APPENDIX 1

REFERRAL FROM THE MINISTER OF HEALTH

Ontario

Office of the Minister
Bureau du Ministre

Ministry of Health
Ministère de la Santé

Hepburn Block
Queen's Park
Toronto, Ontario
M7A 2C4
416/327-4300

Édifice Hepburn
Queen's Park
Toronto (Ontario)
M7A 2C4
416/327-4300

94-03-29 P05:41 IN

Christie Jefferson
Chair
Health Professions Regulatory Advisory Council
14th Floor, 700 Bay Street
Toronto, Ontario
M5G 1Z6

Dear Ms Jefferson:

Please find enclosed copies of self-explanatory correspondence between Dr. Ann Cavoukian and me.

I would appreciate a review by the Advisory Council of the issues raised by Dr. Cavoukian and your advice, once the Regulated Health Professions Act has been proclaimed.

Thank you for your assistance in this matter.

Yours sincerely,

Ruth Grier
Minister

Attachment

cc: Dr. Ann Cavoukian

Ann Cavoukian, Ph.D.
Assistant Commissioner
Information and Privacy
Commissioner/Ontario
80 Bloor Street West, Suite 1700
Toronto, Ontario
M5S 2V1

Dear Dr. Cavoukian:

Thank you for setting out your views on the public access to information about regulated health professionals. Specifically you mention the relationship of section 23 of the Procedural Code under the Regulated Health Professions Act, 1991 (RHPA) to the nursing profession. Please accept my sincerest apology for the delay in replying.

As outlined in my previous letter, the intent of the provisions under section 23 is to facilitate access to and increase accountability of College proceedings in the best interest of the public.

The RHPA was proclaimed on December 31, 1993. This legislation offers a mechanism for review of the self-governance of regulated health professions and regulations. Within five years of proclamation, the Health Professions Regulatory Advisory Council (HPRAC), an independent public body established under the legislation, will conduct a full review of the RHPA as well as regulations made under the legislation and will advise my Ministry on suggested amendments to RHPA or to a health profession Act and on suggested new regulations. I believe that provisions in the new legislation will ensure that the Advisory Council has the benefit of submissions from College Councils and individual members when it formulates its advice to me on such

significant matters. The Chair of the Advisory Council is Ms Christie Jefferson, at 700 Bay Street, 14th Floor, Toronto, Ontario, M5G 1Z6 Telephone: (416) 326-1550. Fax: (416) 326-1549.

I have taken the liberty of forwarding your correspondence to Ms Jefferson for the Advisory Council's eventual review. I expect to receive their advice regarding your concerns now that the legislation has been proclaimed.

Again, thank you for your views on this issue.

Yours sincerely,
ORIGINAL SIGNED BY
MINISTER

MAR 28 1994

Ruth Grier
Minister

cc: Christie Jefferson

Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

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COPY
FOR INFORMATION PURPOSES
ORIGINAL IN CCU

August 11, 1993

REOO

Honourable Ruth Grier
Minister
Ministry of Health
80 Grosvenor Street
10th Floor, Hepburn Block
Toronto, Ontario
M7A 2C4

RECEIVED
1317
AUG 17 1993
PROFESSIONAL
RELATIONS BRANCH

Dear Minister:

Thank you for your letter of June 28, 1993 responding to my privacy concerns regarding the proposed Regulated Health Professions Act (RHPA).

Thank you for pointing out that the information to be made publicly available under section 23 of the Procedural Code of the RHPA was based on the recommendations of the Health Professions Legislation Review, and years of consultation with various groups. I understand that since these are statutory requirements, regulatory bodies will not be able to implement procedures enabling them to make case by case decisions about what information may be released to the public. I appreciate the difficulty that suggesting an amendment to the RHPA at this late date poses, but it is my understanding that short of amending the RHPA, no discretion may be exercised on the part of the Registrar as to what information may be released.

While I appreciate that the general aim of the RHPA is to facilitate the accountability of health professionals, it is hard to understand how public disclosure of a health professional's place of employment is necessary in order to achieve this goal. In our view, providing public access to a health professional's name should be sufficient: if contact with a health professional is required, the respective College would have the individual's address and could easily facilitate the necessary contact. We see little to be gained by making the health professional's place of employment publicly available, especially when weighed against the potential harm that could arise from such public access.

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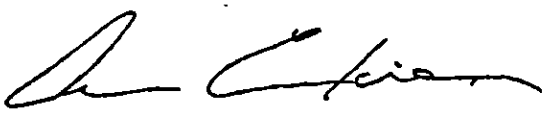
Fax-Telec 416-325-9195

Your goal to facilitate access and increase the accountability of health care professionals is certainly a commendable one. However, we do not feel that this would be jeopardized by having individuals proceed through the respective College of the health professional they wish to contact.

