ONTARIO ASSOCIATION OF CHIEFS OF POLICE

GUIDELINES WITH RESPECT TO:

DISCLOSURE OF INFORMATION FROM POLICE SERVICE RECORDS

Prepared by:

The Law Enforcement and Records Managers Network (LEARN)

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Sub-Committee for Guideline with Respect to Disclosure of Information from Police Service Records

Membership (at date of approval)

Holden, Gary (Chairperson)    Hamilton Police Service
Cormier, Paul                  Waterloo Regional Police Service
Donaldson, Wendy               Hanover Police Service
Hutchin, Wendy                 London Police Service
Mills-Smith, Valerie           Halton Regional Police Service

Guidelines with Respect to:
Disclosure of Information from Police Service Records

Introduction

This guideline is intended to assist police services with general disclosure of information.

It incorporates the provisions of the:

Police Services Act
Youth Criminal Justice Act
Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
Freedom of Information and Protection of Privacy Act (FIPPA)
CPIC Reference Manual
Community Safety Act
Criminal Records Act

All decisions on disclosure of information must be consistent with the release provisions of existing legislation and internal policies. References should also be made to Provincial, Municipal or Board By-laws of the respective police service, prior to putting a policy/procedure into effect.

The purpose of this document is to establish general procedures for the disclosure of information from police service files relating to adults and young persons. These guidelines are for disclosure of information in the absence of a request under MFIPPA.
Where personal information has been authorized for disclosure, valid identification must be produced by the person making the request. Whether releasing information in person, electronically, or by telephone, all efforts must be made to verify the identity of the individual or agency requesting the information. Members shall treat as confidential, the official business of the police service. Members shall access and impart information relating to the authorized activities of the police service ONLY in accordance with legislation and this document. With respect to personal information, the police service has the absolute responsibility to control its use and dissemination.

Each request has to be evaluated independently, on a case-by-case basis. An agency listed in this document does not automatically mean the agency is entitled to any information – consider the purpose for the request and whether it meets the requirements set out within this document.
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Definitions

Disclosure
The act or process of revealing or uncovering.

FIPPA
Freedom of Information and Protection of Privacy Act

ICON
Integrated Court Offences Network

Institution (As defined by MFIPPA)
(a) a municipality,
(b) a school board, municipal service board, city board, transit commission,
   public library board, board of health, police services board, conservation
   authority, district social services administration board, local services board,
   planning board, local roads board, police village or joint committee of
   management or joint board of management established under the Municipal
   Act, 2001 or the City of Toronto Act, 2006 or a predecessor of those Acts,
(c) any agency, board, commission, corporation or other body designated as an
   institution in the regulations.

Law enforcement (As defined by MFIPPA)
(a) policing,
(b) investigations or inspections that lead or could lead to proceedings in a court
   or tribunal if a penalty or sanction could be imposed in those proceedings, or
(c) the conduct of proceedings referred to in clause (b).

MOU
Memorandum of Understanding

MFIPPA
Municipal Freedom of Information and Protection of Privacy Act

Motor Vehicle Accident Report (Ministry Form 401)
The report as provided by the Ministry of Transportation.

Occurrence/Incident report
Any police service approved document generated in support of the police service
procedure surrounding any event requiring police attention.

OTIS
Offender Tracking Information System (Correctional Services database)

PARIS
Police Automated Registration Information System
**Personal Information** (As defined by MFIPPA)
Recorded information about an identifiable individual, including,
(a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
(b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
(c) any identifying number, symbol or other particular assigned to the individual,
(d) the address, telephone number, fingerprints or blood type of the individual,
(e) the personal opinions or views of the individual except if they relate to another individual,
(f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
(g) the views or opinions of another individual about the individual, and
(h) the individual’s name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

**Police Service**
Used to describe any Ontario police service, agency or force.

**PSA**
*Police Services Act*

**Record** (As defined by MFIPPA)
Any record of information however recorded, whether in printed form, on film by electronic means or otherwise, and includes,

(a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and

(b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

**Operational records** means records compiled by the police service in the course of performing police functions, including the “fruits of an investigation”. This is to be distinguished from **administrative files** which are records related to the administration of the organization and include for example, personnel files and internal disciplinary files.
**Sever**
That which is capable of being separated from other things to which it is joined.

Police retain the right to sever or block out and not produce the following information:

- Information unrelated to the occurrence in issue, including, but not limited to, references to other cases or matters contained in the notes or records
- Personal information of non-parties,
- Information which might compromise law enforcement interests,
- Information over which privilege is claimed,
- Third party records contained in the police file, although their existence will be noted; and
- CPIC references.

**YCJA**
*Youth Criminal Justice Act*

**Young Person** (As defined by the YCJA)
*Section 2.(1)* A person who is or, in the absence of evidence to the contrary, appears to be twelve years old or older, but less than eighteen years old and, if the context requires, includes any person who is charged under this Act with having committed an offence while he or she was a young person or who is found guilty of an offence under this Act.

**Youth**
A youth is a person under eighteen years of age who has not been dealt with under the YCJA (i.e., a missing person or witness).

A person under sixteen years of age in accordance with MFIPPA. A person who is sixteen years of age or older has the rights of an adult with respect to MFIPPA.

**Young Person Record**
Documents connecting a young person to proceedings under the YCJA in relation to a “federal” offence.
General Rules of Disclosure

1. Any information relating to a matter that is presently before the courts shall not be released to an accused person until after disposition of the case and expiry of the appeal period (i.e. thirty days after final disposition). Disclosure requests prior to this date should be directed to the Crown Attorney’s office.

2. The police service may, upon written consent, consider releasing criminal conviction information directly to an individual, in accordance with police policy, procedures and by-laws.

3. An Order of the Court or Tribunal takes precedence over MFIPPA legislation. The police service must obey a Court Order or subpoena and make available applicable information to the Tribunal or Court. In many cases you may be served a Notice of Motion prior to receiving the Court Order which allows you to challenge or set terms. At that point, admissibility of such information will be determined. In some cases you may wish to seek legal counsel for direction on admissibility.

4. Records of young persons can only be disclosed in accordance with the provisions of the Youth Criminal Justice Act. Sec 119 (1) Information pertaining to young persons may be released only to Canadian agencies/individuals in accordance with the provisions of the Youth Criminal Justice Act. Information pertaining to young persons must not be released to foreign agencies.

5. The following statements contain personal information where disclosure must be carefully considered: Witness statements and/or officer’s notebook entries relating to incidents including motor vehicle collision reports requested by law firms, insurance adjusters, insurance companies and other interested parties. Where a request is received for statements where charges have been laid, members should not disclose while court proceedings are ongoing, nor until expiry of appeal period, namely thirty (30) days after final disposition. Police services shall address these requests in accordance with MFIPPA.

6. The release of CPIC information shall be in accordance with the agency's CPIC Category II or III designation as outlined in appendix 1.
Disclosure of Young Person Records (YCJA)

Section 119 identifies individuals/agencies who have access to the youth records. Section 119(1)(s) and Section 123 may be relied upon for those not identified in 119 to gain access to the records.

With the exception of records relating to extrajudicial measures, the persons listed below shall be given access to a record kept under section 114 (court and review board) and may be given access to a record kept under section 115 (police). This includes records kept under section 115 where the young person was dealt with by extrajudicial sanction. Access to records of the courts and review board is mandatory, while access to police records is permissive.

119. (1) Subject to subsections (4) to (6), from the date that a record is created until the end of the applicable period set out in subsection (2), the following persons, on request, shall be given access to a record kept under section 114, and may be given access to a record kept under sections 115 and 116:

(a) the young person to whom the record relates;

(b) the young person’s counsel, or any representative of that counsel;

(c) the Attorney General;

(d) the victim of the offence or alleged offence to which the record relates;

(e) the parents of the young person, during the course of any proceedings relating to the offence or alleged offence to which the record relates or during the term of any youth sentence made in respect of the offence;

(f) any adult assisting the young person under subsection 25(7), during the course of any proceedings relating to the offence or alleged offence to which the record relates or during the term of any youth sentence made in respect of the offence;

(g) any peace officer for

(i) law enforcement purposes, or

(ii) any purpose related to the administration of the case to which the record relates, during the course of proceedings against the young person or the term of the youth sentence;

(h) a judge, court or review board, for any purpose relating to proceedings against the young person, or proceedings against the person after he or she becomes an adult, in respect of offences committed or alleged to have been committed by that person;
(i) the provincial director, or the director of the provincial correctional facility for adults or the penitentiary at which the young person is serving a sentence;

(j) a person participating in a conference or in the administration of extrajudicial measures, if required for the administration of the case to which the record relates;

(k) a person acting as ombudsman, privacy commissioner or information commissioner, whatever his or her official designation might be, who in the course of his or her duties under an Act of Parliament or the legislature of a province is investigating a complaint to which the record relates;

(l) a coroner or a person acting as a child advocate, whatever his or her official designation might be, who is acting in the course of his or her duties under an Act of Parliament or the legislature of a province;

(m) a person acting under the Firearms Act;

(n) a member of a department or agency of a government in Canada, or of an organization that is an agent of, or under contract with, the department or agency, who is

   (i) acting in the exercise of his or her duties under this Act,

   (ii) engaged in the supervision or care of the young person, whether as a young person or an adult, or in an investigation related to the young person under an Act of the legislature of a province respecting child welfare,

   (iii) considering an application for conditional release or pardon made by the young person, whether as a young person or an adult,

   (iv) administering a prohibition order made under an Act of Parliament or the legislature of a province, or

   (v) administering a youth sentence, if the young person has been committed to custody and is serving the custody in a provincial correctional facility for adults or a penitentiary;

(o) a person, for the purpose of carrying out a criminal record check required by the Government of Canada or the government of a province or a municipality for purposes of employment or the performance of services, with or without remuneration;

(p) an employee or agent of the Government of Canada, for statistical purposes under the Statistics Act;

(q) an accused or his or her counsel who swears an affidavit to the effect that access to the record is necessary to make a full answer and defence;
(r) a person or a member of a class of persons designated by order of the Governor in Council, or the lieutenant governor in council of the appropriate province, for a purpose and to the extent specified in the order; and

(s) any person or member of a class of persons that a youth justice court judge considers has a valid interest in the record, to the extent directed by the judge, if the judge is satisfied that access to the record is

(i) desirable in the public interest for research or statistical purposes, or

(ii) desirable in the interest of the proper administration of justice.

Non-Disclosure of Records (YCJA)

The following indicates the period after which a record under section 114 and 115 can no longer be released:

119. (2) The period of access referred to in subsection (1) is

(a) if an extrajudicial sanction is used to deal with the young person, the period ending two years after the young person consents to be subject to the sanction in accordance with paragraph 10(2)(c);

(b) if the young person is acquitted of the offence otherwise than by reason of a verdict of not criminally responsible on account of mental disorder, the period ending two months after the expiry of the time allowed for the taking of an appeal or, if an appeal is taken, the period ending three months after all proceedings in respect of the appeal have been completed;

(c) if the charge against the young person is dismissed for any reason other than acquittal, the charge is withdrawn, or the young person is found guilty of the offence and a reprimand is given, the period ending two months after the dismissal, withdrawal, or finding of guilt;

(d) if the charge against the young person is stayed, with no proceedings being taken against the young person for a period of one year, at the end of that period;

(e) if the young person is found guilty of the offence and the youth sentence is an absolute discharge, the period ending one year after the young person is found guilty;

(f) if the young person is found guilty of the offence and the youth sentence is a conditional discharge, the period ending three years after the young person is found guilty;
(g) subject to paragraphs (i) and (j) and subsection (9), if the young person is found guilty of the offence and it is a summary conviction offence, the period ending three years after the youth sentence imposed in respect of the offence has been completed;

(h) subject to paragraphs (i) and (j) and subsection (9), if the young person is found guilty of the offence and it is an indictable offence, the period ending five years after the youth sentence imposed in respect of the offence has been completed;

(i) subject to subsection (9), if, during the period calculated in accordance with paragraph (g) or (h), the young person is found guilty of an offence punishable on summary conviction committed when he or she was a young person, the latest of

- (i) the period calculated in accordance with paragraph (g) or (h), as the case may be, and
- (ii) the period ending three years after the youth sentence imposed for that offence has been completed; and

(j) subject to subsection (9), if, during the period calculated in accordance with paragraph (g) or (h), the young person is found guilty of an indictable offence committed when he or she was a young person, the period ending five years after the sentence imposed for that indictable offence has been completed.

**Extrajudicial Measures**

119. (4) Access to a record kept under section 115 or 116 in respect of extrajudicial measures, other than extrajudicial sanctions, used in respect of a young person shall be given only to the following persons for the following purposes:

(a) a peace officer or the Attorney General, in order to make a decision whether to again use extrajudicial measures in respect of the young person;

(b) a person participating in a conference, in order to decide on the appropriate extrajudicial measure;

(c) a peace officer, the Attorney General or a person participating in a conference, if access is required for the administration of the case to which the record relates; and

(d) a peace officer for the purpose of investigating an offence.

While the Act allows for extrajudicial measures to be retained indefinitely, disclosure of these records must be strictly limited to the individuals and circumstances listed above. Each service should develop their own policy regarding the retention, and destruction (if any) of these records. If destruction is considered, you may wish to keep the records for the same period of time the Act allows for other dispositions, such as 5 years for indictable convictions.
CPIC Confidentiality and Dissemination of Information

*(CPIC Reference Manual)*

7.1 General

(a) Information that is contributed to, stored in and retrieved from CPIC is supplied in confidence by the originating agency for the purpose of assisting in the detection, prevention or suppression of crime and the enforcement of law. CPIC information is to be used **only** for activities authorized by a Category I agency or as provided through legislation by a Category II or III agency.

1. Each agency having access to CPIC records is responsible for the confidentiality and dissemination of information stored on the CPIC system. The dissemination of CPIC information is at the discretion of the CPIC agency head or delegate who is releasing the information and **must** be in accordance with existing federal and provincial policy and legislation concerning privacy and information access.

