did Deputy Commissioner Henschel lie to the Finance Committee?

Did one or more RCMP employees illegally create a backup of the Quebec long-gun registry data?

These are the questions for which MP Bob Zimmer wants answers, questions Minister of Public Safety Ralph Goodale refuses to answer.

References:

- Quebec (Attorney General) v. Canada (Attorney General) - <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14713/index.do>
- Investigation into an access to information request for the Long-gun Registry: http://www.oic-ci.gc.ca/eng/registre-armes-depaules_long-gun-registry.aspx
- <http://news.nationalpost.com/news/canada/rcmp-may-still-have-access-to-long-gun-data-after-feds-created-black-hole-of-accountability-info-commissioner>
- RCMP Deputy Commissioner Peter Henschel's Testimony before the Finance Committee
 - <https://www.ourcommons.ca/DocumentViewer/en/41-2/FINA/meeting-86/evidence#Int-8731680>
 - <http://parlvu.parl.gc.ca/embed/en/i/8731680/?ml=en&vt=watch>
- Canada (Information Commissioner) v. Canada (Public Safety and Emergency Preparedness), 2015 FC 80: <https://www.canlii.org/en/ca/fct/doc/2015/2015fc803/2015fc803.html>

Hansard:

- <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-192/hansard#Int-9605543>
- <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-192/hansard#Int-9605546>
- <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-193/hansard#Int-9614816>
- <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-193/hansard#Int-9614844>
- <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-193/hansard#Int-9614846>

The gun registry still exists, despite a vote to destroy it

BY [BRIAN LILLEY](#)

FIRST POSTED: THURSDAY, JUNE 15, 2017

Canada's gun registry isn't gone after all.



Despite a clear vote in Parliament to destroy it, despite a Supreme Court ruling that it could be destroyed and despite assurances from politicians and top bureaucrats - including a senior Mountie - that the data was all destroyed, it turns out there are two copies left of the Quebec portion of the registry.

Questions about the existence of backup copies of the registry surfaced last week after Liberal Public Safety Minister Ralph Goodale tabled a bill that would give the Quebec government all the records that existed from the registry on April 3, 2015. The bill would also allow the Information Commissioner to review the records in order to settle an outstanding claim.

Goodale refused to answer questions about where the data was being sourced considering the data was supposed to have been destroyed. Rumours of backup copies have long persisted among Canada's gun owners but never been confirmed, until now.

Goodale's press secretary, Scott Bardsley, confirmed to me via email that two copies of the registry still exist all thanks to Harper era Public Safety Minister Steven Blaney.

"Under the previous administration, a complete copy of Canadian Firearms Information System (CFIS) from April 3, 2015 was maintained by the RCMP in a secure location due to an investigation by the Information Commissioner into an Access to Information request received in March 2012," Bardsley said.

Another copy, this one just containing the Quebec gun registry records requested by the Information Commissioner is kept under seal by the court while the case is being heard.

Yes, that's right, there are still copies of parts of the gun registry and it is thanks to the Conservatives and not the Liberals.

What is significant about the date of April 3, 2015 is that it is exactly one week prior to the date the RCMP claims they began destruction of all the Quebec registry records. Testifying before a Commons committee on June 4, 2015, Deputy Commissioner Peter Henschel told MPs the Quebec records had been destroyed, just like the records for the rest of Canada.

"The RCMP deleted the remaining Quebec records from the Canadian Firearms Information System between April 10 to April 12, 2015," Henschel said.

Turns out, that testimony wasn't true and now the hard drive copy the Mounties have will be turned over to Quebec, after the passage of bill C-52, to allow the province to start their own gun registry.

Groups representing gun owners are furious.

Canada's National Firearms Association, which is suing to block a Quebec registry, said this goes against a law passed by Parliament.

"It is disturbing that the records of the Quebec portion of the firearms registry have remained intact despite the clear will of Parliament to have them destroyed," president Sheldon Clare of the NFA said.

"It is outrageous that this type of behaviour by the RCMP is tolerated in a modern democracy," said Tony Bernardo of the Canadian Shooting Sports Association.

"Is there no one that has the courage to deal with the out-of-control RCMP brass?"

Bernardo has a point. Why would Deputy Commissioner Henschel testify before Parliament that the registry records had been destroyed when his department was sitting on a hard drive with the data he claimed was deleted?

The public was lied to by politicians and the Mounties, now they are owed some honest answers.

TIMELINE

May 5, 2012 - C-19, the Ending the Long-gun Registry Act, receives Royal Assent and becomes law

October 26-31, 2012 - all of the long-gun registry data outside of Quebec is deleted by the RCMP

March 27, 2015 - The Supreme Court rules that Quebec has no legal right to the registry data and Parliament can have it deleted

April 3, 2015 - RCMP make a full backup of all data in the Canadian Firearms Information System including the Quebec portion of the registry

April 10-12, 2015 - RCMP deletes the Quebec portion of the registry but not backup they have placed on a hard drive

October 19, 2015 - Justin Trudeau and the Liberals replace Stephen Harper and the Conservatives after winning the election

June 9, 2017 - Liberal introduce bill C-52 offering Quebec the registry data, despite their election promise not to start a new gun registry

For the original story, click here: <http://www.torontosun.com/2017/06/15/the-gun-registry-still-exists-despite-a-vote-to-destroy-it>

[Website](#) | [About Us](#) | [Membership](#) | [Store](#) | [Rights](#) | [Events](#)

Toll Free: 1.888.873.4339

Fax: 905.720.3497

info@cdnshootingsports.org