

Ministry of the Solicitor General

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Ministère du Solliciteur général

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Disclosure of COVID-19 Status Information by
Laboratories and Public Health Units**

DATE OF ISSUE:	April 6, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0041
PRIORITY:	High

As part of the effort to support emergency frontline responders and contain the spread of COVID-19, the government has made an emergency order under the *Emergency Management and Civil Protection Act* that would enable police services to obtain COVID-19 status information from specified custodians (i.e., medical officers of health and licensed laboratories). For your reference, the order can be found online at: <https://www.ontario.ca/laws/regulation/200120>.

COVID-19 status information consists of name, address, date of birth, and whether the individual has had a positive test result.

Through this emergency order, the government recognizes that it is critical that first responders have access to COVID-19 status information (positive status only) of individuals they are coming into contact with to help protect and reduce the potential spread of the virus to first responders and those they come into contact with in the community.

Please note this will be implemented through a centralized mechanism/application; therefore, outreach to licensed laboratories and Medical Officers of Health is not recommended (refer to Implementation Section below).

Disclosure to Police Requirements

COVID-19 (positive) status information may be requested by members of police services, including municipal and First Nations police services, and other emergency response personnel (e.g., firefighters and paramedics).

The emergency order will allow police services to request the COVID-19 (positive) status information and require specified custodians to provide it for the 14 days it is in effect (until April 17, 2020) or longer if the emergency order is renewed. The government will continue to assess the need for COVID-19 status information on an ongoing basis.

Personal health 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. It cannot be used for any other purpose. Consistent with the purpose of the emergency order, policing personnel may continue to confirm the COVID-19 (positive) status information of an individual they have interacted with after the interaction while this emergency order remains in effect. This information is subject to any relevant law with respect to privacy and confidentiality when the declared emergency is terminated, including the *Police Services Act* and, as applicable, the *Municipal Freedom of Information and Protection of Privacy Act* or the *Freedom of Information and Protection of Privacy Act*. The confidentiality and protection of this personal health information is paramount.

This approach ensures consistency with other “premise warnings” issued by communication and dispatch services to first responders to such things as mental health concerns and weapons.

Having access to COVID-19 (positive) status information is one precautionary measure. Police services should also consider information about community spread of COVID-19, and risk assessments should happen for any contact with members of the public including on route to situations and on scene. Police services should also adapt current practices to allow for physical distancing where possible and seek advice from their occupational health and safety/infection prevention and control experts on personal protective equipment based on provincial guidance. Please continue to exercise caution during interactions as there may be times when individuals who are positive for COVID-19 may not have been tested for the virus or may not be showing symptoms that indicate COVID-19.

Implementation

Centralized Access

The ministry is urgently working with the Ministry of Health to develop an information portal that would enable police services to query COVID-19 status information. Once this mechanism/application becomes available, the ministry will notify police services. As indicated earlier, outreach to licensed laboratories and Medical Officers of Health is not recommended.

The ministry recommends chiefs of police centralize access to COVID-19 status information through their communication and dispatch service to ensure internal control measures are in place for the disclosure of information within the police service and provide oversight by a supervisor. Access to COVID-19 (positive) status information within police services should be limited to the greatest extent possible.

Policies and Procedures

The ministry encourages police services boards to develop policies related to the disclosure of COVID-19 (positive) status information by a chief of police within a police service. The policy should include the circumstances that a chief of police may provide COVID-19 status information to policing personnel and how such information is stored within policing information systems.

The ministry recommends police services boards and chiefs of police institute policies and procedures that prohibit access to COVID-19 (positive) status information at the conclusion of the provincial emergency and ensure destruction of the information as soon as permitted by law.

In addition, chiefs of police should develop procedures on the access to and disclosure of such information, including the need for the supervisor of the police communication and dispatch services to ensure that information is only disclosed within the police service for the protection of officer safety when they are on route to specified calls for service. Please note that clause 6(1)(a) of O. Reg. 3/99 under the *Police Services Act* already requires police communication and dispatch services to be supervised 24 hours a day by a member of a police service.

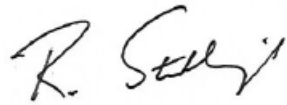
Communication and Dispatch Service's Screening Protocol

The ministry also encourages chiefs of police to institute a COVID-19 active screening protocol for communication and dispatch services. Call-takers should endeavor to obtain the necessary COVID-19 status information from callers when applicable. Please ensure that policing personnel continue to prioritize the response to calls for service in accordance with the police service's standard procedure.

To support the development of your screening protocol, I am sharing with you the protocol instituted by the Ministry of Health for Central Ambulance Communications Centres. Please find the protocol attached.

I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Authorized Users for Disclosure of COVID-19 Status
Information to Communication and Dispatch Centres**

DATE OF ISSUE:	April 9, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0044
PRIORITY:	High

Further to All Chiefs Memo 20-0041, the Ministry of the Solicitor General (ministry) is developing an online look-up solution for authorized communication and dispatch personnel (authorized users) to access COVID-19 status information (*i.e., name, address, date of birth and whether the individual has had a positive test result for COVID-19*). The look-up solution is intended to enable authorized users in communication and dispatch centres to query COVID-19 status information. Further, the authorized users will be able to provide notice of COVID-19 status information to first responders (*e.g., if there is a known risk of COVID-19 for an individual and/or location they may be attending or have attended*). The intent is to make the information available as soon as possible.

Authorized User List

As part of the effort to support your frontline personnel, the ministry requires a list of authorized users to ensure the security of the platform and protection of the sensitive personal health information. The list of authorized users should be limited to only individuals in your police services who perform communication and dispatch functions and would be directly involved in communicating COVID-19 status information to frontline personnel. The ministry does not intend to grant access to policing personnel that are not directly involved in this process.

Please send your list of authorized users to Savio Pereira, Standards Development Officer, at Savio.Pereira@ontario.ca by **April 9, 2020 at 5:30pm EST** using the attached spreadsheet.

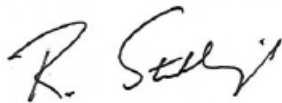
The ministry will provide additional communication as more detailed information about the look-up service becomes available.

Retention, Disclosure and Security of Personal Health Information

Please note that any alerts/flags using the COVID-19 status information in your computer-aided dispatch (CAD) systems should be set to a default expiry date. This date should coincide with *the day the declared provincial emergency ceases to be in effect*. In addition, please ensure that COVID-19 status information obtained through the ministry's solution is not entered into the Canadian Police Information Centre (CPIC), your police service's records management system, or any other databases, including intelligence databases.

Please keep COVID-19 status information contained with your communication and dispatch centres and only disclose this information when needed to support frontline policing personnel in making informed decisions about whether they need to take additional precautions to prevent the spread of COVID-19 when responding to calls for service while the emergency order is in effect.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment