

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

28 September 2020 / 28 septembre 2020

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

Contact Person / Personne ressource:

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SUBJECT: COMPLIANCE WITH BOARD POLICY CR-19

OBJET: CONFORMITÉ AVEC LA POLITIQUE CR-19 DE LA COMMISSION

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receives this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.

BACKGROUND

On April 13, the Ministry of the Solicitor General (Ministry) launched the First Responders COVID-19 Risk Look-Up web portal. The Portal included information about the COVID-19 status of specific individuals and was accessible only to authorized users identified by police services who are involved in communication and dispatch centres. Authorized users were able to provide notice of COVID-19 status information to first responders to ensure the safety and protection of those frontline members, while still maintaining capacity to serve and protect the city of Ottawa.

The restrictive access to the portal was created to protect personal health information from unauthorized access and use, and to promote compliance with the Emergency Management and Civil Protection Act (EMCPA). The Ministry recommended police

services boards and chiefs of police institute policies and procedures to ensure this information is secured appropriately.

This report outlines the Ottawa Police Service's (OPS) use of the portal in relation to the associated policy issued by the Ottawa Police Services Board (Board).

DISCUSSION

The COVID 19 pandemic is unique and has introduced legislation under the EMCPA to assist law enforcement so that they can continue to protect and serve, while maintaining the safety of its members and the residents of this city. Many of the tools that were put in place were to ensure the ongoing health and well-being of both police and citizens.

This included access to the provincial COVID 19 health portal that provided emergency personnel with critical information on the well-being of residents on any given call for service. This information allowed police the ability to deploy the proper personal protective equipment (PPE) if a resident had been identified as at risk or having COVID 19, while still being able to safely respond to the person in crisis.

Access to this portal was restricted to 128 specifically trained personnel, and only within the 911 Communications Centre and executive command. The user list was sent to the Ministry of Community Safety and Correctional Services (Ministry) for approval and access, and audits on usage were conducted by the Ministry and shared with the Chief of Police and the Board. We did not receive any notification from the Ministry of improper usage.

The portal was only accessed under specific criteria: an officer attended a call where a person was presenting with fever, new onset of a cough or had difficulty breathing; had close contact with someone with an acute respiratory illness within the past 14 days; claims to or believes they may have COVID 19, or close contact with someone with a confirmed or probable case; had travelled outside of Canada the previous 14 days; or had close contact with someone who had travelled outside of Canada the previous 14 days. During its implementation, it was accessed 1,240 times by trained staff.

The OPS captured the names of individuals who were COVID-19 positive on our computer-aided dispatch ("CAD") system. The information that was extracted was limited to the name of the individual, their date of birth, and a police code indicating that the individual had tested COVID-19 positive. After the portal was decommissioned, OPS IT personnel purged and destroyed the information that had been captured on our CAD system. A total of 55 records on 41 calls were appended then purged from our CAD system; of those 55 records 20 returned positive for COVID 19 testing.

The OPS Records Management System (“RMS”) operates separately from our call software, and therefore, the information entered into our CAD system was not entered into RMS. Further, our Records Section was manually checked to ensure that no information from the portal was entered into RMS, even by error.

Given that the provincial portal is now closed, the OPS is not collecting, using, or disclosing information from the portal and has purged the information that was previously captured in the CAD system. As such, our employees no longer have access to information that was contained in the portal, nor are we storing any of this information due to a purge that was conducted by our IT personnel. Therefore, the OPS has complied with legislation and Ministry directives.

The OPS has also recently submitted a full report to the Privacy Commissioner outlining the information we have shared in this report.

SUPPORTING DOCUMENTATION

Document 1 (included below) - Board Policy CR-19 : Disclosure of Covid-19 Status Information

CONCLUSION

The Ministry of the Solicitor General launched the First Responders COVID-19 Risk Look-Up web portal in mid April and recommended that police services boards and chiefs of police institute policies and procedures to ensure this information is secured appropriately. This report has outlined the Ottawa Police Service’s (OPS) use of the portal in relation to the associated policy issued by the Ottawa Police Services Board (Board).

Document 1

CR-19 Disclosure of COVID-19 Status Information

LEGISLATIVE REFERENCE / AUTHORITY	Ont. Reg. 120/20: Order under Subsection 7.0.2 (4) of the Emergency Management and Civil Protection Act, “Access to Covid-19 Status Information by Specified Persons” (the “Regulation”), All Chief’s Memos – 20-0041 Disclosure of COVID 19 Status Information and 20-0044 Authorized Users for Disclosure of Positive COVID-19 and 20-0048 Launch of the First Responders COVID-19 Risk Look-Up Web Portal
DATE APPROVED	
DATE REVIEWED	
DATES AMENDED	
DATE TO BE REVIEWED	
REPORTING REQUIREMENT	Compliance reporting upon the termination of the Emergency Order.

LEGISLATIVE REFERENCE / AUTHORITY

The following is the policy of the Ottawa Police Services Board with respect to Ont. Reg. 120/20: Order under Subsection 7.0.2 (4) of the Emergency Management and Civil Protection Act, “Access to Covid-19 Status Information by Specified Persons” (the “Regulation”), All Chief’s Memos – 20-0041 Disclosure of COVID 19 Status Information, 20-0044 Authorized Users for Disclosure of Positive COVID-19 and 20-0048 Launch of the First Responders COVID-19 Risk Look-Up Web Portal.

This policy shall automatically be repealed upon termination of the Emergency Order, Ontario Regulation 120/20.

DEFINITIONS

For the purpose of this Policy, the following definition applies:

“COVID-19 status information”- means, in relation to an individual, the individual’s name, address and date of birth and whether the individual has had a positive test for the COVID-19 corona virus;

POLICY REQUIREMENTS

1. The Chief shall ensure that access to COVID-19 status information is centralized through the OPS Communications Centre; and,

- a. Communications Centre Supervisors implement internal control measures and oversight to ensure that COVID-19 status information is only disclosed when needed to support frontline policing personnel.
2. The Chief shall by General Order provide direction to ensure:
 - a. the collection, access, use, disclosure and destruction of COVID-19 status information is consistent with the Ministry of the Solicitor General directions under the *Emergency Management and Civil Protection Act* as well as this Policy, the *Police Services Act*, the *Municipal Freedom of Information and the Protection of the Privacy Act*, and section 255 of the *Municipal Act, 2001* (regarding retention and destruction of records directly related to any law enforcement activity).
 - b. provision to the Ministry of the authorized user's list and that the list is limited to:
 1. only individuals who perform communication and dispatch functions and are directly involved in communicating COVID-19 status information to frontline personnel; and
 2. information obtained from the Ministry's COVID -19 portal is not intended for any other police personnel.
 - c. COVID-19 Status Information obtained through the Ministry's portal shall not be added to CPIC; OPS records management system, or any other databases, including intelligence databases.
 - d. any database created for the purpose of containing COVID-19 status information shall be created on a secure drive with access limited to the Chief of Police (or designate) and Communication Centre Supervisors.
 - e. policing personnel do not contact specified custodians (i.e., licensed laboratories and Medical Officers of Health (public health units)) for COVID-19 status information.
 - f. at the conclusion of the provincial emergency:
 1. prohibit access to all COVID-19 (positive) status information including any flagged information in computer-aided dispatch (CAD) systems; and,
 2. ensure destruction of the information as soon as permitted by law.

MONITORING REQUIREMENTS:

The Chief of Police shall ensure measures are in place to ensure compliance with this Policy.

REPORTING

Upon the termination of the Emergency Order, the Chief of Police shall provide a report to the Board detailing compliance with this policy.