

Attachment 4 – Criminal Record Check Background Information

Relevant Legislation

Authority LAEA Section 21.1	An elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check.
Disclosure LAEA Section 28 (6.2), (7)	<p>The results of the criminal record check must not be withheld or redacted under subsection 6.1 except to ensure that the mailing address of the candidate and of the candidate's official agent is not disclosed.</p> <p>(7) The returning officer or secretary must retain all the filed nomination papers until the term of office to which the papers relate has expired.</p>
Ineligibility for nomination LAEA Section 23.1	<p>... convicted of an offence (i) punishable by imprisonment for 5 or more years, or (ii) under section 123, 124 or 125 of the Criminal Code (Canada)'</p> <ul style="list-style-type: none">• Section 123 (Criminal Code) relates to municipal corruption• Section 124 (Criminal Code) relates to selling or purchasing office• Section 125 (Criminal Code) relates to influencing or negotiating appointments or dealing in offices

Minimal guidance from the province

- There are no standardized requirements / definition of criminal record check in the *Local Authority Elections Act*.

Considerations – Barriers for potential candidates

- Loss of personal privacy – criminal record checks are publicly available
- Additional Cost for Candidates (around \$100)
- Additional administrative burden on candidate on nominations process
 - o CRC may take longer to process than expected
 - o Ability to submit a complete nominations on-time
 - o There is no legislative discretion provided to accept late and/or incomplete nominations

Vulnerable Sector Checks are not available for elected officials¹

- A candidate for nomination or an elected official does not meet the legal requirements for a vulnerable sector check. The nature of the position - not the person - must cause the person to have authority over, or trust of, children or vulnerable persons. Being in a position of trust or authority is more than just having contact with children or vulnerable persons.

¹Royal Canadian Mounted Police Criminal Record Checks
<https://rcmp.ca/en/criminal-records/criminal-record-checks/vulnerable-sector-checks>

Jurisdiction Scan (as of November 27, 2024)

Yes – Criminal Record Check required	No – Criminal Record Check not required
Calgary	Edmonton St. Albert Medicine Hat Grand Prairie Wood Buffalo
	Candidates running for Member of Legislative Assembly Candidates running for an Alberta Senate Nominee Candidates running for Member of Parliament

Type of Criminal Record Checks relevant for Airdrie Residents

Completed by	Also referred to as	Process	Cost	Processing Times	Notes
Third Party Service Providers (identified by RCMP)	Criminal Record Checks Criminal Record and Judicial Matters Criminal Background Check Name-based Criminal Record Check	Completed online Tailored for individuals seeking to confirm their clean record status. Uses names and dates of birth. Searches the Canadian Police Information Centre (CPIC) to check the National Repository of Criminal Records.	\$45 - \$65 No Appointment Required	Typically, same day	Weakness in verifying a person’s identity due to some last names being the same, differences in spelling, use of nicknames, legal name changes, and intentional changing of names to avoid a record of criminal history. The type of records disclosed by a third-party company may vary.
Police services in Alberta In Airdrie – 2 Highland Park RCMP detachment	Police Information Checks (PIC)	Search several databases, including: <ul style="list-style-type: none">- CPIC- Justice Online Information Network (Alberta Courts Database)- Public Safety Portal System- Local police records databases	\$71 (Airdrie residents) If fingerprinted previously appointment is highly recommended	Varies – up to a week Also depends on a criminal record or adverse information exists, living outside of the RCMP jurisdiction in the last five years	Often used for general employment, volunteer positions, or other situations where a more comprehensive background check is needed. If a name-based criminal record check does not provide a definite way of confirming identity, one may be asked to provide fingerprints for a certified criminal record check.
Police services in Alberta In Airdrie – 2 Highland Park RCMP detachment	Certified Criminal Record Check	Used when name-based checks do not provide a way of confirming a person’s identity. Uses fingerprinting to search the National Repository of Criminal Records. Conducted by the RCMP’s Canadian Criminal Real Time Identification System (CCRTIS)	\$71 (Airdrie residents) + fingerprint fee applies	If there is a possible match to a criminal record ~120+ business days If there is no match to a criminal record – 3 business days. Results are mailed to the address provided.	Often required for more sensitive positions, such as working with vulnerable populations, immigration, or security clearances. Processing times vary depending on different factors such as the number of applications received at different times of the year, the amount of manual processing related to your application and/or the reason for the application. A small number of people have fingerprints that cannot be processed electronically. Police will submit a paper copy in this rare case.