



## TORONTO POLICE SERVICE BOARD

### DISCLOSURE OF PERSONAL INFORMATION

<b>DATE APPROVED</b>	April 30, 2024	Minute No: P2024-0430-3.0.
<b>DATE(S) AMENDED</b>		
<b>REPORTING REQUIREMENT</b>	Chief or designate to report to the Board any matters of significant public interest as the need arises.	
<b>LEGISLATION</b>	<i>Community Safety and Policing Act, 2019</i> , S.O. 2019, c. 1, Sched. 1, ss. 38(1)(c) and 80. <i>Disclosure of Personal Information</i> , O. Reg. 412/23.	

#### ***Background***

The *Community Safety and Policing Act, 2019 (Act)*, prescribes the circumstances in which a chief of police or a designate may disclose personal information about an individual. O. Reg. 412/23, *Disclosure of Personal Information* establishes to whom and in what circumstances personal information may be disclosed by a chief of police or a designate for the purposes of subsection (80) (1) of the *Act*.

#### ***Purpose of Policy***

When making decisions regarding the release of personal information, a number of considerations must be weighed within the applicable legislative parameters that aim to balance privacy and the public interest. This Policy intends to promote accountability and consistency by establishing clear criteria and conditions for the disclosure of personal information.

#### ***Policy of the Board***

It is, therefore, the policy of the Toronto Police Service Board that:

1. The Chief of Police or a designate will develop procedures and processes consistent with section 80 of the *Act*, along with the relevant regulation, O. Reg. 412/23: *Disclosure of Personal Information*.

### *Purpose of Disclosure*

2. The Chief of Police or a designate will ensure that any disclosure of personal information will be for one or more of the following purposes:
  - a. Protection of the public;
  - b. Protection of victims of crime;
  - c. Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them;
  - d. Law enforcement;
  - e. Correctional purposes;
  - f. Administration of justice, including the conduct of civil proceedings.
  - g. Enforcement of and compliance with any federal or provincial Act, regulation or government program;
  - h. Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

### *Considerations*

3. The Chief of Police or a designate will consider, in deciding whether or not to disclose personal information:
  - a. The availability of resources and information;
  - b. What is reasonable in the circumstances of the case;
  - c. What is consistent with the law and the public interest; and
  - d. What is necessary to ensure that the resolution of criminal proceedings is not delayed.

### *Disclosure of Personal Information*

4. The Chief of Police or a designate may disclose any personal information about any person if:
  - a. The individual has been convicted or found guilty of an offence under any federal or provincial Act;
  - b. The Chief of Police or designate reasonably believes that the individual poses a significant risk to other persons or to property; and
  - c. The Chief of Police or designate reasonably believes that the disclosure of the personal information is necessary to reduce the risk described in 4(b).

5. The Chief of Police or a designate may disclose to any person the following personal information about an individual who has been charged with, convicted of or found guilty of an offence under any federal or provincial Act:
  - a. The individual's name, age, date of birth and address;
  - b. The offence in question and, if the individual has been convicted or found guilty of the offence, any sentence imposed;
  - c. The outcome of all judicial proceedings relevant to the offence;
  - d. The procedural stage of the criminal justice process to which the prosecution of the offence has progressed and the status of the individual in that process as it relates to the individual's location or custody, including whether the individual is in custody, or the terms, if any, upon which the individual has been released from custody; and
  - e. The date of the release or impending release of the individual from custody for the offence, including any release on parole or temporary absence.
  
6. The Chief of Police or a designate may disclose to a victim of crime, as defined in O. Reg.412/23: *Disclosure of Personal Information*, if requested by the victim, any of the following information about an individual who is accused of committing the offence in question:
  - a. The progress of investigations that relate to the offence;
  - b. The charges laid with respect to the offence or, if no charges were laid, the reasons why no charges were laid;
  - c. The dates and places of all proceedings that relate to the prosecution of the offence;
  - d. The outcome of all proceedings, including the outcome of any proceedings on appeal;
  - e. Any pretrial arrangements that are made that relate to a plea that may be entered at the trial by the individual;
  - f. The interim release and, in the event of conviction, the sentencing of the individual;
  - g. If the individual is convicted of the offence, any application for release or any impending release of the individual, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence;
  - h. If the individual is charged with or convicted of the offence, any escape from custody of the individual; and

- i. If the individual is found unfit to stand trial or is found not criminally responsible on account of mental disorder:
    - i. Any disposition provided for under section 672.54 or 672.58 of the *Criminal Code* (Canada) that is made in respect of the individual; and
    - ii. Any hearing held with respect to the individual by the Review Board established or designated for Ontario under subsection 672.38(1) of the *Criminal Code* (Canada).
7. The Chief of Police or a designate may disclose personal information about an individual who is under investigation for having committed an offence under any federal or provincial Act, or is charged with, convicted of or found guilty of such an offence, to any:
  - a. Police service in Canada;
  - b. Correctional or parole authority in Canada;
  - c. Person or agency engaged in the protection of the public or the administration of justice; or
  - d. Person or agency engaged in the enforcement of or compliance with any federal or provincial Act, regulation or government program.
8. The Chief of Police or a designate may only disclose personal information as set out in 7, above, if the circumstances are such that the 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.
9. In the case of the disclosure of personal information to an agency as set out in 7(d), above, the Chief of Police or a designate will disclose the personal information in accordance with a memorandum of understanding entered into between the Chief of Police and the agency.

### *Reporting*

10. The Chief of Police or a designate will report to the Board any matters of significant public interest as they relate to this Policy as the need arises.