



Chatham-Kent Police Service Board Policies

PSB.AI.015 - COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES

Effective January 14, 2026 – Chair Patrick Weaver

Approved by Chair of the Chatham-Kent Police Service Board

A POLICY STATEMENT

A1 The Chatham-Kent Police Service Board (the “**Board**”) is committed to ensuring that policing in Chatham-Kent is undertaken in a manner that protects the human rights of every individual and that policies, procedures and practices that may be discriminatory, as well as behaviours that underlie and reinforce such practices, will not be tolerated.

A2 The following is the policy of the Board with respect to the “Collection of Identifying Information in Certain Circumstances – Prohibition and Duties” – Regulation 400/23 (the “**Regulation**”) of the Community Safety and Policing Act, 2019 (“**CSPA**”).

B STANDARDS

B1 Community Safety and Policing Act, 2019

B2 Ontario Regulation 400/23 – Collection of Identifying Information in Certain Circumstances- Prohibition and Duties

C DEFINITIONS

C1 In order to ensure the correct interpretation of a capitalized term and/or abbreviation used in this policy, the following definitions form part of this policy.

- a. **Annual Report** – means the annual report provided by the Chief to the Board under section 12 of Ontario Regulation 399/23 – General Matters Under the Authority of the Lieutenant Governor in Council and sections 15 and 16 of the Regulation.
- b. **Database** – means the paper or electronic filing system, under the control of the Chief, where identifying information about an individual collected by a police officer from the individual during a Regulated Interaction is stored (but does not include a database where intelligence information is stored or other criminal/intelligence based databases).
- c. **Document** – means the document described in section 8 of the Regulation to be offered to an individual from whom a police officer has attempted to collect identifying information.
- d. **Prohibited grounds** – means, under the Ontario Human Rights Code, means race, creed, colour, ancestry, place of origin, ethnic origin, citizenship, sex, sexual



orientation, age, marital status, family status, gender identity, gender expression or disability.

- e. **Racial/Biased Profiling** – means the practice of linking a person or persons to an unlawful incident or incidents and/or relating to public safety concerns, based primarily or predominantly on prohibited grounds or stereotypes relating to those prohibited grounds.
- f. **Regulated Interaction** – is an attempt by a police officer to collect identifying information by asking an individual, in a face-to-face encounter, to identify themselves or to provide information for the purpose of identifying the individual, and includes such an attempt whether or not identifying information is collected:
 - i. if that attempt is done for the purpose of:
 - 1. inquiring into offences that have been or might be committed;
 - 2. inquiring into suspicious activities to detect offences; or
 - 3. gathering information for intelligence purposes;
 - ii. but does not include an attempted collection made by a police officer for the purpose of investigating an offence the officer reasonably suspects has been or will be committed; and
 - iii. does not include an attempt by a police officer to collect identifying information from an individual if:
 - 1. the individual is legally required to provide the information to a police officer;
 - 2. the individual is under arrest or is being detained;
 - 3. the officer is engaged in a covert operation;
 - 4. the officer is executing a warrant, acting pursuant to a court order or performing related duties; or
 - 5. the individual from whom the officer attempts to collect information is employed in the administration of justice or is carrying out duties or providing services that are otherwise relevant to the carrying out of the officer's duties.



D **GENERAL**

D1 The Chief of Police (the "**Chief**") of the Chatham-Kent Police Service (the "**Service**"), shall establish procedures regarding Regulated Interactions that:

- a. ensure compliance with the Regulation 400/23, Board policies, the CSPA, the Canadian Charter of Rights and Freedoms, the Ontario Human Rights Code, and the Municipal Freedom of Information and Protection of Privacy Act ("**MFIPPA**");
- b. ensure Regulated Interactions are not conducted on the basis of Racial/Biased Profiling, or in an arbitrary manner;
- c. acknowledge that collecting "identifying information" includes collecting any "information for the purpose of identifying the individual" as defined by this policy;
- d. ensure police officers approach all attempts to collect personal information consistent with the Regulation, regardless of whether the police officer intends to identify the individual;
- e. respect both the individual's right to disengage from a Regulated Interaction and that an officer's disengagement from a Regulated Interaction is an acceptable, valued and sometimes necessary policing practice; and
- f. ensures officers do not attempt to collect identifying information about an individual from the individual without first informing the individual (*unless the police officer is exempt from a requirement to notify the individual because of a specific exemption in section 7 of the Regulation*):
 - i. that they are not required to provide identifying information to the officer; and
 - ii. why the police officer is attempting to collect identifying information about the individual.

D2 The Chief shall have a procedure that complies with the duties and obligations imposed by the Regulation and this policy to ensure there is direction and training provided to officers regarding Regulated Interactions.

D3 The Chief shall ensure that there is a Database created or adapted that allows for the recording, analysis and reporting required by the Regulation.



D4 For the purpose of reporting to the Board as part of the Annual Report and for other analytic reasons, as directed by the Board and/or the Ministry of Community Safety and Correctional Services, the Chief shall establish categories for the following:

- age groups;
- racialized groups, as defined in the Regulation;
- neighbourhoods or areas; and
- appropriately sized random samples of entries of identifying information for the purposes of section 10(6) of the Regulation

D5 This policy does not apply to community interactions or lawful interactions in which a person is either detained or required to provide personal information.

E DOCUMENT TO BE PROVIDED

E1 The Chief shall establish procedures that require police officers conducting Regulated Interactions to comply with the Document requirements, as set out in section 8 of the Regulation, including the exemptions described in the Regulation.

