APPENDIX 2

HPRAC'S LETTER AND QUESTIONS

Ontario

Health Professions Regulatory Advisory Council

Conseil consultatif sur la réglementation des professions de la santé

2195 Yonge Street
4th floor
Toronto ON M4S 2B2

2195, rue Yonge
4e étage
Toronto ON M4S 2B2

Telephone / téléphone (416) 326-1550
Facsimile / télécopieur (416) 326-1549
TDD/ATS (416) 327-0623

January 18, 1995

Dear Registrar:

The Minister of Health has asked the Advisory Council to review public access vs. privacy concerns as they relate to sections 23(2)(a) and 23(3)(1) of the Procedural Code, Regulated Health Professions Act, 1991(RHPA).

The issue was initially brought to the attention of the Minister of Health by the Office of the Information and Privacy Commissioner following receipt of letters from health care practitioners. These letters expressed privacy and safety concerns regarding public access to such information as the member's name, business address and business telephone number.

Before issuing this referral and initiating the HPRAC review process, we would appreciate receiving information from the colleges regarding your experience with sections 23(2)(a) and 23(3)(1) since proclamation on January 1, 1994.

To that end, we would appreciate your response to the enclosed questions by Friday, February 17, 1995.

If you have any questions or comments, please do not hesitate to call me at 326-1554. Thank you in advance for your cooperation and efforts to provide us with the requested information.

Yours sincerely,

Marie LeGros

Marie LeGros
Policy Analyst

cc: Sandy McCulloch, Health Professions Regulatory Advisory Council

PUBLIC ACCESS TO THE REGISTER

The Advisory Council seeks the assistance of the colleges in compiling information about public access to information about regulated health professionals under section 23 of the Procedural Code, Regulated Health Professions Act, 1991 (RHPA).

Under sections 23(2) and 23(3) of the Regulated Health Profession Code, of the Regulated Health Professions Act, 1991, S.O. 1991, c.18, S.O. 1993, c.37 all colleges are required to provide the following information about their members to anyone who requests it:

23. (2) The register shall contain,

> **(a) each member's name, business address and business telephone number;**
>
> (b) each member's class of registration and specialist status;
>
> (c) the terms, conditions and limitations imposed on each certificate of registration;
>
> (d) a notation of every revocation and suspension of a certificate of registration;
>
> (e) the result of every disciplinary and incapacity proceeding;
>
> (e.1) where findings of the Discipline Committee are appealed a notation that they are under appeal;
>
> (f) information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included; and
>
> (g) information that the regulations prescribe as information to be kept in the register. 1991, c. 18, Sched. 2, s. 23 (2); 1993, c. 37, s. 7 (1).

Information to be included on the part of the register that is closed to the public includes such matters as home address/telephone, birthdate, sex, school/date of graduation and language preference etc.

The information that the Advisory Council would like the colleges to provide is listed below:

1. In what ways do you inform the public of their right to access the register ie.

newsletters, communiques, annual reports, etc.?

2. Please discuss your general procedures (protocol) for responding to requests for information about your members:

   a) from patients;
   b) from members;
   c) from professions;
   d) from public?

3. Has the inclusion of section 23(2)(a), the member's name, business address/business telephone number, in the public portion of the register raised concerns? What are the specific scenarios causing the concern?

   Has the public brought to the college's/member's attention that section 23(2)(a) is a problem and in what way specifically?

   Have patients/clients brought to the college's/member's attention that section 23(2)(a) is a problem and in what way specifically?

   Have members brought to the college's attention that section 23(2)(a) is a problem and in what way specifically?

4. Recognizing that this information is now a statutory requirement and regulatory bodies are not able to implement procedures enabling case by case decisions about what information may be released to the public, what mechanisms, if any, have you developed or would you recommend to respond to privacy/safety concerns?

5. Have any members requested that the name, business address/business telephone number in the public portion of the register be amended/removed? If yes, how many requests have you received since December 31,1993 and for what reasons? What did you do with the request, if anything?

6. Do you record the number of requests concerning the release of a member's name, business address/business telephone number information on members? If yes, please describe your tracking system. Since December 31,1993 how many requests for information have you received on:

- member's name;
- member's business address;
- member's business telephone number.

   If no, do you plan to institute such a tracking system? If not, why not?

7. Apart from accessing the public portion of the register, can the member's business address/business telephone number be obtained elsewhere? If yes, please identify.

Do you have any other comments?

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PRIVACY REFERRAL - QUESTIONS FOR COLLEGE REGISTRARS

1. College of Audiologists and Speech-Language Pathologists (Isobel Manzer)
2. College of Chiropractors (Dr. S.W. Stolarski)
3. College of Chiropodists (Christine Robinson)
4. Royal College of Dental Surgeons of Ontario (Dr. Roger Ellis)
5. College of Dental Hygienists of Ontario (Dr. Evelyn Gavin)
6. College of Dental Technologists (Ms. Emily Cheung)
7. College of Denturists (Mr. Jaro Wojcicky)
8. College of Dietitians of Ontario (Carol Shapiro)
9. College of Massage Therapists (Ms. Deborah Worrad)
10. College of Medical Laboratory Technologists of Ontario (Ms. Shiela Woodcock)
11. College of Medical Radiation Technicians (Ms. Sharon Saberton)
12. College of Midwives of Ontario (Ms. Robin Kilpatrick)
13. College of Nurses of Ontario (Marg Risk)
14. Ontario College of Pharmacists (Mr. A. J. Dunsdon)
15. College of Physicains and Surgeons of Ontario (Dr. Michael Dixon)
16. College of Occupational Therapists of Ontario (Ms. Jan Robinson)
17. College of Optometrists of Ontario (Dr. Irving Baker)
18. College of Opticians of Ontario (Mr. Gord Hyland)
19. College of Physiotherapists of Ontario (Ms. Dianne Millette)
20. College of Psychologists of Ontario (Dr. Catherine Yarrow)
21. College of Respiratory Therapists (Mr. Glen Randall)