



Action Committee on Court Operations in Response to COVID-19

VIRTUAL ACCESS TO HEARINGS: PRIVACY, SECURITY AND CONFIDENTIALITY CONSIDERATIONS

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

OVERVIEW

The open court principle is a hallmark of the Canadian justice system. This principle promotes access to court proceedings (hereafter referred to collectively as “hearings”) for justice system participants, the media and the public. However, certain exceptions may apply in specific contexts, for example to protect the privacy and safety of hearing participants – such as victims, vulnerable witnesses or accused youth – or the confidentiality of sensitive information.

This tip sheet seeks to highlight some relevant considerations and best practices in assessing whether and how privacy, security and confidentiality issues can be safely and adequately addressed in a virtual court setting, particularly when providing virtual access to hearings (for example, through video or audioconference) for the media and the public. The following proposed steps are discussed:

1. Understanding risks and identifying available protection measures
2. Assessing the functionalities and limitations of the virtual platform or tool to be used
3. Establishing measures to regulate access
4. Communicating procedures and rules of access
5. Screening individual cases in advance to identify potential privacy, security or confidentiality issues and establishing a proper course of action
6. Taking action if rules of access are breached, or security or confidentiality is otherwise compromised

This tip sheet also contains two annexes: 1) a checklist of consolidated best practices originating from courts across Canada on addressing privacy, security and confidentiality concerns in a virtual court setting, and 2) sample notices of rules of access for virtual hearings.

The guidance provided in this tip sheet does not presume whether it is appropriate to proceed virtually in any particular proceeding or circumstance; additional considerations and best practices may apply in making such determinations, including the need to assess how the use of technology might impact [access to justice for any marginalized persons](#) involved in a proceeding. Furthermore, the guidance provided in this tip sheet is non-exhaustive and does not replace applicable law or court rules, notices or practice directions. Adaptations may also be required based on the specific context of individual courts and their chosen virtual platforms, and on tailored advice from information technology (IT) and information security experts.



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For more information on how to adapt virtual access frameworks in specific situations, see the Action Committee's Tip Sheets on [Virtual Access to Hearings: Options and Implementation Scenarios](#) and [Virtual Access to Hearings: Challenges and Solutions in Trial Courts](#).

BACKGROUND

In light of public health restrictions affecting in-person access to court facilities during the pandemic, many courts are now providing virtual access to a variety of hearings to the media and the public. However, this can raise practical challenges in upholding the integrity of court processes – namely preventing unauthorized intrusions or disruptions in proceedings or misuse of information provided in court – and in protecting the persons and information involved in these processes.

Safeguards that may be relatively easy to oversee in person can become more difficult to implement in remote or virtual settings where judges and court staff may not be able to directly or continuously see, hear or interact with hearing participants or observers, monitor their use of electronic or recording devices, or control their ability to let others access the hearing. For this reason, measures to regulate and monitor virtual access to hearings might necessarily differ from those that would apply in person in order to achieve open, fair and safe access for hearing participants and observers.

RELEVANT CONSIDERATIONS

In cases where it is deemed feasible and appropriate to provide virtual access to a hearing for participants, the media and the public, an effective strategy to protect hearing participants and sensitive information should include the following steps.

1. Understanding risks and identifying available protection measures

The first step in mapping out virtual access to public hearings is to understand the type of situations that might give rise to privacy, security or confidentiality concerns, identify the legal and procedural measures that exist to address these types of situations, and assess how these measures might need to be adapted for implementation in a virtual setting.

To achieve this, it is important to identify the different categories of participants that might require virtual access to hearings or might be seen or heard virtually by others, and assess their respective needs. Participants may include, amongst others: judges, court clerks or registrars, parties, counsel, self-represented litigants, accused persons, victims, witnesses – including marginalized persons or persons whose safety might be at risk, such as undercover police officers – as well as support persons, interpreters, media and public observers.

While available measures to protect participants and information may vary depending on the type of proceeding and the circumstances of individual participants, they apply regardless of the mode of hearing – whether in person, virtual or hybrid. Relevant measures to consider might include all or some of the following.