1. In those instances where access is requested and the CPIC agency processing the request is **not** the owner/originator of the record in the CPIC Investigative or Ancillary Data Banks, the agency must consult with the record owner and will identify the owner of the record, when appropriate.

2. A Category II or III agency (see Chapter I.2, sec. 2. CPIC Agency Categories for definitions) may not **further** disseminate information obtained from the CPIC system except where that use is consistent with the carrying out of the duties and responsibilities of the Category II or III agency.

3. "Private" organizations shall not be allowed direct access to CPIC information unless they are under the **direct** control and management of an approved CPIC law enforcement agency.

4. The CPIC **Code of Ethics** establishes procedures and safeguards to promote the maintenance of good practice and compliance with privacy protection legislation. See Appendix I-2-C: CPIC Code of Ethics.

2. The releasing agency **must** have written policy on the dissemination of CPIC information as CPIC information must be protected against disclosure to unauthorized agencies or individuals. Before any CPIC information is released, the agency head or delegate must be satisfied that:

   1. The request is a legitimate request and not just one of personal use;
2. The released information will not jeopardize the integrity of the CPIC system or its users;

3. The proper identification procedures, such as personal identification with photograph, have taken place;

4. Confirmation, where applicable, with the originating agency has been carried out; and

5. The release conforms with existing policy.

(b) The CPIC policy regarding the dissemination of information has been divided into the following distinct areas, namely the Investigative/Ancillary Data Banks and the Identification Data Bank. Requests for the disclosure of information will be for either criminal/investigational purposes or for non-criminal purposes such as security clearances.

(c) See Chapter I.2, sec. 7.2 Release of Investigative and Ancillary Data Bank Information if the release of information is for private employment purposes.

7.2 Release of Investigative and Ancillary Data Bank Information

(a) Information from the Investigative (Persons, Vehicles, Property, and Marine) Data Bank and Ancillary (RO/DL systems, Inmate File, RWRS, etc.) Data Bank may be released at the discretion of the CPIC agency head or delegate.

(b) CPIC Information from the Investigative Data Bank may be released for security and reliability clearances or for private employment purposes. However, no CPIC information should be released for this purpose unless:

1. Confirmation and verification with the record owner (originating agency) has been carried out; and

2. The originating agency has been notified of the reason for the check and has consented to the release; and

3. Personal visual identification by the law enforcement agency of the subject of the check has taken place; and

4. The results of the checks are communicated directly to the subject of the check.

The applicable information may be released verbally or in writing. However, printouts should not be released.

(c) Any exception to the procedures listed in 7.2.b, if not legislatively required or not related to a vulnerable sector purpose on a case-by-case basis, is to be
approved by the CPIC Tri-Chair Committee which is currently composed of the Officer in Charge of CPIC and the Chairs of the Information Technology Sub-Committee (ITSC) and Business Requirements Sub-Committee (BRSC).

To apply for an exception:

1. Contact the CPIC Co-ordinator for your region/province with full written details of your request for his/her recommendations
   - Local Field Operations Section
   - Ontario Policing Services Division (Ontario Police Services)
   - Ontario Provincial Police (OPP only)
   - Centre de Renseignements Policiers du Québec (CRPQ)

2. CPIC Co-ordinators will forward your request with their recommendations to the Canadian Police Information Centre for processing.

3. The Tri-Chair Committee will rule on the request.

4. Agency will be notified of the decision by the appropriate CPIC Coordinator.

5. If the request is denied and the agency disagrees, the matter will be referred to the CPIC Advisory Committee via your CPIC Co-ordinators.

(d) Where approval has been granted, it is incumbent upon the sponsoring agency to enter into a formal MOU outlining the terms and conditions governing the partnership including but not limited to personnel screening, information use and termination clauses. The sponsoring agency must conduct periodic audits of the arrangement.

(e) The CPIC Advisory Committee retains the right to withdraw this approval where it is not the interest of the CPIC community to continue with any such arrangement.

CPIC Hard Copy Printout

1. If the CPIC hard copy printout is to be released, any information not applicable to the requester must be removed from the printout to protect the privacy rights of others. The applicable information may also be released verbally or in writing.

Young Persons

2. Information pertaining to young persons may be released only to Canadian agencies/individuals in accordance with the provisions of the *Youth Criminal Justice Act*. Information pertaining to young persons must not be released to foreign agencies.

Release to Category II or III Agency
3. If the CPIC information is being released to a Category II or III agency that has not yet received its terminal equipment, dissemination must be in accordance with the agency’s access rights as established by the CPIC Advisory Committee. See Appendix I-2-B: List of Approved Category II and III Agencies for a list of approved Category II and III agencies and their access rights.

Non-Criminal Purposes

4. If the request for release of any CPIC information is for security and reliability clearances, you must have written consent of the subject of the query. The subject must agree to the release of information, identifiable to that person, that may be on the CPIC system.

Criminal or Investigative Purposes

5. If the request for data is for criminal or investigative purposes, the following CAUTION must be given to the requester:

"CAUTION: This record may or may not pertain to the subject of your enquiry."

7.3 Release of Identification Data Bank Information

7.3.a Release of Information from CRII Files

1. Information from the CRII files may be released to those agencies listed in Appendix IV-1-A: Release of Criminal Record Information with the exception of young offender records which may be released only to Canadian agencies/individuals in accordance with the Youth Criminal Justice Act. Young person records must not be released to foreign agencies. Refer to Appendix I-2-B: List of Approved Category II and III Agencies for further guidelines.

   Note: In certain circumstances, the disclosure of criminal records that contain only discharges under Section 736 of the Criminal Code and/or non-convictions, may have adverse consequences on an individual's reputation, employment, mobility or access to services. Accordingly, caution must be exercised when disclosing these records in connection with non-criminal inquiries, especially border crossings.

2. If the request for CRII data is for criminal or investigative purposes and is not accompanied by fingerprints, then the normal CAUTION must be given to the requester.
"Caution: This record may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through submission of fingerprints."

3. If the CPIC hard copy printout is to be released, the CPIC query format must be removed from the printout to protect the integrity of the CPIC system. The information may also be released verbally or in writing.

4. If the request for a hard copy response printout of CRII data is for non-criminal purposes, e.g. government employment, border crossing card, visa, etc., the individual's identity must be confirmed by fingerprints before release of the record can occur. The agency should either submit the fingerprints to RCMP Information and Identification Services or they may certify them to fingerprints contained on their local file provided it has previously been identified to the FPS file.

7.3.b Release of Information from CNI/CRS Files

1. Information from Criminal Name Index/Criminal Record Synopsis (CNI/CRS) queries may be released only for criminal or investigative purposes to agencies/persons listed in Appendix IV-1-A: Release of Criminal Record Information.

2. If the CPIC hard copy printout is to be released for criminal or investigative purposes, the CPIC query format and any information not applicable to the requester must be removed from the printout to protect the integrity of the CPIC system. The information may also be released verbally or in writing.

3. If the request for CNI/CRS data is for criminal or investigative purposes and is not accompanied by fingerprints, then the following CAUTION must be given to the requester:

"CAUTION: This record may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through submission of fingerprints."

4. CNI/CRS queries for security and reliability clearances are permitted as authorized in Appendix IV-1-A: Release of Criminal Record Information but information must not be released other than to state:

   1. When the CNI/CRS response is negative: "Based on the information received, there is no criminal record identified. Information can only be confirmed by fingerprint comparison."; or
2. When the CNI/CRS response contains possible records: "There may or may not be a criminal record in existence. Information can only be confirmed by fingerprint comparison."

**Note:** Due to the nature of the CNI/CRS file and to protect the integrity of the CPIC system, CNI/CRS **hard copy printouts** must **not** be given to any agency/individual as the result of requests for security and reliability clearance checks.
Agencies not addressed in this document

When dealing with agencies not addressed in this document requests for information should be received in writing, on the appropriate letterhead for clarification and authentication purposes.

Questions your Service may pose to the agency:

1. Provide the full agency name and Ministry or government agency (if applicable).

2. Specify any applicable legislation/regulation, including section numbers that directs a police service to share information with your agency and define the purpose of your request. What is the information required for?

3. Are you deemed law enforcement as defined by MFIPPA? Will you be laying a charge or could your investigation lead to a tribunal? Can a penalty or sanction be imposed?

4. Do you have CPIC access (and if so, what category rating are you assigned)?

5. Do you have an MOU or sharing agreement with any police service and in what format is information released?

6. Do you have reason to believe your agency is entitled to information concerning young persons as identified in the Youth Criminal Justice Act?

7. Are you governed by provincial or federal privacy legislation, if not what policies do you have in place should you subsequently disclose our information to others?

8. Please provide us with any additional information you feel relevant for this police service to be able to share information with your agency.

Additional agencies/organizations can be brought to the attention of the LEARN Committee for future consideration in this document.
Purpose for Requesting Law Enforcement Records

Information will be used to prepare investigative reports or a synopsis for disciplinary hearings against the individual seeking a licence. Police reports assist in background/due diligence investigations to determine an applicant’s suitability for receiving a liquor licence or a gaming registration and for tribunal hearings.

Responsible for the investigation of licenced premises for public safety issues.

Screening checks on potential employees for Casinos in Ontario where consent is provided.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(f) and (g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

Screening is permissible under MFIPPA Sec 32 (b) which states it is permissible if the person to whom the information relates has identified that information in particular and consented to its disclosure.

**PICA Regulation 265/98** 5(1)(c) provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

**Gaming Control Act** Section 9(1), 9(4), 9(6).

Records Which May be Disclosed

Pertinent information from the general occurrence report and intelligence records may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

CPIE Considerations

No CPIE access.

Notes

Unit augmented by seconded OPP officers.
Purpose for Requesting Law Enforcement Records

The CBSA investigates violations under the Immigration and Refugee Protection Act and the deportation of persons from Canada.

The CBSA is responsible for providing integrated border services that support national security priorities and facilitate the free flow of persons and goods, including animals and plants, which meet all requirements under the program legislation.

Officers can arrest foreign nationals and permanent residents who are suspected of breaching the Immigration and Refugee Protection Act. While arrests can be made with or without a warrant, officers must have a warrant to arrest a permanent resident or a protected person. All immigration warrants are posted on the Canada-wide Canadian Police Information Centre. CBSA operates its own Immigration Warrant response Centre seven days a week, 24 hours a day, to assist its law enforcement partners.

The regulations set out some factors to be considered when determining if a person should be detained:

- criminal convictions, particularly those involving sexual offences, violence, weapons or drug trafficking;
- previous compliance or non-compliance with any requirement under the Act or Regulations;
- ties to the community;
- willingness to cooperate with the Department to establish his or her identity;
- links to organized crime or organized human smuggling or trafficking; and
- the Minister’s opinion that the person is a danger to the public or a danger to the security of Canada.

When deciding whether to continue detention, officers and members of the Immigration Division are not limited to these factors but always consider all the circumstances of the case.

Legislation / Regulation which Supports Release

**Immigration and Refugee Protection Act** Section 4(2)(b).

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(f) and FIPPA 41.1(f) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1) (c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.
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<th>Records Which May be Disclosed</th>
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Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

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<tr>
<th>YCJA Considerations</th>
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Have access to information in accordance with the YCJA - Sec. 119(1)(g). Non-disclosure rules apply.

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<th>CPIC Considerations</th>
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Category II (B) Enhanced.

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<th>Notes</th>
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They also have OTIS and ICON access.
## Purpose for Requesting Law Enforcement Records

The CRA typically investigates cases of tax fraud, tax evasion and is responsible for recovering taxes owing from unrelated fraudulent activities.

## Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32 (e) & (g) and FIPPA 42.1(f), provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

Disclosure as requested by CRA is included within section 41 (1.1) of the PSA in that disclosure is for the purpose of law enforcement and for the purpose of the enforcement of federal legislation. PSA 41 (1.3) provides that such disclosure is deemed to be in compliance with section 32(e) of MFIPPA or FIPPA 42.1(e).

**PSA Regulation 265/98** 5(1) (c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

## Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

PSA Regulation 265/98 Section 3(1) provides that a Chief of Police or designate may disclose name, date of birth, address, the offence of which the person has been charged, the outcome of all significant judicial proceedings relevant to the offence, and the procedural stage of the criminal justice process.

## YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(n). Non-disclosure rules apply.

## CPIC Considerations

Category II (B)

## Notes
### Purpose for Requesting Law Enforcement Records

Provides background security checks for federal government employees, members of Armed Forces and persons under contract to a government department who have access to classified government assets or information.

Investigation of criminal offences.

### Legislation / Regulation which Supports Disclosure

**Canadian Security Intelligence Service Act** (CSIS) Section 13 & 15

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency in the enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Local police indices checks, any summary conviction and intelligence information relating to suspect, subject or accused information may be disclosed. A list of incident reports, including involvement codes is typically disclosed. They may receive copies of requested occurrence reports.

### YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

### CPIC Considerations

Category I

### Notes

Confirm signed consents are on file for background security checks purposes.
Purpose for Requesting Law Enforcement Records

The Centre for Children and Families in the Justice System helps children and families involved with the justice system as victims of crime, witnesses of crimes, parties in custody disputes, subjects of child protection proceedings, litigants in civil suits for compensation, teenagers in therapeutic care settings or youthful offenders.

They seek access to police records via a Court Order and they obtain authorizations signed by the parties authorizing and consenting to the disclosure of information to the Family Court Clinic.

Research agreements may also be requested by the Centre in order to track recidivism statistics.

Legislation / Regulation which Supports Disclosure

Access to records through Court Order.

Records Which May be Disclosed

This organization will typically proceed by way of Motion. Where the police service is subsequently ordered, shall disclose whatever information is identified by the court.

