

Review of The Intimate Image Protection Act

Project Overview

The Intimate Image Protection Act (IIPA) came into force on January 15, 2016.

The IIPA requires the government to make appropriate supports available to assist people who have had an intimate image distributed without consent or who believe that their intimate image is about to be distributed without consent. In addition, the IIPA created the tort of non-consensual distribution of intimate images, which allows a person whose intimate image has been distributed without consent to sue the person who distributed the image.

In accordance with the legislation, the Minister must conduct a comprehensive review of the IIPA within five years after it comes into force, and must submit a report to the Legislative Assembly within one year after the review is undertaken.

Engagement Overview

As part of the review process, the public was invited to share their views on the IIPA and provide recommendations for improving the legislation. Four questions were posted on the Engage MB portal for input from March 13, 2023 to April 14, 2023. Responses were received from 10 individuals.

What We Heard

The questions posted on the Engage MB portal were designed to elicit feedback regarding all aspects of the IIPA. The following summary outlines the recommendations suggested for consideration:

Question 1: Sections 1 and 2 of the IIPA contain definitions and provisions regarding the interpretation and administration of the legislation.

- a. Do you have any comments regarding these sections?
- b. Do you have any specific recommendations for improving these sections?

Response: Expand the current definition of “intimate image” to include images and videos that replicate or imply a person’s likeness that are created by artificial intelligence or generated/fabricated by computer.

Question 2: Sections 3-10 of the IIPA contain provisions regarding “Support for Persons Concerned with Intimate Images”.

- a. Do you have any comments regarding the operation of these sections?
- b. Do you have any specific recommendations for improving these sections?

Responses:

- Resources must be readily accessible to individuals across the province who have had their intimate image shared, along with their families.
- Establish a professional network to act on behalf of those who have had their intimate image shared in order to facilitate the removal and destruction of an intimate image. The network would engage directly with websites and policing authorities, removing the burden of doing so from the person whose intimate image has been distributed.
- Ensure the name of the agency designated by regulation to provide support to individuals who have had their intimate image shared without consent is readily accessible.

Question 3: Sections 11-16 of the IIPA address the tort of non-consensual distribution of intimate images.

- a. Do you have any comments regarding the operation of these sections?
- b. Do you have any specific recommendations for improving these sections?

Responses:

- Revise subsection 11(1) by eliminating the reference to consent so that the sharing and distribution of any intimate image is deemed a tort.
- Expand the remedies listed in section 14.

Question 4: Are there any other ways in which the IIPA could be improved? If yes, please identify the suggested improvements with as much detail as possible.

Response: Create a “youth friendly” version of the legislation that educators, school counsellors, police and others can share with children/teens/families as a platform, and resource, for discussing healthy decision making and the availability of supports.

Next Steps

As the IIPA is reviewed, the feedback received through the Engage MB portal will be considered in the preparation of the report that will be submitted to the Legislative Assembly.

Active Offer Statement

This information is available in an alternate format on request. Please contact Tarya.Harapiak-Ross@gov.mb.ca.

Questions?

Please email Tarya.Harapiak-Ross@gov.mb.ca.