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Recording and broadcasting of proceedings

In all or most jurisdictions, recording proceedings is prohibited subject to judicial permission or to authorized purposes for accredited/recognized media, and broadcasting proceedings is prohibited subject to judicial permission. In a virtual setting, it is important to communicate these parameters to all participants and observers (media and public) in advance and at the start or resumption of a hearing, to promote compliance and prevent unauthorized disruptions of proceedings or the improper use of court footage.

Witness exclusion orders

Many cases may involve a witness exclusion order so that witnesses who have yet to be heard are not influenced by prior testimony. In a virtual setting, courts may need to determine how to identify prospective witnesses, at what stage each specific witness should be granted virtual access to the hearing, and whether and how to create and monitor virtual waiting rooms for witnesses.

Special measures – In camera orders, publication bans, non-disclosure orders, sealing orders, testimonial aids

In certain cases, additional measures may be required to protect the privacy or safety of a hearing participant or the confidentiality of sensitive information. These measures are governed by legislation and common law, and may be either mandatory or discretionary depending on the situation. In a virtual setting, implementing these measures requires advance planning, coordination and communication, and ongoing monitoring and control mechanisms.

Before proceeding virtually in any of these situations, courts should assess whether their virtual control mechanisms are secure enough to minimize risks. This may depend on the level of protection required and the potential impacts of any breach of privacy, security or confidentiality.

For example:

- *In camera* orders (closed hearings): If there is a need to exclude the public and the media from all or part a hearing, this may require technical safeguards to verify the identity of authorized participants who require virtual access and to prevent unauthorized access by others. If only part of the hearing is held *in camera*, the court may need to determine how to temporarily remove and later restore virtual access for certain persons.
- Publication bans: If there is an order preventing the publication or dissemination of specific information related to a proceeding or a hearing participant, this should be communicated clearly to all participants and observers both in advance and at the start or resumption of the hearing to promote compliance.
- Non-disclosure orders: If there is a need to protect the identity of a witness, this may require extra protection measures, such as preventing the witness from being visible to other participants and/or to public and media observers during the hearing.
- Sealing orders: If confidential or sealed documents are to be filed, this may require technical safeguards to prevent sensitive information from being seen or accessed by



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unauthorized persons, such as a secure filing platform or the use of redacted documents and submissions.

- Testimonial aids: If a vulnerable witness in a criminal proceeding is permitted to testify without seeing the accused, this may require controlling or customizing virtual access permissions for this witness.

To promote safe and consistent practices, consider establishing court directives or guidance on minimum recommended settings for virtual hearings or presumptive use of in-person hearings that involve high risk scenarios or specific protection measures. Courts should also consider developing instructions on how to convey and protect sensitive information during a hearing to avoid inadvertent disclosure – for example, using neutral designations in oral pleadings and written submissions, and redacting documents to be filed.

2. Assessing the Functionalities and Limitations of the Virtual Platform or Tool

In order to establish what measures might be required to safely and effectively regulate virtual access to hearings, it is important to assess the functionalities and limitations of the chosen virtual platform or tool. Consider the following questions, which are not exhaustive:

- What types of tools are available (e.g. meeting, seminar) and what are their respective functionalities, level of customizability, and maximum participant capacity?
- Can the identity of participants be accurately verified?
- Can participant access and permissions be adequately controlled? In particular:
 - Can secure access be provided if needed, for example through password-protected or encrypted links?
 - How can the court ensure that unauthorized persons cannot gain access to a hearing?
 - Can the ability of participants and observers to intervene by video, audio, chat, screen-sharing and document-sharing be controlled?
 - Can participants and observers be granted different levels of permissions? If not, what other controls are available to prevent unauthorized disruptions?
 - Can unnecessary functions such as chat and reaction emoji be disabled to avoid unwanted disruptions and off-the-record comments?
- How secure is the platform from unauthorized intrusion? Are any additional safeguards available if needed?
- What are the security risks of participants or observers logging in through public Wi-Fi, and how can these risks be mitigated?
- Does the platform enable the recording of proceedings? If so:
 - Who controls the recording function, and can such controls be restricted?
 - Where is the recording stored, and how can access be provided and regulated?
 - How can the recording be retrieved if needed?



