



BY-LAW NO. 385-2020

**A BY-LAW TO ESTABLISH POLICY
FOR DISCLOSURE OF COVID-19 STATUS INFORMATION**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the Police Services Act (“the 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 service in the municipality;
 - c. establish priorities for the effective management of the police service; and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas the Ministry of the Solicitor General Policing Standards requires a police services board to have a policy with respect to communicable diseases for the purpose of workplace safety under the *Act*;
- 1.5 AND whereas the Niagara Regional Police Service has developed such policy, being By-law 253-2003, a By-law Respecting Communicable Diseases;
- 1.6 AND whereas the Niagara Regional Police Service has issued a General Order in compliance with the said Board policy respecting Communicable Diseases;
- 1.7 AND whereas the COVID-19 coronavirus is a communicable disease as defined in the *Health Protection and Promotion Act*;
- 1.8 AND whereas COVID-19 issues have led the Premier of Ontario declaring a State of Emergency under the provisions of the *Emergency Management and Civil Protections Act*;
- 1.9 AND whereas the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1 as amended, set out the responsibilities of employers, supervisors and workers for workplace safety;

- 1.10 AND whereas O. Reg. 120/20 – Access to COVID-19 Status Information by Specified Persons under the *Emergency Management and Civil Protection Act*, permits disclosure of COVID-19 Status Information to members of police services;
- 1.11 AND whereas the Board is required to develop a policy dealing with the disclosure of such information to Service members.

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

2. DEFINITIONS

- 2.1 “Act” means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 “Board” means the Regional Municipality of Niagara Police Services Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “COVID-19 Status Information” means, in relation to an individual, the individual’s name, address and date of birth, and whether the individual has had a positive test for the COVID-19 coronavirus;
- 2.5 “Exposure to COVID-19” means a situation where a Member of the Service believes he/she has been exposed, during the course of carrying out his/her duties, to droplets from a person;
- 2.6 “Member” means a Member of the Niagara Regional Police Service;
- 2.7 “Ministry” means the Ministry of the Solicitor General of Ontario;
- 2.8 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board is committed to maintaining high quality policing services during the COVID-19 pandemic and to protecting the health and safety of all Niagara Regional Police Service Members. The Board recognizes that uniform and civilian Police Service Members are at risk for exposure to COVID-19 in the course of their duties, and that the level of risk is related to the individual’s role and responsibilities within the Police Service.
- 3.2 The Board understands that Members have been instructed to take all necessary precautions to prevent the spread of the COVID-19 coronavirus, and to prevent the Member contracting same.
- 3.3 In accordance with Ontario Regulation 120/20, an Emergency Order issued under the *Emergency Management and Civil Protection Act*, Members have limited and controlled access to COVID-19 status when dealing with members of the public to preserve their health and prevent community spread.

- 3.4 The Board is committed to addressing the issue of disclosure of COVID-19 Status Information of individuals to Members in a responsible manner to enhance the safety of Members and to protect the privacy of individuals where appropriate. Recognizing the sensitivity of this information, every reasonable precaution to protect its confidentiality will be taken.
- 3.5 The Board believes that the Board and Service Members share responsibility for following established policy, procedures and protocols to safeguard themselves and others against occupational exposure to communicable diseases, including COVID-19.
- 3.6 It is therefore the policy of the Board that the designation and maintenance of a system dealing with the disclosure of such COVID-19 Status Information be conducted professionally and thoroughly and in accordance with the procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

4.1 PROCEDURES

- 4.1.1 The Chief shall develop and maintain written procedures that ensures the collection, access, use, disclosure and destruction of COVID-19 Status Information is done in a manner that is consistent with this By-law, the *Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, section 255 of the *Municipal Act, 2001* (regarding retention and destruction of records directly related to any law enforcement activity), and any further direction/recommendations by the Ministry of the Solicitor General through its All Chiefs Memorandums on this Regulation.
- 4.1.2 The said procedures shall ensure that COVID-19 Status Information about the COVID-19 (positive) status of an individual must only be used to prevent, respond to or alleviate the effects of the COVID-19 emergency, such as ensuring appropriate measures are taken to protect police personnel when responding to a call.
- 4.1.3 The said procedures shall ensure that the First Responders COVID-19 Risk Look-Up web portal created by the Ministry of the Solicitor General will only be accessible to authorized users designated by the Chief who are involved in communications and dispatch services. The health information will be stored within the highest possible regard for security within the Communications Unit and an individual's COVID-19 Status Information shall not be captured or recorded in any generally accessible local system or CPIC.
- 4.1.4 The said procedures shall include procedures for ensuring the confidentiality of such information in accordance with the requirements of the legislation.
- 4.1.5 The said procedures shall ensure that Service Members may continue to confirm the COVID-19 (positive) Status Information of an individual they have interacted with after the interaction while the Emergency Order remains in effect.
- 4.1.6 The said procedures shall ensure that Service Members who are not authorized users designated by the Chief do not contact specified custodians (i.e. licensed laboratories and Medical Officers of Health (public health units)) for COVID-19 status information.

4.1.7 The said procedures shall ensure that Information collected pursuant to the Emergency Order is destroyed as soon as it is permitted by law.

4.2 *CO-ORDINATION – DESIGNATED OFFICER*

4.2.1 The Chief shall designate a Member or Members of the Service with responsibilities for overseeing the release of COVID-19 Status Information.

5 REPORT TO THE BOARD

5.1 Upon the termination of the Emergency Order, the Chief shall make a written report to the Board detailing compliance with this By-law.

6. IMPLEMENTATION

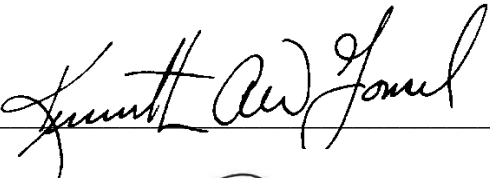
6.1 This By-law shall come into force on the date of its enactment and shall automatically be repealed upon termination of the Emergency Order, O. Reg. 120/20.

6.2 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 23rd day of April, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson



Executive Director