

Update on Information Sharing Between - Toronto Community Housing Corporation and the Toronto Police Service

Date: September 28, 2016

To: City Council

From: City Manager

Wards: All

SUMMARY

At its meeting of July 12, 13 and 14, 2016, City Council requested the Toronto Community Housing Corporation (TCHC) and the Toronto Police Services Board (TBSB) to expedite efforts to develop and implement a Memorandum of Understanding (MOU) to allow for more efficient information sharing between the Toronto Police Service (TPS) and TCHC. TCHC was requested to report to the City Manager on the status of the MOU and the City Manager was directed to provide an update to Council.

To date, the MOU has not been executed by the parties. Both TCHC and the TPS indicate that there is alignment on the main points of implementation and TCHC anticipates the MOU will be executed in the fall of 2016.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from this report.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of July 12, 13 and 14, 2016, City Council requested the Toronto Community Housing Corporation and the Toronto Police Services Board to expedite efforts to develop and implement a Memorandum of Understanding to allow for more efficient information sharing between the Toronto Police Service and Toronto Community Housing Corporation, and for the Toronto Community Housing Corporation to report to the City Manager on the status of the Memorandum of Understanding by September 1, 2016 and direct the City Manager to report to the October 5 and 6, 2016 City Council meeting. The Decision Document can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC20.12>

At its meeting of June 7, 8 and 9, 2016, City Council directed the City Solicitor to report to the July Council meeting on any impediments to information sharing between the City, the Toronto Police Service and the Toronto Community Housing Corporation and how they could be overcome. The Decision Document can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM19.37>

COMMENTS

Background

In July 2016, the City's Legal Services division authored a report that noted while there are no legislative impediments to information sharing between the two entities, changes to certain existing operational policies and practices could improve the efficiency and effectiveness of information sharing.

Currently, a large volume of information is currently shared between the TPS and TCHC through various formal and informal methods. To formally request personal information about specific tenants at TCHC (including requests for closed-circuit television footage) to assist with law enforcement proceedings, the TPS fulfills a routine process involving the completion of a specialized "Law Enforcement Request Form" prepared by TCHC. These forms allow TCHC to disclose personal information to the TPS to aid an investigation undertaken with a view to a law enforcement proceeding.

In 2015, approximately 900 CCTV tape segments were given to TPS officers by TCHC, and both parties report that no notable barriers exist to the sharing of such information.

In respect of information requests originating in TCHC and directed to the TPS, TCHC typically requests law enforcement and criminal activity information pertaining to landlord responsibilities. Currently, TCHC may obtain this information by the examination of public records (i.e. court proceedings) or disclosures, provided by TPS via O. Reg. 265/98 under the *Police Services Act*. If additional personal information held by TPS in relation to investigations or prosecutions, is required by TCHC for a specific purpose, access to this information may be obtained through an order from the appropriate tribunal upon notice to the Ministry of the Attorney General.

TCHC had previously recommended that amendments to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) be sought for the purposes of allowing the sharing of police-held information, to housing providers, for the purpose of tenancy termination. However, in 2015, the Office of the Information and Privacy Commissioner confirmed for TCHC that MFIPPA legislation allows housing providers to enter into official information sharing agreements with police service agencies in their respective jurisdictions, thus expediting the process for obtaining law enforcement evidence for the purpose of tenancy termination.

The execution of a formal MOU between TCHC and TPS could create administrative efficiencies for information gathering, thereby reducing the response time for requests and increasing the relevance of the information provided through the current process. It could also provide for regular information sharing on high-level statistical information on crime related activities in TCHC buildings which could assist with effective deployment of community patrol officers.

Status of Memorandum of Understanding

To date, lawyers from both TCHC and the TPS have spoken about both the purpose and type of the information that is being requested and may be required. The parties have also discussed mechanisms that might be employed to exchange the information.

TCHC has indicated that a draft MOU is currently circulating between the parties and, at present, there is general consensus on the main issues addressed by the MOU. Both the TPS and TCHC have indicated that they are experiencing continued cooperation with the other party. TCHC anticipates confirmation of the operational details and the subsequent execution of an agreement by the fall of 2016. In the meantime, TCHC has committed to continuing to provide TPS with information that assists with law enforcement investigations and further public safety.

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ATTACHMENTS

Attachment 1: Letter to City Manager from Toronto Community Housing Corporation
Legal Services Updating Status of Memorandum of Understanding Discussions