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- If using a private platform, are there ways to ensure the provider cannot gather, use or disseminate any information on participants or proceedings for commercial purposes?

Consult with relevant experts to choose and customize a virtual platform to fit the court's needs.

3. Establishing Measures to Regulate Access

Based on the established rules and parameters of access, and taking into account the functionalities of the chosen virtual platform or tool, courts should create a list of measures and related resources to effectively implement each of these rules and parameters in practice. This should include clearly defined roles and responsibilities along with practical guidance for judges and designated court personnel involved in implementing and monitoring these measures.

Consider the different types of participants that will require virtual access and what types of permissions they should be granted – or have disabled – based on their role in the hearing. Permissions may include the use of video, audio, chat, screen-sharing, document-filing or sharing, and the ability to control the permissions of other participants. Special measures may also need to be considered for certain categories of participants, such as virtual waiting rooms for witnesses or secure breakout rooms for counsel to speak privately with their client.

Consider also the various types of privacy, security and confidentiality scenarios that may arise in a hearing, the types of special measures they may require, and the technical safeguards that might need to be put in place to regulate access in accordance with these measures.

4. Communicating Procedures and Rules of Access

Hearing participants, the media and the public should be clearly informed of how to obtain virtual access to a hearing. They will need to know in advance what hearings are scheduled; whether they need to request a permission to attend virtually, and if so, how to proceed; and how to access the hearing itself, including any technical requirements they need to meet, where to find the link, and how to log in. Providing an opportunity for test runs is encouraged.

Courts should assess the respective [risks and benefits](#) of providing access to hearings through open links or regulating access through advance registration and shared or personalized links provided by invitation only. The risks and benefits may vary depending on the type of hearing or the circumstances of participants involved. Intrusion risks related to open links might also be mitigated by requiring attendees to self-identify as observers to be admitted into the hearing and by disabling their participative features from the outset.

Hearing participants, the media and the public should also be clearly notified of the rules governing virtual access to a hearing, including any prohibitions or limitations on the recording and broadcasting of proceedings; whether there is a publication ban, non-disclosure order or sealing order in effect; and potential consequences of non-compliance with these rules and orders. This information should be communicated in advance and reiterated at the beginning and resumption of a hearing. For adapted practices in communicating this information effectively in fast-paced, high volume trial court settings, see the Tip Sheet on [Virtual Access to Hearings: Challenges and Solutions in Trial Courts](#).



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5. Screening Cases for Privacy, Security or Confidentiality Issues

It is important to screen individual cases in advance to identify any privacy, security or confidentiality issues and corresponding safeguards that may need to be implemented in a virtual setting, so that advance measures can be taken as needed. Relevant screening questions may include the following, which are not exhaustive:

- Does either party have any privacy, confidentiality, security or safety concerns regarding any participant in the hearing, any observer to the hearing (e.g. family of the victim or accused), or any information related to the hearing? If so, how should these be addressed either before or during the hearing?
- Should certain participants (e.g. victims, witnesses) be given instructions on how to inform the court if their safety becomes compromised during a hearing?
- Do the circumstances give rise to a mandatory or discretionary *in camera* order, publication ban, or non-disclosure order?
- Is the court required to notify an affected party of their right to seek any special measures or orders? If so, how should the party be notified?
- Does the media have the right to intervene before a special order is made? If so, how should they be informed of this right?
- If a discretionary order is sought, when and how will interested parties be able to intervene?

Consider implementing structured procedures to facilitate advance screening of these issues. For [hearings scheduled on short notice](#), such as bail hearings, screening should occur at the first opportunity so that any special measures can be implemented as needed before the hearing begins. For example, the presiding judicial official could enquire with the parties about any witnesses to be heard and whether any privacy, security or confidentiality issues are anticipated, or a simplified screening form could be developed for this purpose.

6. Taking Action in the Event of a Breach

Proper safeguards, as described throughout this tip sheet, can help to minimize the risk of privacy, security and confidentiality breaches occurring in the context of virtual access to hearings. However, despite all best efforts, in rare instances breaches may nonetheless occur, often unexpectedly. In these instances, it is important for courts to take timely action to put an end to the breach and reduce or, if possible, eliminate any adverse impacts. In some instances, it may also be appropriate to contemplate formal proceedings against the instigator of a breach.

