



Hamilton Police Service Board Disclosure of Personal Information Policy P-015

Effective date: April 1, 2024
Reviewed:
Amended:

Applicable Legislation

Section 38(1)(c) of the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*: A police service board shall establish policies respecting disclosure by the Chief of Police of personal information about individuals.

Policy Application

The Chief of Police shall ensure all provisions of Ontario Regulation 412/23 – Disclosure of Personal Information, are adhered to in exercising their authority under s. 80(1) of *the Act*.

1. 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 clause (b).
2. The Chief of Police or 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;
 - 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.
3. 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 the Chief of Police or designate to the victim:
- 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;

- 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 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 the *Criminal Code* (Canada).
4. The Chief of Police or 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:
 - a. Any police service in Canada;
 - b. Any correctional or parole authority in Canada;
 - c. Any person or agency engaged in the protection of the public or the administration of justice; or
 - d. Any person or agency engaged in the enforcement of or compliance with any federal or provincial Act, regulation or government program.
5. In deciding whether or not to disclose personal information, the Chief of Police or designate, shall consider:
 - a. The availability of resources and information;
 - b. 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.
6. The Chief of Police or designate shall further consider, when deciding whether to disclose personal information of a person who has been charged, but not convicted, with an offence:
 - a. Whether the potential exists for unnecessary harm to be caused if personal information is released when notifying the public of charges;
 - b. Whether the alleged offender is a recidivist;
 - c. Whether the investigation or a related investigation may be advanced by publishing the personal information of the individual charged;

d. Whether the publication may assist in identifying other possible victims.

Reporting

In the application of this policy, the Chief of Police shall report to the board any matters of significance to the public interest as the need arises.