

Demystifying Ontario's Criminal Record Checks

In Ontario, police record checks are regulated by the *Police Record Checks Reform Act*, and are also subject to federal regulation. The Act distinguishes between three types of checks of varying levels, setting out rules about how they can be conducted and imposing limits on what can be disclosed from an individual's criminal record.

Criminal Record Check



This check has become routine in employment screening nationwide. It is done based on name, date of birth, place of birth, and sex.



The requestor may receive some details (e.g. the date, the charge). However, any additional details about the charge can only be accessed by the police.

- Retrieves adult convictions for offences under federal criminal laws.
- Does not include acquittals, discharges, youth convictions or summary convictions ¹ more than 5 years old. Non-criminal convictions are also not included.

Criminal Record & Judicial Matters Check



Includes everything in a criminal record check but also includes information that may or may not have resulted in a conviction.



The requestor may receive some details (e.g. the date, the charge). However, any additional details about the charge can only be accessed by the police.

- Includes active information about arrests, warrants, peace bonds, probation or pending charges.
- Includes convictions where a discharge ² was granted.
- Does not disclose an absolute discharge more than one year old, or a conditional ³ discharge more than three years old.

Vulnerable Sector Check



Includes everything listed in the previous two checks, but also includes pardoned or suspended convictions for sexual offences under Schedule 1 of the Criminal Records Act.



This check can only be requested by a candidate who will be working with vulnerable populations, where prescribed by law.

- Includes charges that result in a finding of not criminally responsible on account of mental disorder, as well as non-conviction information from withdrawn or dismissed charges (in exceptional circumstances).
- Includes convictions under Schedule 1 of the Criminal Records Act even when a pardon or suspension was granted.

LEAST
INTRUSIVE

MOST
INTRUSIVE

¹ Offences where the maximum sentence is 2 years in jail, a \$5,000 fine or both (e.g. speeding or excessive noise offences).
² A finding of guilt with no additional punishment.
³ A finding of guilt that has no associated criminal record where probationary conditions are met.