

# HALTON REGIONAL POLICE SERVICES BOARD



## BY-LAW NO. 99-2

### **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, 1989, Chapter 63*, 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 subsection 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act*, provides that the 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 Halton Regional Police Service and to other officials and employees;

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*;

NOW THEREFORE THE HALTON REGIONAL POLICE SERVICES BOARD ENACTS as follows:

#### **DEFINITIONS:**

In this By-law:

- (a) "*Act*" means the *Municipal Freedom of Information and Protection of Privacy Act, 1989, Chapter 63*, and amendments thereto.
- (b) "*Board*" means the Regional Municipality of Halton Police Services Board and shall be composed of such members appointed under Part III of the *Act*.
- (c) "*Chairman*" means the Chair of the Halton Regional Police Services Board.
- (d) "*Chief*" means the Chief of Police of the Halton Regional Police Service.
- (e) "*Policing Standards Manual*" - refers to the manual published by the Ministry of the Solicitor General and Correctional Services detailing Ministry policy including prescribed standards, directives and guidelines.
- (f) "*Service*" - means the Halton Regional Police Service;

#### **1. DESIGNATION OF HEAD OF INSTITUTION**

- 1.1 Pursuant to Section 3(2) of the *Act*, the Chair of the Halton Regional Police Services Board be designated as Head for the purposes of the *Act*.

## **2. DELEGATION OF POWERS**

- 2.1 Pursuant to Subsection 49(1) of the *Act*, the Chair of the Halton Regional Police Services Board delegates the power and duties vested in the head under the *Act* to the Chief of Police, the Deputy Chiefs of Police, the Service's Legal Counsel, Information and Privacy Co-ordinator and the Information Privacy Officer with respect to all records under the control of the Chief of Police. (*Amended by By-law No. 2006-02*)
- 2.2 Pursuant to Section 49(1) of the *Act*, the Chair of the Halton Regional Police Services Board shall be responsible with respect to all records not under the control of the Chief of Police.

## **3. ADMINISTRATION**

- 3.1 The Chief shall develop and implement written procedures to comply with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* and Part 0804.00 of the Policing Standards Manual, including a provision to ensure that the right of access to information under the control of the Service, complies with principles that information be available to the public.
- 3.2 The Chief shall ensure that all members delegated duties under Article 2.1 of this by-law, receive training on the *Freedom of Information and Protection of Privacy Act* and on the procedure referred to in Article 3.1

## **4. BOARD REPORTS**

- 4.1 The Chief shall make an annual statistical report to the Board on Freedom of Information activities, which shall appear on the public agenda.
- 4.2 The annual report shall include comparative data for the same time period in the immediate preceding calendar year, and shall contain the following information :
  - 4.2.1 the total number of requests;
  - 4.2.2 the total dollar amount collected for application fees;
  - 4.2.3 the total number of personal information requests;
  - 4.2.4 the total number of general information requests;
  - 4.2.5 the total dollar amount collected for fees regarding both personal and general Information requests;
  - 4.2.6 the total number of appeals;
  - 4.2.7 the total number of appeals where the Service decision was upheld;
  - 4.2.8 the total number of appeals that proceeded to an Inquiry;
  - 4.2.9 the total number of Inquires where the Service decision was upheld;
  - 4.2.10 the total number of Police Services Board requests;
  - 4.2.11 the total number of third party notices;
  - 4.2.12 the total number of complaints and compliance investigations;
  - 4.2.13 the number of outstanding requests as at the end of the reporting period;

4.2.14 the total number of request processed for other Agencies.

5. **EFFECTIVE DATE:**

- 5.1 That the Board repeal Resolutions endorsed on November 22, 1990;
- 5.2 This By-law shall come into force and take effect immediately upon the passing hereof.

READ AND PASSED BY THE HALTON REGIONAL POLICE SERVICES BOARD

THIS *28th* DAY OF *January* , 1998

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Chairman

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Executive Director

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