

Police Record Checks Reform Act, 2015
Exemptions Proposal

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Introduction

This proposal describes the specific types of screening that are being considered for exemption from the [Police Record Checks Reform Act, 2015](#) (PRCRA), when the existing temporary exemptions expire on July 1, 2021. If approved, police record checks conducted for these types of screening would not have to follow some or all parts of the PRCRA.

The Ontario government is seeking your feedback on how potential changes to these exemptions may affect you or your organization's sector.

Providing Your Feedback

Please review this consultation paper and provide your feedback to us by the closing date March 12, 2021. Your input will help inform the development of the exemptions framework.

You can download this document to provide feedback. Comments on this proposal can be submitted through the Regulatory Registry at <http://www.ontariocanada.com/registry/> or via email to: SOLGENinput@ontario.ca

Please provide your name and contact information such as an email or mailing address. Please see page 31, which sets out how your personal information will be used.

Name:

Organization:

Address:

Telephone:

Email Address:

Thank you for taking the time to review these proposals. If you have any questions about this consultation, please email SOLGENinput@ontario.ca.

List of Key Terms

Criminal Record Check: The narrowest of the three types of police record checks permitted under the PRCRA. It includes applicable criminal convictions and findings of guilt under the federal *Youth Criminal Justice Act, 2002*, where disclosure is permitted under the *Youth Criminal Justice Act, 2002*.

Criminal Record and Judicial Matters Check: Includes disclosure permitted through a Criminal Record Check under the PRCRA, as well as some absolute and conditional discharges, outstanding charges, arrest warrants, and certain judicial orders.

Exemption: A police record check that will not have to meet one or more requirements under the PRCRA. For example, an exemption that allows for the disclosure of additional information in a police record check that is not otherwise allowed under the PRCRA.

Mental Health Contact Information: A record in police databases, which provides an account of the police responses/interactions with persons with suspected mental health issues or in mental health crisis.

Non-Conviction Record: A record of an interaction between an individual and police that resulted in a charge being laid, but did not result in the individual being found guilty of a crime (the charge was dismissed, withdrawn, stayed¹ or resulted in a stay of proceedings² or an acquittal).

Non-Criminal Record: A record of an interaction between an individual and police that did not result in charges being laid.

Criminal Organization: A group, however organized, that is composed of three or more persons in/outside Canada; and has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.

Police Record Check: A search of police databases for records pertaining to an individual, and the use of that information to assess the individual's suitability for a specific opportunity (e.g., employment).

Police Record Check Provider: A police service, or an entity permitted by the Royal Canadian Mounted Police to access the Canadian Police Information Centre databases.

Type of Screening: The type of police record check required to assess a person's suitability for a specific opportunity. For example, to assess the person's suitability to perform a certain job.

Vulnerable Sector Check: Considered the most thorough of the three types of police record checks that can be conducted under the PRCRA. The vulnerable sector check is used to determine an individual's suitability to work or volunteer in a position of trust or authority over vulnerable persons (e.g., children).

¹ A decision by the Crown to discontinue a prosecution.

² An order suspending a legal proceeding.

Summary of Proposal

A police record check is a search of information in police databases about a person and is often used as part of a screening process for employment or volunteering; entering education or a profession; accessing programs or services; etc. Police record checks are typically used in addition to other screening tools (e.g., interviews, reference checks, certifications) to help safeguard public safety by helping to ensure a person's suitability for certain opportunities.

Police databases contain a wide range of information, including non-conviction and non-criminal information. On November 1, 2018, Ontario brought the *Police Record Checks Reform Act, 2015* (PRCRA) into force to promote public safety while removing unnecessary barriers that individuals may face when inappropriate information is disclosed in police record checks.

The PRCRA set Ontario's first-ever clear, consistent and comprehensive standards to govern police record checks and balance public safety while helping to protect people's privacy.

When the PRCRA was brought into force, exemptions were made which allowed several sectors to request information beyond the limits set by the PRCRA. These exemptions are included in *O. Reg. 347/18 Exemptions*. Many of these exemptions are temporary to allow the government to engage sectors and understand whether an exemption is required on an on-going basis. These [temporary exemptions](#) will expire on July 1, 2021.