That said, it may be difficult to take effective action against persons who are unknown or out of territorial jurisdiction. This makes it even more important for courts to implement proactive strategies to regulate, coordinate and monitor access from the outset to minimize risks.



A practical example

A sexual assault trial is made accessible to the public through an unrestricted virtual link. Anonymous participants are admitted without identity checks and can see the video of all participants. The complainant is asked to indicate their full name and home address when being sworn in. A week later, a video recording of the complainant's testimony is posted on social media by an unknown person and the footage goes viral. Getting the footage removed from the platform proves long and difficult and the culprit is never identified despite best efforts. Meanwhile, the complainant has suffered from intimidation and threats at home and no longer wishes to be involved in the judicial process.

Supposing the court, after hearing the parties, had determined that providing virtual access to this hearing was appropriate, the following measures could have been implemented to prevent this situation:

- Ordering that the complainant not be visible by observers during the testimony or granting audio access only to observers
- Protecting the confidentiality of the complainant's personal information
- Monitoring the identity of observers through personalized or invite-only links and controlled access to the platform
- Requiring each observer to acknowledge the terms and rules of access, namely the unauthorized recording and broadcasting of proceedings, the non-granting of access to others (e.g. sharing of personalized or invitation-based links), and the consequences of breaching these rules

These measures would have significantly reduced the risk and potential scope of unauthorized footage being disseminated and of the complainant being intimidated, while increasing the ability of the court or relevant law enforcement authorities to identify and take effective action against any instigator of a breach.



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ANNEX 1: CHECKLIST – BEST PRACTICES FOR ADDRESSING PRIVACY, SECURITY AND CONFIDENTIALITY CONCERNS IN A VIRTUAL COURT SETTING

This checklist consolidates best practices originating from courts across Canada on how to promote virtual access to public hearings while implementing adequate measures to protect the privacy and safety of hearing participants and the confidentiality of sensitive information when needed. There are six proposed steps to consider as part of an effective overall strategy. While the recommended access measures described in this checklist may apply to all types of public hearings, recommended protection measures may vary based on the type of proceeding and the circumstances of individual participants.

Individual courts are encouraged to implement best practices under each of the six steps, as feasible based on their operational context. If certain practices are difficult to implement – for example due to virtual platform limitations, high volume docket lists or short turnaround times for setting hearings – consider adaptations or alternative options that could help to achieve similar results, as outlined in the Action Committee’s tip sheets on [Virtual Access to Hearings: Options and Implementation Scenarios](#) and [Virtual Access to Hearings: Challenges and Solutions in Trial Courts](#).

✓ **Step 1: Understand risks and identify available protection measures**

- Identify the legal and procedural framework governing the recording and broadcasting of proceedings, witness exclusion orders and special measures
- Map out the various types of privacy, security and confidentiality scenarios that may arise in a hearing, and the types of protection measures they may require
- Consider how these protection measures might be impacted by, and adapted to, the context of virtual access
- Consider the special needs of marginalized persons who may be involved in proceedings and how technology might impact their access to justice

✓ **Step 2: Assess the functionalities and limitations of the virtual platform or tool**

- Consult IT and information security staff, and external experts as needed
- Consult information guides published by the platform designer / service provider
- Consult user guides published by other courts using the same platform
- When considering a private platform, assess its vulnerabilities and ensure participant information can be effectively protected against unauthorized commercial use
- Customize the chosen platform with enhanced safeguards as needed and available
- Conduct test runs of required control measures and technical safeguards
- Obtain feedback from participants and adapt the platform or its use as needed



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✓ Step 3: Establish measures to regulate access

