



North Bay Police Service Board

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| By-Law # 27: Delegation of Authority Under the <i>Municipal Freedom of Information and Protection of Privacy Act</i> |
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| Legislative Reference / Authority: |
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| <i>Community Safety and Policing Act</i> and Regulations and <i>Municipal Freedom of Information and Protection of Privacy Act</i> |
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1. Preamble

- a. As prescribed in the *Community Safety and Policing Act (CSPA)* and through Regulation the North Bay Police Service Board shall establish policy(ies) consistent with the *Act*, Regulation(s) and any other applicable legislation.
- b. It is the policy of the North Bay Police Service Board with respect to the delegation of authority under the *Municipal Freedom of Information and Protection of Privacy Act* that it will establish policy(ies) that are consistent with the requirements of the *Community Safety and Policing Act*, Regulation(s) and incorporating any existing established operational and accounting practices as approved by the North Bay Police Service Board and or the Office of the Chief of Police.
- c. This By-Law establishes the delegation of powers and duties pursuant to Section 49(1) of the *Municipal Freedom of Information and Protection of Privacy Act, 1989* (hereinafter referred to as “the *Act*”).

2. Definitions

- a. Chief means:
 - i. The Chief of Police; and
 - ii. Any Officer appointed in an acting capacity as Chief of Police from time to time.
- b. Coordinator means:
 - i. The person designated by the Chief of Police as Freedom of Information Coordinator for the institution to which this document pertains; and
 - ii. The alternate Freedom of Information Clerk.
- c. Deputy Chief means:
 - i. The Deputy Chief of Police; and
 - ii. Any officer in an acting capacity as Deputy Chief of Police.
- d. Information and Privacy Commissioner and Commissioner means the Commissioner appointed under subsection 4(1) of the *Act*.



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- e. Institution means the organization known as the North Bay Police Service and governed by the North Bay Police Service Board.
 - f. Senior Officer means an officer of the rank of Inspector or a higher rank.
3. Pursuant to section 49(1) of the *Act*, we hereby delegate the powers and duties under the *Act* as set out in the attached Schedule, to the officers or employees in the institution headed by this Board as identified by the position titles indicated and defined above, including the incumbents of the positions and the officers or employees who have been appointed from time to time in an acting capacity to the positions, such delegation to take effect upon enactment of this by-law.

Read the first time this 18th day of June, 2024

Read the second time this 18th day of June, 2024

Read the third time this 18th day of June, 2024

R. Stivrins
Board Chair



North Bay Police Service Board

SCHEDULE A

| SECTION | DESCRIPTION OF POWER OR DUTY | DELEGATION |
|----------------|--|--|
| 4(2) | Severability of records | Coordinator FOI Clerk |
| 5 | Obligation to disclose any record in the public interest to reveal grave environmental, health and safety hazard | Chief |
| 6 | Draft By-Laws | Chief |
| 7 | Advice or Recommendations | Chief Deputy Chief Coordinator |
| 8 | Law Enforcement | Chief Deputy Chief Coordinator |
| 9 | Relations with other Governments | Chief Deputy Chief |
| 10 | Third party information, Trade secrets, financial or labour relations information | Chief Deputy Chief |
| 11 | Economic interest of Ontario | Chief Deputy Chief Senior Officer Coordinator |
| 12 | Solicitor-Client privilege | Chief Deputy Chief |
| 13 | Safety/Health of an individual | Chief Deputy Chief Senior Officer Coordinator |
| 14 | Personal Privacy | Coordinator FOI Clerk |
| 15 | Information soon to be published | Chief Deputy Chief Coordinator |
| 17(1.1) | Determine that a request is frivolous or vexatious | Coordinator FOI Clerk |
| 18 | Transfer of request to another institution | Coordinator FOI Clerk |
| 19 | Access decision within 30 days | Coordinator FOI Clerk |
| 20 | Extension of the 30-day time period | Coordinator FOI Clerk |
| 20.1 | Refuse to release information on grounds of request being frivolous or vexatious | Coordinator FOI Clerk |
| 21 | Third party notice | Coordinator FOI Clerk |
| 22 | Notice of refusal of access | Coordinator FOI Clerk |
| 23 | Access to original record | Coordinator FOI Clerk |
| 25 | Information available for inspection | Chief Deputy Chief Coordinator |
| 26 | Annual report to Commissioner | Coordinator |



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| Section | Description of Power or Duty | Delegation |
|----------------|--|--------------------------------------|
| 29(2) | Purpose and legal authority for collecting personal information | Chief Deputy Chief Coordinator |
| 30 | Retention of personal information | Chief Deputy Chief Coordinator |
| 34 | Compilation of personal information bank index | Chief Deputy Chief Coordinator |
| 35 | Records of inconsistent disclosure and use of personal information banks | Chief Deputy Chief Coordinator |
| 36(2) | Correction of Personal Information | Coordinator FOI Clerk |
| 37 | Manner of access to personal information | Coordinator FOI Clerk |
| 38 | Refusal to disclose personal information | Coordinator FOI Clerk |
| 41(6) | Require Commissioner to examine original record on site | Chief Deputy Chief |
| 45 | Estimate costs and waiver of payment | Coordinator FOI Clerk |
| 50 | Oral requests | Coordinator |