Hamilton Police Service Board
Access to Information and Protection of Privacy (MFIPPA) Policy
P-037

Effective date: September 10, 2026
Reviewed:
Amended:

Applicable Legislation

- *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56 (MFIPPA), including ss. 1–5, 17–33, 36–39, 45, 49 and 50, as amended*
- *Community Safety and Policing Act, 2019, S.O. 2019*, c. 1, Sched. 1 (Act) ss. 38(1)(c) and 80
- O. Reg. 412/23 — Disclosure of Personal Information
- O. Reg. 408/23 — Code of Conduct for Police Service Board Members, ss. 13–15
- R.R.O. 1990, Reg. 823 — General, made under MFIPPA
- Amendments to MFIPPA enacted by the *Strengthening Cyber Security and Building Trust in the Public Sector Act,* 2024 and the *Plan to Protect Ontario Act* (Budget Measures), 2026, including amendments in force on July 1, 2026 and amendments coming into force on January 1, 2027
- Related documents: Board Policy P-015 Disclosure of Personal Information; MFIPPA Delegation of Authority Instrument

Policy Statement

The Hamilton Police Service Board (Board) is the “institution” for the purposes of MFIPPA. The Board is directly responsible for compliance with MFIPPA in respect of records in its custody or under its control, including records relating to the Board’s governance activities and records relating to the operation of the Hamilton Police Service (Service) that are in the custody or under the control of the institution and are

administered day to day, under delegated authority, by the Chief of Police. Custody or control shall be determined under MFIPPA and not solely by who created a record, where it is stored or which operational unit holds it.

The Board recognizes the dual purposes of MFIPPA:

a) the right of the public to access records held by the Board, subject to limited and specific exemptions; and
b) the protection of the privacy of individuals with respect to their personal information.

This Policy sets out the Board's designation of a Head, the Board's direct responsibility for its own records, the scope of authority delegated to the Chief of Police for Service records, and the Board's ongoing oversight of MFIPPA compliance across the institution.

1. Designation of Head

1.1 Pursuant to s. 3(2) of MFIPPA, the Chair of the Board is designated in writing as Head of the institution for the purposes of MFIPPA. This Policy, when approved by the Board and signed by the Chair, constitutes the written designation. The Head remains responsible for the exercise of the powers and performance of the duties assigned to the Head under MFIPPA, notwithstanding any delegation under, and shall support the Board’s governance and oversight responsibilities through the reporting required by this Policy.

2. Board Records — Direct Responsibility

2.1 The Board, through the Executive Director, is directly responsible for records in the custody or control of the Board, including: agendas, minutes, and reports of the Board; correspondence sent to or maintained by the Board; records relating to complaints or Code of Conduct matters concerning Board members; and records relating to the recruitment, appointment, and remuneration of Board members and Board staff.

2.2 The Executive Director shall maintain an information and records inventory for the records described in section 2.1 above, keep current the information required to be made publicly available under s. 25 of MFIPPA, and process requests for access to those records on behalf of the Head.

2.3 Personal information collected directly by the Board, including in connection with community-member appointment processes, public delegations, and complaints about Board members, shall be collected, retained, used, and disclosed in accordance with ss. 27–33 of MFIPPA, and notice of collection shall be provided in accordance with
s. 29.

3. Service Records — Delegated Administration

3.1 Pursuant to s. 49(1) of MFIPPA, the Head delegates powers and duties respecting records that relate to the operation of the Service and are in the custody or under the control of the institution by a separate written MFIPPA Delegation of Authority Instrument, as amended from time to time. The Instrument shall identify the delegated powers and duties, the officers to whom they are delegated, any powers reserved to the Head, and all applicable limitations, restrictions, conditions and requirements.

3.2 The Chief of Police shall maintain an information and records inventory for Service records, and shall ensure access requests are processed within the time limits, and fees applied in accordance with MFIPPA and its regulations, including the duty to assist, applicable business-day time limits, staged access plans, extensions, fee estimates, fee-waiver notices and appeal rights.

3.3 Disclosure by the Chief of Police or a designate under s. 80 of the *Community Safety and Policing Act, 2019* is governed by O. Reg. 412/23 and the Board Policy P-015, Disclosure of Personal Information. This Policy governs the institution’s administration of MFIPPA; Policy (P-015) governs the distinct disclosure authority under s. 80.

3.4 Notwithstanding any delegation, the Head retains the authority to exercise any delegated power or duty and remains responsible for ensuring that delegated authority is exercised in accordance with MFIPPA and this Policy.

4. Protection of Privacy

4.1 Personal information, whether held by the Board or the Service, shall be collected only where the collection is expressly authorized by statute, is used for the purposes of law enforcement, or is necessary to the proper administration of a lawfully authorized activity, in accordance with ss. 28-29 of MFIPPA.

