

## Appendix C

2009.10.22-1545 - PAWNBROKERS AND SECOND HAND DEALERS

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### PAWNBROKERS AND SECOND HAND DEALERS AND THE COLLECTION OF PERSONAL INFORMATION

Effective immediately, members shall cease the routine practice of collecting "Pawn Sheer" information from Pawnbrokers and Second Hand Dealers.

Currently, the City of Toronto has By-laws requiring second-hand goods shops to collect, retain, and disclose information on second-hand goods transactions. Police routinely collect this information from second-hand good shops directly or through Business Watch International (BWI).

The Information and Privacy Commissioner of Ontario (Commissioner) has determined that the routine practice of collecting such information does not meet the privacy requirements under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

Specifically, certain provisions of the By-laws conflict with section 28(2) of *MFIPPA*, which states:

*No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.*

A new City By-law governing this issue is anticipated.

Procedure 03-25 entitled "Pawnbrokers and Second Hand Dealers" will be amended in the near future to ensure compliance with the Commissioner's direction and any new By-laws enacted by the City.

Unit commanders shall ensure that all members under their command are made aware of and comply with the contents of this Order.

<http://www.chq.mtp.gov/servlet/GetRoutineOrder?date=latest>

2009.10.22