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**HALCO**  
HIV & AIDS Legal Clinic Ontario

August 17, 2020

Chair Kevin Ash  
Durham Regional Police Services Board  
605 Rossland Road East, Box 911  
Whitby, ON L1N 0B8  
[2430@drps.ca](mailto:2430@drps.ca)

Dear Chair Ash,

We are writing on behalf of Aboriginal Legal Services, the Black Legal Action Centre, the Canadian Civil Liberties Association, and the HIV & AIDS Legal Clinic Ontario regarding the Durham Regional Police Service's access to and use of COVID-19 personal health data.

In early April the province passed an emergency order authorizing the release of individuals' names, dates of birth, and addresses if they had tested positive for COVID-19. In mid-July we launched a legal challenge to the province's decision to share this personal health information with police. It is our view that the regulation that purported to allow for the sharing of this information was not authorized by the *Emergency Management and Civil Protection Act* and violated individuals' statutory privacy and constitutional *Charter* rights.

Shortly after we filed our judicial review the province informed us that the emergency regulation authorizing the data-sharing would not be renewed. The regulation was revoked on July 22, 2020, ending police access to the COVID database.

While we welcome the province's decision to stop sharing this information with police services, we remain deeply concerned about the continued local storage and use of personal health information that has already been accessed by police services across the province.

Records we have received from the province indicate that the Durham Regional Police Service accessed the provincial COVID database 24,623 times while it was active.

We are calling on all police services to immediately delete the personal health information that was collected through this database. Can you please confirm:

- Where individuals' COVID-19 status is being locally stored;
- Who currently has access to the locally-stored data, and for what purposes;

- Whether individuals' data has been accessed locally since the revocation of the provincial regulation; and
- The process by which the information downloaded from the provincial COVID-19 database will be deleted.

We are also concerned about the high number of access requests made by the Durham Regional Police Service. Taking into account the population served by the Durham Regional Police Service, DRPS had one of the top five per capita data access rates in the province. The abnormally high number of times the data was accessed raises concerns about whether the database was being used appropriately and whether this large amount of personal information is still being used locally. We request that the police services board require the Durham Regional Police Service to undertake an audit of the use of the database and make the results of the audit available to the board and the public. The audit should consider:

- Were the requests made by authorized users?
- Who were the authorized users?
- Were the requests made for authorized purposes, and if so what were those purposes?
- What was the reason for such abnormally high access requests?

Transparency and accountability require that the public be informed of the reasons for the Durham Regional Police Service's unusually high number of searches against the database.

Thank you for your attention this matter, we look forward to your prompt reply.


Sincerely,



Ruth Goba  
Executive Director  
Black Legal Action Centre



Christa Big Canoe  
Legal Advocacy Director  
Aboriginal Legal Services



Abby Deshman  
Director, Criminal Justice Program  
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Cc: Paul Martin, Chief of Police, [sarnott@drps.ca](mailto:sarnott@drps.ca)