- Establish guides or protocols for judges and court staff on how to regulate access to virtual hearings
 - Identify the types of participants and observers involved and their access permissions
 - Consider whether additional safeguards are needed for out-of-jurisdiction observers since taking action against them for any breach of the rules of access may prove more difficult
 - Set out a naming protocol for participants and observers joining a hearing – determine how to identify those joining by phone and include safeguards for participants whose identity should be protected
 - Set out foreseeable privacy, security and confidentiality scenarios and corresponding safeguards that may be required, such as minimum recommended settings for virtual access or presumptive in-person hearings for higher risk hearings
 - Provide step-by-step instructions on how to implement various safeguards, and include screenshots to illustrate
- Designate and train judges and court personnel responsible for implementing measures in a virtual setting
 - Define respective roles and responsibilities clearly
 - Designate a monitor or moderator to control access and permissions during a hearing
 - Designate an IT person or hotline to troubleshoot any issues during a hearing
- Develop instructions for judges, court staff and counsel on how to refer to sensitive information or to participants whose identity should be protected during a hearing; include instructions on dealing with publication bans
- Establish protocols or guides in plain language for participants and observers outlining step-by-step procedures (including screenshots) and rules of access to a hearing
- Create/provide separate links with different permissions for participants and observers ; if this is not feasible, control observer access and identification to distinguish them from participants, and disable observers' interactive features (e.g. microphone, video, screen sharing) as they join a hearing
- Disable unnecessary features – such as chat and meeting reactions (emoji) – for all participants and observers before a hearing begins to avoid disruptions and off-the-record comments
 - If chat or meeting reactions are deemed needed for participants – for example to signal an objection, or to demonstrate support for the progress of fellow participants in specialized court programs that focus on positive reinforcement (e.g. drug treatment court) – set out the rules of use of these functions clearly and in advance
- Set up separate virtual waiting rooms for witnesses who are waiting to testify



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- Implement measures to enable counsel to speak privately with their client as needed during a hearing – for example, set up secure virtual breakout rooms or a protocol to stand down matters so counsel may call their client on a different device or platform
- Review the list of participants and observers before a hearing begins or resumes, to ensure all essential participants – but no unauthorized persons – are logged in
- Where appropriate, either
 - Lock the hearing once it has begun to prevent unauthorized admittance or disruptions; inform observers they must log in 15 minutes in advance for guaranteed access and, subject to operational or security concerns, provide a short grace period, or
 - Select platform features that allow a hearing monitor to admit late arrivals without disruptive popups being seen or heard by the judge and other hearing participants

Regulating access – special measures to protect privacy, security or confidentiality

Consider implementing the following measures for added layers of security as needed, based on the level of risk associated to specific types of hearings or participants:

- Verify the identity of authorized participants and observers before providing them with an access link – for example, ask legal professionals and accredited/recognized media participants for their full name and professional contact information, and verify this information with bar or media associations
- Avoid using public links or access codes; instead, provide personalized links and access codes to authorized participants and observers through pre-verified means (e.g., by phone or personal email) – add encryption or password protections as needed
- Ensure links cannot be accessed by more than one person or device
- Obtain an undertaking from authorized participants and observers not to share their personalized link or provide access to the hearing or related documents to any other person
- Encourage participants joining in by video – especially from a private home or office – to remove any personal or family items from their visible background before joining a hearing
 - Legal professionals may instead use a neutral background if it does not distort their image
 - Witnesses should be required to use their own background to help monitor and prevent any interference by others who might influence their testimony or jeopardize their safety
- Establish a protocol for at risk participants (e.g. victims, witnesses) to safely and confidentially inform the court immediately if their safety becomes compromised during a hearing
- Ensure that any confidential or sealed documents that are to be filed electronically are designated clearly as sealed or confidential, are password protected to control access, and are sent through encrypted means to prevent unauthorized intrusion



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- Ask participants joining in by video to do a visual sweep of their room to confirm there are no unauthorized persons present or recording devices set up during a hearing – unauthorized persons may include anyone who was not granted individual access to a pre-registration or invitation-based hearing, as well as anyone who might influence a witness' testimony off-screen

