

APPENDIX D
UNIFORM LAW CONFERENCE OF CANADA
DISCLOSURE CHART – ADULT VULNERABLE SECTOR CHECK¹

Disclosed without restrictions	Partial disclosure or disclosure in certain circumstances	Not disclosed
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Information	ON	BC	AB RCMP	AB Generally ²	SK Regina	SK Saskatoon	NB Frederict.	PEI Charlott.	PEI Kensing.
Current Judicial Orders (Peace Bonds, Restraining Orders, Criminal Code Prohibition Orders & Probation Orders)	3				4				
FIP Firearms Interest Police		5	6	7					
INTERPOL				8					

Information	ON	BC	AB RCMP	AB Generally ²	SK Regina	SK Saskatoon	NB Frederict.	PEI Charlott.	PEI Kensing.
NCIC									
Outstanding Criminal Charges & Warrants				9	10	11			12
PIP Police Information Portal		13	14						
Mental Health Information		15	16	17					
Police Information from Indices Query		18	19	20					
Police Information from Other Police Agencies		21	22	23	24				
SIP Special Interest Police		25	26	27					
Acquittals / Not Guilty	28	29	30						
Absolute Discharges	31	32	33	34	35	36	37		

Information	ON	BC	AB RCMP	AB Generally ²	SK Regina	SK Saskatoon	NB Frederict.	PEI Charlott.	PEI Kensing.
Conditional Discharge	38	39	40	41	42	43	44	45	
Convictions (Indictable or Hybrid); Suspended Sentences or Findings of Guilt (Not including discharges)									
Convictions (Summary Offences); Suspended Sentences or Findings of Guilt (Not including discharges)	46			47					
Charge Dismissed	48	49	50						
Not Criminal Responsible due to Mental Disorder (NCRMD)	51	52	53	54					
Provincial Offences		55	56	57					
Record Suspensions (or Pardons)	58	59	60	61	62	63		64	65

Information	ON	BC	AB RCMP	AB Generally ²	SK Regina	SK Saskatoon	NB Frederict.	PEI Charlott.	PEI Kensing.
Stay of Proceedings	66	67	68	69	70	71			
Charges Withdrawn	72	73	74						
Youth Convictions	75	76	77	78	79	80	81		
Expired Court Orders (Peace Bonds, Restraining Orders, Probation Orders)	82	83							

Notes

¹ The contents of this chart are obtained from questionnaires and disclosure charts received from individual police forces and/or analysis of publicly available guidelines, legislation and policies regarding disclosure practices in the noted jurisdictions.

² These results represent an amalgam of information obtained from various police services in Alberta, including the Edmonton Police Service.

³ Cannot disclose court orders made under the *Mental Health Act*, or under Part XX.1 of the *Criminal Code*. Cannot disclose court orders made in relation to a charge that has been withdrawn. Cannot disclose restraining orders made against the applicant under the *Family Law Act*, the *Children's Law Reform Act* or the *Child and Family Services Act*.

⁴ Releasable if the order is applicable to the employment or volunteer location.

⁵ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies.

⁶ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies.

⁷ FIP will be checked, but results are not released.

⁸ Most agencies do not query this database, but if an applicant has recently lived out of country, some agencies closer to the US border may query it.

⁹ Warrants will need to be resolved before a criminal record check is completed.

¹⁰ Release the fact of outstanding charges, but not the specific nature of the charge. Record checks will not be completed if there are outstanding warrants.

¹¹ Release the fact of outstanding charges, but not the specific nature of the charge.

¹² Record check will not be completed if there are outstanding criminal charges before the court.

¹³ All information must be confirmed and authorized for release by the contributing agency.

¹⁴ FIP information is not released but can be used as a tool to identify reports or incidents held by other police agencies.

¹⁵ Do not disclose apprehensions under the *Mental Health Act* or suicide attempts. If an applicant had police contact involving the threat or actual use of violence directed at other individuals, the information can be released without disclosing the mental health status of the applicant.

¹⁶ Not reported unless there are "public safety" issues in the file.

¹⁷ May be released if the file involved violence or threats of violence to others, and is recent, relevant and part of a pattern. In most jurisdictions, the information, if released, will not disclose the applicant's mental health status. Calgary Police Service appears to include mental health files in criminal records checks if deemed relevant according to an internal policy.

¹⁸ Any adverse contact with police may be released until the retention period has been met. For example, police contacts where the applicant is deemed a "Suspect," "Suspect Chargeable," "Accused," or where there are "Recommended Charges". Non-accusatory roles are not released except under exceptional circumstances (e.g. "Witness", "Victim", etc.). Intelligence files are only released if approval is received from the investigating officer.

¹⁹ Releasable if the file is recent and relevant to the purpose of the criminal record check.

