



INTERNAL CORRESPONDENCE

To: Chair and Members

From: Deb Reid

Dept: Niagara Police Service Board

Dept: Executive Director
Niagara Police Service Board

Date: June 23, 2025

Re: Police Service Board By-law – Disclosure of Personal Information

Purpose:

The purpose of this report is to provide the Board with a draft by-law as required for compliance with the *Community Safety and Policing Act, 2019 (CSPA)*, and its Regulations.

Background Information and Discussion:

On April 1, 2024, the *Community Safety and Policing Act, 2019 (CSPA)* and its Regulations came into force. The CSPA is an opportunity to modernize policing and enhance community safety in Ontario. All Police Service Boards and Police Services are required to comply with the CSPA and its associated Regulations. The CSPA mandates that the Board establish a policy for the disclosure by the Chief of Police of personal information about individuals. To meet these legislative requirements, a draft By-law has been created. This By-law also instructs the Chief of Police to ensure clear criteria and conditions for the disclosure of personal information in adherence to the CSPA, its Regulations, and all relevant Board By-laws and policies. The Chief of Police regularly provides the Board with reports to monitor compliance, which also support the budget process, strategic planning, and ongoing assessment of the Service's needs.

Cost of Recommendation:

There will be no additional costs associated with the implementation of the attached By-law. Specific costs resulting from the disclosure of personal information are dealt with by the Chief of Police and the Board on an ongoing basis as part of the annual budget processes.

Alternative Options:

The Board is required to develop a host of policies for every aspect of service delivery. The By-law presented complies with the CSPA and its Regulations and Ministry of the Solicitor General guidelines and there are no realistic alternatives.

Reasons for Recommendation:

Subsection 38 (1) (c) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")* requires the Police Service Board shall establish policies respecting the disclosure by the Chief of Police of personal information about individuals. This provision is a mandated responsibility of Police Service Boards. This By-law ensures compliance with the CSPA and its Regulations. The Board Solicitor, Woody McKaig, and NRPS Legal Counsel Vita Gauley, have reviewed and endorsed this By-law and it is now presented to the Board for final approval.

Recommendation:

That the Board adopt the draft by-law as appended to this report,

And further, that the Board Chair and Executive Director be authorized to make any supplementary administrative amendments to the by-law, that may be required following any additional clarification of the CSPA and its Regulations that may be received by the Ministry of the Solicitor General.



Deb Reid
Executive Director

Encl.



BY-LAW NO. 531-2025

A BY-LAW TO ESTABLISH POLICY RELATING TO DISCLOSURE OF PERSONAL INFORMATION

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1)(a) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, as amended* ("CSPA") provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (1)(c) of the CSPA provides that the Board shall establish policies respecting the disclosure by the Chief of Police of personal information about individuals;
- 1.3 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.4 AND WHEREAS Ontario Regulation 412/23 - Disclosure of Personal Information, as amended, (O. Reg. 412/23) 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 CSPA;
- 1.5 AND WHEREAS the Board deems it expedient to enact this By-law to establish a policy relating to the disclosure by the Chief of Police of personal information about individuals.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 "*Act*" or "*CSPA*" means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 "*Board*" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "*Chief*" means the Chief of the Niagara Regional Police Service;
- 2.4 "*Member*" means a member of the Niagara Regional Police Service; and
- 2.5 "*Service*" means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that 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 the 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.

4. DIRECTIONS TO CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief or a designate will develop procedures and processes consistent with Section 80 of the CSPA, along with the relevant regulation, O. Reg. 412/23: Disclosure of Personal Information.

4.2 PURPOSE OF DISCLOSURE

- 4.2.1 The Chief or a designate will ensure that any disclosure of personal information will be for one or more of the purposes set out in subsection 80 (2) of the CSPA.

4.3 CONSIDERATIONS

- 4.3.1 The Chief or a designate will consider, in deciding whether or not to disclose personal information, based on the factors set out in Section 4 of O. Reg. 412/23.

5. DISCLOSURE OF PERSONAL INFORMATION

- 5.1 The Chief or a designate may disclose any personal information about any person as follows:

- (i) Personal information described in Section 6 of O. Reg. 412/23 regarding individuals charged under a Federal or Provincial statute in the circumstances described in Section 3 of O. Reg. 412/23;
- (ii) Personal information described in Section 6 of O. Reg. 412/23 regarding individuals convicted or found guilty of an offence under a Federal or Provincial statute in the circumstances described in Section 5 of O. Reg. 412/23; and
- (iii) Personal information described in Section 6 of O. Reg. 412/23 and information set out in subsection 7 (1) of O. Reg. 412/23 which the Chief or designate reasonably believes is necessary to protect and keep victims of crime informed.

- 5.2 The Chief 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 agency described in subsection 8 (1) of O. Reg. 412/23, provided such disclosure is consistent with subsections 8 (2) and 8 (3) of O. Reg. 412/23.

6. REPORTING TO THE BOARD

- 6.1 The Chief will report to the Board any matters of significant public interest as they relate to this By-law as the need arises.

6.2 The Chief shall make a written report to the Board each year in respect of disclosures of personal information. The report shall include:

- (i) a summary of the procedures regarding disclosures of personal information;
- (ii) confirmation that the said procedures comply with the CSPA and O. Reg. 412/23; and
- (iii) the status of Service compliance with the said procedures.

7 IMPLEMENTATION

7.1 Any By-laws, sections of by-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

7.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this 24th day of July, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

Pat Chiochio, Chair

Deb Reid, Executive Director