

Police Record Checks Reform Act (PRCRA)

Public Education

The PRCRA legislation passed on December 1, 2015 and will be enacted on November 1, 2018. This legislation introduces legislation to ensure clear, consistent and comprehensive set of standards to govern how police record checks (PRC) are conducted and disclosed in Ontario.

1. Overview of the PRCRA

Apply to all PRC providers in Ontario, when conducting the majority of the PRCs that are requested from them. (i.e., for employment, volunteering, licensing and other purposes).

- Standardize three types of PRCs that can be conducted (i.e. Criminal Record Checks, Criminal Record and Judicial Matters Checks and Vulnerable Sector Checks.
- Limit and standardize the types of information authorized to be disclosed in each type of PRC.
- Require that an individual receive their PRC before being asked to consent to disclosure to a third party, such as an employer
 - After reviewing, the individual can provide the results directly to a third party, or consent to allow the PRC provider to release the results to the third party.

2. When and why are police record checks used?

- A PRC may be required by law or organizational policy
- A PRC may be a useful tool to help determine an individual's suitability for certain types of opportunities (e.g., employment in a position responsible for working with vulnerable individuals)
- PRCs are just one of the tools available, in addition to interviews, reference checks, verification of credentials/licences/certifications, and in some cases, more thorough background checks
- Agencies can only require an applicant to apply for one of the three types of PRCs and are not permitted to ask applicants to provide any additional police records

3. Types of Police Record Checks

- The PRCRA identifies three standard types of PRCs:
 - Criminal Record Check,
 - Criminal Record and Judicial Matters Check, and
 - Vulnerable Sector Check (VSC)
- The types of PRCs are differentiated based on the specific types of information authorized to be disclosed within each of them as outlined in the Act
- Additionally, the VSC is intended to be used for a specific purpose: to screen individuals that work or volunteer in positions of trust and/or authority relative to vulnerable individuals (e.g., teachers and daycare workers, staff in long-term care and retirement homes, service providers working with individuals with disabilities)

- In order to keep vulnerable persons safe, the PRCRA allows for the disclosure of the broadest range of information in VSCs, including disclosure of record suspensions (formerly pardons) as authorized by the Minister of Public Safety and relevant non-conviction information as authorized by the PRCRA

4. Disclosure of Youth Records

This is one of the most significant changes to record checks in Ontario. Youth records are only permitted to be disclosed in two circumstances:

1. To the youth themselves, who is not permitted to further disclose Findings of Guilt and must remove any results from the record check before sharing with agencies [PRCRA 11] or
2. To the Government of Canada or the government of a province or a municipality for purposes of employment or the performances of services, with or without remuneration [YCJA 119 (1)(o)]

What does this mean?

Only federal, provincial and municipal government agencies will receive youth records.

- **For non-government agencies**, the standard response below will be indicated for every person between the age of 12-22 regardless of their search results. People between the ages of 18-22 will have further notations on the record check results with respect to an adult record

*"This response is being provided in accordance with Regulation 349/18 2(2) of the PRCRA. The YCJA restricts individuals from sharing records made under that Act. It should be noted that this section is applicable to **ALL** individuals between the ages of 12-22 regardless of search results."*

What does this mean?

Police services are unable to disclose whether or not there is a youth record.

5. Forms

All forms are being updated or created to look similar across the province and include:

- All the changes from the PRCRA legislation and regulations
- Consideration of how to respond and protect privacy