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Sent via email

Office of the Independent Police Review Director
655 Bay Street, 10th Floor
Toronto, ON
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Attn: Office of the Independent Police Review Director

Re: Police misconduct and misuse of COVID-19 portal, O. Reg. 120/20

We are writing to you to request an investigation of police misconduct and misuse of the “First Responders COVID-19 Risk Look-Up Tool Web Portal” (the portal).

Through freedom of information legislation, we received a copy of a letter from Richard Stubbings, Assistant Deputy Minister, Public Safety Division. The letter was addressed to all chiefs of police, Commissioner Thomas Carrique, and the chairs of the Police Services Boards.

In the letter, the Solicitor General’s Office stated that “many searches of the portal do not appear to be consistent with the ministry’s instructions or the restrictions on the use of the information subject to O. Reg. 120/20 set out in the *Emergency Management and Civil Protection Act*.”

The letter goes on to say that the audit “raises concerns that the portal is being used beyond the express purpose that the government intends and the limited purpose that the Act permits. The Act provides that information subject to the emergency order must *only* be used to prevent, respond to or alleviate the effects of the COVID-19 emergency.”

The letter outlined the following ways that officers had misused the portal:

- “Conducting broad-based municipal searches without a specific address, including conducting broad-based searches using only postal codes. These types of municipal-wide searches have the potential to return a high number of responsive records. It is expected that authorized communications and dispatch personnel will only query the portal with other parameters in relation to an emergency call as opposed to searching an entire municipality.”
- “Conducting broad-based municipal searches of another municipality. It is unknown why a member would conduct a broad-based search of a municipality outside their service area, or even their mutual aid partners.”

- “Conducting searches of a specific name that is not related to an active call for service.”

Previous [reports](#) show that Ontario police services conducted over 95,000 searches of the database while it was active. Over 40 per cent of those searches were conducted either by the Thunder Bay Police Service or Durham Region Police Service. Access to the database has now ended.

Early reports of the high numbers of searches suggested that the COVID-19 database was being abused by police. But the document we are releasing today reveals the extent and details of this abuse.

The conduct by officers described in the letter is a violation of the right to privacy and freedom from unreasonable search, which is protected under s. 8 of the *Canadian Charter of Rights and Freedoms*. It is also a violation of the right to privacy set out in the *Personal Health Information Protection Act*.

The rights of some 95,000 people or more may have been violated by the conduct of these officers. The individuals who have been impacted have a right to know what has happened with their personal health information. They have a right to know if they have been subject to an unreasonable search and statutory privacy violation, and to seek compensatory damages pursuant to s. 65 of the *Personal Health Information Protection Act*.

We hope that you will commence an investigation into this misconduct, and we look forward to your response.

Yours truly,

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