Police retain the right to sever or block out and not produce the following information:

- Information unrelated to the occurrence in issue, including, but not limited to, references to other cases or matters contained in the notes or records
- Personal information of non-parties
- Information which might compromise law enforcement interests
- Information over which privilege is claimed
- Third party records contained in the police file, although their existence will be noted; and
- CPIC references.

YCJA Considerations

Have access to information in accordance with the [YCJA](https://www.legislativeassembly.gov.on.ca/Legislation/Acts/1998/YCJA/1998-YCJA-Part-11082-OMNI) - Sec. 119(1)(s) & Sec. 123(1). Non-disclosure rules apply.

CPIC Considerations

No CPIC access.

Notes
### Purpose for Requesting Law Enforcement Records

Background investigations are conducted by the Chief Provincial Firearms Office for the issuance of licences, registration certificates and authorizations under which persons may possess firearms, licenses and authorizations. These background checks also include business inspections on behalf of the CPFO.

The Chief Provincial Firearms Office is also responsible for the potential refusals and public safety investigations related to licensed individuals for potential revocations.

### Legislation / Regulation which Supports Disclosure

Sharing information is permissible in accordance with the provisions of **MFIPPA 32(g)** and **FIPPA 42.1(g)** provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98 5(1)(c) & 6** provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Pertinent information from the general occurrence report and intelligence information may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

### YCJA Considerations

Have access to information in accordance with the **YCJA - Sec. 119(1)(m)**. Non-disclosure rules apply.

### CPIC Considerations

Category I

### Notes

Staff is employed by police service but seconded to OPP CPFO.
Purpose for Requesting Law Enforcement Records

Compliance with applicable legislation for:
1. Placement of a child with a family
2. For custody or family court matters
3. Screening for kinship, adoption or foster care
4. Joint investigations
5. Emergent care and well being of children

Legislation / Regulation which Supports Disclosure

1. **PSA Regulation 265/98**, s. 2(1)(b) if a charge has not been laid; if a charge has been laid then section 3(1) applies.
2. Motion brought under section 74 (3.1) of the Child and Family Services Act in child protection proceedings.
3. Screening is permissible under MFIPPA Sec 32 (b) which states it is permissible if the person to whom the Information relates has identified that information in particular and consented to its disclosure.
4. Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(g) and **FIPPA** 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings. Sharing of information pursuant to a joint investigations agreement should comply with PSA Regulation 265/98, s. 5(1)(c).
5. Requirement for police services to disclose under Child and Family Services Act Section 72 (2), (3) & (4) –limited to as much as necessary to comply with duty to report.
Records Which May be Disclosed

1. PSA Regulation 265/98 2(1)(b) allows for the disclosure of personal information where it is believed the individual poses a risk of significant harm to other person.
2. For ongoing investigation CAS can obtain copies of the related incident report from the police service.
3. If historical information is being sought then proceed through the proper court process. Follow the May 25, 2010 All-Chief’s Bulletin issued by the Ministry of Community Safety and Correctional Services which sets out the Best Practices for responding to a motion by a children’s aid society for the production of police records.
4. If police screening is required for placement of children, signed waivers/consent shall be obtained.
5. In accordance with PSA Regulation 265/98 3(2) where charges are laid the following may be disclosed:
   - Individuals name, date of birth and address
   - The offence described which the offender has been charged or convicted or found guilty and the sentence, if any, imposed for that the offence;
   - The outcome of all significant judicial proceedings relevant to the offence;
   - The procedural stage of the criminal justice process to which the prosecution of the offence has progressed and the physical status of the individual in the process (e.g., whether the individual is in custody, or the terms, if any, upon which the offender has been released from custody):
   - The date of the release or impending release of the individual from custody for the offence, including any release on parole or temporary absence.

YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 35 & 119(1)(n). Non-disclosure rules apply.

CPIC Considerations

No CPIC Access

Notes

(1) Crown Law Office-Civil will assist with the processing of CAS motions where the records being sought pertain to an ongoing criminal proceeding, YCJA information or where the CAS is seeking production of the contents of the confidential Crown Brief. See the May 25, 2010 All-Chiefs’ Bulletin for further details.

(2) Pursuant to section 21.1 of Children’s Law Reform Act, a “police records check” is required for a person who is not a parent when applying for custody – however, Regulation 24/10 defines the content and exclusions in its definition (applicable only to these types of check) of “police records check) for this purpose.
Purpose for Requesting Law Enforcement Records

People who are convicted of an offence in Canada may be subject to deportation depending on their status in Canada, the nature of the offence and the length of their sentence. Police records may be required during this investigation.

Legislation / Regulation which Supports Disclosure

**Immigration and Refugee Protection Act** 138(1).

Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(g) and **FIPPA** 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. May also share offender fingerprints. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

Category II (B)

Notes

Serious criminality and permanent resident issues are addressed by CBSA. Citizenship and Immigration address less serious summary conviction and foreign national issues.
### Purpose for Requesting Law Enforcement Records

The profession, through and with the College, has a duty to serve and protect the public interest by regulating the practice of the profession and governing in accordance with the Regulated Health Professions Act. They are responsible for investigating professional misconduct incidents. The incident could be brought to a discipline committee and will be investigated through the Investigations Department associated to the College of Physicians and Surgeons of Ontario.

This information can be requested through two avenues, through a court order or through Sec. 32 (g) MFIPPA or FIPPA 42.1(g).

### Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

**Regulated Health Professions Act**

Records may also be court ordered.

### Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

### YCJA Considerations

No access to information in accordance with the YCJA.

### CPIC Considerations

No CPIC access.

### Notes

Ensure the requestor provides their specific authority for gathering the requested information.
Purpose for Requesting Law Enforcement Records
For general enforcement of parks and recreation areas including environmental responsibilities.

Legislation / Regulation which Supports Disclosure

- **Provincial Parks & Conservation Reserves Act** Section 37 - an officer, other than a conservation reserve manager or a district manager, has all the power and authority of a member of the Ontario Provincial Police within a provincial park or conservation reserve.

- **Provincial Offences Act** Section 1(3) - A minister of the Crown may designate in writing any person or class of persons as a provincial offences officer for the purposes of all or any class of offences.

Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(g) and **FIPPA** 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

- **Police Services Act Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial act to any agency engaged in enforcement of or compliance with any federal or provincial act.

Criminal offences are directed towards jurisdictional police service.

Records Which May be Disclosed
Pertinent information relating to the involved party (and incident within the conservation area) from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

YCJA Considerations
Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

CPIP Considerations
No CPIC access.

Notes
Classified as peace officers under PSA.
Purpose for Requesting Law Enforcement Records

Copies of homicides, sudden deaths and fatal collision reports within the jurisdiction are provided to the coroner’s office.

Records may also be required for a coroner’s inquest or investigation into natural deaths in the home or where a person dies in the custody of the police, correctional centre, youth custody or penitentiary.

Legislation / Regulation which Supports Disclosure

[Coroner’s Act](#) (see Appendix 14)

Records Which May be Disclosed

A copy of the sudden death report goes to the regional coroner and where applicable to the responding coroner. If local coroner is looking for a report they can be referred to the regional coroner.

For inquest purposes police services generally cooperate completely, however, please refer to your legal counsel or FOI coordinator.

YCJA Considerations

Have access to information in accordance with the [YCJA - Sec. 119(1)(l)](#). Non-disclosure rules apply.

CPIC Considerations

No CPIC access.

Notes

Some agencies will have liaison with coroner’s office though Major Crime Bureau or other Criminal Investigation Units.

For inquest purposes the request should be in writing.

They are part of the Ministry of Community Safety and Correctional Services.
Purpose for Requesting Law Enforcement Records
Intake purposes for the classifying of prisoners.

Legislation / Regulation which Supports Disclosure
Sharing of information is permissible in accordance with [MFIPPA 32(c) & (e)] and [PSA 41(1.1) to (1.4)].

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal of provincial Act.

Records Which May be Disclosed
Pertinent information relating to charges and convictions from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

Use caution with the disclosure of SIP information on CPIC, refer to the contributing police report for supporting documentation. Direct any intelligence information to the appropriate branch or section.

**YCJA Considerations**
Have access to information in accordance with the [YCJA - Sec. 119(1)(i)] Non-disclosure rules apply.

**CPIC Considerations**
Category II (C)

**Notes**
Purpose for Requesting Law Enforcement Records

To perform an accurate assessment of inmates at intake and to make sound parole decisions, as well as the provision of information and assistance upon request by verifiable victims of the crimes committed by inmates and parolees under their respective jurisdictions.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with MFIPPA 32(c) & (e), FIPPA 42.1(c) & (e) and section 41(1.1) to (1.4) of the PSA.

PSA Regulation 265/98 5(1)(b) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any correctional or parole authority in Canada.

Records Which May be Disclosed

Generally, police occurrence reports relating to the offender (and possibly the victim), which may be vetted to protect third party or police technique information. A copy of the report or synopsis of the incident is acceptable.

If victim information is disclosed you may wish to consider the following:

- affect of the crime upon the victim
- age of victim and relationship to the offender
- personal injury or damage
- attitude and co-operation of offender after arrest
- weapons used, substance abuse, behaviour
- further dissemination

Disclosure by police to correctional and parole authorities, without notice to the individual victims, is permissible under the PSA section 41(1.4).

YCJA Considerations

Have access to information in accordance with the YCJA sec 119(1)(i). Non-disclosure rules apply.

CPIC Considerations

Category II (C)
Notes

When disclosing personal victim information to correctional or parole authorities, consider identifying concerns about information being further disseminated and in particular to the offender.

CSC is required by law to disclose to the offender any information (or a summary of that information) that may be considered during a decision-making process. Personal information relating to victims, such as phone numbers and addresses are generally not disclosed.

Refer to Appendix 5 for a copy of the CSC request form.
Purpose for Requesting Law Enforcement Records

The CICB is a quasi-judicial administrative tribunal that awards compensation to the victims of violent crimes that occur in Ontario. The CICB may issue compensation to victims if they are:

- injured as a result of a crime of violence committed in Ontario. (e.g. assault, sexual assault, criminal harassment, etc.);
- responsible for the care of a victim of crime and suffered a loss of income or had expenses as a result of the victim’s injury;
- the dependant of a deceased victim (in the case of murder);
- not a dependent of the victim but have incurred expenses as a result of the death of the victim;
- injured while trying to prevent a crime or while helping a police officer make an arrest.

Legislation / Regulation which Supports Disclosure

Pursuant to the Police Services Act, Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

The Criminal Injuries Compensation Board is an agency engaged in the administration of justice for the purpose of the Compensation for Victims of Crime Act.

Records Which May be Disclosed

Complete the "CICB Police Questionnaire" or a similar response form generated by the contributing police service. They generally do not receive copies of reports.

Caution should be taken as to the disclosure of information with respect to ongoing investigations and court cases. If the case is before the courts, the next court date may be provided.

YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(r). Non-disclosure rules apply.

CPIC Considerations

No CPIC access.

Notes

Refer to Appendix 13 for a copy of the CICB request form.
Purpose for Requesting Law Enforcement Records

Requests to be dealt with on an individual case by case basis. A request falls within the criteria of "law enforcement" if it causes an investigation by an employer in an employment context. If the M.P. seek information in the course of an investigation relative to the conduct of a potential disciplinary hearing required under legislation, and for which a penalty or sanction could result, the law enforcement criteria would be satisfied. As part of this process, judicial orders may also be disclosed specific to job function, i.e. weapons training where a no possess condition has been imposed.

Screening for employment purposes with consent.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court of tribunal if a penalty or sanction could be imposed in those proceedings.

P.S.A Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal of provincial Act.

National Defence Act

Screening is permissible under MFIPPA Sec 32 (b) or FIPPA 42.1(b) which states it is permissible if the person to whom the information relates has identified that information in particular and consented to its disclosure.

Records Which May be Disclosed

Pertinent information from the general occurrence report(s) and severed accordingly. Also may have access to relevant judicial release orders.

Y.C.J.A Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(n) & (o). Non-disclosure rules apply.

C.P.I.C Considerations

Category I agency

Notes
Purpose for Requesting Law Enforcement Records

The Electrical Safety Authority, as a delegated administrative authority, operates within the terms of an administrative agreement with the Ministry of Government and Consumer Services (MGCS). The ESA employs investigators and security officers across Ontario who have been granted enforcement powers. The primary function of the investigators and security officers is to administer and enforce the electrical safety standards of Ontario and protect the public from electrical hazards. These individuals are designated as Provincial Officers, not Peace Officers and have all the powers normally exercised by the Provincial Offences Officers, including the power to commence proceedings under the Provincial Offences Act.

Legislation / Regulation which Supports Disclosure

- **Safety and Consumer Statutes Administration Act** (1996)
- **Ontario Electrical Safety Code**

Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(g) and **FIPPA** 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Pertinent documentation such as investigative reports, witness statements, photographs or other physical evidence may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

No CPIC access.

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Purpose for Requesting Law Enforcement Records

As of June 2006 farm employees are covered under the Occupational Health and Safety Act which falls under The Ministry of Labour.

Note: The Farm Safety Association does not have any enforcement, inspection or prosecution powers. The Ministry of Labour now is responsible for this.

Legislation / Regulation which Supports Disclosure

Records Which May be Disclosed

YCJA Considerations

CPIC Considerations

Notes
Purpose for Requesting Law Enforcement Records

FSCO issues licenses for Insurance agencies and brokers in Ontario and ensures all applicants are screened. They will contact police services for “hit confirmation” when they acquire a hit on CPIC.

Pursuant to the Insurance Act and Regulations there under, the Superintendent of Insurance is required to conduct an investigation into the suitability of an applicant for licensing as a life insurance agent, Section 393 Insurance Act, and Regulation 663.

In reaching his or her decision, the Superintendent shall, if requested by the applicant, appoint an advisory board which shall hold a hearing and make a report to the Superintendent, Section 393(8). The Superintendent, as chair of the advisory board, has the same power as a court in the trial of civil actions to summon and enforce the attendance of witnesses and to compel them to give evidence on oath or otherwise and to produce documents and records, Section 393 (10).

