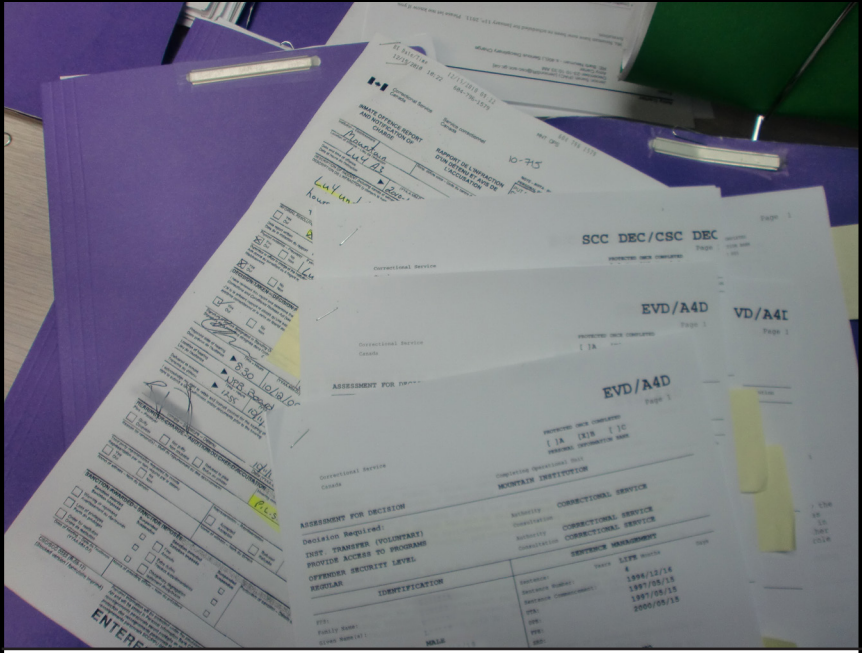


## INFORMATION FOR PEOPLE IN FEDERAL PRISONS IN BC



# Correcting your CSC file

This booklet explains what kind of Correctional Service Canada file information can be corrected and how to apply to have your information corrected.



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## Your right to correct file information

The Correctional Service Canada (CSC) must take “all reasonable steps” to make sure that the information it uses about you is as accurate, complete and as up to date as possible.<sup>1</sup>

If information in your file is wrong or missing, you have the right to ask CSC to correct the information.<sup>2</sup>

If CSC denies your request to correct your file information, it must include a note on your file that says you asked for the information to be corrected and what correction you asked for.<sup>3</sup>

## What file information can be corrected

CSC will only correct information:

- that is in a document or missing from a document created by CSC; and
- that is factual information proven to be untrue.

CSC will not correct information that comes from other people or organizations. For example, CSC will not correct information written by the RCMP, like a Report to Crown Counsel – even if information in that report was proven in your trial to be wrong.

CSC will correct information that has been incorrectly quoted in a CSC document.

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1 *Corrections and Conditional Release Act*, SC 1992, c 20, s. 24(1), [CCRA].

2 CCRA, s. 24(2)(a).

3 CCRA, s. 24(2)(b).

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CSC will not correct information that is someone's opinion. For example, CSC will not correct the opinion of your Institutional Parole Officer (IPO) that you are a risk to re-offend on release, or the opinion of an expert like a psychologist.

## **The difference between fact and opinion**

Only wrong facts can be corrected in your file information. CSC will not change an opinion that you do not agree with.

**A FACT is something that is true and can be tested or proven.**

For example, your date of birth or conviction under the Criminal Code are facts that can be proven to be true.

If a statement is not true, you can ask for it to be corrected.

**AN OPINION is what someone thinks or believes about something.**

For example, your risk to re-offend or what your security classification should be are opinions. Everyone may not share the same opinion about these things.

Reasonable opinions are based on facts that are true. Unreasonable opinions may be based on incorrect information and not supported by facts.

In either case, CSC will not "correct" file information that is an opinion.

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If the opinion is based on information that is not true, you can ask to have the information corrected and the opinion reviewed (and, hopefully, changed).

If the opinion is not based on facts, it may be unreasonable. You can ask to have the opinion changed through the grievance process. See our booklet “Writing an Effective Grievance” for more information.

## **How to ask for file correction**

To make an informal request for file correction, use the “Inmate Request Form.” This is probably the fastest way to have incorrect information corrected in your file.

Write that you want to have file information corrected. Refer to CCRA section 24(2)(a).