The Ministry of the Solicitor General is reviewing these temporary exemptions to determine whether any of these exemptions are required to be continued and if so, whether the exemption could be narrowed (e.g., removing some non-conviction information from police record checks). Some of these temporary exemptions may be removed entirely. The Exemptions Regulation under the PRCRA will be updated to reflect any government approved changes to the exemptions before the temporary exemptions expire.

- ✓ **This document summarizes the proposal for the Exemptions Regulation.**
- ✓ **The Background and Overview Presentation provides context related to the PRCRA.**

Exemptions Regulation – Temporary Exemptions

[Sections 4 to 19 of the Exemptions regulation](#) under the PRCRA contain temporary exemptions that will expire on July 1, 2021. These temporary exemptions cover a broad range of areas as listed below:

- Correctional institutions, parole offices, etc.
- Police services
- Office of the Independent Police Review Director
- Criminal Intelligence Service Ontario
- Office of the Provincial Security Advisor
- Inspectors, investigators, etc.
- Special Investigations Unit
- Independent Police Review Director
- Adjudicative Tribunals
- Lottery, Gaming, Cannabis, etc.
- Office of the Public Guardian and Trustee and of Children’s Lawyer
- Office for Victims of Crime
- Crown Attorneys on fee for service
- Criminal Injuries Compensation Board
- Child and Parent Resource Institute
- Financial services
- Schools and childcare settings ([exemption from type of information](#) that may be disclosed as part of a police record check)
- Administration of justice and other roles (e.g., Crown Attorneys, court staff, adjudicative tribunals, correctional institutions, IT individuals that support the Justice Sector, etc., as well as Ontario Public Service (OPS) positions and contracts for service related to various sectors)

Police record checks conducted where a sector is exempt from the PRCRA may result in **additional information being considered by police services** (e.g., non-criminal information such as mental health contact information, police contact information), which the PRCRA would otherwise prohibit from being included in a police record check.

Exemptions may relate to ***one or more of the following***:

- **Type of Information:** Exemption from the restrictions on the types of information that are authorized to be included in a police record check.
- **Disclosure to Individual:** Exemption from the requirement to provide the police record check results to the subject of the check before it is seen by the organization making the screening decision.

Note: Although the PRCRA would not apply to sectors that are exempt from its requirements, there is other legislation which may apply, such as the *Criminal Records Act, 1985*, which also places some limits on information that can be considered.

Moving to a New Exemptions Framework

The Ministry of the Solicitor General is identifying which (if any) of these temporary exemptions should be continued on an on-going basis and, if so, whether there is potential for an exemption to be narrowed.

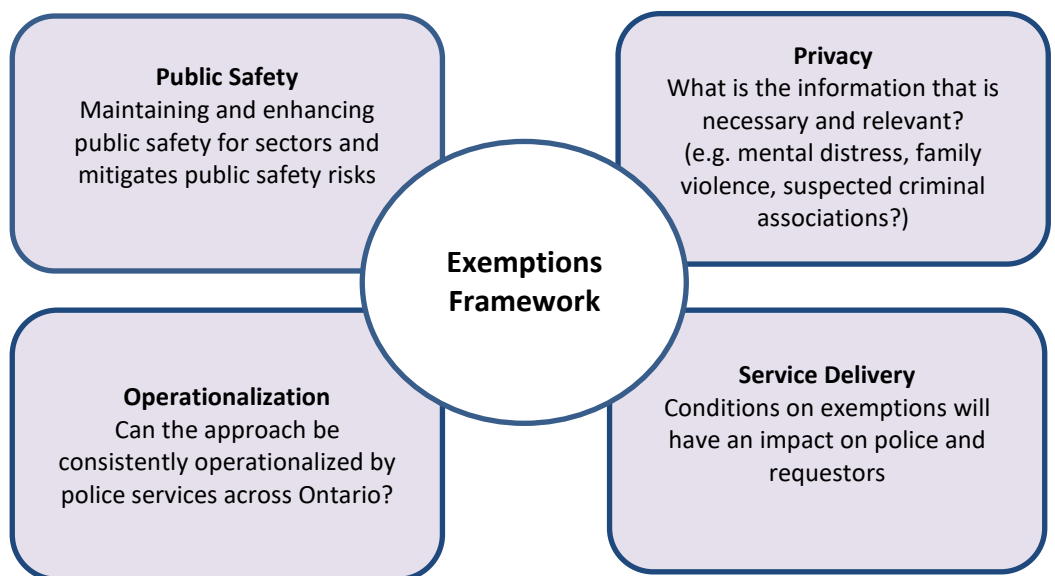
The Ministry of the Solicitor General would welcome feedback on the proposed exemptions to the PRCRA, including further opportunities to apply conditions or remove exemptions.