Furthermore, the applicant may appeal to the Tribunal the decision of the Superintendent to refuse to grant a license, Section 393 (10.2). The Tribunal shall hold a hearing, Section 17 (3), after which it may confirm, vary or rescind the decisions appealed from, or substitute its decision for that of the Superintendent, Section 175 (5).

Legislation / Regulation which Supports Disclosure


Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

PSA Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any federal or provincial Act to any agency engaged in enforcement of or compliance with any federal of provincial Act.

Records Which May be Disclosed

Police services can confirm the CPIC hit and provide details of the offence. Copies of the reports are generally not provided.
<table>
<thead>
<tr>
<th>YCJA Considerations</th>
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</thead>
<tbody>
<tr>
<td>No access to information in accordance with the YCJA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CPIC Considerations</th>
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</thead>
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<tr>
<td>Category II (B)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>Hold a Special Constable designation.</td>
</tr>
<tr>
<td>If criminal charges are required, matter is referred to the local police service. If under the Provincial Offences Act, will address in-house.</td>
</tr>
</tbody>
</table>
Purpose for Requesting Law Enforcement Records
Requests may be for emergency situations or for cost recovery purposes.

Legislation / Regulation which Supports Disclosure

- **PSA Regulation 265/98**: 2(1)(c) may apply for emergency situations.

- Part V of the PSA Regulation may apply for Fire Departments (any person or agency engaged in the protection of the public) when someone is under investigation (HTA or CCC).

- It will be incumbent on the Fire Department to provide the proper authority.

- There is no regulation or legislation allowing for the sharing of information for cost recovery purposes. It should be noted they have the ability to ask for personal information at the scene.

Records Which May be Disclosed

- Pertinent information relating to the involved party from the general occurrence/MVC report may be disclosed where applicable.

- Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

- No access to information in accordance with the YCJA.

CPIC Considerations

- No CPIC access.

Notes

- Consider entering into a Memorandum of Understanding to address issues of release.
### Purpose for Requesting Law Enforcement Records

Information is required for ongoing investigations.

### Legislation / Regulation which Supports Disclosure

**MFIPPA 32(f)(i) and FIPPA 42.1(f)(i)** states that an institution shall not disclose information in its custody or under its control except:

1. to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or a legislative authority.

The country requesting information shall provide their authority to receive information.

### Records Which May be Disclosed

Information may be disclosed for investigative purposes according to the pertinent treaties. Contact RCMP Interpol to confirm information can be disclosed.

### YCJA Considerations

No access to information in accordance with the YCJA.

### CPIC Considerations

Contact via RCMP Interpol or Narrative Traffic via NLETs.

RCMP Interpol advises they won’t release information in the Surveillance category without consent from contributor.

### Notes

Contact RCMP Interpol for further assistance.

LEARN recommends the Service enter into an MOU, however, an arrangement need not be a formal written agreement but simply a reached agreement about an action or event.
### Purpose for Requesting Law Enforcement Records

The Port Authority is an entity of the Federal Government and came into being a Port Authority in 2001. They follow the Canada Marine Act which gives them operation regulations and legislative requirements.

Request information from police for stolen vehicles and persons of interest who may be in violation of any Federal, Provincial, or Municipal Act on Port properties.

### Legislation / Regulation which Supports Disclosure

Canada Marine Act, Marine Transportation Security Regulations.

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

### YCJA Considerations

No access to information in accordance with the YCJA.

### CPIC Considerations

No CPIC access.

### Notes

Part of Transport Canada.
### CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Role</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Inspector</td>
<td>16586 Woodbine Ave. RR #3 NewMarket, ON L3Y 4W1</td>
</tr>
<tr>
<td>PHONE NUMBER(S)</td>
<td>888-668-7722 X 342</td>
</tr>
</tbody>
</table>

### Purpose for Requesting Law Enforcement Records

Requests information for animal cruelty or animal bite incidents.

### Legislation / Regulation which Supports Disclosure

- **Dog Owners Liability Act**
  - R.S.O. 1990
  - Section 12 designates, as peace officers, for the purpose of this act:
    1. A police officer, including a police officer within the meaning of the Police Services Act, a special constable, a First Nations Constable and an auxiliary member of a police force.
    2. A municipal law enforcement officer.

- **Ontario Society for Prevention of Cruelty to Animals Act**
  - R.S.O. 1990
  - Section 11 designates inspectors and agents as police officers:
    1. For the purposes of the enforcement of this or any other act or law in force in Ontario pertaining to the welfare of or the prevention of cruelty to animals, every inspector and agent of the Society has and may exercise any of the powers of a police officer. R.S.O. 1990, c. O.36, s. 11 (1).
    2. Every inspector and agent of an affiliated society who has been approved by the Society may exercise any of the powers of an inspector or agent of the Society under this Act. R.S.O. 1990, c. O.36, s. 11 (2).

Therefore **MFIPPA** 32(g) and **FIPPA** 42.1(g) and **PSA Regulation 265/98** 5(1)(c) & 6 may apply if for law enforcement purpose.

### Records Which May be Disclosed

Pertinent information relating to the involved party(s) from the general occurrence report and information to assist with the normal course of their duties relating to person or premise cautions. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

If the agency requires access to PARIS/MTO information they must enter into a Memorandum of Understanding (MOU) with the MTO directly.

### YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

### CPIC Considerations

No CPIC access. The agency shall be directed to the Crown to obtain a list of convictions if charges are before the court.

### Notes

SPCA officers lay their own criminal code charges. They have powers of arrest but do not train their staff to do so, instead leaving it for the local police service. They will create a Crown package and attend the courts for a Summons. This will require the offender to attend court and their local police agency for fingerprints.
Purpose for Requesting Law Enforcement Records

Requested for recovering costs regarding damage to Hydro property (e.g. hydro poles). There is no regulation or legislation allowing for the sharing of information for cost recovery purposes. It will be incumbent on the hydro corporation to provide the proper authority.

May also require information for investigations regarding misappropriation of hydro.

Legislation / Regulation which Supports Disclosure

There is no regulation or legislation allowing for the sharing of information for cost recovery purposes. It will be incumbent on Hydro to provide the proper authority.

**PSA Regulation 265/98** 2(1)(c) & 6 applies for emergency/public safety situations.

Records Which May be Disclosed

Pertinent information from the general occurrence and MVC reports may be disclosed if it is not for cost recovery purposes. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

No CPIC access.
### Purpose for Requesting Law Enforcement Records

May require information for the following purposes:

- Employment
- Volunteer placement
- Pardon
- Adoption
- Family court
- Housing tribunal
- Name change
- MVC and occurrence requests for insurance purposes
- Landlords i.e., stats on incidents at their location/building

### Legislation / Regulation which Supports Disclosure

- **MFIPPA** 4(1) & 32(b)
- **FIPPA** 10(1)
- **YCJA** 119(1) & 124

### Records Which May be Disclosed

Individuals have the right to access to their own information pursuant to FIPPA and MFIPPA. Consideration/caution should be given to all exemptions specifically section 8 of MFIPPA regarding law enforcement exemptions.

### YCJA Considerations

Applicable records relating directly to the young person may be disclosed to the young person, custodial parent, guardian or lawyer as per YCJA 119.1(a) & (b).

### CPIC Considerations

No CPIC access. May disclose personal information within police reports relating to outstanding charges, warrants and a list of their convictions (with hit confirmation). Police services shall not disclose SIP, caution or intelligence information.

### Notes

Requests should be received in writing with identification confirmed as per police service policy.
Purpose for Requesting Law Enforcement Records

Require information for the purposes of the investigation of arson, auto theft and related offences such as fraud and possession of stolen property.

The IBC has the mandate in accordance with its federal charter to maintain records in its database of property and motor vehicle insurance claims submitted by its member insurance companies. IBC also has a mandate to record arson convictions for the sole information of their member insurance companies as well as law enforcement and fire officials in Canada. Designated as an investigative body under PIPEDA.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

PISA Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Pertinent information relating to charges and convictions from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

Category III, restriction 4

Notes
| Purpose for Requesting Law Enforcement Records |
| Legislation / Regulation which Supports Disclosure |
| Records Which May be Disclosed |
| YCJA Considerations |
| CPIC Considerations |
| Notes |
Purpose for Requesting Law Enforcement Records

Requests are made on behalf of clients filing insurance claims.

Legislation / Regulation which Supports Disclosure

**PSA Regulation 265/98** Sec. 3, 4 & 6

Records Which May be Disclosed

MVC reports (with signed consent) may be disclosed. The accompanying statements are not disclosed until such time as any and all charges (plus appeal process) are dealt with through the courts. Third party personal information should be removed from the statements. Fatal MVC’s should only have the face page of the collision report disclosed, with personal identifiers (other than those of the insurance company’s client) severed.

A summary or synopsis (including property lists) of occurrence reports typically relating to thefts, assaults, break and enters etc., can be disclosed with a signed consent. If there are outstanding charges before the courts relating to the incident, the following excerpt may be released “No summary available as there are outstanding charges before the courts.” The name of the accused and charge can be disclosed. The Insurance company can be directed to the courts for further information.

If there is suspect information (ongoing investigation) do not release personal identifiers in a summary or synopsis. A summary or synopsis can be disclosed after the investigation and court process has run its course.

Insurance companies typically request information on sudden death reports. Dependant on your internal policies and procedures, you may disclose the deceased’s name, DOB, date and time of death, location (i.e., jurisdiction) and whether the incident was of natural causes or foul play.

YCJA Considerations

**YCJA** Section 119 (4)
This section clearly identifies who is entitled to disclosure of extrajudicial measure information. Insurance companies are not listed.

**YCJA** Section 125(4)
A peace officer may disclose to an insurance company information in a record that is kept under section 115 (police records) for the purposes of investigating a claim arising out of an offence committed or alleged to have been committed by the young person to whom the record relates. Rules of non-disclosure apply.
<table>
<thead>
<tr>
<th>CPIC Considerations</th>
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<tbody>
<tr>
<td>No CPIC access.</td>
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<tr>
<th>Notes</th>
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<tbody>
<tr>
<td>Insurance companies can request copies of reports where their client is identified as victim or complainant.</td>
</tr>
</tbody>
</table>

With respect to **Collision Reporting Centres**:

Information gathered can not be automatically shared with Insurance Companies without written consent, i.e., written consent included within the collision form. An owner of a vehicle should have the right to decline having the report shared with his/her Insurance Company without fear of the report not being filed.
Purpose for Requesting Law Enforcement Records

Individuals have the right to attend a J.P.’s office for the purpose of laying a private complaint. The individual can either obtain a copy through FOI or allow the Crown to access the necessary information. The Crown decides whether charges will be proceeded with or the J.P. can order the information be provided which may be subject to Wagg.

Legislation / Regulation which Supports Disclosure

Records Which May be Disclosed

No direct access to information from police records.

J.P.’s receive all information through the court process i.e., Crown or Involved parties.

YCJA Considerations

Have access to information in accordance with the YCJA – Sec.119 (1)(c). Non-disclosure rules apply.

CPIC Considerations

No access to CPIC.

Notes

J.P.’s do not have direct access to police records. Disclosure is obtained from the Crown’s office and may be subject to severing/redactions. Records may also be court ordered through the J.P.
### Purpose for Requesting Law Enforcement Records

Information can be disclosed to police personnel when required for authorized law enforcement and employment purposes within the police service.

### Legislation / Regulation which Supports Disclosure

- **PSA 43(1)(d)** for applicant screening purposes.
- **PSA 41(1.2)(4)** for law enforcement purposes.

Sharing of information is permissible in accordance with the provisions of **MFIPPA 32(f)(ii)** if disclosure is by law enforcement institution to another law enforcement agency in Canada.

### Records Which May be Disclosed

Information is disclosed when required for an authorized purpose. Any record may be disclosed, for example, occurrence reports, officer notes, officer statements, CPIC Records, Intelligence information, photographs, fingerprints, etc.

### YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

### CPIC Considerations

Category 1

### Notes

Access for information relating to any police service employee or to a public complaint file should be directed to the Human Resources Branch or Professional Standards Branch.
<table>
<thead>
<tr>
<th>Purpose for Requesting Law Enforcement Records</th>
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<tbody>
<tr>
<td>Criminal court, civil court, adoption, immigration, pardons, fingerprint destruction, etc.</td>
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<table>
<thead>
<tr>
<th>Legislation / Regulation which Supports Disclosure</th>
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</thead>
<tbody>
<tr>
<td>If charges are outstanding and before the courts, criminal disclosure is addressed through the Crown. If completed and required for subsequent court or civil purposes, should be addressed through the proper criminal proceeding. See the rules of <a href="#">Civil Procedure 30.10, Regulation 194</a>.</td>
</tr>
</tbody>
</table>

**MFIPPA 14(1)(a) & 32(b) and FIPPA 21(1)(a) & 42(1)(b) when acting as counsel for an individual.**

**YCJA Sec 119(1)(b) when counsel for an individual.**

<table>
<thead>
<tr>
<th>Records Which May be Disclosed</th>
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</thead>
<tbody>
<tr>
<td>If required for criminal court information can be disclosed to the accused through the Crown disclosure process or by way of subpoena through attendance or affidavit.</td>
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<table>
<thead>
<tr>
<th>CPIC Considerations</th>
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<tbody>
<tr>
<td>No CPIC access. Their client’s CPIC information will be provided through the Crown disclosure process or through formal court process.</td>
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<tr>
<th>Notes</th>
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<tr>
<td>AGENCY / ORGANIZATION</td>
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<tr>
<td>-----------------------</td>
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<tr>
<td>Military Police SEE Department of National Defence</td>
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<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>PHONE NUMBER(S)</th>
<th>E-MAIL</th>
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**Purpose for Requesting Law Enforcement Records**

**Legislation / Regulation which Supports Disclosure**

**Records Which May be Disclosed**

**YCJA Considerations**

**CPIC Considerations**

**Notes**
Purpose for Requesting Law Enforcement Records

Information is required for the investigation and prosecution of criminal offences.

