

**Ministry of the Solicitor General**

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Policy Branch

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**MEMORANDUM TO:** Kenneth Weatherill  
Assistant Deputy Minister  
Public Safety Division

**FROM:** Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division

**SUBJECT:** **Amendments to O. Reg. 347/18 (Exemptions) under the *Police Record Checks Reform Act, 2015***

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I am writing to request your assistance in notifying the policing community of regulatory amendments that have been made under the *Child, Youth and Family Services Act, 2017* (CYFSA) and the *Intercountry Adoption Act, 1998* (IAA) that establish police record check requirements for the child and youth sector.

Further amendments to [O. Reg. 347/18 \(Exemptions\)](#) made under the *Police Record Checks Reform Act, 2015* (PRCRA) will exempt individuals subject to police record check requirements under the CYFSA or IAA from standard requirements for police record searches prescribed under the PRCRA.

These changes will come into force on January 1, 2025.

**What is the purpose of the amendments to O. Reg. 347/18 (Exemptions) under the PRCRA?**

The amendments to [O. Reg. 347/18 \(Exemptions\)](#) will support new regulatory provisions under the CYFSA and the IAA that specify:

- when and from whom police record checks are required,
- what practices and procedures are to be followed when a check is required,
- the type of information police services will be asked to consider disclosing based on the type of check.

All types of checks governed by the CYFSA and IAA are exempted from the requirements of the PRCRA but are subject to the procedural safeguards contained in sections 0.2 to 0.5 of the Exemptions Regulation.

**Who will be requesting what type of check?**

The CYFSA and IAA regulations include requirements for specific individuals to provide either a Vulnerable Sector Check or a “Broad Record Check” (BRC).

O. Reg. 155/18 under the CYFSA and O. Reg. 200/99 under the IAA specify the type of information that police services will be asked to consider disclosing based on the type of check required under these regulations.

A **Vulnerable Sector Check (VSC)** must include the information that is authorized to be disclosed in a VSC pursuant to the Schedule in the PRCRA.

The list of roles and positions that require a VSC can be found in the table in [section 120 of O. Reg. 155/18 under the CYFSA](#) and [section 17 of O. Reg. 200/99 under the IAA](#).

A **“Broad Record Check” (BRC)** must include the information listed in [section 119 of O. Reg. 155/18 under the CYFSA](#) and [section 16 of O. Reg. 200/99 under the IAA](#).

The list of roles and positions that require a BRC can be found in the table in [section 121 of O. Reg. 155/18 under the CYFSA](#) and [section 18 of O. Reg. 200/99 under the IAA](#).

Note that a BRC is not a new type of police record check under the PRCRA. As permitted under an exemption from O. Reg. 347/18 of the PRCRA, this check may include more information than is generally authorized for disclosure through a VSC, based on police discretion as to the relevance of the information. This could include disclosure of outstanding restraining orders made against the person under specific acts, contact between the person and a police service where there is a written record (unless certain conditions apply), and contact between the person and police service in relation to actions taken against the person under the *Mental Health Act, 1990*.

Please note the above information is not a detailed summary of the regulatory amendments and it is not intended to be used as legal advice. Please consult with legal counsel where required and visit e-Laws to read the official copies of the Acts and regulations.

### **What can police record check providers expect?**

It is anticipated that there will be a higher volume of checks in the first year of implementation with the standardization of police record check requirements within the child and youth sector. In addition, it is anticipated that more frequent checks will be required at regular intervals. Under the MCCSS regulatory requirements, individuals will be required to provide a police record check (either a VSC or BRC) at least every three years where they continue to hold a position.

### **What other information is available to support implementation?**

If members of police services, particularly those with responsibility for administering police record checks, are interested in learning more about these upcoming changes, the Ministry of Children, Community and Social Services will be hosting two virtual information sessions for policing stakeholders:

#### **Information Session #1**

November 6, 2024  
1:00 AM – 2:00 PM

**LINK:**

[https://teams.microsoft.com/l/meetup-join/19:meeting\\_ODQ5ODhiMGMtZGU4Mi00NWY3LTk5ZmQtOWI1ZTczMTNkOWM3@thread.v2/0?context=%7B%22Tid%22:%22cddc1229-ac2a-4b97-b78a-0e5cacb5865c%22,%22Oid%22:%220a56732d-0556-4d2c-971e-b4cc7bfd734a%22%7D](https://teams.microsoft.com/l/meetup-join/19:meeting_ODQ5ODhiMGMtZGU4Mi00NWY3LTk5ZmQtOWI1ZTczMTNkOWM3@thread.v2/0?context=%7B%22Tid%22:%22cddc1229-ac2a-4b97-b78a-0e5cacb5865c%22,%22Oid%22:%220a56732d-0556-4d2c-971e-b4cc7bfd734a%22%7D)

**Information Session #2**

November 13, 2024

1:00 PM – 2:00 PM

**LINK:**

[https://teams.microsoft.com/l/meetup-join/19:meeting\\_NzBkNWlwMGYtYWVlOS00MTM4LWE4MTQtODc2ZmNiNzk1NGJi@thread.v2/0?context=%7B%22Tid%22:%22cddc1229-ac2a-4b97-b78a-0e5cacb5865c%22,%22Oid%22:%220a56732d-0556-4d2c-971e-b4cc7bfd734a%22%7D](https://teams.microsoft.com/l/meetup-join/19:meeting_NzBkNWlwMGYtYWVlOS00MTM4LWE4MTQtODc2ZmNiNzk1NGJi@thread.v2/0?context=%7B%22Tid%22:%22cddc1229-ac2a-4b97-b78a-0e5cacb5865c%22,%22Oid%22:%220a56732d-0556-4d2c-971e-b4cc7bfd734a%22%7D)

For more information, please contact:

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Or

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Sincerely,

Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division  
Ministry of the Solicitor General