Underlying Principles

In part, the PRCRA was created to address concerns that had been raised about potential barriers to employment, volunteer and educational opportunities, housing, public assistance, insurance, and immigration. These barriers may occur when employers, volunteer co-ordinators, educators, and others make screening decisions without understanding what some police record check results mean and if they are relevant. Organizations may adopt a risk-averse position and disqualify individuals on the basis of these records³.

The three types of police record checks set out in the PRCRA – criminal record check, criminal record and judicial matters check, vulnerable sector check – do not include access to local police contact information. This non-criminal intelligence information can be gathered by police and may include street checks, victim incident reports, vehicle stops and information about mental health related contact. By setting clear standards for police record checks and generally excluding non-conviction information and local police contact information, the PRCRA addresses the concerns that had been identified by the ministry's stakeholders.

When the PRCRA was enacted, some areas were exempt from the requirements of the PRCRA and as such a wider range of police information could be considered as part of an exempted police record check. Since the PRCRA was enacted, the Ministry of the Solicitor General has worked with Ontario ministries to review the temporary exemptions to develop a lasting approach that finds the right balance between providing information to protect public safety and protecting the privacy and rights of individuals. Based on this engagement, the Ministry of the Solicitor General has



³ OACP, Law Enforcement & Records (Managers) Network, *Guideline for Police Record Checks*, March 2011, pg. 7

developed an outline of a proposed framework.

In some circumstances it is necessary for additional information beyond what would be included as part of the checks under the PRCRA to be considered. However, the Ministry of the Solicitor General is proposing some overarching principles around the information that could be included and how this information is protected.

Additional Protections for Exempted Police Record Checks

There are processes in place to ensure that information is not inappropriately used as part of an exempted police record check. The Ministry of the Solicitor General is proposing to formalize these processes as part of the exemptions framework. This will include:

- Greater transparency around how an exempted police record check is conducted, how information is disclosed; and
- A process to respond to a request from an individual to review and potentially correct inaccurate formation.

Non-Criminal or Police Contact Information

Non-criminal information is information that is recorded by police services that is not associated with a charge or conviction. It may be gathered to build knowledge or to assist police services with providing appropriate services relating to a person's mental health, if they have been a victim of crime, or if they have any criminal associations.

The Ministry of the Solicitor General is proposing that some non-criminal information be excluded from information accessed as part of an exempted police record check unless it is specifically required to address security requirements to avoid a public safety risk.

Street Checks and Victim Information

A street check, also known as carding, is when a police officer asks someone for identifying information (ID) in certain situations. In 2017, a regulation created new rules for police regarding the conduct of street checks. In some cases, street check information obtained prior to 2017 does exist in police databases and can be accessed in an exempted police record check (if police policy permits this access).

The Ministry of the Solicitor General is proposing strengthening existing safeguards, to increase restrictions to non-criminal information for exempted police record checks, unless the position has a significant risk of infiltration (e.g., police officer, correctional officer and provincial security advisor) from organized crime or other security threat groups (e.g. terrorists) and the specific public safety risks have been clearly documented by the organization which is responsible for the screening.

Police databases may also include information related to where a person has been a victim of a crime. As this information is generally not relevant for employment, volunteer or licence screening, additional protections will be introduced to ensure that in most cases, it would not be included in an exempted police record check.

Mental Health Contact Information

Police services sometimes have contact with persons with mental health issues (e.g. police performing investigations, witness reports, wellness checks). As part of their duties, police create records of these incidents in their databases for future reference.

Police services in Ontario currently mitigate the access of mental health contact information through a series of operational policies, which may vary depending on the police service.

To provide more clarity to police services and the public and enhance the current operational police policies already in place, the Ministry of the Solicitor General is proposing to introduce additional restrictions regarding the consideration of mental health contact information in police record checks that are exempt from the PRCRA. This means that in most cases, mental health contact information would not be included as part of an exempted police record check. In the small number of cases where it might be included, a limit would be applied to restrict information to only the past five years.

