(

context, reinforces the point: if a court concludes that the legislature intended that there be no recourse from an irrational decision, it seems highly likely that the court has misconstrued the intent of the legislature.

134 Administrative law has developed considerably over the last 25 years since *CUPE*. This evolution, which reflects a strong sense of deference to administrative decision makers and an acknowledgment of the importance of their role, has given rise to some problems or concerns. It remains to be seen, in an appropriate case, what should be the solution to these difficulties. Should courts move to a two standard system of judicial review, correctness and a revised unified standard of reasonableness? Should we attempt to more clearly define the nature and scope of each standard or rethink their relationship and application? This is perhaps some of the work which lies ahead for courts, building on the developments of recent years as well as on the legal tradition which created the framework of the present law of judicial review.

III. Disposition

135 Subject to my comments in these reasons, I concur with Arbour J.'s disposition of the appeal.

Appeal dismissed with costs.

Solicitors for the appellant: Caley & Wray, Toronto.

Solicitors for the respondent the City of Toronto: Osler, Hoskin & Harcourt, Toronto.

2003 SCC 63 (CanLII)

Solicitor for the intervener: Attorney General of Ontario, Toronto.

2003 SCC 63 (CanLII)

HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Lisa Weitzmann

Applicant

-and-

Jeffrey Burns

Respondent

INTERIM DECISION

Adjudicator: Sherry Liang

Date: March 2, 2010

File Number: 2009-03808-S

Citation: 2010 HRTO 467

Indexed as: **Weitzmann v. Burns**

2010 HRTO 467 (CanLII)

[1] The applicant filed an Application under section 45.9 of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "*Code*") on October 19, 2009, alleging a contravention of a settlement.

[2] Under the Tribunal's Rules of Procedure, such an Application (in Form 18) must be delivered to all parties by the applicant. On October 21, 2009, the Tribunal issued a Confirmation of Receipt of Application to the parties, and sent it to the respondent at the address provided by the applicant. The Confirmation notice stated that a Response to the Application must be filed not later than fourteen days after delivery of the Form 18.

[3] The applicant states in her Application that the address provided for the respondent was a former address. When no Response was received, the Tribunal directed the applicant to verify the address for the respondent. The applicant has sent the Tribunal further correspondence as directed, providing contact information for the respondent and explaining that this contact information was provided by the respondent's former employer. The applicant states that she sent a second Application to the respondent at the new address. The applicant copied the respondent with her correspondence as directed by the Tribunal.

[4] As of the date of this Interim Decision the respondent has not filed a Response.

[5] An application to the Tribunal starts a legal proceeding. A finding that a violation of the *Code* has occurred may lead to various orders, including monetary compensation, other forms of restitution to the applicant, and orders to take action to promote compliance with the *Code*. Failure to file a response or participate in a Tribunal proceeding may lead to orders against individual and corporate respondents without their participation. The respondent's attention is drawn to Rule 5.5 of the Tribunal's Rules of Procedure which reads as follows:

> 5.5 Where an Application is delivered to a Respondent who does not respond to the Application, the Tribunal may:
>
> a) deem the Respondent to have accepted all of the allegations in the Application;

2010 HRTO 467 (CanLII)

b) proceed to deal with the Application without further notice to the Respondent;

c) deem the Respondent to have waived all rights with respect to further notice or participation in the proceeding;

d) decide the matter based only on the material before the Tribunal.

[6] The applicant has provided an address for the respondent. The Tribunal shall send a copy of this Interim Decision to the respondent by regular mail and courier.

[7] If the respondent wishes to participate in this proceeding, he shall file a Response by March 12, 2010, together with an explanation of why the Response was not filed in accordance with the Tribunal's Rules. If a Response is not received, the Tribunal may proceed without further notice to the respondent and may take any or all of the steps set out in Rule 5.5.

[8] I am not seized of this matter.

Dated at Toronto, this 2nd day of March, 2010.

"Signed by"

____

Sherry Liang
Vice-chair

2010 HRTO 467 (CanLII)

Provisions apply

(7) Subsections 99(2) to (7) (provisions respecting reports and notice) and 105(6) (report for the purpose of setting conditions) apply, with any modifications that the circumstances require, in respect of a review under this section.