4.2 Personal information shall be used and disclosed only as permitted by ss. 31–33 of MFIPPA or other lawful authority. Individuals shall be provided access to, and an opportunity to request correction of, their own personal information in accordance with ss. 36–38 of MFIPPA.

4.3 The Executive Director and the Chief of Police shall each maintain documented administrative, technical, and physical safeguards appropriate to the sensitivity of personal information in the custody or under the control of the Board and the Service, respectively, including controls governing access, copying, modification, transfer and disposal.

4.4 Records shall be retained and disposed of in accordance with the Board-approved records retention schedule and MFIPPA. Destruction or alteration shall be suspended where a record is, or may reasonably be, responsive to an access request, appeal, IPC review, investigation, litigation hold or other legal preservation requirement.

4.5 Contracts and other arrangements under which a service provider may collect, access, use, disclose, store or dispose of personal information on behalf of the institution shall include privacy and security requirements proportionate to the sensitivity of the information, including incident notification, cooperation with access requests and investigations, retention, return and secure destruction.

5. Privacy Breach Management

5.1 The Executive Director and the Chief of Police shall each establish and maintain a written privacy breach protocol, for Board records and Service records respectively, for identifying, containing, investigating, assessing and remediating any actual or suspected theft, loss, unauthorized collection, access, use, disclosure, copying, modification, retention or disposal of personal information, or failure of an administrative, technical or physical safeguard.

5.2 Effective January 1,2027, the Head shall ensure that every privacy breach is assessed in accordance with MFIPPA to determine whether there is a real risk of significant harm to an individual or whether another prescribed reporting circumstance exists. A qualifying breach shall be reported to the Information and Privacy Commissioner of Ontario (IPC), and affected individuals shall be notified unless notification is otherwise prohibited by law, in the prescribed form and manner and as soon as feasible.

5.3 Effective January 1, 2027, before personal information is collected, the Head shall ensure that a written Privacy Impact Assessment is prepared unless an exception prescribed by regulation applies. The assessment shall be updated before any significant change to the purpose for which the information is used or disclosed, shall contain the information required by MFIPPA and its regulations, and shall be provided to the IPC on request.

5.4 The Executive Director and the Chief of Police shall retain the records required for privacy-breach assessment and annual statistical reporting and shall provide the Head with the information required for the institution’s statutory reports.

6. Training and Conduct

6.1 Board members shall receive training on MFIPPA sufficient to understand the Board's obligations as institution and Head, and shall comply with their obligations set out in O.Reg. 408/23 (Code of Conduct for Police Service Board Members).

6.2 The Chief of Police shall ensure that all persons who receive a delegation of authority under section 3 of this Policy receive training on MFIPPA and its administration.

7. Administration

7.1 The Executive Director and the Chief of Police shall each develop and maintain written procedures, appropriate to their respective areas of responsibility under sections 2 and 3, to give effect to this Policy. Those procedures shall address access administration, records preservation, privacy impact assessments, safeguards, breach response, statutory reporting and service-provider controls. Further, the procedures shall include a process for identifying proposed collections of personal information and significant changes to existing information practices and referring those matters for Privacy Impact Assessment review before implementation.

7.2 Questions or disagreements concerning custody or control, responsibility for a cross-boundary matter, a RROSH assessment, notification, a Privacy Impact Assessment or a conflict of interest shall be referred promptly to the Head. The Head may obtain independent legal, privacy or security advice where appropriate.

7.3 Where a matter concerns the conduct or interests of the Head, the Board shall designate another eligible member or committee to exercise the applicable authority in writing, in accordance with MFIPPA.

8. Board Oversight and Reporting

8.1 The Executive Director shall report annually to the Board on access request activity privacy compliance and material information-practice risks in respect of Board records.

8.2 The Chief of Police shall report annually to the Board on access request activity, privacy compliance and material information-practice risks in respect of Service records, and shall report on an exception basis where a matter presents a significant issue of potential liability to the Board or the Service.

8.3 The Executive Director and the Chief of Police shall each report to the Board on any privacy breach, affecting Board or Service records, respectively, that meets the statutory reporting threshold. Reports shall protect personal information, privilege, security-sensitive information, law-enforcement interests and the integrity of any investigation, and may be received in closed session where legally authorized and appropriate.

8.4 The Executive Director and the Chief of Police shall provide the Head with all information necessary for the Head to submit one complete, consolidated annual report for the institution to the IPC under s. 26 of MFIPPA, including required privacy-breach statistics.

8.5 The Head shall designate responsibility for coordinating responses to IPC inquiries, reviews and orders, preserving relevant records, producing Privacy Impact Assessments and breach records when lawfully required, and monitoring implementation of resulting directions.

8.6 The Board's Governance Committee shall review this Policy, and the state of MFIPPA compliance across the institution, not less than once every four years, or sooner if required by a legislative change.