

Chapter 8

Justice

1.0 MAIN POINTS

In 2016-17, the Ministry of Justice and its agencies had effective rules and procedures to safeguard public resources except the Ministry needs to improve its IT processes by preparing and testing its disaster recovery plans, and removing unneeded user access to its computer systems and data on a timely basis.

The Ministry worked with the Information and Privacy Commissioner to propose changes to Saskatchewan's general access and privacy legislation to mitigate risks related to the *USA Freedom Act* (formerly *USA Patriot Act*).

The Ministry, its agencies, and special purpose funds complied with the authorities governing their activities related to financial reporting, safeguarding public resources, revenue raising, spending, borrowing, and investing.

The 2016-17 financial statements of the Ministry's agencies and special purpose funds are reliable.

2.0 INTRODUCTION

The Ministry of Justice's mandate is to provide a fair justice system that upholds the law and protects the rights of all individuals in Saskatchewan, promotes safe and secure communities, provides supervision and rehabilitation services for adult and young offenders, and provides legal and justice policy advice to the government.¹

This chapter includes the results of our annual integrated audit of the Ministry, its agencies, and special purpose funds for the year ended March 31, 2017. It also includes the status of a recommendation we first made in 2011.² In 2011, we examined how the Government protects its data where a service provider that manages and stores it might be required by a United States law to provide that data to a United States law enforcement agency.

2.1 Financial Overview

For the year ended March 31, 2017, the Ministry had revenues totalling \$96.2 million comprised primarily of fines and fees, and transfers from federal and municipal governments. In addition as shown in **Figure 1**, it spent \$610.5 million on its programs in 2016-17.

¹ Ministry of Justice, *2016-17 Annual Report*, p. 5.

² *2011 Report – Volume 2*, Chapter 20; *2013 Report – Volume 2* Chapter 37; and *2015 Report – Volume 2*, Chapter 50 include the results of our last follow ups.

**Figure 1 – Major Programs and Spending**

	Estimates 2016-17 ^A	Actual 2016-17
	(in millions)	
Central Management and Services	\$ 56.5	\$ 56.6
Courts and Civil Justice	62.1	64.3
Innovation, Legal and Policy Services	37.4	37.7
Community Safety Outcomes	16.1	15.0
Community Justice	17.6	17.5
Board and Commissions	30.5	31.7
Custody, Supervision and Rehabilitation Services	165.2	176.5
Policing	202.5	200.8
Saskatchewan Police Commission	1.5	1.4
Major Capital Projects	13.0	12.4
Total Appropriation	<u>602.4</u>	<u>613.9</u>
Capital Asset Acquisitions	(13.0)	(9.7)
Non-Appropriated Expense Adjustment	5.0	6.3
Total Expense	<u>\$ 594.4</u>	<u>\$ 610.5</u>

Source: Ministry of Justice, *2016-17 Annual Report*, pp. 18-19.

^A During 2016-17, the Ministry received a budget increase through a special warrant of \$2.9 million.

2.2 Special Purpose Funds and Agencies

At March 31, 2017, the Ministry was responsible for seven special purpose funds and three Crown agencies each with a March 31 year-end. The audit of Victims' Fund is not yet complete and we will report the results of this audit in a future report. This chapter reports the results for the Ministry, the six-remaining funds, and the three Crown agencies.

Special Purpose Funds

Correctional Facilities Industries Revolving Fund
 Criminal Property Forfeiture Fund
 Law Reform Commission of Saskatchewan
 Office of Residential Tenancies—Director's Trust Account
 Provincial Mediation Board Trust Accounts
 Queen's Printer Revolving Fund

Crown Agencies

Financial and Consumer Affairs Authority of Saskatchewan
 Saskatchewan Legal Aid Commission
 Public Guardian and Trustee of Saskatchewan

3.0 AUDIT CONCLUSIONS

In our opinion, for the year ended March 31, 2017:

- **The Ministry and its agencies had effective rules and procedures to safeguard public resources except for the IT matters in this chapter**
- **The Ministry, its agencies, and its funds complied with the authorities listed in Section 6.0 governing their activities related to financial reporting, safeguarding public resources, revenue raising, spending, borrowing, and investing**
- **The financial statements of the Ministry's agencies and funds are reliable**

We used standards for assurance engagements published in the *CPA Canada Handbook – Assurance* (including CSAE 3001) to conduct our audits. We used the control framework published by CPA Canada to make our judgments about the effectiveness of the Ministry and its agencies' controls. The control framework defines control as comprising elements of an organization that, taken together, support people in the achievement of an organization's objectives.