Provisions apply

(8) Section 101 (review of youth justice court decision) applies, with any modifications that the circumstances require, in respect of an order made under subsection (2).

PART 6

PUBLICATION, RECORDS AND INFORMATION

PROTECTION OF PRIVACY OF YOUNG PERSONS

Identity of offender not to be published

110. (1) Subject to this section, no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.

Limitation

(2) Subsection (1) does not apply

(*a*) in a case where the information relates to a young person who has received an adult sentence;

(*b*) subject to sections 65 (young person not liable to adult sentence) and 75 (youth sentence imposed despite presumptive offence), in a case where the information relates to a young person who has received a youth sentence for an offence set out in paragraph (*a*) of the definition "presumptive offence" in subsection 2(1), or an offence set out in paragraph (*b*) of that definition for which the Attorney General has given notice under subsection 64(2) (intention to seek adult sentence); and

(*c*) in a case where the publication of information is made in the course of the administration of justice, if it is not the purpose of the publication to make the information known in the community.

Exception

(3) A young person referred to in subsection (1) may, after he or she attains the age of eighteen years, publish or cause to be published information that would identify him or her as having been dealt with under this Act or the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985, provided that he or she is not in custody pursuant to either Act at the time of the publication.

Ex parte application for leave to publish

(4) A youth justice court judge shall, on the *ex parte* application of a peace officer, make an order permitting any person to publish information that identifies a young person as having committed or allegedly committed an indictable offence, if the judge is satisfied that

(*a*) there is reason to believe that the young person is a danger to others; and

(*b*) publication of the information is necessary to assist in apprehending the young person.

Order ceases to have effect

(5) An order made under subsection (4) ceases to have effect five days after it is made.

forty-eight hours, cancel the suspension of the conditional supervision or refer the case to the youth justice court for a review under section 109.

Review by youth justice court

109. (1) If the case of a young person is referred to the youth justice court under section 108, the provincial director shall, without delay, cause the young person to be brought before the youth justice court, and the youth justice court shall, after giving the young person an opportunity to be heard,

(*a*) if the court is not satisfied on reasonable grounds that the young person has breached or was about to breach a condition of the conditional supervision, cancel the suspension of the conditional supervision; or

(*b*) if the court is satisfied on reasonable grounds that the young person has breached or was about to breach a condition of the conditional supervision, review the decision of the provincial director to suspend the conditional supervision and make an order under subsection (2).

Order

(2) On completion of a review under subsection (1), the youth justice court shall order

(*a*) the cancellation of the suspension of the conditional supervision, and when the court does so, the court may vary the conditions of the conditional supervision or impose new conditions;

(*b*) in a case other than a deferred custody and supervision order made under paragraph 42 (2)(*p*), the continuation of the suspension of the conditional supervision for any period of time, not to exceed the remainder of the youth sentence the young person is then serving, that the court considers appropriate, and when the court does so, the court shall order that the young person remain in custody; or

(*c*) in the case of a deferred custody and supervision order made under paragraph 42(2)(*p*), that the young person serve the remainder of the order as if it were a custody and supervision order under paragraph 42(2)(*n*).

Custody and supervision order

(3) After a court has made a direction under paragraph (2)(*c*), the provisions of this Act applicable to orders under paragraph 42(2)(*n*) apply in respect of the deferred custody and supervision order.

Factors to be considered

(4) In making its decision under subsection (2), the court shall consider the length of time the young person has been subject to the order, whether the young person has previously contravened it, and the nature of the contravention, if any.

Reasons

(5) When a youth justice court makes an order under subsection (2), it shall state its reasons for the order in the record of the case and shall give, or cause to be given, to the young person in respect of whom the order was made, the counsel and a parent of the young person, the Attorney General and the provincial director,

(*a*) a copy of the order; and

(*b*) on request, a transcript or copy of the reasons for the order.

Report

(6) For the purposes of a review under subsection (1), the youth justice court shall require the provincial director to cause to be prepared, and to submit to the youth justice court, a report setting out any information of which the provincial director is aware that may be of assistance to the court.