Also in relation to Ontario Review Board hearings, Long Term Offender and High Risk Offender designations.

Legislation / Regulation which Supports Disclosure

Police Services Act. Section 41-1.2 (6).

Records Which May be Disclosed

Occurrence reports, statements, officer notes, criminal records and other records required for court proceedings.

YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(c). Non-disclosure rules apply.

CPIC Considerations

No CPIC access. Access to case specific information provided through their local police service. Provided information from the Investigative and Identification databanks such as outstanding warrants, charges and criminal convictions. Caution should be taken in regards to the disclosure of SIP, Intelligence information and non-related hits which may be reflected on CPIC printouts and subsequently included in Crown packages.

Notes

In accordance with the Stinchcombe decision, the Crown must disclose to the Defence Attorney, information under its control. If concerns are identified with the disclosure of specific information from police files, two copies of the report should be prepared, an original copy and a severed copy. The overall decision on disclosure will ultimately rest with the Crown.
Purpose for Requesting Law Enforcement Records

This department is responsible for the investigation of welfare fraud and cases where recipients report their funds stolen after negotiation of welfare cheque(s).

Legislation / Regulation which Supports Disclosure

**Ontario Works Act** Section 65 (1) & (11)

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Generally require copies of occurrence reports which establish the co-habitation of their client and another party. This may be provided by way of a synopsis or a severed copy of the report. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

No CPIC access.

Notes

Eligibility Review Officers act in a “law enforcement” capacity when engaged in investigations under the Ontario Works Act. They typically lay their own charges of fraud in accordance with Section 380(1) CCC.
Purpose for Requesting Law Enforcement Records

Chemical spills, train derailments, land, water and air environmental enforcement.

Investigative responsibilities within environmental enforcement.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

PSA Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the YCJA – Sec 119(1)(n). Non-disclosure rules apply.

CPIC Considerations

Category II (B)

Notes
<table>
<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>PHONE NUMBER(S)</th>
<th>E-MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services and Revenue Control</td>
<td>905-433-6226</td>
<td></td>
</tr>
</tbody>
</table>

Purpose for Requesting Law Enforcement Records
Investigations into retail sales tax fraud.

Legislation / Regulation which Supports Disclosure
Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed
Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations
Have access to information in accordance with the [YCJA](#) – Sec 119(1)(n). Non-disclosure rules apply.

CPIC Considerations
Category II (B)

Notes
**Purpose for Requesting Law Enforcement Records**

To provide the Ministry of Health with pertinent health related concerns, such as animal bites and infectious disease issues that may concern the health of the general public.

**Legislation / Regulation which Supports Disclosure**

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police may disclose 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 CCC, CDSA or any other federal or provincial Acts to any agency engaged in enforcement of or compliance with any federal or provincial Act.

**Health Protection & Promotion Act** Section 35(1) allows the medical officer of health to apply to a judge of the Ontario Court of Justice for an Order that a person be taken into custody for the purposes of delivering the person to a hospital for examination by a physician. Section 35(6) states that an Order under section 35 may be directed to a police service that has jurisdiction in the area where the person who is the subject of the Order may be located, and the police service shall do all things reasonably able to be done to locate, apprehend and deliver the person in accordance with the Order. Section 2.(1) also allows for the sharing of information in relation to animal bites.

**Police Services Act** Section 41(1.2) a Chief of Police may disclose personal information about an individual for the protection of public and protection of victims of crime.

**MFIPPA** Section 16 & 23. An exemption from disclosure of a record under sections 7, 9,10,11,13 and 14 does not apply if a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption.

**Records Which May be Disclosed**

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

**YCJA Considerations**

Require Court Order from a Youth Court Justice to release records no longer under investigation.

Records may be disclosed by an officer to a person participating in a conference in accordance with YCJA 119.1(j) when proceeding by way of extrajudicial measure or sanction.

**CPIC Considerations**

No CPIC access.

**Notes**

Requests may be received by the Chief Medical Officer of Health.
Purpose for Requesting Law Enforcement Records

Request copies of Occurrence reports for the purpose of investigations and prosecutions.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.


Records Which May be Disclosed

Copies of occurrence reports can be disclosed for law enforcement investigations or inspections which lead or could lead to proceedings in a court or tribunal as a result of which a penalty or sanction could be imposed.

Copies of officer's notes can be disclosed to MOL Investigators or Prosecutors when engaged in the actual law enforcement prosecution.

Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

No CPIC access.

Notes

In appropriate cases, copies of occurrence reports should be severed for third party or police technique information.
Purpose for Requesting Law Enforcement Records

Requested for law enforcement purpose or for officer safety.

The mandate of the Enforcement Branch is to provide effective regulatory protection of Ontario's natural resources, environment and public safety. MNR enforces 27 Acts and regulations and administers 45 Acts and regulations.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

CPIC Considerations

Category II (B)

There is an intelligence sharing agreement with Canadian Intelligence Sharing Organization (CISO). Participate with various Joint Force Operations with police services.

Notes
<table>
<thead>
<tr>
<th>Purpose for Requesting Law Enforcement Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disclosure of Motor Vehicle Accident Reports, Forms 401 and 418.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legislation / Regulation which Supports Disclosure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MFIPPA</strong> 14(1)(d) &amp; 32(e) and <strong>FIPPA</strong> 21(1)(d) &amp; 42(e) permit the disclosure under federal or provincial legislation which in this case is the <strong>Highway Traffic Act</strong> Section 199(3).</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Records Which May be Disclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Motor Vehicle Accident Report, Unit 2, in its entirety shall be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>YCJA Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal charges under the YCJA shall not be included on the accident report. No provincial offences for those between 12 - 16 years of age may released pursuant to the Provincial Offences Act, Section 99(1):</td>
</tr>
</tbody>
</table>

**Identity of young person not to be published**

**POA 99.1** No person shall publish by any means a report, (a) of an offence committed or alleged to have been committed by a young person; or (b) of a hearing, adjudication, sentence or appeal concerning a young person who committed or is alleged to have committed an offence,

<table>
<thead>
<tr>
<th>CPIC Considerations</th>
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<tbody>
<tr>
<td>Category III, Restriction 6.</td>
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</tbody>
</table>

<p>| Notes |</p>
<table>
<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>PHONE NUMBER(S)</th>
<th>E-MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Municipal Office</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Purpose for Requesting Law Enforcement Records

Information required for enforcement of local traffic, noise by-laws or other applicable by-laws.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of **MFIPPA 32(g)** provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**Police Services Act 15(2)** specifies municipal law enforcement officers as peace officers. **PSA 41(1.2)** allows disclosure for law enforcement purposes.

Records Which May be Disclosed

Information relating to outstanding stolen autos may be shared with your local Traffic By-Law office. Vehicle Registration information obtained from CPIC shall not be disclosed. Vehicle registration information can only be utilized for authorized operational activities of a police service and not for administrative activities.

Relevant occurrence information can be shared with your local Noise By-Law office in relation to noise complaints.

Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the **YCJA – Sec 119(1)(g)**. Non-disclosure rules apply.

CPIC Considerations

No CPIC access.

PARIS is an Ancillary Data Bank to CPIC and is owned by the Ministry of Transportation (MTO). Access to PARIS/MTO information is provided to police for investigative purposes only and that information cannot be further disseminated without permission of the MTO.

Notes

By-Law offices requiring their own direct access to the Ontario Motor Vehicle and Drivers Licence System can contact the Ministry of Transportation at 1-800-461-5538.
<table>
<thead>
<tr>
<th>Purpose for Requesting Law Enforcement Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our Missing Children is a Government of Canada initiative supported by the RCMP which runs the Missing Children’s Registry.</td>
</tr>
<tr>
<td>Note: it is not Child Find or the National Centre for Missing and Exploited Children, although these private agencies partner with Our Missing Children. For more information visit this link: <a href="http://www.ourmissingchildren.gc.ca/omc/about/recognized_e.htm">http://www.ourmissingchildren.gc.ca/omc/about/recognized_e.htm</a></td>
</tr>
<tr>
<td>The RCMP extracts missing children from CPIC to add to the registry and, as a result, the local police service may be contacted if there is a match or further investigation is required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legislation / Regulation which Supports Disclosure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharing of information is permissible in accordance with the provisions of MFIPPA 32(f)(ii) and FIPPA 42(f)(ii) if disclosure is by law enforcement institution to another law enforcement agency in Canada.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Records Which May be Disclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>General occurrence reports may be disclosed with third party information removed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>YCJA Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>No access to information in accordance with the YCJA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CPIC Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>No CPIC access.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further information can be found in Appendix III-4-C of the CPIC Reference Manual.</td>
</tr>
</tbody>
</table>
Purpose for Requesting Law Enforcement Records

Consideration for pardon applicants.

Legislation / Regulation which Supports Disclosure

MFIPPA 32(e) and FIPPA 42.1(e) permits the disclosure of information under federal or provincial legislation which in this case is the Criminal Records Act.

PSA Regulation 265/98 5(1) (b) & (c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any parole authority in Canada or any agency engaged in the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

Records Which May be Disclosed

Pertinent information relating to local police contacts as well as summary convictions or dual/indictable convictions which are not reflected in CPIC.

YCJA Considerations

There is no requirement to access YCJA records as young persons are not required to apply for pardons. “Findings of guilt” as a young person may become linked to adult convictions, effectively becoming part of the offender’s adult record.

CPIC Considerations

Category II (B)

Notes

The Corrections and Conditional Release Act (CCRA) allows the National Parole Board to withhold information that could reasonably be expected to jeopardize the safety of any person or reveal a source of information obtained in confidence.
### Purpose for Requesting Law Enforcement Records

The OCL is a law office within the Ministry of the Attorney General. They are appointed by the Court to act in child protection proceedings and custody/access cases. The OCL takes an independent position on behalf of the child to represent their personal and property rights.

They seek access to police records via a Court Order. They obtain authorizations signed by the parties authorizing and consenting to the disclosure of information to the Children's Lawyer.

### Legislation / Regulation which Supports Disclosure

Access to records through Court Order.

### Records Which May be Disclosed

The OCL acknowledges that the police retain the right to sever or block out and not produce the following information:

- Information unrelated to the occurrence in issue, including, but not limited to, references to other cases or matters contained in the notes or records
- Personal information of non-parties
- Information which might compromise law enforcement interests
- Information over which privilege is claimed
- Third party records contained in the police file, although their existence will be noted; and CPIC references.

### YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(L). Non-disclosure rules apply.

### CPIC Considerations

No CPIC access.

### Notes

Many police services may have a Memorandum of Understanding (MOU) with the OCL, the MOU will take precedence over this document.

The cover letter on the Court Order usually identifies many parties. Be sure to read the Court Order to determine what names are identified as names may be different or not listed on the Court Order.

The Chief of Police has 15 days from the time of receipt to vary the order, where necessary.

There is a specified thirty day time frame to return the records.
Purpose for Requesting Law Enforcement Records

The Fire Marshal has investigative responsibilities within the scope of the statutes that it enforces. The investigative powers of the agency go beyond monitoring, routine inspection, or enforcement of administrative penalties and must include a range of responsibilities, such as investigating presumed offences likely to be subject to prosecution under the Criminal Code of Canada other federal/provincial statutes.

The Fire Marshal is part of the Ministry of Community Safety and Correctional Service.

Legislation / Regulation which Supports Disclosure

Fire Protection Prevention Act, Part VI

Sharing of information is permissible in accordance with the provisions of MFIPPA 32 (g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal of a penalty or sanction could be imposed in those proceedings.

PSA Regulation 265/98 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in the enforcement of or compliance with any federal or provincial Act.

Records Which May be Disclosed

May disclose pertinent information from the general occurrence report. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(n). Non-disclosure rules apply.

CPIC Considerations

No CPIC access.

Notes

The Office of the Fire Marshal has an FOI Coordinator and follows FIPPA and the Ontario Archives Act. The Fire Marshal will not release police occurrences under any FOI request. Any information disclosed is from their Investigator’s report, not the police services file/report.
## Purpose for Requesting Law Enforcement Records
Office of the Public Guardian and Trustee are responsible for managing funds/care of people (elders, orphans, etc.) who have no one else to do so.

As a result of this responsibility they may request copies of occurrence reports where their beneficiary has been involved, i.e. break and enter where damage and theft has occurred.

## Legislation / Regulation which Supports Disclosure
- **Substitute Decisions Act** Sec 27 and/or 62.
- **MFIPPA** 32(c) and **FIPPA** 42.1(c) consistent purpose would apply to justify disclosure to the Office of the Public Guardian. The purpose of providing the information is to request the commencement of an investigation under the Substitute Decisions Act to ensure the physical and economic well-being of the subject.

## Records Which May be Disclosed
Copies of reports may be disclosed but limited in content to matters relating directly to the subject’s capability to manage property or personal care. Can also disclose the officer’s observations as well as information provided by other parties acting in their professional capacities i.e., social agencies/community health programs/municipal departments.

Disclosure should not include personal information and identifiers of any private citizen or third party acting in a private capacity i.e., neighbour or family member that provided information which lead to the investigation.

## YCJA Considerations
Have no access to information in accordance with the YCJA.

## CPIC Considerations
No CPIC access.

## Notes
Purpose for Requesting Law Enforcement Records

Investigation into the conduct of one of their members.

Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

PSA Regulation 265/98 5(1)(c) provides that a chief of police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

Ontario College of Teachers Act 1996 Regulation 176/10
Regulation 437/07 Professional Misconduct

Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

Records may also be court ordered.

YCJA Considerations

No access to information in accordance with the YCJA.

CPIC Considerations

No CPIC access.

