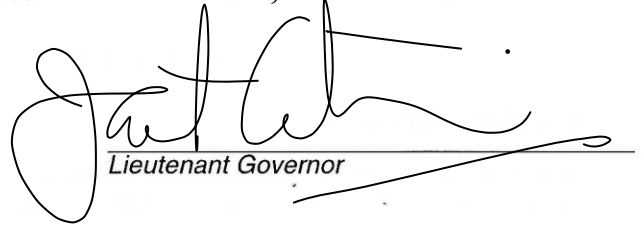


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 725

, Approved and Ordered December 18, 2023


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 29, 2024,

- (a) the *Intimate Images Protection Act*, S.B.C. 2023, c. 11, is brought into force, except as it enacts section 3 (2) (a), and
- (b) the attached Intimate Images Protection Regulation is made.



Attorney General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Intimate Images Protection Act*, S.B.C. 2023, c. 11, ss. 21 (2) and 31

Other:

R20731302

INTIMATE IMAGES PROTECTION REGULATION

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Definition

- 1 In this regulation, “**Act**” means the *Intimate Images Protection Act*.

Factors that decision maker must consider under section 5 of Act

- 2 Factors that the decision maker must consider under section 5 (2), (3), (4) and (5) of the Act include
 - (a) the potential for an expedited order to mitigate harm,
 - (b) the personal circumstances of the individual depicted in the intimate image, and
 - (c) the circumstances in which the individual is depicted in the intimate image.

Classes of individuals who may apply under section 5 of Act on behalf of deceased individual

- 3 Classes of individuals who may apply to the decision maker for relief under section 5 of the Act on behalf of a deceased individual are as follows:
 - (a) the deceased individual's nearest relatives, as defined in section 5 (1) of the Freedom of Information and Protection of Privacy Regulation;
 - (b) personal representatives of the deceased individual;
 - (c) adults who, in the opinion of the decision maker, are suitable persons to apply on behalf of the deceased individual.

Age at which minor may apply under section 5 of Act on behalf of self

- 4 A minor who is 14 years of age or over may apply to the tribunal for relief under section 5 of the Act on the minor's behalf.

Age at which minor may authorize another to apply under section 5 of Act on minor's behalf

- 5 A minor who is 12 years of age or over may authorize another individual to apply to the tribunal for relief under section 5 of the Act on the minor's behalf.

Class of individuals who may be authorized by minor to apply under section 5 of Act on minor's behalf

- 6 For the purposes of section 8 (2) (a) of the Act, adults whose relationship with the minor depicted in the intimate image can be characterized as a relationship of trust, as determined by that minor, are in a prescribed class.

Class of individuals who may be authorized by adult to apply under section 5 of Act on adult's behalf

- 7 For the purposes of section 8 (2) (b) of the Act, adults whose relationship with the adult depicted in the intimate image can be characterized as a relationship of trust, as determined by the adult depicted in the intimate image, are in a prescribed class.

Factor that decision maker must consider in determining whether to cancel publication ban once respondent is no longer a minor

- 8 In determining whether to cancel a ban on the publication of a respondent's name once the respondent is no longer a minor, the decision maker must consider whether the respondent has given consent for the ban to be cancelled.

Maximum administrative penalty amounts

- 9 (1) If an order made under section 5 of the Act is not complied with, an administrative penalty may be imposed under section 16 of the Act as follows:
- (a) in the case of an individual, a maximum of \$500 per day that the individual fails to comply with the order, up to a total maximum of \$10 000, and
 - (b) in the case of an internet intermediary or other person or organization, a maximum of \$5 000 per day that the internet intermediary or other person or organization fails to comply with the order, up to a total maximum of \$100 000.
- (2) If failure to comply with the order referred to in subsection (1) continues after the administrative penalty under subsection (1) has been imposed,
- (a) additional administrative penalties may be imposed for each day the contravention continues, and
 - (b) each penalty imposed must not exceed the applicable penalty amounts referred to in subsection (1) (a) and (b).

Date that administrative penalty amount must be paid

- 10 The date that an administrative penalty amount must be paid is the date that the notice of administrative penalty is received by the person required to pay it.