



Peterborough Police Services Board By-law No. 119-2022

A By-law to Establish Policy for Compliance with the Municipal Freedom of Information and Protection of Privacy Act

WHEREAS subsection 3(2) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, provides that the Board may designate from among its members, a person to act as Head of the institution for the purposes of the *Act*;

AND whereas, under section 49(1) of that *Act*, a Head may delegate a power or duty as vested in the Head to officers or employees of the institution subject to such limitations, restrictions, conditions or requirements as the Head may set out in the delegation;

AND whereas it is desirable to delegate certain powers and duties vested in the Head under the *Municipal Freedom of Information and Protection of Privacy Act*, to officers of the Peterborough Police Service and to other officials and employees;

AND whereas subsection 31(1) of the *Police Services 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 services in the municipality;
- c) establish policies for the effective management of the police force;
- f) establish policies respecting the disclosure by the Chief of Police of personal information about individuals;

AND whereas a Police Services Board may, by by-law, make rules for the effective management of the police service under Section 31(6) of the *Police Services Act*;

AND whereas the Board deems it expedient to pass a by-law to designate a head for the purposes of the *Act* and to establish policies regarding the processing of access requests and the protection of personal information under the *Act*.

NOW THEREFORE THE PETERBOROUGH POLICE SERVICES BOARD
ENACTS AS FOLLOWS:

1.0 Definitions

- 1.1 “Act” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, and amendments thereto;
- 1.2 “Board” means the Peterborough Police Services Board;
- 1.3 “Chair” means the Chair of the Peterborough Police Services Board;
- 1.4 “Chief” or “Chief of Police” means the Chief of the Peterborough Police Service or designate;
- 1.5 “Executive Assistant” means the Executive Assistant to the Peterborough Police Services Board;
- 1.6 “Head” in respect of the institution, means the individual or body determined to be the Head under this By-law;
- 1.7 “Information and Privacy Commissioner” means the Commissioner appointed under subsection 4 (1) of the Freedom of Information and Protection of Privacy Act;
- 1.8 “Institution” means the organization known as the Peterborough Police Service, as governed by the Peterborough Police Services Board;
- 1.9 “Service” means the Peterborough Police Service.

2.0 Board Policy

- 2.1 The Board recognizes the purposes of the *Act* to be the right of access to information under the control of the institutions in accordance with certain principles and the protection of privacy of individuals with respect to personal information held by the institutions. The Board is committed to compliance with the *Act* and therefore, it is the policy of the Board that access to information and personal privacy issues be dealt with in accordance with the procedure set out by the Chief as established and directed in this By-law.

3.0 Designation of Head of Institution

- 3.1 Pursuant to Section 3(2) of the *Act*, the Board hereby designates the Chair as Head for the purposes of the *Act*.

4.0 Delegation of Powers

- 4.1 Pursuant to subsection 49(1) of the *Act*, the Chair delegates the power and duties vested in the Head under the *Act* to the Chief of Police and/or

- his or her designate with respect to all records under the control of the Chief of Police.
- 4.2 Pursuant to subsection 49(1) of the *Act*, the Chair delegates the power and duties vested in the Head under the *Act* to the Executive Assistant with respect to all records under the control of the Board.
- 4.3 Notwithstanding the delegation of powers and duties of the Head as authorized by Section 4.1 and 4.2 of this By-law, the Head remains accountable for actions taken and decisions made under the *Act* and retains the powers and duties granted or vested in the Head.

5.0 Board Records

- 5.1 The Board shall provide the Executive Assistant with training on the *Act* and its administration.
- 5.2 In carrying out the delegated responsibilities, the Executive Assistant shall respond to requests for records in accordance with the requirements of the *Act*.

6.0 Direction to the Chief

- 6.1 The Chief shall develop and implement written procedures to ensure compliance with the requirements of the *Act*, including provisions which ensure right of access to information under the control of the Service as well as protection of personal privacy, and including the provision of the required Annual Report to the office of the Information and Privacy Commissioner.
- 6.2 The Chief shall ensure that all members who receive a delegation of the duties under Section 4.1 of this By-law, receive training on the *Act* and its administration.

7.0 Reporting

- 7.1 The Chief of Police shall make an annual statistical report to the Board on Freedom of Information activities, on or before April 30 of each year which shall appear on the public agenda.
- 7.2 The annual report to the Board shall include comparative data for the same time period in the immediately preceding calendar year, and shall contain all information required to be included under the *Act*.
- 7.3 By February 28 of each year, the Chair shall provide data for the preceding year to the Chief of Police on Freedom of Information activities related to records under the control of the Board, for inclusion in the Information and Privacy Commissioner's Annual Report of the Head under the *Act*.

8.0 Administration

- 8.1 That this By-law is read a first, second and third time this 13th day of September, 2022.
- 8.2 That this By-law shall take effect on the 13th day of September, 2022.
- 8.3 That distribution of this By-law be unrestricted.



Mary ten Doeschate, Chair
Peterborough Police Services Board