Proposed Exemptions – Summary *[see pages 14-30 for details]*

Screening Category for Employment or Volunteering	Proposed Exemption	Scope of Exemption (conditions attached to exemption)	Proposed changes from current exemptions	Current section in regulation
1. Correctional Institutions, Parole Services	Staff and contractors working in correctional institutions and youth facilities. Youth probation.	Full exemption from the PRCRA (no conditions).	Exemption for adult probation and parole services would cease.	4
2. Police Services	Employees, volunteers and contractors of police services.	Full exemption from the PRCRA (no conditions).	None.	5
3. Administration of Justice Sector	Staff employed in key roles within the administration of justice sector (e.g. crown attorneys, court registrars and clerks, administrative positions).	Non-criminal/police contact information would be limited (e.g. no mental health information).	Exemptions for some areas (e.g. adjudicative tribunals) have been removed. Information included in an exempted check is going to be limited (e.g., no disclosure of mental health contact information).	7, 15
	Information Technology (IT) individuals that support the justice sector.			7
	Criminal Injuries Compensation Board			11, 16
4. Criminal Intelligence Service Ontario	Criminal Intelligence Service Ontario staff.	Full exemption from the PRCRA (no conditions).	None.	7
5. Major Case Management	Individuals with access to the Major Case Management (MCM) system	Full exemption from the PRCRA (no conditions).	None.	5
6. Office of the Provincial Security Advisor	All employees in the Office of the Provincial Security Advisor.	Full exemption from the PRCRA (no conditions).	None.	6
7. Special Investigations Unit	Special Investigations Unit staff, investigators and volunteers.	Non-criminal/police contact information would be limited (e.g. no street check and mental health information).	Information included in an exempted check is limited (e.g. no victimization information).	9

Screening Category for Employment or Volunteering	Proposed Exemption	Scope of Exemption (conditions attached to exemption)	Proposed changes from current exemptions	Current section in regulation
8. Office of the Independent Police Review Director	Independent Police Review Director, staff and investigators.	Non-criminal/police contact information would be limited (e.g. no street check and mental health information).	Information included in an exempted check is limited.	10
9. Alcohol and Gaming Commission of Ontario (AGCO)	AGCO staff, casino operators, cannabis shop owners.	Non-criminal/police contact information would be limited (e.g. no mental health contact information).	Information included in an exempted check is limited (e.g. no mental health contact information).	12
10. Office of the Children's Lawyer (OCL)	Appointment as the Children's Lawyer, contracted services to the OCL (e.g. lawyers, social workers, mental health experts).	Full exemption from the PRCRA (no conditions).	Exemptions for the Office of Public Guardian and Trustee and Office for Victims of Crime would be removed.	13 & 14
11. Child and Parent Resource Institute (CPRI)	Employees, volunteers and student placements and the CPRI.	Information included in an exempted check would be limited to information available through a Vulnerable Sector Check plus information related to any child protection concerns (e.g. family court matters with no criminal charged laid).	Information included in an exempted check is limited. Exemption for contractors providing goods or services to CPRI would cease.	17
12. Financial services	License applicants of the Financial Services Regulatory Authority (FSRA), FSRA investigators.	Non-criminal/police contact information would be limited (e.g. no street check and mental health information). Exemption would waive second consent and allow disclosure of a police record directly to FSRA.	Information included in an exempted check is limited.	18

Screening Category for Employment or Volunteering	Proposed Exemption	Scope of Exemption (conditions attached to exemption)	Proposed changes from current exemptions	Current section in regulation
13. Inspectors and Investigators	<p>Various Ontario Public Service (OPS) inspectors/investigators (fire investigators, agriculture, conservation officers, etc.) and external inspectors/investigators employed by organizations with legislated responsibilities to ensure compliance with the law; Supervisors and support staff for inspectors/investigators.</p> <p><u>But only in specific situations</u> where an exempted check is required by third party justice partner (e.g., Royal Canadian Mounted Police, Ontario Provincial Police, Canadian Security Intelligence Service) in order to access their databases or information; OR; for intelligence/sensitivity reasons (e.g., where a person will have access to information about confidential informants).</p>	Full exemption from the PRCRA (no conditions).	Exempted check would be limited to specific situations (not all OPS inspectors/investigators).	8
14. Publicly Funded District School Boards, Provincial and Demonstration Schools, School Authorities, and Licensed Child Care Settings	<p>Exemption applies to:</p> <ul style="list-style-type: none"> • School board and school authority employees. • Individuals who provide goods or services at a school site and who come into direct contact with pupils on a regular basis. • Licensed child care program staff. • Licensed home child care providers. 	<p>The exemption would apply to child care settings and schools of publicly funded district school boards, provincial and demonstration schools, and school authorities.</p> <p>Information included in an exempted check would be limited to information available</p>	<p>Exempted check would be limited to specific positions.</p> <p>Information included in an exempted check would be limited.</p>	19

