



THIRD PARTY RECORDS

HOW A COURT DECIDES IF THE ACCUSED CAN HAVE A THIRD PARTY RECORD

The lawyer for the accused gives copies of his or her written application to obtain the record to the victim(s), the record holder(s) and the prosecutor.



The Court holds a hearing in private to protect victim's privacy and record holder's professional obligations.

The defence lawyer tells the Court why he or she wants the record. The prosecutor, the victim, and the record-holder can tell the Court what they think about sharing the record.



The Court listens to everyone before making a decision.

If the Court doesn't think the record will help the accused with his or her defence, the defence lawyer will not get the record.

If the Court thinks the accused has a good reason to think the record can help the accused defend him or herself, and it is in the interest of justice, the Court will order the record to be produced for the Court's review.

The Court looks at the record and decides to...



Not allow the accused to have access to the record

Allow the accused to have access to the record

Allow the accused to have access to the record with certain conditions