We assessed the Ministry's processes related to the existence and accuracy of overtime payroll expenses. We also assessed the completeness of RCMP policing services expenses, payables, and contractual obligations.

The Ministry implemented the Criminal Justice Information Management System (CJIMS) in the courts. We focussed on the resulting impact to processes from the implementation. We also focussed on the Ministry's progress on implementing the outstanding recommendations related to IT.

4.0 KEY FINDINGS AND RECOMMENDATIONS

In this section, we outline key observations from our assessments and the resulting recommendations.

4.1 Disaster Recovery Plan Incomplete

We recommended that the Ministry of Justice prepare and test its disaster recovery plans for its critical information technology systems.

(2015 Report – Volume 2; Public Accounts Committee agreement January 11, 2017)

Status – Partially Implemented

By September 2017, the Ministry had not tested disaster recovery plans for all of its significant IT systems (e.g., maintenance orders and fines systems). It has a disaster recovery plan for CJIMS—a significant IT system.

The memorandum of understanding between the Ministry and the Ministry of Central Services includes the Ministry's disaster recovery requirements. Under the memorandum of understanding, the Ministry is responsible for working with Central Services to ensure



that adequate recovery services are in place that align with the Ministry's service delivery needs (i.e., test the effectiveness of disaster recovery plans).

In June 2017, the Ministry had received an estimate of work from Central Services to provide disaster recovery services for the Electronic Prosecutions Information Centre, Automated Collection Enforcement System, and CJIMS. As of September 2017, the Ministry had not engaged Central Services to complete the work.

Without a complete and tested disaster recovery plan for all of its significant IT systems, the risk increases that they may not be available when needed. The Ministry may not be able to provide timely services to the public.

4.2 Timely Removal of User Access Needed

We recommended that the Ministry of Justice follow its established procedures for removing unneeded user access to its computer systems and data. (2015 Report – Volume 2; Public Accounts Committee agreement January 11, 2017)

Status – Partially Implemented

The Ministry did not consistently follow its procedures for ensuring only authorized individuals have access to its IT systems and data. The Ministry policy requires users to have their access removed once they have left the Ministry.

In 2016-17, we found 3 of 10 users tested did not have their CJIMS access removed or disabled on a timely basis. In one instance, the user did not have their access to CJIMS removed until 44 days after their last day of employment with the Ministry.

Not removing unneeded user access promptly increases the risk that an unauthorized person could gain system access and obtain confidential information (e.g., information about offenders) or inappropriately modify systems or data.

5.0 PROTECTING SASKATCHEWAN DATA FOLLOW UP

5.1 Consultation Complete on Legislation to Mitigate Risks to Saskatchewan Data

We recommended that the Ministry of Justice consider the benefits, in consultation with Saskatchewan's Information and Privacy Commissioner, of changes to Saskatchewan's general access and privacy legislation, which could serve to mitigate risks related to the USA Patriot Act. (2011 Report – Volume 1; Public Accounts Committee agreement June 25, 2012)

Status – Implemented

The Ministry worked with the Information and Privacy Commissioner to propose changes to Saskatchewan's general access and privacy legislation, *The Freedom of Information and Protection of Privacy Act*.

The Ministry and the Information and Privacy Commissioner identified that a duty to protect personal information was a priority change to the legislation. For example, the proposed changes include responsibilities when a government organization provides personal information to an IT service provider.

The Ministry considers the changes to legislation to better mitigate risks related to the *USA Freedom Act* (formerly *USA Patriot Act*). The proposed changes to *The Freedom of Information and Protection of Privacy Act* received royal assent May 17, 2017 and come into force on proclamation. At October 13, 2017, these changes had not yet come into force.

