



# COMMUNITY SAFETY

## SHARING OF INFORMATION WITH OTHER AGENCIES

### PRP-CP-003

Effective Date: 1998/11/27

Amended: 2010/02/26

Reviewed: 2013/11/20

#### Policy Statement

*It is the policy of the Regional Municipality of Peel Police Services Board that Peel Regional Police shall ensure mandatory criteria as set out in the Police Services Act and O.Reg. 265/98 is met prior to disclosure of personal information concerning an individual. The requirements set out in this document shall form part of the Board Policies and the Chief of Police is hereby directed to implement and comply with these requirements in his/her administration and operation of the Peel Regional Police.*

#### 1. Subject

The guiding conditions under which the Chief of Police may disclose personal information concerning individuals for the purpose of:

- a) Protection of the public;
- b) Protection of victims of crime;
- c) Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them;
- d) Law enforcement;
- e) Correctional purposes;
- f) Administration of justice;
- g) Enforcement of and compliance with any federal or provincial Act, regulation or government program;
- h) Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

#### 2. Specific Definitions

##### **“administration of justice”**

Is a “compendious term that stands for all the complexes of activity that operate to bring the substantive law of crime to bear, or to keep it from coming to bear, on persons who are suspected of having committed crimes. It refers to the rules of law that govern the detection, investigation, apprehension, interviewing and trial of persons suspected of crime and those persons whose responsibility it is to work within these rules. It is not confined to the courts; it encompasses officers of the law and others whose duties are necessary to ensure that the courts function effectively” (R.v.Samson (No.7),(1982) 37 O.R. (2d) at 246 (Co.Crt.J.)(Borins, J.);

**“charged with an offence”**

Means arrested and released in accordance with Part XVI of the *Criminal Code* (Canada) or served with a summons under Part III of the *Provincial Offences Act* in relation to an offence for which an individual may be arrested, even if an information has not been laid at the time the summons is served;

**“high risk offender”**

An individual convicted of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act*, or any other federal or provincial Act whom the Chief of Police reasonably believes poses a significant risk of harm to other persons or property;

**“protection of the public”**

Means that the agency is engaged in providing services that assist in the protection of the public, such as women’s shelters. It is the function of the organization that determines if information should be disclosed to them.

**3. Policy Requirements**

The Board directs that this policy and any police service directive and/or procedure relating to the release of personal information be based on the following principles:

- a) That it is in complete compliance with legislative and constitutional requirements, and recognized legal principles;
- b) That members act with full respect for human dignity and according to professional standards of skill, integrity, and accountability;
- c) That it maintains both officer and public safety as a priority;
- d) That the Chief of Police or his/her designate may disclose any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to:
  - i. any police force in Canada;
  - ii. any correctional or parole authority in Canada; or
  - iii. any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program;
- e) That personal information may not be disclosed to an agency engaged in the enforcement of, or compliance with, any federal or provincial Act, regulation or government program, unless a memorandum of understanding has been entered into by the Chief of Police and the agency setting out the terms by which such information may be released. A memorandum of understanding may only be signed with an agency, not with an individual. Examples of agencies that require a memorandum of understanding are the Criminal Injuries Compensation Board, the Family Responsibility Office, and municipal Licensing Commissions;
- f) That section 3(d) only applies if the circumstances are such that disclosure is required for:

- i. the protection of the public;
  - ii. the administration of justice; or
  - iii. the enforcement or compliance with any federal or provincial Act, regulation or government program;
- g) That in deciding whether or not to disclose personal information, the Chief of Police shall consider:
- i. the availability of resources and information;
  - ii. what is reasonable in the circumstances of the case;
  - iii. what is consistent with the law and the public interest; and
  - iv. what is necessary to ensure the resolution of criminal proceedings is not delayed.

#### **4. Measurement Methods**

The Chief of Police shall conduct an ongoing statistical analysis, and qualitative and quantitative review of all disclosure of personal information made to other agencies to ensure the integrity of the police service directives and/or procedures.

#### **5. Reporting**

On an annual basis, the Chief of Police shall provide the Board with an In Camera report outlining the decisions undertaken in accordance with this policy, including those situations where the decision was made not to disclose personal information to other agencies.

The report will contain sufficient detail in the aggregate, and concerning individual situations, to ensure all decisions are in compliance with the *Act*, the *Regulation*, and the *Policy*.

The Chief of Police shall also report on those circumstances where the disclosure or non-disclosure of personal information to a police force, correctional or parole authority or a person or agency involved in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program has resulted in an “exceptional” circumstance, or a circumstance which may be detrimental to public safety, and/or results in significant issues of potential liability to the Board and the police service.

#### **6. Authority/Legislative Reference**

Section 41, Police Services Act  
*Community Safety Act*, 1997, S.O. 1997, c.17  
Ontario Regulation 265/98

The Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.

Board Minute 195/98

Board Minute #29/10

Board Minute #75/13

**7. Linkage to Appropriate Police Service Procedure/Directive**

I-A-604(F) Disclosure of Personal Information

I-A-602(O) Release of Information from Police Service Files

I-B-501(O) Access to Information Pursuant to the Municipal Freedom of Information and Protection Act

I-B-735(F) Police Response to High Risk Individuals