Application for leave to publish

(6) The youth justice court may, on the application of a young person referred to in subsection (1), make an order permitting the young person to publish information that would identify him or her as having been dealt with under this Act or the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985, if the court is satisfied that the publication would not be contrary to the young person's best interests or the public interest.

Identity of victim or witness not to be published

111. (1) Subject to this section, no person shall publish the name of a child or young person, or any other information related to a child or a young person, if it would identify the child or young person as having been a victim of, or as having appeared as a witness in connection with, an offence committed or alleged to have been committed by a young person.

Exception

(2) Information that would serve to identify a child or young person referred to in subsection (1) as having been a victim or a witness may be published, or caused to be published, by

(*a*) that child or young person after he or she attains the age of eighteen years or before that age with the consent of his or her parents; or

(*b*) the parents of that child or young person if he or she is deceased.

Application for leave to publish

(3) The youth justice court may, on the application of a child or a young person referred to in subsection (1), make an order permitting the child or young person to publish information that would identify him or her as having been a victim or a witness if the court is satisfied that the publication would not be contrary to his or her best interests or the public interest.

Non-application

112. Once information is published under subsection 110(3) or (6) or 111(2) or (3), subsection 110(1) (identity of offender not to be published) or 111(1) (identity of victim or witness not to be published), as the case may be, no longer applies in respect of the information.

FINGERPRINTS AND PHOTOGRAPHS

Identification of Criminals Act applies

113. (1) The *Identification of Criminals Act* applies in respect of young persons.

Limitation

(2) No fingerprint, palmprint or photograph or other measurement, process or operation referred to in the *Identification of Criminals Act* shall be taken of, or applied in respect of, a young person who is charged with having committed an offence except in the circumstances in which an adult may, under that Act, be subjected to the measurements, processes and operations.

RECORDS THAT MAY BE KEPT

Youth justice court, review board and other courts

114. A youth justice court, review board or any court dealing with matters arising out of proceedings under this Act may keep a record of any case that comes before it arising under this Act.

Police records

115. (1) A record relating to any offence alleged to have been committed by a young person, including the original or a copy of any fingerprints or photographs of the young person,

may be kept by any police force responsible for or participating in the investigation of the offence.

Police records

(2) When a young person is charged with having committed an offence in respect of which an adult may be subjected to any measurement, process or operation referred to in the *Identification of Criminals Act*, the police force responsible for the investigation of the offence may provide a record relating to the offence to the Royal Canadian Mounted Police. If the young person is found guilty of the offence, the police force shall provide the record.

Records held by R.C.M.P.

(3) The Royal Canadian Mounted Police shall keep the records provided under subsection (2) in the central repository that the Commissioner of the Royal Canadian Mounted Police may, from time to time, designate for the purpose of keeping criminal history files or records of offenders or keeping records for the identification of offenders.

Government records

116. (1) A department or an agency of any government in Canada may keep records containing information obtained by the department or agency

(*a*) for the purposes of an investigation of an offence alleged to have been committed by a young person;

(*b*) for use in proceedings against a young person under this Act;

(*c*) for the purpose of administering a youth sentence or an order of the youth justice court;

(*d*) for the purpose of considering whether to use extrajudicial measures to deal with a young person; or

(*e*) as a result of the use of extrajudicial measures to deal with a young person.

Other records

(2) A person or organization may keep records containing information obtained by the person or organization

(*a*) as a result of the use of extrajudicial measures to deal with a young person; or

(*b*) for the purpose of administering or participating in the administration of a youth sentence.

ACCESS TO RECORDS

Exception — adult sentence

117. Sections 118 to 129 do not apply to records kept in respect of an offence for which an adult sentence has been imposed once the time allowed for the taking of an appeal has expired or, if an appeal is taken, all proceedings in respect of the appeal have been completed and the appeal court has upheld an adult sentence. The record shall be dealt with as a record of an adult and, for the purposes of the *Criminal Records Act*, the finding of guilt in respect of the offence for which the record is kept is deemed to be a conviction.

No access unless authorized

118. (1) Except as authorized or required by this Act, no person shall be given access to a record kept under sections 114 to 116, and no information contained in it may be given to any person, where to do so would identify the young person to whom it relates as a young person dealt with under this Act.