E2 The Chief shall ensure that the Document contains:

- the name and badge number of the police officer and any other officer involved in the collection of identifying information;
- the date, time and location of the Regulated Interaction;
- information about how to contact the Complaints Director of the Law Enforcement Complaints Agency (LECA); and
- an explanation that the individual can request access to information in the Service's custody or control under MFIPPA and information about how to make such a request.

E3 The Chief shall ensure that the Document contains the mandated information required by the Regulation and this policy.



F TRAINING

F1 The Chief shall ensure that every police officer who attempts to collect identifying information about an individual from the individual, or anyone acting as the Chief's delegate under section 10 of the Regulation, have successfully completed the training prescribed for the purpose of the Regulation.

F2 The Chief shall provide to the Board copies of all training modules on Regulated Interactions for review upon request from the Board.

G SUPERVISION

G1 The Chief shall establish procedures regarding the collection of identifying information to ensure that:

- supervisors understand that the collection of identifying information is carried out in compliance with both the Regulation and this policy;
- police officers receive effective supervision related to the collection of identifying information;
- supervisors are trained to critically examine the circumstances leading to the collection of identifying information and any resulting reports to determine compliance with this policy and the Regulation and are held accountable for any failure to do so; and
- where discipline is substantiated, police officer(s) may be disciplined in accordance with Part XII of the CSPA.

H REPORTING

H1 The Annual Report, as it relates to Regulated Interactions, shall be provided by the Chief to the Board and shall be included in the annual report provided by the Chief pursuant to section 12 of Ontario Regulation 399/23 - *General Matters Under the Authority of the Lieutenant Governor in Council*, made under the CSPA.

H2 The Annual Report relating to Regulated Interactions shall include, at a minimum:

- all of the information required by section 15 of the Regulation, as amended from time to time;



- b. where feasible, tracking of the times a Regulated Interaction assisted with an investigation;
- c. the number of complaints (public and Chief's) resulting from or related to Regulated Interactions, along with their status or outcome;
- d. an estimate of the cost of complying with the Regulation; and
- e. the results of any audit conducted under procedures enacted pursuant to this policy.

I **DISPROPORTIONATE REPORTING**

- I1 If the Annual Report reveals that identifying information was attempted to be collected disproportionately from individuals perceived to be within a group or combination of groups, as identified above, the Chief shall:
 - a. review the practices of the Service; and
 - b. prepare a report to the Board setting out the results of the review and their proposals, if any, to address the disproportionate attempted collection of information.
- I2 The Board may wish to review the collected data from time to time. The Chief shall make this information available, upon request from the Board.
- I3 The need for and contents of any supplementary report may be determined by either the Chief or the Board after review of the data in the annual report.
- I4 The Board, upon receipt of the Annual Report and any supplementary report, shall:
 - a. publish all reports on the Board's website so they are available to the public free of charge; and
 - b. consider the report and the proposals, if any, set out in any supplementary report and consider whether to give directions under section 40(1) of the CSPA to the Chief and monitor their performance pursuant to subsection 37(1)(f) of the CSPA.



J MONITORING REQUIREMENTS

J1 At least once a year, the Chief or designate shall conduct detailed reviews of an appropriately sized random sample of the entries of identifying information included in a database pursuant to subsection 10(6) of the Regulation, or if the Chief believes it would be assistive and feasible the entire database.

K RETENTION, ACCESS AND DISCLOSURE OF DATA

K1 The Chief shall have a procedure dealing with retention, access and disclosure of identifying information that provides, at a minimum, the following:

- a. identifying information entered into the database five or more years ago and identifying information gathered and/or entered into the database that is determined to have been collected in non-compliance with the Regulation, which shall all have restricted access as follows:
 - i. no person shall have access to the information without the permission of the Chief (or delegate);
 - ii. a member may be permitted to access the information only if the Chief (or delegate) is satisfied that access is needed;
 - iii. for the purpose of an ongoing police investigation;
 - iv. in connection with legal proceedings or anticipated legal proceedings;
 - v. for the purpose of dealing with a complaint under Part X of the CSPA;
 - vi. in order to prepare the Annual Report or a report required on disproportionate collection;
 - vii. for the purpose of complying with a legal requirement; or
 - viii. for the purpose of evaluating a police officer's performance;
- b. where identifying information has been identified as being required under subsection K1.a. of this policy, it may be retained as long as reasonably necessary for the specific purpose(s) for which it was retained and, when no longer required for that purpose(s) or otherwise by law, it shall no longer be retained; and



- c. access to, and disclosure of identifying information collected on or after January 1, 2017, including the retention of identifying information collected contrary to this Regulation and identifying information collected more than five years ago, shall be restricted to the Chief, or designate, in order to comply with the Regulation and subject to the exemptions set out in this policy.

K2 The Chief shall ensure identifying information and records relating thereto that were collected before January 1, 2017 shall be accessed, retained and/or disclosed pursuant to the Chief's procedures regarding the retention of records and should any of the data be determined to have been collected in violation of the law as it existed at the time of collection, its access and disclosure shall be subject to the restrictions in the Regulation.

K3 The Chief shall ensure that identifying information collected contrary to the Regulation or contrary to Ontario Regulation 58/16 shall not be retained longer than is reasonably necessary to ensure the information is available in the circumstances in which access may be permitted under section 10 of the Regulation.

L POLICY CONSISTENT WITH REGULATION

L1 This policy is intended to be consistent with the Regulation. If any provision of this policy is or appears to be in conflict with the Regulation, it shall be deemed to be modified to make it consistent with the Regulation.

PREVIOUS ISSUE	EFFECTIVE DATE
PSB.AI.015 - COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES	2016/12/13