Screening Category for Employment or Volunteering	Proposed Exemption	Scope of Exemption (conditions attached to exemption)	Proposed changes from current exemptions	Current section in regulation
	<ul style="list-style-type: none"> • In-home service providers. • Individuals who are ordinarily a resident of a premise where home child care is provided. • Individuals who are regularly at a premise where home child care is provided. • Home child care visitors and other home child care agency staff who may interact with children. • Volunteers and students in schools and childcare settings. 	<p>through a Vulnerable Sector Check plus:</p> <ul style="list-style-type: none"> • Outstanding restraining orders, including family court restraining orders, under the <i>Child Youth and Family Services Act, 2017</i> (CYFSA); • Provincial charges and convictions under the CYFSA; • Provincial charges under the <i>Child Care and Early Years Act, 2014</i>; • Provincial charges and convictions under the <i>Highway Traffic Act, 1990</i>. 		

Proposed Exemptions – Detail

The following type of screening is proposed to be exempt from the requirements of the PRCRA.

Screening Category #1	<u>Correctional Institutions, Parole Services</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption proposed for staff, volunteers and contractors working in correctional institutions and youth justice facilities. • The exemption for adult probation and parole services would cease to exist. • Youth probation would continue to have an exemption. The proposal is a full exemption (none of the provisions of the PRCRA apply).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Correctional Officers. • Youth Probation Officers, Youth Service Officers.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Personnel, including volunteers, have access to ministry assets and highly sensitive information. • Correctional services have heightened needs to identify if an applicant has any associations with organized crime and there are significant safety risks at the facility (e.g. weapons, lethal drugs, planned violent attacks), and thus thorough screening of employees, volunteers and contractors is necessary. • In a Youth Justice context, employees and contractors work with children and youth that are uniquely vulnerable and staff have a high degree to control and authority including close personal contact. The unique vulnerabilities of these children require additional screening beyond what is permitted under a Vulnerable Sector Check. • In some cases, specific references to organized crime association may be captured in street checks and specific child protection concerns (e.g. violent thoughts about harming children) may be captured in police records for a (mental health) crisis call. This non-criminal information would be considered important for screening in these sectors.

Feedback on Proposed Exemption: Correctional Institutions, Parole Offices

Agree

Disagree

Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #2	<u>Police Services</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption proposed for employees and contractors of police services. • The proposal is a full exemption (none of the provisions of the PRCRA apply).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Police Officers. • Special Constables. • Police investigators. • Police auxiliary staff and volunteers. • Contractors providing goods/services to police. • Police Services Board members.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Additional screening is required to mitigate potential risks to undermine administration of justice, infiltration of police by criminal organizations, and access to critical infrastructure and confidential information. Employees (agency or civilian) are in positions of trust/authority over vulnerable persons and can have access to firearms. Insufficient screening can jeopardize public safety, security and confidence in police. • Criminal prosecutions and other proceedings can be jeopardized when a police officer's historical background (e.g. misconduct, historical criminal behavior) results in a loss of credibility before the courts. Police services need to ensure that its members' background information does not impede their ability to enforce the law and protect the public. • Police Service Board members are responsible for independent civilian oversight and governance of police services. They have access to highly sensitive information which if used inappropriately, could compromise public safety.