ServiceOntario

e-Laws

Français

Freedom of Information and Protection of Privacy Act

R.S.O. 1990, CHAPTER F.31

Consolidation Period: From January 1, 2012 to the e-Laws currency date.

Last amendment: 2011, c. 9, Sched. 15.

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Purposes

1. The purposes of this Act are,

(a) to provide a right of access to information under the control of institutions in

(4) A head shall dispose of personal information under the control of the institution in accordance with the regulations. R.S.O. 1990, c. F.31, s. 40 (4).

USE AND DISCLOSURE OF PERSONAL INFORMATION

Use of personal information

41. (1) An institution shall not use personal information in its custody or under its control except,

(a) where the person to whom the information relates has identified that information in particular and consented to its use;

(b) for the purpose for which it was obtained or compiled or for a consistent purpose;

(c) for a purpose for which the information may be disclosed to the institution under section 42 or under section 32 of the *Municipal Freedom of Information and Protection of Privacy Act*; or

(d) subject to subsection (2), an educational institution may use personal information in its alumni records and a hospital may use personal information in its records for the purpose of its own fundraising activities, if the personal information is reasonably necessary for the fundraising activities. R.S.O. 1990, c. F.31, s. 41; 2005, c. 28, Sched. F, s. 5 (1); 2010, c. 25, s. 24 (9).

Notice on using personal information for fundraising

(2) In order for an educational institution to use personal information in its alumni records or for a hospital to use personal information in its records, either for its own fundraising activities or for the fundraising activities of an associated foundation, the educational institution or hospital shall,

(a) give notice to the individual to whom the personal information relates when the individual is first contacted for the purpose of soliciting funds for fundraising of his or her right to request that the information cease to be used for fundraising purposes;

(b) periodically and in the course of soliciting funds for fundraising, give notice to the individual to whom the personal information relates of his or her right to request that the information cease to be used for fundraising purposes; and

(c) periodically and in a manner that is likely to come to the attention of individuals who may be solicited for fundraising, publish a notice of the individual's right to request that the individual's personal information cease to be used for fundraising purposes. 2005, c. 28, Sched. F, s. 5 (2); 2010, c. 25, s. 24 (10).

Discontinuing use of personal information

(3) An educational institution or a hospital shall, when requested to do so by an individual, cease to use the individual's personal information under clause (1) (d). 2005, c. 28, Sched. F, s. 5 (2); 2010, c. 25, s. 24 (11).

Where disclosure permitted

42. (1) An institution shall not disclose personal information in its custody or under its control except,

(a) in accordance with Part II;

(b) where the person to whom the information relates has identified that information in

particular and consented to its disclosure;

(c) for the purpose for which it was obtained or compiled or for a consistent purpose;

(d) where disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and where disclosure is necessary and proper in the discharge of the institution's functions;

(e) for the purpose of complying with an Act of the Legislature or an Act of Parliament or a treaty, agreement or arrangement thereunder;

(f) where disclosure is by a law enforcement institution,

(i) to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or

(ii) to another law enforcement agency in Canada;

(g) where disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(h) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

(i) in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased;

(j) to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the spouse, a close relative or the legal representative of the constituent;

(k) to a member of the bargaining agent who has been authorized by an employee to whom the information relates to make an inquiry on the employee's behalf or, where the employee is incapacitated, has been authorized by the spouse, a close relative or the legal representative of the employee;

(l) to the responsible minister;

(m) to the Information and Privacy Commissioner;

(n) to the Government of Canada in order to facilitate the auditing of shared cost programs; or

(o) subject to subsection (2), an educational institution may disclose personal information in its alumni records, and a hospital may disclose personal information in its records, for the purpose of its own fundraising activities or the fundraising activities of an associated foundation if,

(i) the educational institution and the person to whom the information is disclosed, or the hospital and the person to whom the information is disclosed, have entered into a written agreement that satisfies the requirements of subsection (3), and

(ii) the personal information is reasonably necessary for the fundraising activities. R.S.O. 1990, c. F.31, s. 42; 2005, c. 28, Sched. F, s. 6 (1); 2006, c. 19, Sched. N,

s. 1 (5-7); 2006, c. 34, Sched. C, s. 5; 2010, c. 25, s. 24 (12).