It is our view that the benefits of facilitating public access to information about regulated health professionals must be balanced against the concerns expressed by many nurses regarding their personal safety.

Sincerely yours,



Ann Cavoukian, Ph.D.
Assistant Commissioner

Ann Cavoukian, Ph.D.
Assistant Commissioner
Information and Privacy
Commissioner/Ontario
80 Bloor Street West
Suite 1700
Toronto, Ontario
M5S 2V1

Dear Dr. Cavoukian:

Thank you for your letter about your concerns regarding the protection and privacy of nurses. Please accept my sincere apology for the delay in responding.

Section 23 of the Procedural Code under the Regulated Health Professions Act, 1991 (RHPA) describes a college's responsibility to maintain a register of information about each registrant, including information that would be made available to the public.

RHPA and 21 profession-specific acts are expected to come into effect at the end of this year. The acts are based on the recommendations of the Health Professions Legislation Review (HPLR) and many years of intensive consultation with professions, consumers and interest groups. HPLR's recommendations were widely supported by the majority of participants in the review. In fact, the majority of participants felt that the information to be made available to the public should be set out in the act.

The intent of the statutory provisions in the RHPA is to facilitate public access to information about regulated health professionals. RHPA also aims to open up college proceedings more to the public and to give consumers direct access to more regulated

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Ann Cavoukian, Ph.D

health professionals. Subsection 23(2) of the Procedural Code describes the information that will be contained in the register, while Subsection 23(3) identifies which information will be made available to the public. Since these are statutory requirements, regulatory bodies will not be able to implement procedures such as making case by case decisions about what information to give to the public. This would conflict with the provisions of the statute.

I do appreciate the concerns that many nurses have expressed about confidentiality and public accessibility to information about college registrants. The point of these provisions is not to harm anyone or to place nurses or other health professionals at risk by making inappropriate information available to the public. What we do wish to accomplish is to facilitate access to and increase accountability of college proceedings in the best interest of the public.

I appreciate your taking the time to outline your concerns.

ORIGINAL SIGNED BY
MINISTER

JUN 28 1993

Ruth Grier
Minister

11/23/93 12:03 ☎416 327 8497 HEALTH CORP CORR →→ PROF RELATIONS 003

293-05329

REOD
A1
cc Legal

Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

March 31, 1993

Helene
7-8847

CORPORATE CORRESPONDENCE UNIT
APR - 6 1993
MINISTRY OF HEALTH

Honourable Ruth Grier
Minister
Ministry of Health
80 Grosvenor Street
10th Floor, Hepburn Block
Toronto, Ontario
M7A 2C4

RECEIVED
OCT 26 1993
PROFESSIONAL
RELATIONS BRANCH

Dear Minister:

As the Assistant Commissioner responsible for privacy protection with the Office of the Information and Privacy Commissioner/Ontario, I have received a number of letters raising a particular concern with the proposed Registered Health Professions Act.

The concern relates to sections 23(1)(a) and 23(3)(1) of the Regulated Health Professions Code in which the Registrar is to maintain a register containing each member's name, business address and business telephone number, and provide for public access to this information. To quote from one of the letters sent to me:

> In our role as nurses, we try to relate to our patients in a caring manner. Occasionally, this caring is misinterpreted by patients as being personal rather than professional. Some patients may try to pursue a personal relationship with a nurse in a manner unwelcome to her. There are also patients with a distorted perception of reality who may view a nurse as the source of their difficulties. If the nurse's place of employment is easily accessible to such patients, it may be very difficult for her to avoid them. Recent news reports about the problems of women who are "stalked" by predatory admirers indicate the potential seriousness of this problem.
>
> My second concern relates to the demographic fact that the majority of nurses are women, and any such group includes some who are abused by spouses or significant others. It will not be possible for a nurse to escape an abusive partner if her place of employment is revealed to him.

... /2

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While I appreciate that there is a need for the Registrar to maintain this type of information, I do not believe that it should be publicly available, especially in light of the concerns expressed. I would suggest that the only information that should be available to the public are the names of the registered health professionals. Beyond that, if someone wishes to have additional information such as a business address or telephone number, they could make a request to the appropriate college. The college could then make a decision on a case by case basis, balancing the needs of the requester against the needs of the individual for privacy. This balancing may well include notifying the individual that a request for information about them has been made, and obtaining their views.

I would appreciate if you would consider the above and advise me of your views, so that I may respond to the individuals who have written to me.

Thank you for your attention to this matter.

Sincerely yours,

Ann Cavoukian, Ph.D.
Assistant Commissioner