Feedback on Proposed Exemption: Police Services

- Agree**
- Disagree**
- Other – Please Explain Below**

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #3	<u>Administration of Justice Sector</u>
Proposed Exemption	<ul style="list-style-type: none"> • Crown Attorneys and support staff positions will be exempted and that may include a full exemption where there is a demonstrated public safety need (e.g. access to sensitive police intelligence). • For other positions (e.g. administrative staff), an exemption is proposed (limitation of no street check and mental health information).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Crown Attorneys and support staff. • Court Staff. • IT individuals that support the justice sector. • Appointments to the Criminal Injuries Compensation Board.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Individuals working in the administration of justice sector may have control over evidence and high-risk exhibits prior to and after submission to the court. Inappropriate use of this information could have a significant impact on the protection of the public/administration of justice. • Some individuals have access to confidential witness information (e.g. witness protection program) and these witnesses are specifically vulnerable to threats from criminal elements and organized crime. • Court staff are responsible for the care and maintenance of court files and documents, which may contain highly sensitive or confidential information protected by a statutory provision, common law rule or court order. Inappropriate release or use of this information could significantly impact the safety of individuals and undermine the administration of justice. • In some cases, specific references to organized crime association may be captured in street checks. This non-criminal information would be considered important for screening in this sector. • Additional screening is required to mitigate public safety risks and safeguard the administration of justice. • IT individuals have access to computer accounts/servers/systems/applications/databases with highly sensitive intelligence (e.g. police databases, judiciary etc.); there are also police service requirements (e.g. OPP), which have additional screening requirements to access their systems/servers.

Feedback on Proposed Exemption: Administration of Justice Sector

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #4	<u>Criminal Intelligence Service Ontario</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption proposed for the staff of the Criminal Intelligence Service Ontario (CISO). • The proposal is a full exemption (none of the provisions of the PRCRA apply).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • All CISO employees.
Reason for Exemption(s)	<ul style="list-style-type: none"> • The role of Criminal Intelligence Service Ontario is to link organizations that are responsible for intelligence gathering, criminal investigation and enforcing provincial and federal laws. These connections make it possible for police and government to work together effectively to fight organized crime. • CISO provides specialized intelligence training to police officers and funding to support major organized crime investigations. • Staff have direct access to criminal intelligence systems and reports and access to highly confidential intelligence.

Feedback on Proposed Exemption: Criminal Intelligence Service Ontario

- Agree**
- Disagree**
- Other – Please Explain Below**

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #5	<u>Major Case Management</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption proposed for positions that access to the Major Case Management (MCM) system. • The proposal is a full exemption (none of the provisions of the PRCRA apply).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • All positions with MCM access.
Reason for Exemption(s)	<ul style="list-style-type: none"> • MCM combines specialized police training and investigation techniques with a computer software system called Powercase. The software manages the vast amounts of information involved in investigations of serious crimes. • Police services across Ontario must use MCM as part of their investigation into certain types of serious crimes such as homicides, sexual assaults and abductions. • Since 2002, all municipal police services and the Ontario Provincial Police have had access to the Major Case Management system. • MCM contains highly sensitive information, such as: <ul style="list-style-type: none"> ○ Tracking, sorting and analysing huge amounts of personal information about a crime: police notes, witness statements, door-to-door leads, names, locations, vehicles and phone numbers etc. ○ Analysis of connections between cases so police services can reduce the risk that serial offenders will avoid being caught.

Feedback on Proposed Exemption: Major Case Management

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #6	<u>Office of the Provincial Security Advisor</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption proposed for the Office of the Provincial Security Advisor (OPSA). • The proposal is a full exemption (none of the provisions of the PRCRA apply).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • All OPSA employees.
Reason for Exemption(s)	<ul style="list-style-type: none"> • The Office of the Provincial Security Advisor provides advice and intelligence on areas of public safety and national security that fall within provincial responsibility. Increased screening enables access to information and intelligence from other security counterparts which may be required to ensure public safety or security. • In some cases, specific references to organized crime association may be captured in street checks and specific public safety concerns may be captured in police records. This non-criminal information would be considered important for screening in this sector.

Feedback on Proposed Exemption: Office of the Provincial Security Advisor

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #7	<u>Special Investigations Unit</u>
Proposed Exemption	<ul style="list-style-type: none"> • Partial exemption proposed for the Special Investigations Unit (SIU). • Street check and mental health information are not included in the exemption.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • SIU staff. • SIU investigators. • Volunteers.
Reason for Exemption(s)	<ul style="list-style-type: none"> • The function of the SIU is to conduct criminal investigations into circumstances involving police and civilians that have resulted in serious injury, death or allegations of sexual assault. • Legal cases can be jeopardized when an investigators historical background (e.g. misconduct) results in a loss of credibility before the courts. • Additional screening is required to ensure that employees have no organized crime affiliations or past criminal activity.

