



## Media Statement

For immediate release

### **HUMAN RIGHTS GROUPS LAUNCH LEGAL ACTION TO STOP ONTARIO GOVERNMENT'S DISCLOSURE OF COVID STATUS TO POLICE**

**July 16, 2020** — The Aboriginal Legal Services (ALS), the Black Legal Action Centre (BLAC), the Canadian Civil Liberties Association (CCLA), and the HIV & AIDS Legal Clinic Ontario (HALCO) have launched an urgent court application in the Ontario Superior Court challenging the Government of Ontario's decision to share the personal information of all Ontarians who test positive for COVID-19 with police.

In early April the Ontario government passed an emergency order under the *Emergency Management and Civil Protection Act* that would allow police to obtain the names, addresses, and dates of birth of Ontarians who had tested positive for COVID-19. The government has since made a database or portal that it has opened to police services, and several Ontario police services boards have passed policies to facilitate law enforcement's access to the information.

The court application challenges the government's decision to release this information to police because it breaches provincial health privacy protections and violates individuals' constitutional rights to privacy and equality. The legal challenge also argues the measure is not authorized by Ontario's emergency legislation.

"Throughout history, police have been used as a weapon by the state to dismantle the pillars of Indigenous society, including healthcare. This has resulted in not only significant health disparities for Indigenous people, but a serious lack of trust for police services." says Caitlyn Kasper, lawyer at Aboriginal Legal Services. "As a result, the provision of sensitive personal health information to police unnecessarily deters Indigenous people from accessing essential services, such as timely, confidential healthcare. This then places the health of Indigenous people and the broader community at risk."

"The staggering numbers of Black Ontarians who face discrimination, harassment, and even violence at the hands of police and other authorities is due to systemic inequalities that have permeated our societal institutions for

decades,” said Ruth Goba, Executive Director of BLAC. “Our community already experiences carding – the police needlessly collecting personal information *en masse*. The fact that personal health information is now being needlessly shared with the police is deeply concerning to Black communities across the province.”

“Individual Ontarians’ health information is among the most sensitive personal information the government holds,” said Abby Deshman, Director of the Criminal Justice Program with the Canadian Civil Liberties Association. “Given the patchy nature of COVID testing and the risk of asymptomatic spread, police - like the rest of the population - need to be taking universal precautions to prevent the spread of COVID. Sharing COVID test results with police is not necessary, and in fact undermines an effective public health approach to this pandemic.”

“Police involvement in public health matters impedes effective public health responses,” said Khalid Janmohamed, HALCO staff lawyer. “People are less likely to get tested or seek treatment because they are afraid of being targeted by police. We have seen this happen in relation to the criminalization of people living with HIV and people who use drugs. We are at dire risk of duplicating these harms with the sharing of COVID-19 diagnosis information with police. Like in relation to HIV and drug use, for COVID-19 we need a public health response, not a public policing response.”

The groups wrote to Ontario’s Solicitor General on April 22, 2020 outlining their concerns with the government’s decision to share sensitive personal health information with police. To date, no response has been received.

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[Aboriginal Legal Services](#) (ALS) is a multi-service legal agency that provides services to the Aboriginal community in Ontario and elsewhere.

The [Black Legal Action Centre](#) (BLAC) is a not for profit specialty legal clinic with a mandate to address individual and systemic anti-Black racism in the province of Ontario.

The [Canadian Civil Liberties Association](#) (CCLA) is a national non-partisan, non-profit organization that works to protect the rights and freedoms of all people in Canada.

The [HIV & AIDS Legal Clinic Ontario](#) (HALCO) is a community-based legal clinic that provides free legal services for people living with HIV or AIDS in Ontario, Canada.