Notes

Ensure the requestor provides their specific authority for gathering the requested information.
<table>
<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>PHONE NUMBER(S)</th>
<th>E-MAIL</th>
</tr>
</thead>
</table>

**Purpose for Requesting Law Enforcement Records**

Investigators would be seeking information for their own investigation.

**Legislation / Regulation which Supports Disclosure**

There is no legislation or regulation to support disclosure for this purpose. A proper access request through MFIPPA would have to be made.

**Records Which May be Disclosed**

No access to records - refer to [MFIPPA](#) process for disclosure to third parties.

**YCJA Considerations**

No access to information in accordance with the YCJA.

**CPIC Considerations**

No CPIC access.

**Notes**
Purpose for Requesting Law Enforcement Records

To make enquiries or an investigation regarding the character, financial position and competence of an applicant or licencee. Conduct due diligence investigations under statute to determine whether the licence will be issued. The prime consideration is public interest. A decision to deny the licence is subject to appeal or review through a hearing before The Licence Appeal Tribunal.

Legislation / Regulation which Supports Disclosure

Private Security and Investigative Services Act, Section 13 through Section 18 inclusive, and Ontario Regulation 37/08 PSISA Clean Criminal Record Regulation.

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

Records Which May be Disclosed

Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

YCJA Considerations

Have access to information in accordance with the YCJA - Sec. 119(1)(o). Non-disclosure rules apply.

CPIC Considerations

Category II (B)

Notes

Utilize Niche as their RMS.
### Purpose for Requesting Law Enforcement Records

Requests can be made for probation reporting, preparation of a pre-sentence report or parole purposes.

### Legislation / Regulation which Supports Disclosure

Sharing of information is permissible in accordance with [MFIPPA](#) 32(c).

**PSA Regulation 265/98** 5(1)(c) provides that a Chief of Police may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Disclose a narrative or synopsis when reporting for probation purposes.

More detailed information can be provided for a pre-sentence report to assist the Probation Officer in compiling the report for the Judge.

For parole purposes consider releasing more detailed information such as an arrest report and victim statements to ensure no improper release of an offender occurs.

### YCJA Considerations

Have access to information in accordance with the [YCJA](#) - Sec. 119(1)(i). Non-disclosure rules apply.

### CPIC Considerations

Category II (C)

### Notes
<table>
<thead>
<tr>
<th>CONTACT INFORMATION</th>
<th>PHONE NUMBER(S)</th>
<th>E-MAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officer</td>
<td>416-622-2382</td>
<td></td>
</tr>
<tr>
<td></td>
<td>800-787-8529</td>
<td></td>
</tr>
</tbody>
</table>

**Purpose for Requesting Law Enforcement Records**

Investigate police involvement regarding serious injury or death while in contact with police.

**Legislation / Regulation which Supports Disclosure**

**PSA** Section 113-9, members of police services shall cooperate with the members of SIU in the conduct of investigations.

Subject officer must authorize any release of personal information pertaining to that officer.

**Records Which May be Disclosed**

All requested information, for example radio transmission, officer notebook, general occurrence report, booking sheets relating to the incident.

**YCJA Considerations**

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

**CPIC Considerations**

Category II (B)

**Notes**

Included under Ministry of the Attorney General.
### Purpose for Requesting Law Enforcement Records

When a young person may be accepted into an extrajudicial measure or sanction or adult diversion program.

Upon completion of the program, the St. Leonard's Society will notify the victim, police and justice system of the results of the program.

### Legislation / Regulation which Supports Disclosure

**MFIPPA** 32(c) and **FIPPA** 42.1(c) consistent purpose would apply to justify disclosure to the St. Leonard's Society.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Initial disclosure prior to acceptance into the program will include: Prosecution summary (Crown brief synopsis), name, DOB, address, telephone number, parent details, civilian and police witness details, victim details, signed pre-diversion waiver form.

Upon completion of the program disclosure will include Victim’s name, address, and telephone number.

### YCJA Considerations

Have access to information in accordance with the **YCJA** - Sec. 119(1)(j). Non-disclosure rules apply.

### CPIC Considerations

No CPIC access.

### Notes
**Purpose for Requesting Law Enforcement Records**
Administers and enforces public safety laws in Ontario.

**Legislation / Regulation which Supports Disclosure**

Technical Standards and Safety Act.

Sharing of information is permissible in accordance with the provisions of [MFIPPA](#) 32(g) and [FIPPA](#) 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

[ PSA Regulation 265/98](#) 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

**Records Which May be Disclosed**
Pertinent information from the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

**YCJA Considerations**
No access to information in accordance with the YCJA.

**CPIC Considerations**
No CPIC access.

**Notes**
**Purpose for Requesting Law Enforcement Records**
Transport Canada is responsible for air, marine, rail, and road transportation in Canada.

The Transportation Security Clearance Program conducts clearances for all Transport Canada employees who require access to defined restricted areas.

**Legislation / Regulation which Supports Disclosure**
Aeronautics Act Section 4.8 for airport workers and; Marine Transportation Security Regulations for maritime facility workers pursuant to Part 5.

Neither of these sections authorize the disclosure of information from police services to Transport Canada however it gives Transport Canada the authority to collect information.

Information can be disclosed under **MFIPPA 32(b)** and **FIPPA 42.1(b)** where signed authorization/consent exists.

**Records Which May be Disclosed**
Information relating only to the individual who consented to their information may be disclosed. No third party information shall be disclosed. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

**YCJA Considerations**
Have access to information in accordance with the **YCJA** - Sec. 119(1)(o) when for criminal record check purposes. Non-disclosure rules apply.

**CPIC Considerations**
Category III, Restriction 7

**Notes**
### Purpose for Requesting Law Enforcement Records

The Transportation Safety Board of Canada investigates occurrences in the marine, rail or air modes of transportation.

### Legislation / Regulation which Supports Disclosure

**Canadian Transportation Accident Investigation and Safety Board Act** 14 & 15 & 19(10)

Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(g) and **FIPPA** 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**PSA Regulation 265/98** 5(1)(c) & 6 provides that a Chief of Police or designate may disclose personal information about an individual if the individual is under investigation, is charged with or is convicted or found guilty of an offence under the CCC, CDSA or any other federal or provincial Act to any agency engaged in enforcement of or compliance with any federal or provincial Act.

### Records Which May be Disclosed

Pertinent information relating to the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU’s, severing, etc.).

### YCJA Considerations

No access to information in accordance with the YCJA.

### CPIC Considerations

No CPIC access.
**Purpose for Requesting Law Enforcement Records**

Universities with designated Special Constables can undertake their own investigations and lay charges.

**Legislation / Regulation which Supports Disclosure**

Deemed to be law enforcement.

Sharing of information is permissible in accordance with the provisions of **MFIPPA** 32(f)(ii) and **FIPPA** 42.1(f)(ii) if disclosure is by law enforcement institution to another law enforcement agency in Canada. **Police Services Act** (53)(3) states the appointment of a special constable may confer on him or her the powers of a police officer, to the extent and for the specific purpose set out in the appointment.

**Records Which May be Disclosed**

Outstanding charges, convictions and warrants listed on the CPIC system as well as pertinent information from occurrence reports to assist with their investigation. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

**YCJA Considerations**

Have access to information in accordance with the **YCJA** - Sec. 119(1)(g). Non-disclosure rules apply.

**CPIC Considerations**

Access for Special Constables is usually through their local police service. May have access to 10-29 and CRII information. PARIS is an Ancillary Data Bank to CPIC and is owned by the Ministry of Transportation (MTO). Access to PARIS/MTO information is provided to police service for investigative purposes only and that information can not be further disseminated without permission of the MTO.

If university Special Constables require access to PARIS/MTO information they must enter into a Memorandum of Understanding (MOU) with the MTO directly.

Special Constables of the University of Toronto is a Category II (A) CPIC agency. No other Ontario university has CPIC access.

**Notes**

Many police services will have a Memorandum of Understanding with their local University, that MOU will take precedence over this document.

This only applies to Universities and Colleges which have the Special Constable designation.
**Purpose for Requesting Law Enforcement Records**

They are responsible for the investigation of criminal offences and offences relating to the Workplace Safety and Insurance Act of Ontario which could lead to a sanction or penalty.

**Legislation / Regulation which Supports Disclosure**

Sharing of information is permissible in accordance with the provisions of MFIPPA 32(g) and FIPPA 42.1(g) provided the information is to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Law enforcement is defined as investigations or inspections which lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings.

**Records Which May be Disclosed**

Pertinent information relating to the general occurrence report may be disclosed. Internal processes may need to be taken into account (i.e., MOU's, severing, etc.).

**YCJA Considerations**

Have access to information in accordance with the YCJA - Sec. 119(1)(g). Non-disclosure rules apply.

**CPIC Considerations**

No CPIC access.

**Notes**

The Information and Privacy Commission (IPC) (Compliance Investigation Report 189-59) deemed WSIB to be a Law Enforcement Agency when they are conducting an investigation for an offence under their enabling legislation e.g. the Workplace Safety and Insurance Act, 1997.
APPENDICES

Appendix 1  CPIC Agency Categories
Appendix 2  List of Category II and III Agencies
Appendix 3  Police Services Act – Part IV & Sec 113 (1-9)
Appendix 4  PSA Regulation 265/98 - Disclosure of Personal Information
Appendix 5  Correctional Service Canada Request for Information form
Appendix 6  Corrections and Conditional Release Act
Appendix 7  Request for Access to Personal Information form
Appendix 8  Criminal Records Act
Appendix 9  Release of Information via affidavit
Appendix 10  Generic Request and response forms
Appendix 11  Young Person release of information to Insurance and Lawyers
Appendix 12  Request/Consent and Direction Disclosure Information Form
Appendix 13  Disclosure of Information stamps
Appendix 14  Criminal Injuries Compensation Board request form
Appendix 15  Coroners Act R.S.O. 1990
Appendix 16  All Chief’s Bulletin 10-0050 (Guide for Police for release of records to CAS)
Appendix 1

CPIC Agency Categories
(CPIC Reference Manual)

2.1 Category I: Police Agency

a. Canadian
The agency has full peace officer authority provided under a Canadian federal or provincial Police Act. The primary role of the agency is law enforcement. The police agency is approved as a Category I agency by the CPIC Advisory Committee on the written advice of the Officer-In-Charge (OIC), CPI Centre, RCMP National Police Services and for CPIC purposes, the Canadian Security Intelligence Service (CSIS).

b. Foreign
The agency has full peace officer authority provided under a Police Act. The primary role of the agency is law enforcement.

2.2 Category II: Agency with Limited Law Enforcement Role

a. The agency has limited law enforcement responsibilities; its authority is provided under specific federal and/or provincial legislation (e.g. Customs Act, Immigration Act, Railway Act, provincial Wildlife Acts, etc.). Law enforcement is not the primary role of the organization. Agencies granted Category II access will fall under one of the following sub-categories:

1. Category II (A) - The agency has a complete range of policing responsibilities including response to complaints from the public, patrol, traffic law enforcement and the investigation of suspected offences which could lead to prosecution under the Criminal Code of Canada or other federal/provincial statutes (e.g., Canadian Pacific Railway Police).

2. Category II (B) - The agency has investigative responsibilities within the scope of the statutes that it enforces. The investigative powers of the agency go beyond simple monitoring, routine inspection, or enforcement of administrative penalties and must include a range of responsibilities, such as investigating presumed offences likely to be subject to prosecution under the Criminal Code of Canada or other federal/provincial statutes (e.g. Customs and Excise, Immigration Canada).

3. Category II (C) - The agency is a federal correctional service, provincial correctional service, or a provincial sheriff service.

2.3 Category III: Agency with Role Complementary to Law Enforcement

a. The agency has no direct law enforcement authority but provides assistance to law enforcement agencies.
Appendix I-2-B: List of Category II and III Agencies

List of Category II and III Agencies (as of April 1, 2008)

The following agencies have received approval from the CPIC Advisory Committee to access the various CPIC data banks and/or communications system. In some instances, the Advisory Committee has imposed restrictions or has limited the access to those data banks.

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CAT.</th>
<th>ACCESS</th>
<th>GROUP ID.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada Border Services Agency, Borders Intelligence Division and</td>
<td>II (B)</td>
<td>Enhanced</td>
<td>ON89000</td>
</tr>
<tr>
<td>Immigration Warrant Response Centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada Firearms Centre / Chief Provincial Firearms Officers [opt out</td>
<td>III</td>
<td>Restriction 2</td>
<td>ON80190</td>
</tr>
<tr>
<td>Provinces/Territories only]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canada Revenue Agency, Enforcement and Disclosures Directorate,</td>
<td>II (B)</td>
<td>Standard</td>
<td>ON80132</td>
</tr>
<tr>
<td>Criminal Investigations Division</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizenship and Immigration Canada, Operational Management and</td>
<td>II (B)</td>
<td>Standard</td>
<td>ON89090</td>
</tr>
<tr>
<td>Coordination</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Service Canada, Correctional Services Division</td>
<td>II (C)</td>
<td>Standard</td>
<td>ON80305</td>
</tr>
<tr>
<td>Environment Canada, Enforcement Branch, Environmental Enforcement</td>
<td>II (B)</td>
<td>Standard</td>
<td>ON80006</td>
</tr>
<tr>
<td>Directorate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), Strategic Research and Analysis Branch</td>
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**Restriction Notes:**

1. Access to the CPIC Instructional Data Base and narrative traffic facilities only.
2. Access for operational queries and CPIC Communications system (narrative traffic). Query and maintenance of FIP persons and property records.
3. Access to the CPIC Communications system and direct access ONLY to the Identification and Ancillary Data Banks with the following exclusions: *Youth Criminal Justice Act* records, federal and provincial Corrections records.
4. Access to the CPIC Communications system (narrative traffic) and operational queries of the Vehicle File.
5. Access to the CPIC Communications system (narrative traffic) only.
7. Access for operational queries of CPIC Persons File, the Identification Data Bank files and the CPIC Communications system.
8. Access to the Investigative, Identification and Ancillary Data Banks with the following exclusions: *Youth Criminal Justice Act* records.
9. Access for operational queries to the Investigative, Identification and Ancillary Data Banks, the CPIC Communications system, and standard maintenance of the Persons File and Property File of the Investigative Data Bank specifically for the maintenance of lost or stolen passports and related secondary records.
Duties of Chief of police

41. (1) The duties of a chief of police include,
(a) in the case of a municipal police force, administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board under subsection 31 (1);
(b) ensuring that members of the police force carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community, and that discipline is maintained in the police force;
(c) ensuring that the police force provides community-oriented police services;
(d) administering the complaints system in accordance with Part V. R.S.O. 1990, c. P.15, s. 41 (1); 1995, c. 4, s. 4 (8, 9); 1997, c. 8, s. 27

Power to disclose personal information

(1.1) Despite any other Act, a chief of police, or a person designated by him or her for the purpose of this subsection, may disclose personal information about an individual in accordance with the regulations. 1997, c. 17, s. 9.