Feedback on Proposed Exemption: Special Investigations Unit

- Agree**
- Disagree**
- Other – Please Explain Below**

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #8	<u>Independent Police Review Director</u>
Proposed Changes to Current Exemption	<ul style="list-style-type: none"> • Partial exemption proposed for the Office of the Independent Police Review Director (OIPRD). • Street check and mental health information are not included in the exemption.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Independent Police Review Director. • Staff at the OIPRD. • OIPRD investigators.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Appointees and employees have access to highly sensitive police intelligence information which if used inappropriately, could compromise public safety. Additional screening is required to ensure that employees have no organized crime affiliations or past criminal activity.

Feedback on Proposed Exemption: Independent Police Review Director

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #9	<u>Alcohol and Gaming Commission of Ontario</u>
Proposed Exemption	<ul style="list-style-type: none"> • Partial exemption proposed for the Alcohol and Gaming Commission of Ontario (AGCO), licensees, registrants and appointees. • Mental health information is not included in the exemption.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Applicants for licence and/or registration under the <i>Liquor Licence Act, Gaming Control Act, Cannabis Licence Act, Horseracing Licence Act</i>: OLG employees (certain positions). • Appointees to the Board of Directors of the Ontario Lottery and Gaming Corporation and the Alcohol and Gaming Commission of Ontario.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Licensees and Registrants: Licensees and registrants must meet regulatory screening requirements set out by provincial legislation. An exemption is required to ensure that persons seeking registration will meet the statutory conditions of registration (e.g. investigations into the character, financial history and competence of an applicant). • Appointees: Appointees may have access to sensitive police intelligence information and are in a position of authority over policing, or licensing/registration matters.

Feedback on Proposed Exemption: Alcohol and Gaming Commission of Ontario

- Agree**
- Disagree**
- Other – Please Explain Below**

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #10	<u>Office of the Children’s Lawyer</u>
Proposed Exemption	<ul style="list-style-type: none"> • The exemption will apply to the Office of the Children’s Lawyer (OCL) only. • Exemption is limited to specific child protection concerns (e.g. family court matters with no criminal charges laid). • The Office of the Public Guardian and Trustee (OPGT) will be removed from the regulation as the OPGT engages in alternative screening processes.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Employees of the Office of the Children’s Lawyer who have access to information regarding custody and access and child protection matters. • Contracted services (e.g. lawyers, social workers, mental health experts) to the OCL in matters relating to custody and access and child protection.
Reason for Exemption(s)	<ul style="list-style-type: none"> • The OCL provides legal representation to children under the age of 18 in court cases involving custody and access and child protection, as well as civil, and estates and trusts cases. • The unique vulnerabilities of these children, who are the subject of custody and access and child protection cases, require additional screening beyond what is permitted under a Vulnerable Sector Check. • Contracted service providers (e.g. lawyers, social workers, mental health experts) are in positions of trust and have direct contact with vulnerable children. • Employees have access to extensive personal information about children who are the subject of custody and access and child protection cases. • Failure to adequately screen candidates for the above positions could expose the OCL's vulnerable clients to unnecessary risks of being victimized.

Feedback on Proposed Exemption: Office of the Children’s Lawyer

- Agree**
- Disagree**
- Other – Please Explain Below**

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #11	<u>Child and Parent Resource Institute</u>
Proposed Exemption	<ul style="list-style-type: none"> • Partial exemption would be limited to the consider information related to specific child protection concerns (e.g. family court matters with no criminal charges laid).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • Employees, volunteers and student placements at the Child and Parent Resource Institute (CPRI).
Reason for Exemption(s)	<ul style="list-style-type: none"> • Personnel, including students, have access to ministry assets and highly sensitive information. • Employees and contractors work with children and youth that are uniquely vulnerable because they have complex mental health needs, behavioral, developmental or physical challenges. • Some children and youth also live-in residential care. • The unique vulnerabilities of children and youth receiving Child and Parent Resource Institute (CPRI) services requires additional screening beyond what is permitted under a Vulnerable Sector Check. • In some cases, specific references to child protection concerns might be captured in police records involving a (mental health) crisis or personal injury call. This non-criminal information could be considered important for screening in this sector.

