

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

To be made under the

**COMMUNITY SAFETY AND POLICING ACT, 2019**

**DISCLOSURE OF PERSONAL INFORMATION**

**Interpretation**

**1.** In this Regulation,

“designate” means a person designated by a chief of police for the purpose of subsection 80 (1) of the Act.

**Disclosure of personal information by chiefs of police, designates**

**2.** This Regulation 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.

**Application to certain information**

**3.** This Regulation applies to personal information about an individual as if the individual had been charged with an offence under any federal or provincial Act if the individual,

- (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.

**Considerations respecting disclosure of personal information**

**4.** In deciding whether or not to disclose personal information under subsection 80 (1) of the Act, a chief of police or a 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.

### **Disclosure for the protection of the public**

5. Any personal information about an individual may be disclosed by a chief of police or a designate to 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 currently 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 will reduce the risk described in clause (b).

### **Disclosure for keeping the public informed**

6. 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 may be disclosed by a chief of police or a designate to any person:

- 1. The individual's name, age, date of birth and address.
- 2. The offence in question and, if the individual has been convicted or found guilty of the offence, any sentence imposed.
- 3. The outcome of all judicial proceedings relevant to the offence.
- 4. 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.
- 5. The date of the release or impending release of the individual from custody for the offence, including any release on parole or temporary absence.

### **Disclosure for keeping victims of crime informed**

7. (1) In this section,

“victim of crime” means an individual who, as a result of the commission of any offence under the *Criminal Code* (Canada) by another individual, suffers emotional or physical harm, loss of or damage to property or economic harm or, if the commission of the offence results in the death of the individual, any of the following other individuals, provided that they are not charged with and have not been convicted of committing the offence:

1. A spouse of the individual.
2. A child or parent of the individual, within the meaning of section 1 of the *Family Law Act*.
3. A dependant of the individual, within the meaning of section 29 of the *Family Law Act*.

(2) If requested by a victim of crime, any of the following information about an individual who is accused of committing the offence in question may be disclosed by a chief of police or a designate to the victim:

1. The progress of investigations that relate to the offence.
2. The charges laid with respect to the offence or, if no charges were laid, the reasons why no charges were laid.
3. The dates and places of all proceedings that relate to the prosecution of the offence.
4. The outcome of all proceedings, including any proceedings on appeal.
5. Any pretrial arrangements that are made that relate to a plea that may be entered at trial by the individual.
6. The interim release and, in the event of conviction, the sentencing of the individual.
7. 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.
8. If the individual is charged with or convicted of the offence, any escape from custody of the individual.
9. 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 pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada).

**Disclosure to other agencies**

**8.** (1) Subject to subsection (2), 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, may be disclosed by a chief of police or a designate to,

- (a) any police service 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.

(2) Personal information may only be disclosed under subsection (1) 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.

(3) In the case of the disclosure of personal information under this section to an agency that is not engaged in the protection of the public or the administration of justice, the personal information shall be disclosed in accordance with a memorandum of understanding entered into between the chief of police and the agency.

**Commencement****9. [Commencement]**