Notice on disclosing personal information for fundraising

(2) In order for an educational institution to disclose personal information in its alumni records or for a hospital to disclose personal information in its records, either for the purpose of its own fundraising activities or the fundraising activities of an associated foundation, the educational institution or hospital shall ensure that,

(a) notice is given to the individual to whom the personal information relates when the individual is first contacted for the purpose of soliciting funds for fundraising of his or her right to request that the information cease to be disclosed for fundraising purposes;

(b) periodically and in the course of soliciting funds for fundraising, notice is given to the individual to whom the personal information relates of his or her right to request that the information cease to be disclosed for fundraising purposes; and

(c) periodically and in a manner that is likely to come to the attention of individuals who may be solicited for fundraising, notice is published in respect of the individual's right to request that the individual's personal information cease to be disclosed for fundraising purposes. 2005, c. 28, Sched. F, s. 6 (2); 2010, c. 25, s. 24 (13).

Fundraising agreement

(3) An agreement between an educational institution and another person for the disclosure of personal information in the educational institution's alumni records for fundraising activities, or an agreement between a hospital and another person for the disclosure of personal information in the hospital's records for fundraising activities, must,

(a) require that the notice requirements in subsection (2) are met;

(b) require that the personal information disclosed under clause (1) (o) be disclosed to the individual to whom the information relates upon his or her request; and

(c) require that the person to whom the information is disclosed shall cease to use the personal information of any individual who requests that the information not be used. 2005, c. 28, Sched. F, s. 6 (2); 2010, c. 25, s. 24 (14).

Consistent purpose

43. Where personal information has been collected directly from the individual to whom the information relates, the purpose of a use or disclosure of that information is a consistent purpose under clauses 41 (1) (b) and 42 (1) (c) only if the individual might reasonably have expected such a use or disclosure. R.S.O. 1990, c. F.31, s. 43; 2006, c. 34, Sched. C, s. 6.

PERSONAL INFORMATION BANKS

Personal information banks

44. A head shall cause to be included in a personal information bank all personal information under the control of the institution that is organized or intended to be retrieved by the individual's name or by an identifying number, symbol or other particular assigned to the individual. R.S.O. 1990, c. F.31, s. 44.

Personal information bank index

45. The responsible minister shall publish at least once each year an index of all personal information banks setting forth, in respect of each personal information bank,

(a) its name and location;

(b) the legal authority for its establishment;

(c) the types of personal information maintained in it;

(d) how the personal information is used on a regular basis;

(e) to whom the personal information is disclosed on a regular basis;

(f) the categories of individuals about whom personal information is maintained; and

(g) the policies and practices applicable to the retention and disposal of the personal information. R.S.O. 1990, c. F.31, s. 45.

Inconsistent use or disclosure

46. (1) A head shall attach or link to personal information in a personal information bank,

(a) a record of any use of that personal information for a purpose other than a purpose described in clause 45 (d); and

(b) a record of any disclosure of that personal information to a person other than a person described in clause 45 (e). R.S.O. 1990, c. F.31, s. 46 (1).

Record of use part of personal information

(2) A record retained under subsection (1) forms part of the personal information to which it is attached or linked. R.S.O. 1990, c. F.31, s. 46 (2).

Notice and publication

(3) Where the personal information in a personal information bank under the control of an institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not one of the uses included under clauses 45 (d) and (e), the head shall,

(a) forthwith notify the responsible minister of the use or disclosure; and

(b) ensure that the use is included in the index. R.S.O. 1990, c. F.31, s. 46 (3).

RIGHT OF INDIVIDUAL TO WHOM PERSONAL INFORMATION RELATES TO ACCESS AND CORRECTION

Rights of access and correction

Right of access to personal information

47. (1) Every individual has a right of access to,

(a) any personal information about the individual contained in a personal information bank in the custody or under the control of an institution; and

(b) any other personal information about the individual in the custody or under the control of an institution with respect to which the individual is able to provide sufficiently specific information to render it reasonably retrievable by the institution. R.S.O. 1990, c. F.31, s. 47 (1).