Feedback on Proposed Exemption: Child and Parent Resource Institute

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #12	<u>Financial Services</u>
Proposed Exemption	<ul style="list-style-type: none"> • Exemption limited to waiving second consent and disclosure of a police record to the Financial Services Regulatory Authority (FSRA). • Street check and mental health information are not included in the exemption.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • License applicants of FSRA. • FSRA investigators.
Reason for Exemption(s)	<ul style="list-style-type: none"> • FSRA as a regulatory agency, has direct access to the Canadian Police Information Centre (CPIC) databases. • Direct access to CPIC provides the regulatory agency with the ability to check for further conviction information to assess the integrity of individuals and assess risks of theft and fraud to the investing public. FSRA investigators must meet third party screening requirements to ensure continued access to CPIC. • An exemption is required due to operational challenges presented by the requirements in the PRCRA pertaining to consent and disclosure of police record checks.

Feedback on Proposed Exemption: Financial Services

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #13	<u>Inspectors, Investigators, etc.</u>
Proposed Exemption	<ul style="list-style-type: none"> Exemption will be specific to situations where an exempted check is required by third party justice partner (e.g., Royal Canadian Mounted Police) in order to access their databases or information; OR; for intelligence/sensitivity reasons (e.g., where a person will have access to information about confidential informants).
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> Various Ontario Public Service inspectors/investigators (fire investigators, agriculture, conservation officers, etc.). External inspectors/investigators employed by organizations with legislated responsibilities to ensure compliance with the law. Supervisors and support staff for inspectors/investigators.
Reason for Exemption(s)	<ul style="list-style-type: none"> Inspectors and Investigators could potentially interfere with the administration of justice and jeopardize public safety if infiltrated by organized crime. Additional screening requirements are necessary to mitigate this risk. However, the amount of information that would be considered would be linked to risk. Third party requirements would also be tied to essential job duties (i.e. requirements from law enforcement organizations such as the Ontario Provincial Police and the Royal Canadian Mounted Police) which have independent screening requirements in place to protect their information and assets.

Feedback on Proposed Exemption: Inspectors, Investigators, etc.

- Agree
- Disagree
- Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Screening Category #14	<u>Publicly Funded District School Boards, Provincial and Demonstration Schools, School Authorities, and Licensed Child Care Settings</u>
Proposed Exemption	<ul style="list-style-type: none"> • An exempted check would be limited to information available through a Vulnerable Sector Check and some additional information that would include: <ul style="list-style-type: none"> ○ Outstanding restraining orders, including family court restraining orders, under the <i>Child Youth and Family Services Act, 2017</i> (CYFSA); ○ Provincial charges and convictions under the CYFSA; ○ Provincial charges and convictions under the <i>Child Care and Early Years Act, 2014</i>; and ○ Provincial charges and convictions under the <i>Highway Traffic Act, 1990</i>.
Examples of Positions covered by the Exemption (not exhaustive)	<ul style="list-style-type: none"> • School board and school authority employees. • Individuals who provide goods or services at a school site of a board who come into direct contact with pupils on regular basis. • Licensed child care employees. • Licensed home child care providers and in-home service providers. • Individuals who are ordinarily a resident of a premise where home child care is provided. • Individuals who are regularly at a premise where home child care is provided. • Home child care visitors and other home child care agency staff who may interact with children. • Volunteers and students in schools and child care settings.
Reason for Exemption(s)	<ul style="list-style-type: none"> • Individuals who work in education and child care are in positions of trust/authority and have direct contact with children and youth who are vulnerable and some of which have unique vulnerabilities including mental health needs, behavioral, developmental or physical challenges. • Students who attend Provincial and Demonstration schools or access services through provincial and demonstration schools are blind, deaf, deaf-blind or have severe learning disabilities; and many live at the schools from Monday to Friday. Employees can directly impact the health, safety and welfare of these vulnerable populations. • The vulnerabilities of these children require additional screening beyond what is permitted under a standard Vulnerable Sector Check.

**Feedback on Proposed Exemption: Publicly Funded District School Boards,
Provincial and Demonstration Schools, School Authorities, and Licensed Child
Care Settings**

Agree

Disagree

Other – Please Explain Below

Explanation and Additional Comments:

You may enter any additional comments here

Your Privacy Matters

Your personal information is being collected in order to help us in our review of the PRCRA. Your responses will be reviewed by the Government of Ontario.

This feedback will help to inform the development of the Exemptions Framework under the PRCRA. Your feedback may also be used in a summary report about this survey.

Your information will not be placed on mailing lists or released to any third party, except as may be authorized by law. For questions on how personal information collected on this page will be used, please see our [Privacy Statement](#)⁴.

⁴ <https://www.ontario.ca/page/privacy-statement>
Ministry of the Solicitor General