

# THE REGIONAL MUNICIPALITY OF YORK POLICE SERVICES BOARD

## BY-LAW NO. 09-15

### **A BYLAW TO ESTABLISH ADMINISTRATION POLICIES FOR *MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT* ACCESS REQUESTS**

WHEREAS section 2(1) of the *Municipal Freedom of Information and Protection of Privacy Act, 1990, c. M. 56* (the Act) designates police services boards as institutions for the purposes of the Act;

WHEREAS subsection 3(2) of the Act provides that a Board may designate in writing from among its members, an individual or a committee of the body to act as Head of the institution for the purposes of the Act;

AND WHEREAS subsection 49(1) of the 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 Act, to officers of the York Regional Police and to other officials and employees;

AND WHEREAS the Board deems it expedient to pass a bylaw to designate a head for the purposes of the Act and to establish policy and procedures regarding access requests and the protection of personal information under the Act;

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, R.S.O.1990, c. P. 15*.

NOW THEREFORE, THE REGIONAL MUNICIPALITY OF YORK POLICE SERVICES BOARD ENACTS as follows:

#### **1. DEFINITIONS:**

In this Bylaw:

- (a) "Act" means the *Municipal Freedom of Information and Protection of Privacy Act, 1990, c.M.56* and amendments thereto.
- (b) "Board" means the Regional Municipality of York Police Services Board and shall be composed of such members appointed under Part III of the *Police Services Act*

- (c) “Chair” refers to the Chair of the Regional Municipality of York Police Services Board.
- (d) “Chief of Police” refers to the Chief of York Regional Police.
- (e) “Head” in respect of the Institution, means the individual or body determined to be head under this Bylaw.
- (f) “Service” means the York Regional Police;
- (g) “Institution” means the Regional Municipality of York Police Services Board
- (h) “Executive Director” refers to the Executive Director of the Board
- (i) “Member” refers to a member/employee of York Regional Police

## **2. DESIGNATION OF HEAD OF INSTITUTION**

- 2.1 Pursuant to section 3(2) of the *Act*, the Chair of the Board is designated as Head for the purposes of the *Act*.

## **3. DELEGATION OF AUTHORITY**

- 3.1 Pursuant to Section 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 his/her designate with respect to all records under the custody and control of the Chief of Police.
- 3.2 Pursuant to Section 49(1) of the *Act*, the Chair delegates the power and duties vested in the head under the *Act* to the Executive Director and his/her designate with respect to all records under the custody and control of the Board.

## **4. ADMINISTRATION**

- 4.1 The Chief of Police shall develop and implement written procedures with respect to responding to access requests under the *Act*.
- 4.2 The Chief of Police shall ensure that all members delegated duties under this by-law, receive training on the *Municipal Freedom of Information and Protection of Privacy Act*.
- 4.3 The Executive Director of the Board is responsible for the administration of access requests for Board records under the *Act*.

## 5. REPORTING REQUIREMENTS

5.1 The Chief of Police shall report to the Board annually on access requests under the *Act* for the York Regional Police and it shall include the following information as it compares with the previous year:

- total number of access requests
- total number of appeals
- outcome of the appeals.

5.2 The Executive Director shall report to the Board annually on access requests under the *Act* for the Board and it shall include the following information as it compares with the previous year:

- total number of access requests
- total number of appeals
- outcome of the appeals.

ENACTED AND PASSED THIS 21<sup>st</sup> DAY OF OCTOBER, 2015.

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Frank Scarpitti  
Chair

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Mafalda Avellino  
Executive Director