✓ **Step 4: Communicate procedures and rules of access**

- Post lists of public hearings in advance on the courts' website, along with information on how to obtain access (e.g. phone line/email and timeframe to request permission, or open link to a specific hearing or courtroom). For added security, if needed,
 - Provide hearing lists only for specific types of public hearings, such as certain criminal matters, and provide specific links by registration only for more sensitive public hearings such as certain family matters involving children
- Distribute lists of public hearings in advance to pre-vetted stakeholders, such as legal associations, prosecution offices and accredited/recognized media, along with shared access links if appropriate. For added security, if needed,
 - Include a notice not to share hearing links externally
 - Identify specific individuals (e.g. a subscriber list) who are expected to have personally read terms and conditions, or made undertakings, applicable to the hearing information
- Publish user guides in plain language for hearing participants, the media and the public on rules and procedures of access for virtual hearings
- Send a written confirmation (e.g. email) to registered participants and observers with a notice of, or link to rules of access (e.g. legislation, practice direction, policy or guide), and outline any special rules or orders that apply to a specific hearing
- Outline the rules of access clearly at the start and resumption of a hearing, either
 - In a virtual entry page, or as a banner in the virtual waiting room
 - Scrolling along the bottom of the screen throughout the hearing
 - As a "tile" in the gallery view that remains on screen throughout the hearing
 - As a pre-recorded notice for participants and observers joining in by teleconference
 - By having participants and observers acknowledge acceptance of the rules by clicking a link when logging in
 - By having the court clerk, registrar or presiding judge read the notice out loud

See examples of notices included in Annex 2 of this tip sheet, and in the Annex of the tip sheet on [Virtual Access to Hearings: Challenges and Solutions in Trial Courts](#)
- Have a designated phone line and email account for public and media enquiries



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✓ **Step 5: Screen individual cases in advance to identify privacy, security or confidentiality issues and establish a proper course of action**

- Identify privacy, security or confidentiality issues and related needs in advance, either through
 - A written application filed by a party requesting a discretionary order or special measure
 - A standard form filed by the parties identifying any privacy, security or confidentiality concerns
 - A case management hearing or pre-trial conference
 - A streamlined screening process or simplified form when setting a hearing date on short notice (e.g. bail hearings) – see the tip sheet on [Virtual Access to Hearings: Challenges and Solutions in Trial Courts](#) for further guidance

✓ **Step 6: Take action if privacy, security or confidentiality is breached or compromised**

Depending on the specific nature and circumstances of the breach, relevant steps to mitigate ongoing risks might include

- Suspending the hearing and informing law enforcement authorities immediately if there is an imminent risk to the life or safety of a hearing participant or other person (e.g. victim, witness, informant)
- Removing virtual access for any person who breaches the rules of access
- Suspending or postponing the hearing if needed to implement additional safeguards
- Liaising with in-house experts and external service providers as needed, for example to have video or audio records of court proceedings removed from public viewing platforms (e.g., YouTube)
- Establishing a protocol for referring breaches to competent authorities who may initiate criminal or penal proceedings if an offence has been committed
- Initiating contempt of court proceedings – provided the court has the power to do so – if a court order has been deliberately contravened or a person continues to disrupt a hearing or breach the rules despite a court warning

Remember: the more effective the front-end measures to regulate and monitor access, the smaller the risk of a breach, and the easier it will be to take appropriate action against any breach or compromise of privacy, security or confidentiality.



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ANNEX 2: SAMPLE NOTICES – RULES OF ACCESS FOR VIRTUAL HEARINGS

The following are sample notices originating from various Canadian courts. These notices may be used and adapted as needed to inform hearing participants, along with media and public observers, of the rules governing virtual access to a court hearing. These samples are meant to be informative but not exhaustive; models adopted by other courts may also warrant consideration.

