

Ministry of the Solicitor General

FACT SHEET: Regulatory Amendments to the PRCRA

In Ontario, the *Police Record Checks Reform Act, 2015* (PRCRA) governs the types of record checks that can be conducted for screening (for example, employment, volunteering, or other) purposes. The act authorizes different types of police record checks. The **PRCRA does not apply to information that does not reside in police databases** such as credit history, social media scans, etc.

The Exemptions Regulation ([O. Reg. 347/18](#)), which sets out exemptions from the requirements of the PRCRA, has been amended to address temporary exemptions that will expire on July 1, 2021. These exemptions specify situations in which the PRCRA would not apply, in whole or in part, to a police record check. There are also additional protections for all exempted police record checks to provide:

- Greater transparency around how an exempted police record check is conducted and restrictions as to when non-criminal information can be disclosed; and
- Processes to respond to requests from an individual to review their results, correct inaccurate information or request a reconsideration.

What is New?

Consent of Individual

Police services shall not conduct an exempted police record check without the prior written consent of the individual who is the subject of the police record check.

Restricting Information

In limited circumstances, police services conducting an exempted police record check may disclose certain information as set out in the Exemptions Regulation in addition to that permitted under a Criminal Record Check, Criminal Record Check with Judicial Matters, and Vulnerable Sector Check (as per the [Schedule of the act](#)).

The Chief of Police or designate may only disclose the information required to indicate a public safety concern and the Chief or designate reasonably believes the information:

- a) Raises clear public safety concerns;
- b) Is recent or has occurred with enough frequency to raise ongoing public safety concerns;
- c) Is directly relevant to the position that the individual is being screened for; and
- d) Is based on reliable sources.

Restricting Non-Criminal Information

In addition to the above requirements, the Chief of Police or designate shall not release the following types of information in response to certain types of requests set out in the Exemptions Regulation:

- a) Street check information: is non-criminal information held by a police service that is gathered when a police officer asks someone for identifying information in certain situations.

- b) Mental health contact information: non-criminal information about an individual's actual, alleged or perceived mental health or addictions issues gathered from contact with police (e.g., investigations, witness reports, wellness checks).
- c) Victim information: non-criminal information related to where a person has been, or alleged to have been, a victim of a crime.

Mental health contact and street check information shall not be disclosed under any circumstances for searches related to the Special Investigations Unit; Independent Police Review Director; or the Alcohol, Cannabis and Gaming Sector.

In addition, mental health contact, street check and victim of crime information shall not be disclosed under any circumstances for searches for the Schools and Child Care Providers Sector.

Disclosure, Corrections and Reconsideration

Police services shall create and implement a process to allow individuals to review their exempted police record check results and correct errors and omissions if applicable. Police services may withhold information if it is subject to S.14 of the *Freedom of Information and Protection of Privacy Act* or S. 8 of the *Municipal Freedom of Information and Protection of Privacy Act*; or prohibited by Part VI of the *Youth Criminal Justice Act, 2002*.

Police services shall also create and implement a process to respond to requests from individuals who believe the Chief of Police or designate should reconsider the information disclosed as part of an exempted police record check.

Statistics and Directives

It is a condition of every exemption under the Exemption Regulation that the police service shall:

- Prepare and maintain statistics required by the minister on exempted police record checks; and provide that information to the minister on request; and
- Comply with any directives issued by the minister in relation to the act.

What Will Change?

Exemption	Changes to exemptions effective July 1, 2021
Correctional institutions, parole offices, etc.	<ul style="list-style-type: none"> • Probation and parole offices (that supervise adults) and monitoring boards (also known as Community Advisory Boards) are no longer exempted.
Police services	<ul style="list-style-type: none"> • Now expressly includes those who have access to the Ontario Major Case Management manual and software.
Office of Provincial Security Advisor	<ul style="list-style-type: none"> • Criminal Intelligence Service Ontario added to the exemption.
Inspectors, investigators, etc.	<ul style="list-style-type: none"> • Clarifies that searches for screening purposes are exempted if required by an entity (e.g., another law enforcement agency) to access information protected by that entity.
Special Investigations Unit	<ul style="list-style-type: none"> • Disclosure of street check and mental health contact information is prohibited.

Independent Police Review Director	<ul style="list-style-type: none"> • Disclosure of street check and mental health contact information is prohibited.
Adjudicative Tribunals	<ul style="list-style-type: none"> • No longer exempted.
Lottery, Gaming, etc.	<ul style="list-style-type: none"> • Disclosure of street check and mental health contact information is prohibited.
Office of Public Guardian and Trustee and of Children's Lawyer	<ul style="list-style-type: none"> • Office of the Public Guardian and Trustee is no longer exempted. • Exemptions are limited to persons who will have direct, in-person contact with children or vulnerable people within the context of their duties.
Office for Victims of Crime	<ul style="list-style-type: none"> • No longer exempted.
Crown Attorneys on fee for service	<ul style="list-style-type: none"> • Explicit exemption removed as these individuals are already exempted under the Administration of Justice exemption.
Child and Parent Resource Institute	<ul style="list-style-type: none"> • Exemptions are limited to persons who will have direct, in-person contact with children or vulnerable people within the context of their duties.
Financial services	<ul style="list-style-type: none"> • Exemption only applies to disclosure requirements (s.12 of the act).
Schools and child care providers	<ul style="list-style-type: none"> • Disclosure of street check, mental health contact and victim of crime information is prohibited. • An exemption will also apply to any roles where the person will have direct, in-person contact with children or vulnerable people within the context of their duties. • Clarified that the information exempted from the PRCRA is limited to the following information that policing service may possess: <ul style="list-style-type: none"> a) Outstanding restraining orders, including family court restraining orders, under the <i>Child, Youth and Family Services Act, 2017 (CYFSA)</i>; b) Provincial charges and convictions under the CYFSA; c) Provincial charges and convictions under the <i>Child Care and Early Years Act, 2014</i>; and d) Provincial charges and convictions under the <i>Highway Traffic Act, 1990</i>.

Exemptions That Will Not Change

- Adoption, residential and foster care under the CYFSA
- Electricity Generation Facilities
- Ontario Securities Commission
- Administration of justice sector
- Criminal Injuries Compensation Board