

## Human Resources Legislative Update

# New Restrictions on Criminal Record Checks to Take Effect on November 1, 2018

**Date:** June 15, 2018

The Ontario government has proclaimed November 1, 2018 as the date on which the [Police Record Checks Reform Act, 2015](#) (Act) comes into force.

The Act applies to persons who require a search to be conducted of police data bases to screen individuals for, among other things, the purpose of determining suitability for employment.

It authorizes Ontario police services to offer three types of records checks: criminal record checks, criminal record and judicial matters checks and vulnerable sector checks. It also sets out limits and standardizes the types of information that are authorized for disclosure in respect of each type of check.

The Act restricts the disclosure of non-conviction information about an individual in response to a criminal record check or in response to a criminal record and judicial matters check. Non-conviction information would be authorized for disclosure only in a vulnerable sector check in cases where an individual is in a position of trust or authority over vulnerable persons (e.g. children or the vulnerable elderly), and only if it meets a new test for “exceptional disclosure.”

Additionally, the Act requires the disclosure of the results to the person to whom a record relates prior to permitting disclosure to a requesting third party.

Persons or organizations that wilfully contravene certain provisions of the Act would be guilty of an offence and liable to a fine of not more than \$5,000.