



WOODSTOCK POLICE SERVICE BOARD

BY-LAW 06-2024

A by-law to establish policy for compliance with the Municipal Freedom of Information and Protection of Privacy Act

TABLE OF CONTENTS

SECTION	PAGE NO.
1. PREAMBLE	3
Preamble.....	3
2. INTERPRETATIONS	4
Definitions	4
3. BOARD POLICY	4
Board’s Commitment.....	4
Authority for Disclosure of Personal Information	4
4. DESIGNATION OF HEAD OF INSTITUTION	4
Designation of Chair as Head.....	4
5. DELEGATION OF POWERS	5
Delegation of Authority to the Chief	5
Accountability and Retention of Authority	5
6. DIRECTION TO THE CHIEF	5
Compliance Procedures Development.....	5
Training for Delegated Duties	5
7. ANNUAL REPORT OF HEAD	5
Annual Report	5
Requirements for Annual Report	5
8. FEE SCHEDULE	5
Fees	5
9. ENACTMENT	5

Repeal..... 5
Effective Date 5
General Order 5



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1. PREAMBLE

Preamble

- 1.1 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*;
- 1.2 AND whereas, under section 49(1) of that *Act*, a Head may delegate a power or duty as vested in the head of officers or employees of the institution subject to such limitations, restrictions, conditions or requirements as the Head may set out in the delegation;
- 1.3 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 Woodstock Police Service and to other officials and employees;
- 1.4 AND whereas section 37(1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* ("CSPA") provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by section 10 of the *CSPA*;
- 1.5 AND whereas section 38(2) of the *CSPA* provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provisions of policing;
- 1.6 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 WOODSTOCK POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. INTERPRETATIONS

For the purposes of this by-law:

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| <i>Definitions</i> | 2.1 | “ <i>Act</i> ” means the <i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990, c.M.56, and amendments thereto; |
| | 2.2 | “ <i>Board</i> ” means the Woodstock Police Service Board; |
| | 2.3 | “ <i>Chair</i> ” means the Chair of the Woodstock Police Services Board; |
| | 2.4 | “ <i>Chief</i> ” means the Chief of Police of the Woodstock Police Service Board; |
| | 2.5 | “ <i>Head</i> ” in respect of the institution, means the individual or body determined to be head under this by-law; |
| | 2.6 | “ <i>Institution</i> ” means the organization known as the Woodstock Police Service, as governed by the Woodstock Police Service Board; |
| | 2.7 | “ <i>Service</i> ” means the Woodstock Police Service. |

3. BOARD POLICY

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| <i>Board's Commitment</i> | 3.1 | The Board recognizes the purposes of the <i>Act</i> to be the right of access to information under the control of the institutions in accordance with certain principles and protection of privacy of individuals with respect to personal information held by the institutions. The Board is committed to compliance with the <i>Act</i> 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. |
| <i>Authority for Disclosure of Personal Information</i> | 3.2 | Nothing in this by-law shall limit the power of the Chief of Police to disclose personal information about an individual in accordance with section 80 of the <i>CSPA</i> and O. Reg. 412/23: Disclosure of Personal Information. |

4. DESIGNATION OF HEAD OF INSTITUTION

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| <i>Designation of Chair as Head</i> | 4.1 | Pursuant to section 3(2) of the <i>Act</i> , the Chair be designated as Head for the purposes of the <i>Act</i> . |
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5. DELEGATION OF POWERS

- Delegation of Authority to the Chief* 5.1 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 their designate with respect to all records under the control of the Woodstock Police Service.
- Accountability and Retention of Authority* 5.2 Notwithstanding the delegation of powers and duties of the Head as authorized by section 5.1 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.

6. DIRECTION TO THE CHIEF

- Compliance Procedures Development* 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.
- Training for Delegated Duties* 6.2 The Chief shall ensure that all members who receive a delegation of the duties under section 5.1 of this by-law, receive training on the *Act* and its administration.

7. ANNUAL REPORT OF HEAD

- Annual Report* 7.1 The Head shall make an annual report to the Commissioner, in accordance with section 34(1) of the *Act*. A copy of this annual report will also be sent to the Woodstock Police Service Board.
- Requirements for Annual Report* 7.2 The annual report shall include comparative data for the same time period in the immediate preceding calendar year, and shall contain all information required to be included under the *Act*.

8. FEE SCHEDULE

- Fees* 8.1 The charging of fees is authorized in Part IV General section 45 of the *Act*.

9. ENACTMENT

- Repeal* 9.1 previous by-laws, sections of by-laws, and procedural policies of the Board that are inconsistent with the provisions of this by-law are hereby repealed.
- Effective Date* 9.2 This by-law shall come into force upon the date of its passage.
- General Order* 9.3 The Chief shall implement this by-law, where applicable, through general order.

ENACTED AND PASSED THIS 9th day of September 2024.

WOODSTOCK POLICE SERVICE BOARD

Chair

Ken Whiteford

Vice-Chair

Leslie Farrell