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To: [Stevenson, Kirsten](#)
Cc: chief@hamiltonpolice.on.ca; [Christa Big Canoe \(ALST\)](#); [Ryan Peck \(HALC\)](#); [Khalid Janmohamed \(HALC\)](#); [Ruth Goba \(BLAC\)](#); [Caitlyn Kasper](#)
Subject: Hamilton Police Service's use of COVID database
Date: Monday, August 17, 2020 9:45:36 AM
Attachments: [image928230.png](#)
[image193450.png](#)
[image943662.png](#)
[image900405.png](#)
[image935311.png](#)
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[2020-08-17 Letter to Hamilton PSB.pdf](#)

Dear Chair Eisenberger,

Please find attached a letter from the Canadian Civil Liberties Association, Aboriginal Legal Services, the Black Legal Action Centre and the HIV/AIDS Legal Clinic Ontario regarding Hamilton Police Service's access to Ontario's database of individuals who have had a positive test for COVID-19. Although police no longer have access to the database, we are concerned about the information police services have downloaded to date.

As outlined in the attached letter, we are calling on all police services to immediately delete the personal health information that was collected through this database.

Thank you for your consideration, we look forward to your response.

Sincerely,

Abby Deshman

Abby Deshman

She/Her, Criminal Justice Program Director

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We're monitoring the response to COVID-19; click here for live updates.

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CIVIL LIBERTIES
ASSOCIATION



ASSOCIATION
CANADIENNE DES
LIBERTES CIVILES



BLACK LEGAL ACTION CENTRE

HALCO
HIV & AIDS Legal Clinic Ontario

August 17, 2020

Chair Fred Eisenberger
Hamilton Police Services Board
155 King William Street
Hamilton, ON L8R 1A7
kirsten.stevenson@hamilton.ca

Dear Chair Eisenberger,

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 Hamilton 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 Hamilton Police Service accessed the provincial COVID database 10,293 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.

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
Canadian Civil Liberties Association



Ryan Peck
Executive Director
HIV & AIDS Legal Clinic Ontario

Cc: Eric Girt, Chief of Police, chief@hamiltonpolice.on.ca