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- ²⁰ May be released if the file involved violence or threats of violence to others, and is recent, relevant and part of a pattern. Details of the incident will be considered for release on case-by-case basis.
- ²¹ Applicants must provide their address for the past five years. Contact will be made with the outside jurisdiction and any “adverse” police contacts will be released if permitted by the outside agency.
- ²² Releasable if the file is recent, relevant to the purpose of the criminal record check, and permission is obtained by the outside agency.
- ²³ Practices vary from jurisdiction to jurisdiction, with some releasing the information if it is confirmed and the outside agency permits disclosure.
- ²⁴ Released if the information is on CPIC and confirmed by the outside agency.
- ²⁵ SIP information is not released, but can be used as a tool to identify reports/incidents held by other police agencies.
- ²⁶ Not released but can be used to identify reports/events held by other police agencies.
- ²⁷ Checks will be done of this database, but results will not be released.
- ²⁸ Releasable if the charge is one listed in the regulations, and the other criteria for exceptional disclosure in s. 10(2) of the *Police Record Checks Reform Act* are met.
- ²⁹ Releasable within the retention period.
- ³⁰ Considered for release in accordance with established disclosure criteria via a police service’s local police records.
- ³¹ Releasable within one year of absolute discharge.
- ³² Releasable within one year of absolute discharge.
- ³³ Releasable within one year of absolute discharge.
- ³⁴ Releasable within one year of absolute discharge.
- ³⁵ Releasable within one year of absolute discharge.
- ³⁶ May be released in accordance with the *Criminal Records Act* (i.e. one year from absolute discharge).
- ³⁷ Releasable within one year of absolute discharge.
- ³⁸ Releasable within three years of conditional discharge.
- ³⁹ Releasable within three years of conditional discharge.
- ⁴⁰ Releasable within three years of conditional discharge.
- ⁴¹ Releasable within three years of conditional discharge.
- ⁴² Releasable within three years of conditional discharge.
- ⁴³ May be released in accordance with the *Criminal Records Act* (i.e. three years from conditional discharge).
- ⁴⁴ Releasable within three years of conditional discharge.

⁴⁵ The Charlottetown Police Service did not note any restriction on the disclosure of conditional discharge information. However, the *Criminal Records Act* states that a conditional discharge cannot be disclosed three years after sentencing: see s. 6.1(b).

⁴⁶ Releasable within five years of summary conviction.

⁴⁷ Releasable for an indefinite period if the summary conviction is registered in CPIC. If not so registered, releasable for three years following conviction.

⁴⁸ Releasable if the charge is one listed in the regulations, and the other criteria for exceptional disclosure in s. 10(2) of the *Police Record Checks Reform Act* are met.

⁴⁹ Releasable within the retention period.

⁵⁰ Releasable through local police records when relevance and recency criteria have been met.

⁵¹ Releasable within five years of NCRMD finding. Not releasable if the individual has received an absolute discharge.

⁵² Releasable within the retention period.

⁵³ Releasable if involving behaviour resulting in a concern for public safety.

⁵⁴ If the file involved violence or threats of violence to others, and is relevant, details of the incident will be considered for release.

⁵⁵ Releasable within the retention period, if the person was charged by way of a Report to Crown Counsel.

⁵⁶ Releasable if there is a public safety concern.

⁵⁷ Practices vary from jurisdiction to jurisdiction, with some permitting disclosure.

⁵⁸ Cannot be disclosed unless authorized under the *Criminal Records Act*.

⁵⁹ Releasable if approved of by the Minister of Public Safety.

⁶⁰ Cannot be disclosed unless authorized under the *Criminal Records Act*.

⁶¹ If the file involved an incident of a sexual nature or children, it may be considered for release.

⁶² Released only with the approval of the Minister of Public Safety.

⁶³ May be released in accordance with the *Criminal Records Act*.

⁶⁴ The Charlottetown Police Service did not note any restriction on the disclosure of record suspension information. However, the *Criminal Records Act* states that record suspensions shall not be disclosed except in narrow circumstances involving “vulnerable” sector checks: see s. 6.3.

⁶⁵ Pardon database will be checked for sexual offences.

⁶⁶ Releasable if the charge is one listed in the regulations, and the other criteria for exceptional disclosure in s. 10(2) of the *Police Record Checks Reform Act* are met.

⁶⁷ Releasable within the retention period.

⁶⁸ Releasable within one year; related information may be disclosed from local police records.

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- ⁶⁹ Practices vary from jurisdiction to jurisdiction, with some allowing for disclosure within one year of the stay of proceedings.
- ⁷⁰ Releasable within one year of the stay of proceedings.
- ⁷¹ Releasable within one year of the stay of proceedings.
- ⁷² Releasable if the charge is one listed in the regulations, and the other criteria for exceptional disclosure in s. 10(2) of the *Police Record Checks Reform Act* are met.
- ⁷³ Releasable within the retention period.
- ⁷⁴ Releasable through local police records when relevancy and recency criteria have been met.
- ⁷⁵ Releasable within the retention periods set out in the *Youth Criminal Justice Act*.
- ⁷⁶ Releasable within five years of last indictable conviction, and three years of last summary conviction.
- ⁷⁷ Releasable within five years of last indictable conviction, and three years of last summary conviction.
- ⁷⁸ Practices vary from jurisdiction to jurisdiction, with some allowing for disclosure within the retention periods set out in the *Youth Criminal Justice Act*.
- ⁷⁹ Released if the record is within the retention period set out in the *Youth Criminal Justice Act*.
- ⁸⁰ Releasable in accordance with the retention periods set out in the *Youth Criminal Justice Act*.
- ⁸¹ Releasable only in accordance with the *Youth Criminal Justice Act*.
- ⁸² Cannot disclose court orders made under the *Mental Health Act*, or under Part XX.1 of the *Criminal Code*. Cannot disclose court orders made in relation to a charge that has been withdrawn. Cannot disclose restraining orders made against the applicant under the *Family Law Act*, the *Children's Law Reform Act* or the *Child and Family Services Act*.
- ⁸³ Releasable within the retention period.