<p>Supreme Court of Canada</p>	<p><u>Webcasts – Restrictions</u></p> <p>Webcasts and audio files of Supreme Court of Canada proceedings may not be broadcast, rebroadcast, transmitted, communicated to the public by telecommunication, or otherwise be made available in whole or in part in any form or by any means, electronic or otherwise, except in accordance with the Copyright Act or with the written authorization of the Court. To request permission to use such material or to request a copy on DVD, please fill out the on-line Request to Use Court Photographs, Webcasts or Audio/Video Recordings. Live and archived Webcasts of appeal hearings are available on the Court Website.</p> <p><u>Publication Bans and Other Limitations of Access</u></p> <p>While the media, in general terms, has a constitutional right to publish information about cases, there are limitations on this right. The Court may (and frequently must) impose a publication ban, for example to protect the privacy of victims and witnesses or as required by legislation, for example to ensure the names of young offenders are not disclosed.</p> <p>In order to check whether there is a publication ban in effect in a particular case, visit the SCC Case Information page and enter the case name or docket number. If there is a publication ban in place, this will be indicated on the "Docket" page.</p> <p>There are serious consequences for breaching a publication ban. When reporting decisions of the Court, members of the media bear the responsibility of ensuring that the terms of any publication ban are respected. On occasion, it may be prudent to obtain legal advice on whether publication is permitted.</p>
<p>Federal Court</p>	<p><u>Virtual hearings at the Federal Court – User Guide for the Public and Media</u></p> <p>IV. Recording and Broadcasting Policy</p> <p>Recording and/or broadcasting virtual hearings is prohibited, except under certain conditions outlined in the Policy on Public and Media Access.</p> <p>Parties who use Zoom to view the virtual hearing are expected to follow this Policy. By clicking on the link to join the hearing they will be acknowledging that they have accepted these terms.</p> <p><u>Policy on Public and Media Access</u></p> <p><u>Recording and Photographing Court Proceedings</u></p> <p>Members of the media holding valid credentials may record proceedings to verify their notes of what was said and done in court, but not for broadcast. Others (i.e., counsel or members of the public) must seek permission of the</p>



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	presiding judge; requests should be directed to Court personnel or commissioners. [...]
Ontario Courts	<p>Court of Appeal of Ontario: Consolidated Practice Direction Regarding Proceedings in the Court of Appeal During the COVID-19 Pandemic</p> <p>IV. Public and Media Access to Zoom Hearings A. Recording Proceedings Without the Court’s Permission is Strictly Prohibited</p> <p>100. Hearing observers are reminded that, unless permission is given by the court, it is an offence under section 136 of the <i>Courts of Justice Act</i>, punishable by a fine of not more than \$25,000 or imprisonment of up to six months, or both, to record any part of a hearing, including by way of screenshot/capture and photograph, as well as to publish, broadcast, reproduce or disseminate any such recording.</p> <p>Ontario Court of Justice: Public and Media Access to Court Proceedings</p> <p>It is an offence under section 136 of the <i>Courts of Justice Act</i>, and may constitute contempt of court, to record, photograph, publish or broadcast a court proceeding in any way, unless prior judicial authorization has been granted. Audio recording of proceedings is permitted by counsel, paralegals licensed by the Law Society of Ontario, court staff, members of the media, and litigants provided it is done <i>solely for note-taking purposes</i> and the presiding judicial officer has been advised before the recording commences. Audio recording of proceedings is also permitted by members of the public provided it is done <i>solely for note-taking purposes</i> and the express permission of the presiding judicial officer is first obtained. These audio recordings cannot be transmitted. The Court’s Protocol Regarding the Use of Electronic Communication Devices in Court Proceedings remains in effect.</p>
Quebec Courts	<p>Hearings conducted through technological means (Teams): User Guide for Legal Professionals, other partners, participants and the public</p> <p>NOTICE AND AGREEMENT</p> <p>Anyone attending a hearing conducted through technological means agrees NOT TO:</p> <ul style="list-style-type: none">• save any images or broadcast any sound or visual recordings of all or part of the virtual or semi-virtual hearing, in any form whatsoever. Journalists who have proven their status may, however, make an audio recording of the discussions and decision, provided they do not broadcast it in any way;• reproduce or disclose, in any manner whatsoever, all or part of the video or audio of the virtual or semi-virtual hearing;• share the connection links they have received to attend or participate in a closed hearing; or• allow other people to attend the closed virtual or semi-virtual hearing. <p>These rules apply unless a court decides otherwise.</p> <p>Any breach of these rules may result in legal action or contempt of court.</p> <p>By connecting to a hearing conducted through technological means, you confirm that you are aware of the terms of use and agree to comply with them.</p>