



## INTERNAL CORRESPONDENCE

**To:** Chair and Members

**From:** Deb Reid

**Dept:** Niagara Police Services Board

**Dept:** Executive Director  
Niagara Police Services Board

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**Date:** May 5, 2022

**Re: Police Services Board By-law Revision – Policy for Compliance with the Municipal Freedom of Information and Protection of Privacy Act**

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Purpose:

The purpose of this report is to provide the Board with a revised by-law as required for compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, and the Ontario Ministry of the Solicitor General.

Background Information and Discussion:

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) came into effect January 1, 1991. The Act provides individuals with a right of access to both general information and their own personal information maintained by municipal government, which includes Police Services and Police Services Boards. The legislation also provides privacy protection relating to the collection, use, disclosure, and retention of personal information in its custody and/or control.

On May 3, 2022, the Executive Director met with the Records Manager to discuss updates to the Board's By-law. As part of its ongoing policy development and review process, the Service suggested that some administrative amendments be made to the Board's By-law to ensure compliance with all information required to be included under the Act, and to reflect the current annual statistical reporting requirements.

The revised By-law has been reviewed by the Board Solicitor and the Chief of Police and it is now recommended for Board approval.

Recommendation:

**That the Board adopt By-law No. 395-2022 as appended to the report and authorize the Board Chair and Executive Director to execute the required documentation.**

Deb Reid  
Executive Director

Encl.



**BY-LAW NO. 395-2022**  
**A BY-LAW TO ESTABLISH POLICY FOR COMPLIANCE WITH**  
**THE MUNICIPAL FREEDOM OF INFORMATION AND**  
**PROTECTION OF PRIVACY ACT**

**1. PREAMBLE**

- 1.1 WHEREAS subsection 3(2) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, provides that the Board may designate from among its members, a person to act as Head of the institution for the purposes of the *Act*;
- 1.2 AND whereas, under section 49(1) of that *Act*, a Head may delegate a power or duty as vested in the head to officers or employees of the institution subject to such limitations, restrictions, conditions or requirements as the Head may set out in the delegation;
- 1.3 AND whereas it is desirable to delegate certain powers and duties vested in the Head under the *Municipal Freedom of Information and Protection of Privacy Act*, to officers of the Niagara Regional Police Service and to other officials and employees;
- 1.4 AND whereas subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- (b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to the police services in the municipality;
  - (c) establish policies for the effective management of the police force;
  - (f) establish policies respecting the disclosure by the Chief of Police of personal information about individuals;
- 1.5 AND whereas a Police Services Board may, by by-law make rules for the effective management of the police service under Section 31(6) of the *Police Services Act*;
- 1.6 AND whereas the Board deems it expedient to pass a by-law to designate a head for the purposes of the *Act* and to establish policies regarding the processing of access requests and the protection of personal information under the *Act*.

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

**2 DEFINITIONS**

- 2.1 “*Act*” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, and amendments thereto;

- 2.2 “*Board*” means the Regional Municipality of Niagara Police Services Board;
- 2.3 “*Chair*” means the Chair of the Regional Municipality of Niagara Police Services Board;
- 2.4 “*Chief*” means the Chief of Police of the Niagara Regional Police Service;
- 2.5 “*Head*” in respect of the institution, means the individual or body determined to be head under this By-law;
- 2.6 “*Institution*” means the organization known as the Niagara Regional Police Service, as governed by the Niagara Police Services Board;
- 2.7 “*Service*” means the Niagara Regional Police Service.

### **3 BOARD POLICY**

- 3.1 The Board recognizes the purposes of the *Act* to be the right of access to information under the control of the institutions in accordance with certain principles and the protection of privacy of individuals with respect to personal information held by the institutions. The Board is committed to compliance with the *Act* and therefore, it is the policy of the Board that access to information and personal privacy issues be dealt with in accordance with the procedure set out by the Chief as established and directed in this by-law.

### **4 DESIGNATION OF HEAD OF INSTITUTION**

- 4.1 Pursuant to Section 3(2) of the *Act*, the Chair be designated as Head for the purposes of the *Act*.

### **5 DELEGATION OF POWERS**

- 5.1 Pursuant to subsection 49(1) of the *Act*, the Chair delegates the power and duties vested in the Head under the *Act* to the Chief of Police and/or his or her designate with respect to all records under the control of the Chief of Police.
- 5.2 Pursuant to subsection 49(1) of the *Act*, the Chair delegates the power and duties vested in the Head under the *Act* to the Executive Director with respect to all records under the control of the Board.
- 5.3 Notwithstanding the delegation of powers and duties of the Head as authorized by Section 5.1 and 5.2 of this by-law, the Head remains accountable for actions taken and decisions made under the *Act* and retains the powers and duties granted or vested in the Head.

### **6 DIRECTION TO THE CHIEF**

- 6.1 The Chief shall develop and implement written procedures to ensure compliance with the requirements of the *Act*, including provisions which ensure right of access to information under the control of the Service as well as protection of personal privacy.
- 6.2 The Chief shall ensure that all members who receive a delegation of the duties under Section 5.1 of this by-law, receive training on the *Act* and its administration.

## **7 REPORT TO THE BOARD**

- 7.1 The Chief shall make an annual statistical report to the Board on Freedom of Information activities, which shall appear on the public agenda.
- 7.2 The annual report shall include comparative data for the same time period in the immediate preceding calendar year, and shall contain all information required to be included under the Act, including the following information:
- (a) Total number of Freedom of Information requests;
  - (b) Total number of personal information requests;
  - (c) Total number of general information requests;
  - (d) Total number of Police Services Board requests;
  - (e) Total number of appeals filed by the applicant;
  - (f) Total number of appeals still open at end of reporting year;
  - (g) Total number of appeals where the Service decision was upheld or not overturned by the Information and Privacy Commissioner of Ontario;
  - (h) Total number of complaints and compliance investigations;
  - (i) Total number of outstanding requests at end of reporting year; and
  - (j) The extended compliance rate for the reporting year.

## **8 IMPLEMENTATION**

- 8.1 By-law No. 119-90, 151-95, and 283-2008 as amended, and all other By-laws, and sections of By-laws inconsistent with the provisions of this By-law are hereby repealed.
- 8.2 This By-law shall come into force upon the date of its passage.
- 8.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 19<sup>th</sup> day of May, 2022.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

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William C. Steele, Chair

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Deb Reid, Executive Director