6.0 LEGISLATION—SUMMARY OF RELEVANT AUTHORITIES

Justice

The Administration of Estates Act
The Administration of Estates Regulations
The Correctional Services Act, 2012
The Correctional Services Trust Account Regulations
The Community Justice Programs Regulations
The Enforcement of Maintenance Orders Act, 1997
The Enforcement of Maintenance Orders Regulations, 2009
The Executive Government Administration Act
The Financial Administration Act, 1993
The Justice and Attorney General Act
The Ministry of Justice Regulations
The Police Act, 1990
The Police Regulations
The Provincial Court Act, 1998
The Provincial Court Compensation Regulations
The Public Service Act, 1998
The Purchasing Act, 2004
The Queen's Bench Act, 1998
The Queen's Bench Regulations
The Summary Offences Procedures Act, 1990
The Fine Option Program Regulations, 1991
The Summary Offences Procedures Regulations, 1991
The Victims of Crime Regulations, 1997
The Youth Justice Administration Act
 Orders in Council issued pursuant to the above legislation

Correctional Facilities Industries Revolving Fund

The Correctional Services Act, 2012
The Correctional Services Regulations, 2013
The Financial Administration Act, 1993
 Orders in Council issued pursuant to the above legislation

Criminal Property Forfeiture Fund

The Seizure of Criminal Property Act, 2009
The Seizure of Criminal Property Regulations, 2009
The Executive Government Administration Act
 Orders in Council issued pursuant to the above legislation

Law Reform Commission of Saskatchewan

The Law Reform Commission Act
The Executive Government Administration Act
 Orders in Council issued pursuant to the above legislation

Office of Residential Tenancies – Director's Trust Account

The Residential Tenancies Act, 2006
The Residential Tenancies Regulations, 2007
The Executive Government Administration Act
The Financial Administration Act, 1993
 Orders in Council issued pursuant to the above legislation

Provincial Mediation Board Trust Accounts

The Provincial Mediation Board Act
The Provincial Mediation Board (Fees) Regulations
The Bankruptcy and Insolvency Act (Canada), Part III and X
Orderly Payments of Debts Regulations (Canada)
The Tax Enforcement Act, 1993
The Tax Enforcement Regulations, 2015
The Executive Government Administration Act
The Financial Administration Act, 1993
 Orders in Council issued pursuant to the above legislation

Public Guardian and Trustee of Saskatchewan

The Administration of Estates Act
The Administration of Estates Regulations
The Adult Guardianship and Co-decision-making Act
The Adult Guardianship and Co-decision-making Regulations
The Children's Law Act, 1997
The Dependent's Relief Act, 1996
The Executive Government Administration Act
The Missing Persons and Presumption of Death Act
The Missing Persons and Presumptions of Death Regulations
The Pension Benefits Act, 1992
The Pension Benefits Regulations, 1993
The Pension Benefits Standard Regulations 1985 (Canada)
The Public Guardian and Trustee Act
The Public Guardian and Trustee Regulations
The Trustee Act, 2009
 Orders in Council issued pursuant to the above legislation



Financial and Consumer Affairs Authority of Saskatchewan

The Cemeteries Act, 1999
The Collection Agents Act
The Collection Agents Regulations
The Consumer Protection and Business Practices Act
The Credit Union Act, 1998
The Credit Union Regulations, 1999
The Direct Sellers Act
The Direct Sellers Regulations, 1997
The Financial and Consumer Affairs Authority of Saskatchewan Act
The Mortgage Brokers and Mortgage Administration Act
The Mortgage Brokers and Mortgage Administration Regulations
The Motor Dealers Act
The Motor Dealers Regulations
The Payday Loans Act
The Payday Loans Regulations
The Pension Benefits Act, 1992
The Pension Benefit Regulations, 1993
The Saskatchewan Insurance Act
The Saskatchewan Insurance Regulations, 2003
The Securities Act, 1988
The Securities Regulations
The Trust and Loan Corporations Act, 1997
The Trust and Loan Corporations Regulations, 1999
The Executive Government Administration Act
Orders in Council issued pursuant to the above legislation

Queen's Printer Revolving Fund

The Queen's Printer's Act
The Queen's Printer's Fees Regulations, 2004
The Purchasing Act, 2004
The Executive Government Administration Act
The Financial Administration Act, 1993
Orders in Council issued pursuant to the above legislation

Saskatchewan Legal Aid Commission

The Legal Aid Act
The Legal Aid Regulations, 1995
Orders in Council issued pursuant to the above legislation