

London Police Services Board Policy Title:	London Police Service Procedure: Accessing Provincial Database Re: COVID-19 Status Information
COVID-19 Status Information	Approved: June 18, 2020

1. Policy

- a. The following is the policy of the London Police Services Board with respect to Ont. Reg. 120/20: Order under Subsection 7.0.2 (4) of the *Emergency Management and Civil Protection Act*, "Access to COVID-19 Status Information by Specified Persons" (the "Regulation").
- b. Access and possession of medical information related to a member of the public is to be treated with the utmost confidentiality and safeguarded as such.
- c. The policy herein has been developed under emergency circumstances. It aims to strike a balance between protecting the safety of first responders while also protecting the safety of members of the public, as well as their rights and freedoms as per existing legislation and law in Ontario and Canada.

2. Definition

For the purpose of this Policy, the following definitions apply:

- a. "COVID-19 status information"- means, an individual's name, address and date of birth and whether the individual has had a positive test for the COVID-19 coronavirus received from a "specified custodian" through the portal;
- b. "the Portal" – means the Ministry of the Solicitor General's First Responders COVID-19 Risk Look-Up web portal

3. General

The Chief of Police shall:

- a. develop and maintain procedures to assist in protecting first responders and to reduce the potential spread of the virus in the community;
- b. establish a Routine Order and/or Procedure that ensures the collection, access, use, disclosure and destruction of COVID-19 status information is done in a manner consistent with the *Police Services Act*, the *Municipal Freedom of Information and the Protection of the Privacy Act*, and section

255 of the *Municipal Act, 2002* (regarding retention and destruction of records directly related to any law enforcement activity) and any direction recommended by the Ministry of Solicitor General through its All Chiefs Memorandums on this Regulation;

- c. ensure that information shared pursuant to the Regulation shall only be utilized to prevent, respond to or alleviate the effects of the current Provincial State of Emergency.
- d. restrict access to the Portal, to members of the London Police Service, as approved by the Ministry of the Solicitor General. Ministry access is granted only to police service members who provide communication and dispatch functions; at the London Police Service, those members are referred to as Communications Operators and this is the sole employee group allowed to access the Portal.
- e. ensure that any information obtained from the Portal, is not entered into the Canadian Police Information Centre (CPIC) or Record Management System (RMS) systems (unless it is material to an investigation or charge), or any other database, including intelligence databases, with the exception of the Computer Aided Dispatch (CAD) system;
- f. ensure that any information obtained from the Portal is only shared as follows:
 - 1. to officers engaged in a response to a related call for service, or investigation in the course of their duties while the Regulation is in effect; or,
 - 2. to any member of LPS who is required to have contact with a person in custody who is included in the database; or,
 - 3. to any member of LPS who is engaged in the COVID-19 tracing of any occupational exposure; and
- g. ensure that COVID-19 Status Information shall only be provided to those members that require it in order to meet the above purposes and not shared beyond such;
- h. ensure that any member of the LPS who becomes aware of an individual's COVID-19 status as a result of information obtained from the Portal, does not disclose it to any other person not authorized to possess it in accordance with this policy; and
- i. ensure that CAD premise/individual warnings relating to COVID-19 Status Information, is destroyed (subject to any outstanding charges, actual or contemplated proceedings, actions or claims or complaints under the *Police Services Act*), where the destruction is to begin immediately

following the conclusion of the provincial Emergency Declaration, and to be completed no later than six months following the conclusion of the provincial Emergency Declaration.

- j. Ensure that any member of LPS who has access to or receives information from the Portal is adequately trained in regards to the use, misuse and disclosure of personal health information.

4. Reporting

- a. The Chief shall report back to the Board at regular intervals regarding whether and how often information from the Portal was entered into CPIC or RMS, and in what circumstances.
- b. The Chief shall report back to the Board regarding the destruction of the records required by this policy.

5. Exception and Limitation

- a. Nothing in this policy prevents a member of the LPS from asking a member of the public about their COVID-19 status, as per local and provincial guidelines if such screening is intended to protect first responders and to reduce the potential spread of the virus in the community; and
- b. Any information voluntarily disclosed to a member of the LPS with respect to COVID-19 status shall be subject to the access, disclosure and destruction provisions as provided at law. To reiterate, this disclosure is entirely voluntary.
- c. Consistent with the purpose of the Provincial emergency order, policing personnel may continue to confirm the COVID-19 status information of an individual they have interacted with after the interaction while the emergency order remains in effect.
- d. This Policy shall be retroactive, effective April 3, 2020 (the date of the Regulation).
- e. This Policy shall remain in effect during the period of the declared COVID-19 emergency, other than section 3 (i) and section 4, which will continue until the destruction of the information and final audit are completed.
- f. Given the shortcomings of existing testing protocol, all available precautions should be taken for LPS members wherever possible.

6. References

- a. <https://www.ontario.ca/laws/regulation/200120>