



# Hamilton Police Service Board Collection of Identifying Information Policy P-019

Effective date: April 1, 2024

Reviewed:

Amended:

## Applicable Legislation

O. Reg. 400/23 Collection of Identifying Information in Certain Circumstances – Prohibition and Duties under the *Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched.1 (the Act)*.

## Policy Statement

The Hamilton Police Service Board is committed to enhancing trust and confidence in police services and to ensuring they are delivered without bias or discrimination. The practices and procedures of the Hamilton Police Service in respect of the collection of identifying information shall not be arbitrary based upon any racial/biased profiling, and shall reflect a commitment to professionalism, accountability and transparency.

## Policy Application

### General

1. The Chief of Police shall ensure the collection of identifying information is undertaken in a manner that is consistent with Regulation 400/23 of *the Act*, "Collection of Identifying Information in Certain Circumstances - Prohibition and Duties" (the Regulation), the *Ontario Human Rights Code*, and shall not be based on racial/biased profiling or done in an arbitrary way.
2. The Chief of Police shall enact a procedure that complies with the duties and obligations imposed by the Regulation and this policy to ensure there is

direction and assistance provided to officers in the collection of identifying information.

3. A chief of police shall ensure that every police officer in the police service who attempts to collect identifying information about an individual from the individual, and any member of the police service to whom the chief delegates any powers or duties of the chief under section 10 of O.Reg. 400/23 has successfully completed the training prescribed by the Minister for the purposes of this section within the previous 36 months.
4. The Chief of Police shall ensure requirements under section 10.1 of O.Reg. 400/23 Inclusion of Collected Information in Police Database are complied with.
5. At least once a year, the Chief of Police shall conduct detailed reviews of an appropriately sized random sample of the entries of identifying information included in a database under subsection (4) of section 10.1 to estimate, within a margin of error of plus or minus 5 per cent, at a 95 per cent confidence level, whether it appears that sections 6 (limitations on collection of certain information), 7 (duties to inform before attempting to collect information) and 8 (document for individual) were complied with.

### **Annual Report**

6. The following information respecting attempted collections of identifying information shall be included in the annual report provided by a chief of police to a police service board under section 12 of Ontario Regulation 399/23 (General Matters Under the Authority of the Lieutenant Governor in Council) made under *the Act* or by the Commissioner under subsection 58 (1) of *the Act*:
  - a. The number of attempted collections and the number of attempted collections in which identifying information was collected.
  - b. The number of individuals from whom identifying information was collected.
  - c. The number of times each of the following provisions was relied on to not do something that would otherwise be required under subsection 7 (1):
    - i. subsection 7 (2);
    - ii. clause 7 (3) (a);
    - iii. clause 7 (3) (b);

- iv. clause 7 (3) (c).
- d. The number of times an individual was not given a document under clause 8 (1) (b) because the individual did not indicate that they wanted it.
- e. The number of times each of the following clauses was relied on to not do something that would otherwise be required under subsection 8 (1):
  - i. clause 8 (2) (a);
  - ii. clause 8 (2) (b).
- f. For each of the following categories of gender identity, the number of attempted collections from individuals who are perceived, by a police officer, to be within that category:
  - i. male;
  - ii. female;
  - iii. transgender, non-binary or other gender identity.

For each age group established by the chief of police for the purpose of this paragraph, the number of attempted collections from individuals who are perceived, by a police officer, to be within that age group.

- g. For each racialized group, the number of attempted collections from individuals who are perceived, by a police officer, to be within that racialized group.
- h. A statement, based on an analysis of the information provided under this subsection, as to whether the collections were attempted disproportionately from individuals within a group based on gender identity, a particular age or racialized group, or a combination of groups and if so, any additional information that the chief of police considers relevant to explain the disproportionate attempted collections.
- i. The neighbourhoods or areas where collections were attempted and the number of attempted collections in each neighbourhood or area.
- j. The number of determinations, referred to in subsection 10 (5), that section 6 or clause 10 (4) (a) was not complied with.
- k. The number of determinations, referred to in subsections 10 (6) and (7), that section 6, 7 or 8 was not complied with.

- I. The number of times members of the police service were permitted under subsection 10 (10) to access identifying information to which access must be restricted.
7. The Chief of Police shall ensure that the annual report contains the mandated information required by the Regulation and that the document and any amendments thereto are provided to the board for its information and input (if any) before use.
8. Following an analysis of the annual report referred to in section 6 of this policy, if it reveals that identifying information was attempted to be collected disproportionately from individuals perceived to be within a group or combination of groups, the chief of police shall review the practices of the police service and shall prepare a report setting out the results of the review and the chief's proposals, if any, to address the disproportionate attempted collection of information.
9. On receipt of a report under section 8 of this policy, the police service board
  - a. shall publish the report on the Internet in a manner that makes it available to the public free of charge and may make the report available to the public free of charge in any other manner that the police service board considers appropriate; and
  - b. shall consider the report and the proposals, if any, set out in the report and consider whether to give directions under section 40 of *the Act*.
10. The Chief of Police shall ensure that identifying information collected before April 1, 2024 be retained, accessed, and disclosed in accordance with O. Reg. 400/23.
11. The Chief of Police shall ensure that identifying information collected on or after April 1, 2024 be retained, accessed, and disclosed in accordance with O. Reg. 400/23.