

INTIMATE IMAGES PROTECTION ACT

HARPER GREY LLP

3200 – 650 West Georgia Street
Vancouver, British Columbia, V6B
4P7
Canada

Tel: 604 687 0411
Fax: 604 669 9385

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The *Intimate Images Protection Act* came into force on January 29, 2024. The legislation covers intimate images, near nude images, videos, livestreams and digitally altered images or deepfakes. With the passage of *the Act*, anyone who has had their intimate images distributed without their consent in British Columbia, even if they have previously given consent and later revoked it, now have a new set of legal remedies. Under the *New Act*, the Civil Resolution Tribunal can order the removal of the images and can levy fines of as much as \$500 per day for individuals and \$5,000 per day for websites for not following an order to remove the image or stop sharing it. Importantly, those 14 years of age and older can apply to the Civil Resolution Tribunal for a protection order without involving a parent or adult if they choose, an important step towards providing protection for British Columbian young adults. Damages are also awardable in all levels of our Courts for the harm that results from the without consent distribution of intimate images.

The Act provides specifically that the reasonable expectation of privacy in an intimate image is not lost by the distribution of the image by the individual or by the provision of consent of the individual to the image's distribution. *The Act* also specifically provides that an individual who has consented to distribution can revoke that consent at any time, triggering the responsibility on the part of the distributor to take all reasonable steps to make the intimate image unavailable to others. The protection order includes a requirement to de-index the intimate image from any search engine. The threat of distribution of an intimate image without consent triggers an entitlement to damages under *the Act* including compensatory, aggravated and punitive damages. *The Act* extends protection to deceased individuals.

In conjunction with the passage of *the Act*, the Province is also launching the Intimate Images Protection Services. The assistance provided includes:

- Emotional support, information and resources;
- Help with applying to the Civil Resolution Tribunal
- Assistance in communication protection orders issued by the Civil Resolution Tribunal.

This important new legislation in British Columbia extends protections and remedies for those suffering the significant harm that can result from the sharing of intimate images without consent.

If you have any questions about the new legislation or any other [Personal Injury](#) matter, please get in touch with Harper Grey partner, [Rose Keith, KC](#).