



## Police Record Check Reform Act (PRCRA)

The PRCRA legislation came into effect on November 1, 2018. This legislation ensures clear, consistent and comprehensive set of standards to govern how Police Record Checks (PRC) are conducted and disclosed in Ontario.

### Overview of the PRCRA

- Applies 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).
- Standardizes the types of PRCs that can be conducted (i.e. Criminal Record Checks, Criminal Record and Judicial Matters Checks and Vulnerable Sector Checks).
- Limits and standardizes the types of information authorized to be disclosed in each type of PRC.
- Requires 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.

### 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.

### Types of Police Record Checks

The PRCRA identifies three standard types of PRCs:

- Criminal Record Check
- Criminal Record and Judicial Matters Check
- 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 who 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 Emergency Preparedness and relevant non-conviction information as authorized by the PRCRA.



## Police Record Check Reform Act (PRCRA)

### Police Record Checks Reform Act 2015 Schedule of Authorized Disclosure

|    | Type of Information                                                                                                                                             | Criminal Record Check                                                                                                                                                                                               | Criminal Record and Judicial Matters Check                                                                                                                                                                          | Vulnerable Sector Check                                                                                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) | Every criminal offence of which the individual has been convicted for which a pardon has not been issued or granted.                                            | Disclose.<br>However, do not disclose convictions for an offence that may be prosecuted only by way of summary conviction proceedings if the request is made more than five years after the date of the conviction. | Disclose.<br>However, do not disclose convictions for an offence that may be prosecuted only by way of summary conviction proceedings if the request is made more than five years after the date of the conviction. | Disclose.<br>However, do not disclose convictions for an offence that may be prosecuted only by way of summary conviction proceedings if the request is made more than five years after the date of the conviction. |
| 2) | Every finding of guilt under the <i>Youth Criminal Justice Act</i> (Canada) in respect of the individual during the applicable period of access under that Act. | Disclose.                                                                                                                                                                                                           | Disclose.                                                                                                                                                                                                           | Disclose.                                                                                                                                                                                                           |
| 3) | Every criminal offence of which the individual has been found guilty and received an absolute discharge.                                                        | Do not disclose.                                                                                                                                                                                                    | Disclose.<br>However, do not disclose if the request is made more than one year after the date of the absolute discharge.                                                                                           | Disclose.<br>However, do not disclose if the request is made more than one year after the date of the absolute discharge.                                                                                           |
| 4) | Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order.           | Do not disclose.                                                                                                                                                                                                    | Disclose.<br>However, do not disclose if the request is made more than three years after the date of the conditional discharge.                                                                                     | Disclose.<br>However, do not disclose if the request is made more than three years after the date of the conditional discharge.                                                                                     |
| 5) | Every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the individual.                                              | Do not disclose.                                                                                                                                                                                                    | Disclose.                                                                                                                                                                                                           | Disclose.                                                                                                                                                                                                           |



## Police Record Check Reform Act (PRCRA)

|    |                                                                                                                                                           |                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6) | Every court order made against the individual.                                                                                                            | Do not disclose.                                                                                | Disclose.<br>However, do not disclose court orders made under the <i>Mental Health Act</i> or under Part XX.1 of the <i>Criminal Code</i> (Canada).<br>Do not disclose court orders made in relation to a charge that has been withdrawn.<br>Do not disclose restraining orders made against the individual under the <i>Family Law Act</i> , the <i>Children's Law Reform Act</i> or the <i>Child, Youth and Family Services Act, 2017</i> . | Disclose.<br>However, do not disclose court orders made under the <i>Mental Health Act</i> or under Part XX.1 of the <i>Criminal Code</i> (Canada).<br>Do not disclose court orders made in relation to a charge that has been withdrawn.<br>Do not disclose restraining orders made against the individual under the <i>Family Law Act</i> , the <i>Children's Law Reform Act</i> or the <i>Child, Youth and Family Services Act, 2017</i> . |
| 7) | Every criminal offence with which the individual has been charged that resulted in a finding of not criminally responsible on account of mental disorder. | Do not disclose.                                                                                | Do not disclose.                                                                                                                                                                                                                                                                                                                                                                                                                              | Disclose.<br>However, do not disclose if the request is made more than five years after the date of the finding or if the individual received an absolute discharge.                                                                                                                                                                                                                                                                          |
| 8) | Any conviction for which a pardon has been granted.                                                                                                       | Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada). | Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada).                                                                                                                                                                                                                                                                                                                                               | Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada).                                                                                                                                                                                                                                                                                                                                               |
| 9) | Any non-conviction information authorized for exceptional disclosure in accordance with section 10.                                                       | Do not disclose.                                                                                | Do not disclose.                                                                                                                                                                                                                                                                                                                                                                                                                              | Disclose.<br>Set out the information in the prescribed form (if applicable).                                                                                                                                                                                                                                                                                                                                                                  |

2015, c. 30, Sched.; 2017, c. 14, Sched. 4, s. 29 (2).

### 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:

- 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;
- 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)].





## Police Record Check Reform Act (PRCRA)

### What does this mean?

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

The PRCRA regulates how police services release PRC containing youth records to applicants. Up until now, police services have released a PRC containing youth records directly to the applicant who then provide the PRC to the organization or volunteer agency. The federal and provincial government has found this approach to be contrary to the Federal Youth Criminal Justice Act (YCJA).

The only authorized release of a PRC containing youth records will be to a federal, provincial or municipal government. Applicants can gain access to their own record through the Federal Access to Information process but this record is not a PRC and is not allowed to be shared with any other agency.

**It is important to note the change for the community - Halton Regional Police Service will only provide PRC's to applications under the age of 18 for government positions.** This is because non-government agencies are not authorized to receive any results. To require applicants to apply and pay for a PRC when no results will be released is not in the best interest of applicants, the police service and the community.

### What does this mean?

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