Purpose of disclosure

(1.2) Any disclosure made under subsection (1.1) shall be for one or more of the following purposes:
1. Protection of the public.
2. Protection of victims of crime.
3. Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them.
4. Law enforcement.
5. Correctional purposes.
6. Administration of justice.
7. Enforcement of and compliance with any federal or provincial Act, regulation or government program.
8. Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual. 1997, c. 17, s. 9.

Same

(1.3) Any disclosure made under subsection (1.1) shall be deemed to be in compliance with clauses 42 (1) (e) of the Freedom of Information and Protection of Privacy Act and 32 (e) of the Municipal Freedom of Information and Protection of Privacy Act. 1997, c. 17, s. 9; 2006, c. 34, Sched. C, s. 27.

Same

(1.4) If personal information is disclosed under subsection (1.1) to a ministry, agency or institution, the ministry, agency or institution shall collect such information and subsections 39 (2) of the Freedom of Information and Protection of Privacy Act and 29 (2) of the Municipal Freedom of Information and Protection of Privacy Act do not apply to that collection of personal information. 1997, c. 17, s. 9.

Chief of police reports to board

(2) The chief of police reports to the board and shall obey its lawful orders and directions. R.S.O. 1990, c. P.15, s. 41 (2).
Police Services Act R.S.O. 1990, CHAPTER P.15 - PART VII

SPECIAL INVESTIGATIONS

Special investigations unit

113. (1) There shall be a special investigations unit of the Ministry of the Solicitor General. R.S.O. 1990, c. P.15, s. 113 (1).

Composition


Idem

(3) A person who is a police officer or former police officer shall not be appointed as director, and persons who are police officers shall not be appointed as investigators. R.S.O. 1990, c. P.15, s. 113 (3).

Peace officers

(4) The director and investigators are peace officers. R.S.O. 1990, c. P.15, s. 113 (4).

Investigations

(5) The director may, on his or her own initiative, and shall, at the request of the Solicitor General or Attorney General, cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers. R.S.O. 1990, c. P.15, s. 113 (5).

Restriction

(6) An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member. R.S.O. 1990, c. P.15, s. 113 (6).

Charges

(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution. R.S.O. 1990, c. P.15, s. 113 (7).

Report

(8) The director shall report the results of investigations to the Attorney General. R.S.O. 1990, c. P.15, s. 113 (8).

Co-operation of police forces

(9) Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations. R.S.O. 1990, c. P.15, s. 113 (9).
Appendix 4

Police Services Act - ONTARIO REGULATION 265/98

DISCLOSURE OF PERSONAL INFORMATION

Last amendment:  O.Reg. 297/05.

1. In this Regulation, an individual shall be deemed to be charged with an offence if he or she,
   (a) is arrested and released in accordance with Part XVI of the Criminal Code (Canada); or
   (b) is 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.  O. Reg. 265/98, s. 1.

2. (1) A chief of police or his or her designate may disclose personal information about an individual to any person if,
   (a) the individual has been 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;
   (b) the chief of police or his or her designate who would disclose the personal information reasonably believes that the individual poses a significant risk of harm to other persons or property; and
   (c) the chief of police or his or her designate who would disclose the personal information reasonably believes that the disclosure will reduce that risk.  O. Reg. 265/98, s. 2 (1).
   
   (2) If subsection (1) applies, the chief of police or his or her designate may disclose any personal information about the individual that the chief of police or his or her designate reasonably believes will reduce the risk posed by the individual.  O. Reg. 265/98, s. 2 (2).

3. (1) A chief of police or his or her designate may disclose personal information, as described in subsection (2), about an individual to any person if the individual has been charged with, 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.  O. Reg. 265/98, s. 3 (1).
   
   (2) If subsection (1) applies, the following information may be disclosed:
   1. The individual’s name, date of birth and address.
   2. The offence described in subsection (1) with which he or she has been charged or of which he or she has been convicted or found guilty and the sentence, if any, imposed for that offence.
   3. The outcome of all significant judicial proceedings relevant to the offence described in subsection (1).
   4. The procedural stage of the criminal justice process to which the prosecution of the offence described in subsection (1) has progressed and the physical status of the individual in that process (for example, whether the individual is in custody, or the terms, if any, upon which he or she has been released from custody).
   5. The date of the release or impending release of the individual from custody for the offence described in subsection (1), including any release on parole or temporary absence.  O. Reg. 265/98, s. 3 (2).

4. (1) In this section,
   “victim” means a person who, as a result of the commission of any offence under the Criminal Code (Canada) by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the offence results in the death of the person, includes,
   (a) a spouse of the person,
   (b) a child or parent of the person, within the meaning of section 1 of the Family Law Act, and
   (c) a dependant of the person, within the meaning of section 29 of the Family Law Act,
but does not include a spouse, child, parent or dependant who is charged with or has been convicted of committing the offence. O. Reg. 297/05, s. 1.

(2) A chief of police or his or her designate may disclose to a victim the following information about the individual who committed the offence if the victim requests the information:

1. The progress of investigations that relate to the offence.
2. The charges laid with respect to the offence and, if no charges are laid, the reasons why no charges are laid.
3. The dates and places of all significant proceedings that relate to the prosecution.
4. The outcome of all significant proceedings, including any proceedings on appeal.
5. Any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial.
6. The interim release and, in the event of conviction, the sentencing of an accused.
7. Any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder.
8. Any application for release or any impending release of the individual convicted of the offence, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass.
9. Any escape from custody of the individual convicted of the offence.
10. If the individual accused of committing the offence is found unfit to stand trial or is found not criminally responsible on account of mental disorder,
   i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
   ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
   iii. any escape of the accused from custody. O. Reg. 265/98, s. 4 (2).

5. (1) A chief of police or his or 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,

(a) any police force in Canada;
(b) any correctional or parole authority in Canada; or
(c) 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. O. Reg. 265/98, s. 5 (1).

(2) Subsection (1) applies 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 and if the circumstances are such that disclosure is required for 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. O. Reg. 265/98, s. 5 (2).

(3) The procedures to be followed in disclosing personal information under this section to an agency that is not engaged in the protection of the public or the administration of justice shall be in accordance with a memorandum of understanding entered into between the chief of police and the agency. O. Reg. 265/98, s. 5 (3).

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed. O. Reg. 265/98, s. 6.
Appendix 5

Correctional Service Canada Request for Information Form

INFORMATION RETRIEVAL UNIT – TORONTO

c/o Toronto Police Service
Bail & Parole Enforcement Unit
2240 Lawrence Avenue East,
Scarborough, Ontario,
M1P 2R5

Telephone: (416) 615-2350
Facsimile: (416) 615-2353

Date: __________________________

___________ POLICE SERVICE

Attention: Records Supervisor

Reference: Federal Offender
FPS #

<table>
<thead>
<tr>
<th>Offender Name</th>
<th>Date of Birth</th>
<th>Sentencing Date</th>
<th>Sentencing Judge</th>
<th>Sentencing Court</th>
<th>Offence(s)</th>
</tr>
</thead>
<tbody>
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The above noted Offender is in federal custody. The Correctional Service of Canada is requesting your assistance in gathering the following critical information:

- Record of Arrest and supplementaries;
- Show Cause Brief and/or Bail Hearing;
- Victim Impact Statements
- Any comments/opinions you wish to relay to CSC and the National Parole Board concerning the Offender.

Kindly forward the obtainable material to our office. Should you have any questions, please do not hesitate to call our office. Thank you for your co-operation in this endeavour.

DISCLOSURE OF INFORMATION:
Corrections and Condition Release Act states – Correctional Service shall provide to the Offender all information that is to be considered in review of the case.

Yours truly,

Wm. A. Stahlbaum
Director
Appendix 6

Corrections and Conditional Release Act
Appendix 7

Request for Access to Personal Information form

REQUEST FOR ACCESS TO PERSONAL INFORMATION
FOR THE PURPOSES OF: (a) LAW ENFORCEMENT and/or
(b) COMPLIANCE WITH A FEDERAL OR PROVINCIAL ACT
MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT,
R.S.O. 1990, ch. M.56 (as amended)

This information is requested and disclosed in accordance with the provisions of section 25(1)(b) and sections 32(e), (f) and/or (g) of the Municipal Freedom of Information and Protection of Privacy Act, which permit collection/disclosure of personal information for the purpose of complying with a federal or provincial act, or where disclosure is by a law enforcement institution to another law enforcement agency/institution in Canada.

The front of this form is to be completed by the agency requesting information and will be used to assess the request.

1. Agency requesting information:
   Address: ____________________________
   City: ____________________________ Province: ____________________________ Postal Code: ____________________________

2. Name of person to whom information requested pertains:
   Name: ____________________________ Date of Birth: ____________________________
   Address: ____________________________
   City: ____________________________ Province: ____________________________ Postal Code: ____________________________

3. Description of information requested:
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

4. Type of access requested:
   [ ] Verbal
   [ ] View original
   [ ] Copy
   [ ] Summary
   [ ] Photo line-up file
   [ ] Photographs

Note: Originals will be released pursuant to warrant, subpoena or summons only.

5. a) Information is requested for the following law enforcement investigation/proceeding:
   [ ] Police
   [ ] Federal Offence
   [ ] By-Law
   [ ] Provincial Offence
   [ ] Other (Please specify): ____________________________
   Agency Incident or File No.: ____________________________

b) (i) Details of the nature of the investigation/proceeding:
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

   (ii) Specify any applicable legislation, including section numbers, and attach a copy:
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

6. Complete if applicable: Disclosure of this information is required in compliance with (insert name of provincial or federal Act, including section numbers, and attach a copy)
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

7. Name of person requesting access: (please print)
   Name: ____________________________ Title: ____________________________

I certify that:
(a) the information provided above is accurate and correct to the best of my knowledge, and
(b) I have the authority to collect the information requested on behalf of the agency noted for the purpose(s) specified.

Signature of Person Seeking Access: ____________________________ Identification No.: ____________________________
Date: ____________________________ Contact Phone No.: ____________________________

FOR OFFICE USE ONLY:
Description of information provided:

- or -

☐ Same as 3. above.

☐ List Documents:

Nature of access provided:

☐ Verbal disclosure
☐ Original viewed
☐ Summary provided
☐ Photocopies taken
☐ Photographs

The information was released in accordance with the following provision(s) of section 32 of the Municipal Freedom of Information and Protection of Privacy Act:

☐ Section 32(e) - Disclosure was for the purpose of the Police Service complying with an Act of the Provincial Legislature or an Act of the Federal Parliament, or an agreement or arrangement under such an Act or Treaty.

☐ Section 32(f) - Disclosure was by the Police Service (a law enforcement institution) to another law enforcement agency in Canada.

☐ Section 32(g) - Disclosure was to an institution or law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding was likely to result.

Access Approved By:

______________________________
Signature of Employee

Title: __________________________ Date: __________________________
Appendix 8

Criminal Records Act
Appendix 9

Release of Information via Affidavit

AFFIDAVIT

(SOLEMN DECLARATION OF
______________________ POLICE SERVICE MEMBER)

I, ..............................................................................................................................

Name of Member

a member of the ________________ Police Service, MAKE OATH and say as follows:

1. THAT I am currently employed at ..............................................................

Name of “Unit”

of the ________________ Police Service in the Province of Ontario, and have been employed since

Date (YYYY/MM/DD)

2. THAT I made certain enquiries pursuant to receiving a subpoena/summons and made a true copy of all

the entries in the records kept in this Unit’s possession affecting or concerning:

Name: ............ ....  Date of Birth: ........

And attached hereto as Exhibit “A” to this my Affidavit are true copies of the records which I extracted

from this Unit’s files pertaining to the said subpoena/summons. Information relating to privilege, that

would prejudice an on-going investigation and/or endanger life and/or that is not permitted to be released

pursuant to the Youth Criminal Justice Act has been blocked out. Access to this information can only be

obtained by order of the Court, usually by a motion properly served upon the Police Service, and cannot

be waived without the authority of the Chief of Police.

2. THAT I made certain enquiries pursuant to receiving a subpoena/summons and made a true copy of all

the entries in the records kept in this Unit’s possession affecting or concerning:

Name: ...... ........  Date of Birth: ........

And attached hereto as Exhibit “B” to this my Affidavit are true copies of the records which I extracted

from this Unit’s files pertaining to the said subpoena/summons. Information relating to privilege, that

would prejudice an on-going investigation and/or endanger life and/or that is not permitted to be released

pursuant to the Youth Criminal Justice Act has been blocked out. Access to this information can only be

obtained by order of the Court, usually by a motion properly served upon the Police Service, and cannot

be waived without the authority of the Chief of Police.

3. THAT to the best of my knowledge, the records referred to herein were made in the usual and ordinary

course of business of the Service and are reasonably contemporaneous with the described events.