Identify the information that you want changed and where it is written in your file. Be specific about where the information is in your file.

State what the correct information should be.

Provide any information that will support your Request. Refer to other documents that prove what you say is true. Quote from them and attach them to your Request.<sup>4</sup>

Make a copy for your own records.

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<sup>4</sup> Correctional Service of Canada, *CD 701: Information Sharing* (Ottawa: CSC, 2016-06-01) at paras. 9-11, 19, Annex B.

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Your file correction should be completed within 30 days.

### **Example File Correction Request**

I request that my file information be corrected, in accordance with s. 24(2)(a) of the CCRA.

On (date), I was criminally charged with trafficking.

On (date), I was found not guilty of trafficking. I am attaching a copy of my sentencing decision that proves I was not convicted of trafficking.

My IPO wrote in my Assessment for Decision dated (date), page 8, paragraph 3 that I was convicted of trafficking.

I ask that the Assessment for Decision be re-written without the statement that I was convicted of trafficking, because it is not true.

To make a formal file correction request through the *Privacy Act*, fill out a *Record Correction Request Form* (<https://www.tbs-sct.canada.ca/tbsf-fsct/350-11-eng.pdf>).<sup>5</sup> You can ask Prisoners' Legal Services to mail you a copy if you have trouble getting one at your institution.

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5 Correctional Service Canada, *Correcting your personal information* (2021-02-15). Online: <https://www.csc-scc.gc.ca/atip/007006-0001-en.shtml>.

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Under “Identification of record(s) or items concerned,” identify the information that you want changed and where it is written in your file. State what the correct information should be.

You can also refer to and attach any information to the form that will support your Request.

Mail your form to:

**Access to Information and Privacy Division**  
**Policy Sector**  
**Correctional Service Canada**  
340 Laurier Ave W  
Ottawa ON K1A 0P9

## **When to request file correction**

You should request a file correction as soon as you become aware of inaccurate information. If you find the information in a document before it is “locked” on OMS, you can ask your IPO to change it before it is locked.

Normally, you will not see the document with the wrong information until it is already “locked”. In this case, you would ask for a file correction according to the instructions above. If CSC agrees that the document has an error, the correct information will be added to the document to correct it.

It is common for people to only find out about wrong information in their file when they are preparing for release toward the end of their sentences. This wrong information may have been repeated many times, in many documents, for many years. If this happens to you, it can be even more important to request a file correction. If

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your request is accepted, CSC must add the correct information to each document.

## **If your correction is accepted**

If CSC agrees that the information in your file is incorrect, it should correct the information in all of your CSC files, including on OMS.

Documents in OMS should be “unlocked” and notes about the change should be put at the top of each document that is being corrected. The correct information should be added in capital letters below the original, wrong information. The original information will not be deleted.

The corrected versions of your documents should replace the original version in hard-copy files. The original, wrong version should be removed from hard-copy files and destroyed.

If the original version was already given to the Parole Board of Canada, CSC should give a copy of the corrected version to the Parole Board.

CSC should give you a copy of the corrected version of the document.<sup>6</sup>

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6 CD 701, Annex B.



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## If your correction is denied

If your request to correct information is denied, or part of your request is denied, **CSC must attach a note to the document that sets out the correction you requested.**

CSC should give you a Memo to File called “Request for File Correction” that tells you the reasons your request was denied.<sup>7</sup> This Memo to File should be put on OMS. It should also be given to the Parole Board of Canada if the document you requested correcting was already provided to it.

You can grieve the decision to deny your Request. Depending on who made the decision, you may have to start with a Complaint.<sup>8</sup> See our booklet “Writing an Effective Grievance” for more information.

## Prisoners’ Legal Services

If you are in prison in British Columbia, you can contact Prisoners’ Legal Services at 1-866-577-5245 for advice or assistance with issues that affect your liberty, human rights or healthcare.

Prisoners’ Legal Services’ phones are open Monday to Friday from 9:00 am to 11:00 am and from 1:00 pm to 3:00 pm. Our phones are closed on Wednesday afternoons.

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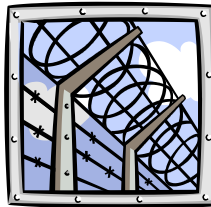
7 CD 701, Annex B, paras. 14-15.

8 CD 701, Annex B, para. 15.





**This publication contains general information only. Each situation is unique. Law and policy can also change. If you have a legal problem, contact Prisoners' Legal Services or a lawyer.**



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