

## **Attachment 3 - Procedure for Collection and Storage of Police Record Checks and Declarations for City of Toronto Long-Term Care Committee of Management**

Under [s.81\(5\)](#) of the *Fixing Long-Term Care Act, 2021* (FLTCA) and [s.256](#) of Ontario Regulation 246/22, Councillors seeking membership on the City of Toronto long-term care (LTC) Committee of Management are required to provide a Police Record Check (PRC) and a signed declaration disclosing any charges, orders, convictions, commencements of proceedings, or findings of guilt (hereafter 'signed declaration').

The following procedure will guide the collection and storage of records related to these requirements:

### **Collection**

1. Councillors interested in serving on the Committee of Management will be advised that they are required to obtain a PRC and provide the signed declaration as a condition of their membership on the Committee.
2. If the Councillor has a valid original PRC (completed within the past six months) with no Finding(s), they will submit it to the General Manager, Seniors Services and Long-Term Care (SSLTC), along with the signed declaration. The General Manager, SSLTC, or designate, will:
  - a) make a copy of the PRC and signed declaration;
  - b) date and sign the copies indicating that the originals were viewed;
  - c) return the original PRC and signed declaration to the Councillor;
  - d) advise the City Clerk that the Councillor has met the required criteria of a completed police check;
  - e) place a copy of the PRC and signed declaration in the Councillor's file.
3. If the Councillor does not have a valid PRC and lives in the City of Toronto, they will be directed to obtain a PRC from the Toronto Police Service. The Councillor will submit the PRC and signed declaration to the General Manager, SSLTC, for review as outlined in step 2 above.
4. If the PRC is returned with Finding(s)
  - a) the General Manager, SSLTC, will advise the Councillor and the City Clerk that membership on the LTC Committee of Management cannot be confirmed.

### **Storage**

5. The General Manager, SSLTC, will store and maintain a record for each member of the Committee of Management, as required under [s.280\(1\)](#) of Ontario Regulation 246/22. This record must include the results of the PRCs and declarations, as applicable.
6. Each Councillor who applies and is not appointed for membership on the Committee of Management will have their PRC and signed declaration securely stored and maintained ("Applicant Record") under the control of General Manager, SSLTC, as follows:

a) The General Manager, SSLTC will place the Applicant Record, and where applicable, a copy of the letter sent to the Clerk advising that membership on the Committee of Management cannot be confirmed, in a sealed, dated envelope, marked with the Councillor's initials, date of receipt of information ("Secure Envelope").

b) The Secure Envelope shall be marked CONFIDENTIAL – ACCESS RESTRICTED.

c) The Secure Envelope and contents shall be retained in the Office of the General Manager, SSLTC, in a secure lockable storage device.

7. Each Councillor who applies and is appointed as a member of the LTC Committee of Management will have their PRC and signed declaration securely stored and maintained ("Appointee Record") under the control of General Manager, SSLTC, as follows:

a) The General Manager, SSLTC will place the Applicant Record and a copy of the letter sent to the Clerk confirming suitability for membership on the Committee of Management in a sealed, dated envelope, marked with the Councillor's initials, date of receipt of information ("Secure Envelope").

b) A copy of the Secure Envelope and its contents shall be produced for purposes of being stored in each of the following locations: the original copy signed and dated by the General Manager SSLTC in the office of the General Manager, SSLTC and, copies of the signed copy in each home to which the Councillor's responsibilities as a member of LTC Committee of Management apply.

c) Each copy of the envelope shall be marked CONFIDENTIAL – ACCESS RESTRICTED.

d) A copy of the envelope containing the Appointee Record and a copy of the letter sent to the Clerk confirming suitability for membership on the Committee of Management shall be retained within a secure lockable storage device at each of the following locations:

1) the office of the General Manager, SSLTC;

2) the secure workplace assigned to the most senior City staff, at each home to which the Councillor's responsibilities as a member of the Committee of Management apply.

8. Access to the Appointee Record or Applicant Record relating to an individual Councillor will be restricted to the following City Officers and Employees:

a) the Councillor to whom the record relates;

b) the General Manager, SSLTC;

c) the most senior staff member on duty at each home to which the Councillor's responsibilities as a member of the Committee of Management apply;

d) the City Manager; and,

e) the City Clerk, as required for performance of any duties imposed upon the Clerk by the City of Toronto Act, 2006 and any other statutes and by any by-law of the Council, or City of Toronto, Municipal Code Chapter.

9. Compliance inspectors from the Ministry of Long-Term Care will be allowed access to the abovementioned Secure Envelopes in accordance with the Fixing Long-Term Care Act, 2021; and Ontario Regulation 246/22.

10. The records shall be maintained for the retention period established by City Council for the retention of these records, which due to [s.282](#) of Ontario Regulation 246/22, cannot be less than seven years after a member of the City's Committee of Management ceases to have responsibilities as a member City's Committee of Management. The City Clerk's Office Corporate Information Management Services will be consulted regarding records storage and access practices.

### **Definitions**

**Police Record Check:** The PRC must be a criminal record check referred to in paragraph 1 of subsection 8 (1) of the Police Record Checks Reform Act, 2015, and be conducted to determine the person's suitability to be a member of the licensee's board of directors, its board of management or committee of management or other governing structure.

This search is conducted through the Canadian Police Information Centre (CPIC) and local police services, and is processed to identify:

- (i) criminal offence convictions unless a pardon has been issued or granted.
- (ii) guilty findings under the federal Youth Criminal Justice Act during the applicable period of access under that Act.

### **Results:**

A police record check will produce one of two types of results:

- (i) "No Information": this type of result will be produced when a search of CPIC and local records fails to reveal a police record;
- (ii) "Findings": this type of result will be produced when a search of CPIC, Pardons Records and local records reveals a police record.