4. THAT the originals of said records are in the custody and control of the ________________ Police Service

and are available for inspection.
5. I would request that the Court order that the records shall only be used in this proceeding, that no copies be made (except as is necessary for this proceeding) and that all copies of the records be returned to the ______________________ Services at the conclusion of this matter (including all appeals).

Sworn before me at the City of ______________________ in the Regional Municipality of ______________________ this ______ day of _______.

Affiant’s Signature

…………………………………………..

A Commissioner, etc.

-------------------------------------------------------------------------------------------------------------------------------

This is Exhibit . . . A. . . referred to in the Affidavit of . . . . . . . sworn before me, this . . . . day of ______.

-------------------------------------------------------------------------------------------------------------------------------

A COMMISSIONER FOR TAKING AFFIDAVITS

-------------------------------------------------------------------------------------------------------------------------------

This is Exhibit . . . B. . . referred to in the Affidavit of . . . . . . . sworn before me, this . . . . . . day of ______.

-------------------------------------------------------------------------------------------------------------------------------

A COMMISSIONER FOR TAKING AFFIDAVITS
Appendix 10

Generic Request and Response Forms

Monday January 1, 2009

Business Name and Address

Dear Sir or Madam:

Re: Request for Information

Your request for information was received by this office on the ________. This request may fall within the parameters of the information disclosure provisions contained in subsections 32(e), (f) or (g) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), which permit the Police Service to disclose information in the following circumstances:

Section 32(e): If disclosure is for the purpose of complying with an Act of the Legislature or an Act of Parliament;
Section 32(f): If disclosure is to another law enforcement agency in Canada;
Section 32(g): If disclosure is to an institution or law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result.

For your information, “law enforcement” is defined as policing, investigations or inspections that lead or could lead to proceedings in a court or tribunal if a penalty or sanction could be imposed in those proceedings, and the conduct of such proceedings.

In order to determine whether disclosure is permissible, please forward:

(1) Specific information relative to any provincial or federal legislation which requires the Police Service to provide records or information to your agency. Please include a copy of such legislation. AND/OR

(2) Specific information to support the fact that your activities come within the above definition of “law enforcement”. Please include:

☐ the type of investigation or prosecution you are conducting
☐ any applicable legislative or regulative authority under which you are acting, and
☐ whether any penalty or sanction may result from the process.

Please attach a copy of all relevant legislation/regulations.

(3) Any additional information which you feel will assist in our assessment.

For this purpose, please complete the attached form, which should be faxed to my attention at ______________.

Once a review has been conducted to determine whether this disclosure accords with MFIPPA, you will be advised whether the Police Service is prepared to share the information requested.

Should you have any questions, please contact this office at ______________.

Yours truly,
your name
Monday January 1, 2009

Business Name and Address

Dear Sir or Madam:

Re: Disclosure of Records of the __________________ Police Service__________________________

The enclosed records are provided pursuant to your request, for use by your Agency for the sole and specific purpose of an outstanding criminal charge OR an ongoing investigation. You are cautioned that the records include suspect information, some of which may be unconfirmed and/or unfounded. I confirm that you will use this information appropriately.

Unauthorized disclosure or dissemination of any accompanying information, without the prior permission of the __________________ Police Service, is prohibited.

Should you have any questions, please contact this office at _________________.

Yours truly,

Highlight & type your name
Title

Attachment(s)
Appendix 11

Young Person Release of Information to Insurance Co’s and Lawyers

Requests from Lawyers

Notes:

1. Requests from lawyers representing victim(s)/complainant(s) only will be processed.
2. Lawyers must submit original request/Consent and Direction Forms, signed by their client(s).
3. Request(s) must relate to a charge under the Criminal Code or other federal Act (e.g. CDSA). No disclosure will be provided for provincial matters (e.g. HTA, LLA, etc).
4. All young person information shall be stamped with the "Young Person" stamp.

(i) Outstanding Charge Information (Information has been sworn to)

The following may be provided:

- Name(s), age(s) and addresses(es) of person(s) charged
- Charge(s) laid
  [No synopsis or summary]
Authority – s.119(1) YCJA.

(ii) Where no charges have been laid (Suspect Info only)

The following may be provided:

- Synopsis of incident
- The fact that no charge(s) has/have been laid
Authority – s. 119(1) YCJA. No name may be provided as is suspect information only.

(iii) Where charges have been laid and are completed (until point of non-disclosure)

The following may be provided:

- Name(s), age(s) and address(es) of person(s) charged
- Synopsis of incident
- Disposition
Authority – s. 119(2) YCJA.

Requests from Insurance Companies

Notes:

1. Insurance companies must submit signed original Request/Consent and Direction forms.
2. All young person information shall be stamped with the "Young Person" stamp.
3. Request(s) must relate to a charge under the Criminal Code or other federal Act (e.g. CDSA). No disclosure will be provided for provincial matters (e.g. HTA, LLA, etc).

(i) **Outstanding charge information (Information has been sworn to)**

The following information may be provided:

- Name(s), age(s) and address(es) of person(s) charged
- Charge(s) laid
  [No synopsis or summary]
  Authority – s. 125(4) YCJA.

(ii) **Where no charges have been laid**

The following information may be provided:

- Synopsis of incident
- The fact that no charges have been laid
  Authority – s. 125(4) YCJA  No name may be provided as is suspect information only.

(iii) **Where charges have been laid and are completed (until point of non-disclosure)**

The following may be provided:

- Name(s), age(s) and address(es) of person(s) charged
- Synopsis of incident
- Disposition
  Authority – s. 125(4) YCJA.

**Caution:**

YCJA Section 119(4), should be considered in the event outstanding information is dealt with by extrajudicial measure.
## Appendix 12

### Request / Consent and Direction Disclosure of Information Form

**REQUEST / CONSENT AND DIRECTION DISCLOSURE OF INFORMATION**

**FOI Branch / Victim / Complainant Information / MVC Clerk**

<table>
<thead>
<tr>
<th>OFFICE USE</th>
<th>DATE RECEIVED</th>
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<tbody>
<tr>
<td>Surname</td>
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<tr>
<td>Given Name(s)</td>
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<tr>
<td>Maiden Name or Other Names Used (If Applicable)</td>
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<tr>
<td>Place of Birth</td>
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<tr>
<th>(PREVIOUS ADDRESS IF YOU DID NOT RESIDE AT THE ABOVE ADDRESS FOR MORE THAN 5 YEARS)</th>
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<tbody>
<tr>
<td>Number</td>
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<td>Street</td>
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<td>Apt./Unit</td>
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<td>Municipality</td>
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<tr>
<td>Postal Code</td>
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I HEREBY REQUEST, CONSENT TO AND AUTHORIZE THE RELEASE OF THE FOLLOWING INFORMATION, WHICH PERTAINS TO ME AND / OR IS AVAILABLE TO ME, BY THE POLICE SERVICE, AND DIRECT THE POLICE SERVICE TO FORWARD A COPY OF THE INFORMATION TO:

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION / AGENCY / PERSON</th>
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<tr>
<td>Number</td>
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<tr>
<td>Street</td>
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<tr>
<td>Apt./Unit</td>
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<tr>
<td>Municipality</td>
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<td>Postal Code</td>
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</tbody>
</table>

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<tr>
<th>INFORMATION TO BE RELEASED:</th>
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<tbody>
<tr>
<td>MOTOR VEHICLE ACCIDENT REPORT</td>
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<tr>
<td>OTHER</td>
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### RELEASE AND WAIVER:

IN CONSIDERATION OF COMPLIANCE WITH THE FOREGOING REQUEST, CONSENT, AUTHORIZATION AND DIRECTION, I, FOR MYSELF, MY HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS HEREBY RELEASE, WAIVE AND FOREVER DISCHARGE THE CITY, THE POLICE SERVICES BOARD, THE POLICE SERVICE, AND ALL THEIR AGENTS, OFFICERS, ASSIGNS, REPRESENTATIVES AND SUCCESSORS, OF AND FROM ANY AND ALL LIABILITY FOR SUCH RELEASE AND DISCLOSURE, INCLUDING ALL CLAIMS, DEMANDS, DAMAGES, COSTS, ACTIONS AND CAUSES OF ACTION, WHETHER IN LAW OR EQUITY, IN RESPECT OF DEATH, INJURY, LOSS OR DAMAGE OF ANY NATURE WHICH MAY BE SUSTAINED BY ME OR BY ANY OTHER PERSON, HOWEVER CAUSED OR ARISING AS A RESULT OF, OR CONNECTED TO, THE RELEASE OF THIS INFORMATION. I FURTHER WAIVE ALL RIGHTS, PRESENT OR FUTURE, RELATING TO THE RELEASE OF INFORMATION SET OUT HEREIN.

I UNDERSTAND THAT, UPON RELEASE OF SUCH INFORMATION, THE POLICE SERVICE WAIVES ANY RESPONSIBILITY FOR ITS USE, APPLICATION AND / OR DISSEMINATION.

RECEIPT OF THIS FORM, SIGNED BY ME, SHALL BE GOOD AND SUFFICIENT AUTHORITY FOR THE POLICE SERVICE TO COMPLY WITH MY DIRECTION, ABOVE.

**NOTE:** INFORMATION RELEASED MAY OR MAY NOT PERTAIN TO THE SUBJECT OF THE INQUIRY.

POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF FINGERPRINTS.

**SIGNED THIS**

**DAY OF**

**20**

**SIGNATURE OF APPLICANT**

**WITNESS NAME (PLEASE PRINT):**

**SIGNATURE OF WITNESS**

**FOR POLICE USE ONLY**

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PERSONAL INFORMATION ON THIS FORM IS COLLECTED AND DISCLOSED UNDER THE AUTHORITY OF THE POLICE SERVICES ACT (SL11) 2011 (Regulation 299) UNDER THE POLICE SERVICES ACT AND THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AND WILL BE USED TO DISCLOSE PERSONAL INFORMATION ONLY TO THE PERSONS, ORGANIZATIONS OR AGENCIES SO DESIGNATED BY THE WRITTEN CONSENT OF THE APPLICANT.
Appendix 13

Disclosure of Information Stamps

Officer’s Copy

Name: _______________________
Badge: _______________________
Date: _______________________
Released by: _______________________

Confidential
This record and the information contained therein is provided in confidence and remains the property of the _____ Police Service. It is not to be disclosed to any person or agency without the prior written permission of the Records Supervisor or FOI Coordinator.

YOUNG PERSON
This report may be subject to non-disclosure. Please confirm with the Records Supervisor or FOI Coordinator.

Crown Disclosure
_______ Police Service

FIRE MARSHALLS COPY

Freedom of Information
Date_____ File #_______
THIS RECORD MAY OR MAY NOT PERTAIN TO THE SUBJECT OF YOUR ENQUIRY. POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF FINGERPRINTS.

This report is the property of the ________________ Police Service and is being released pursuant to a Court Order.

Ontario Superior Court of Justice
Court File # _________________________

This document is provided by the ________________ Police Service to the Special Investigation Unit (SIU), pursuant to S. 113(9) of the Police Services Act, for use in the course of a criminal investigation being conducted in accordance with Part VII of the Act, and shall not be further used, disclosed or disseminated by SIU for any other purpose.
Appendix 14

Criminal Injuries Compensation Board Request Form

Criminal Injuries Compensation Board
439 University Avenue, 4th Floor
Toronto, Ontario M5G 1Y8
Tel: (416) 326-2900 Fax: (416) 326-2883

**The Criminal Injuries Compensation Board is mandated by the “Compensation for Victim’s of Crime Act, R.S.O., 1990, Chapter 24.” In order that this Board might have full knowledge of the reason for, and the circumstances surrounding this incident, please provide the following which may possibly be entered as evidence at a public hearing.**

### Section 01

<table>
<thead>
<tr>
<th>Victim’s Full Name:</th>
<th>Occurrence Number:</th>
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<th>Date Incident Reported:</th>
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<tr>
<th>Time:</th>
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</table>

- a.m.
- p.m.

Reported by:

### Section 02

The Victim’s Injury or Death was apparently caused by (Please Check One):

- [ ] Crime of violence including arson, criminal negligence and poisoning
- [ ] Arrest of an offender or suspected offender
- [ ] Prevention of an offence
- [ ] Any other reason
  (Please specify, e.g. Accident):

### Section 03 - Alleged Incident and Remarks (*It is extremely important that this section be completed*)

a) Did the Victim cooperate with your Police Service in its investigation?  [Yes]  [No]  [N/A]
b) Did the Victim cooperate by attending court as required?  [Yes]  [No]  [N/A]
c) Please provide details of the incident, and/or any relevant circumstances relating to the incident:

(Continue on a separate sheet if necessary or you may enclose a copy of the synopsis or report in this case).

---

Complete Reverse Side...
Section 04 - Alleged Offender Information

a) Whether Identified?  
Yes  No
b) Young Offender?  
Yes  No
c) Full Name:  


d) Address:  


e) Date of Birth:  


f) What charge(s) were laid & section number(s) with regard to the victim?


g) If there was a finding of guilt, what charge(s) was the offender convicted of?


h) If no charges were laid, please give reasons:


i) If the case was dismissed, withdrawn, etc. then the Board would appreciate receiving the reasons: (e.g. Witness/Victim failed to attend court, plea bargaining, etc.)


j) Disposition Date:  


Court:  


k) Sentence:  


l) Date Remanded (if applicable):  


Court:  


m) Details of any Compensation or Restitution Ordered (if known):


Section 05 - Officers Signatures (* Please ensure that BOTH signatures are provided).

Officer's Name:  


Officer's Signature:  


Supervisor's Name:  


Supervisor's Signature:  


Date Completed:  


Thank you for your cooperation. If you have any questions, please contact the Claims Support Unit at (416) 326-2866, (416) 326-2868 or (416)-326-2873.
Appendix 15

Coroners Act
Appendix 16

Refer to All Chief’s Bulletin 10-0050 (May 25, 2010)

For information about responding to Children’s Aid Society Motions for police records in child protection proceedings.