



August 17, 2020

Chair Robert Carter,
Guelph Police Services Board
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Dear Chair Carter,

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 Guelph 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 The regulation was revoked on July 22, 2020, ending police access to the COVID database.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 Guelph Police Service accessed the provincial COVID database 4,057 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 unusually high number of access requests made by the Guelph Police Service. Taking into account the population served by the Guelph Police Service, GPS 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 Guelph 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 Guelph 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,



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Executive Director
Black Legal Action Centre



Christa Big Canoe
Legal Advocacy Director
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Abby Dushman
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