Right of correction

(2) Every individual who is given access under subsection (1) to personal information is entitled to,

(a) request correction of the personal information where the individual believes there is an error or omission therein;

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Police Services Act

ONTARIO REGULATION 265/98

DISCLOSURE OF PERSONAL INFORMATION

Consolidation Period: From June 13, 2005 to the e-Laws currency date.

Last amendment: O.Reg. 297/05.

This is the English version of a bilingual regulation.

1. In this Regulation, an individual shall be deemed to be charged with an offence if he or she,

(a) is arrested and released in accordance with Part XVI of the *Criminal Code* (Canada); or

(b) is served with a summons under Part III of the *Provincial Offences Act* in relation to an offence for which an individual may be arrested, even if an information has not been laid at the time the summons is served. O. Reg. 265/98, s. 1.

2. (1) A chief of police or his or her designate may disclose personal information about an individual to any person if,

(a) the individual has been convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act;

(b) the chief of police or his or her designate who would disclose the personal information reasonably believes that the individual poses a significant risk of harm to other persons or property; and

(c) the chief of police or his or her designate who would disclose the personal information reasonably believes that the disclosure will reduce that risk. O. Reg. 265/98, s. 2 (1).

(2) If subsection (1) applies, the chief of police or his or her designate may disclose any personal information about the individual that the chief of police or his or her designate reasonably believes will reduce the risk posed by the individual. O. Reg. 265/98, s. 2 (2).

3. (1) A chief of police or his or her designate may disclose personal information, as described in subsection (2), about an individual to any person if the individual has been charged with, convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled*

Drugs and Substances Act (Canada) or any other federal or provincial Act. O. Reg. 265/98, s. 3 (1).

(2) If subsection (1) applies, the following information may be disclosed:

1. The individual's name, date of birth and address.
2. The offence described in subsection (1) with which he or she has been charged or of which he or she has been convicted or found guilty and the sentence, if any, imposed for that offence.
3. The outcome of all significant judicial proceedings relevant to the offence described in subsection (1).
4. The procedural stage of the criminal justice process to which the prosecution of the offence described in subsection (1) has progressed and the physical status of the individual in that process (for example, whether the individual is in custody, or the terms, if any, upon which he or she has been released from custody).
5. The date of the release or impending release of the individual from custody for the offence described in subsection (1), including any release on parole or temporary absence. O. Reg. 265/98, s. 3 (2).

4. (1) In this section,

"victim" means a person who, as a result of the commission of any offence under the *Criminal Code* (Canada) by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the offence results in the death of the person, includes,

(a) a spouse of the person,

(b) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and

(c) a dependant of the person, within the meaning of section 29 of the *Family Law Act*,

but does not include a spouse, child, parent or dependant who is charged with or has been convicted of committing the offence. O. Reg. 297/05, s. 1.

(2) A chief of police or his or her designate may disclose to a victim the following information about the individual who committed the offence if the victim requests the information:

1. The progress of investigations that relate to the offence.
2. The charges laid with respect to the offence and, if no charges are laid, the reasons why no charges are laid.
3. The dates and places of all significant proceedings that relate to the prosecution.
4. The outcome of all significant proceedings, including any proceedings on appeal.
5. Any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial.
6. The interim release and, in the event of conviction, the sentencing of an accused.
7. Any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada)

in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder.

8. Any application for release or any impending release of the individual convicted of the offence, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass.
9. Any escape from custody of the individual convicted of the offence.
10. If the individual accused of committing the offence is found unfit to stand trial or is found not criminally responsible on account of mental disorder,
    i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
    ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
    iii. any escape of the accused from custody. O. Reg. 265/98, s. 4 (2).

5. (1) A chief of police or his or her designate may disclose any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to,

(a) any police force in Canada;

(b) any correctional or parole authority in Canada; or

(c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program. O. Reg. 265/98, s. 5 (1).

(2) Subsection (1) applies if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act and if the circumstances are such that disclosure is required for the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program. O. Reg. 265/98, s. 5 (2).

(3) The procedures to be followed in disclosing personal information under this section to an agency that is not engaged in the protection of the public or the administration of justice shall be in accordance with a memorandum of understanding entered into between the chief of police and the agency. O. Reg. 265/98, s. 5 (3).

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed. O. Reg. 265/98, s. 6.

Français

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