

Privacy Code

Contents

Preamble	2
Definition of Terms	3
Principle 1: Accountability	5
Principle 2: Identifying Purposes	5
Principle 3: Consent	9
Principle 4: Limiting Collection	9
Principle 5: Limiting Use, Disclosure or Retention	9
Principle 6: Accuracy	10
Principle 7: Safeguards	10
Principle 8: Openness	10
Principle 9: Individual Access	11
Principle 10: Challenging Compliance	12
Schedule 1	13

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College of Physiotherapists of Ontario
www.collegept.org

Note: This document is not intended to provide legal advice but is only intended to provide general information about the Privacy Code. For legal advice in relation to specific circumstances, please consult with a lawyer.

Preamble

Under the Regulated Health Professions Act, 1991 (RHPA) of Ontario, physiotherapists are self-governed health professionals. The RHPA specifies that it is the duty of the Minister of Health and Long-Term Care to ensure that health professions are regulated and co-ordinated in the public interest.

The College of Physiotherapists of Ontario was established by the Physiotherapy Act and has the following objects as set out in the Health Professions Procedural Code (Schedule 2 to the RHPA) (the “Code”):

1. To regulate the practice of the profession and to govern the members in accordance with the Health Profession Act, this Code and the Regulated Health Professions Act, 1991 and the regulations and by-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.
 - 4.1. To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgement relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.
5. To develop, establish and maintain standards of professional ethics for the members.
6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the Regulated Health Professions Act, 1991.
7. To administer the health profession Act, this Code and the Regulated Health Professions Act, 1991 as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders and the public.
9. To promote inter-professional collaboration with other health profession colleges.
10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
11. Any other objects relating to human health care that the Council considers desirable.

In carrying out its objects, the College has a duty to serve and protect the public interest.

The legal powers and duties of the College are set out in the RHPA, the Code and the Physiotherapy Act. The activities of the College are subject to a number of oversight mechanisms including both general and specific oversight by the Ontario Minister of Health and Long-Term Care and the Council of the College of Physiotherapists of Ontario and specific oversight by the Health Professions Appeal and Review Board and the Health Professions Regulatory Advisory Council.

In the course of fulfilling its mandate, the College may collect, use and disclose personal information regarding applicants for registration, registrants, registrants' patients and persons employed, retained, elected or appointed for the purpose of the administration of the Legislation. The personal information being collected is critical to the College's ability to effectively regulate the profession in the public interest.

Individuals who are employed, retained or appointed by the College¹, as well as every member of College Council or a College committee, are required by section 36 of the RHPA to maintain confidentiality with respect to all information that comes to their knowledge in the course of their duties. Individuals who breach this provision face fines of up to \$25,000.00 for a first time offence and up to \$50,000 for a second or subsequent offence. There are some exceptions to this confidentiality obligation to permit information to be shared for required statutory purposes, police investigations etc. (See Section 36 of the RHPA, attached as Schedule 1 to this Privacy Code for more information on the obligation and the exceptions.) In addition, personal information handled by the College is subject to the provisions of this Privacy Code.

The College's collection, use and disclosure of personal information in the course of carrying out its regulatory activities is done for the purpose of regulating the profession in the public interest. These regulatory activities are not of a commercial character. Accordingly, the performance of the College of its statutory duties is not covered by the federal Personal Information Protection and Electronic Documents Act (PIPEDA).

The College has developed and adopted this Privacy Code on a voluntary basis to provide a mechanism through which the College can provide appropriate privacy rights to individuals involved in the College's activities while still enabling the College to meet its statutory mandate under the RHPA, the Code and the Physiotherapy Act.

Definition of Terms

The following terms used in this Privacy Code have the meanings set out below:

Board: the Health Professions Appeal and Review Board

By-laws: the by-laws of the College passed under the authority of section 94 of the Code

Client: an individual, family, community or organization that is purported to have received professional services, products or information from a registrant of the College

¹ This includes consultants, assessors, and other similar agents of the College

Code: the Health Professions Procedural Code (Schedule 2 to the RHPA).

College: the College of Physiotherapists of Ontario

Discipline Committee: the Discipline Committee of the College as required by the Code

Fitness to Practise Committee: the Fitness to Practise Committee of the College as required by the Code

Inquiries, Complaints and Reports Committee (ICRC): the Inquiries, Complaints and Reports Committee as required by the Code.

Legislation: the RHPA, the Code, the Physiotherapy Act, Regulations and By-laws

Organization: an individual, a corporation, an association, a partnership, or a trade union

Patient: an individual to whom a registrant of the College provides clinical physiotherapy services

Personal information: information about an identifiable individual but does not include the name, title, or business address or telephone number of an individual

Privacy Committee: means the Executive Committee when it is constituted to deal with appeals regarding the manner in which personal information is managed by the College, including concerns regarding an individual's request for access to his or her personal information.

Profession-specific Act: the Physiotherapy Act.

Quality Management Committee: the Quality Assurance Committee of the College as required by the Code. "Quality Management" has a corresponding meaning.

Registrant: an individual registered with the College (member)

Registration Committee: the Registration Committee of the College as required by the Code

Regulations: the regulations made under the RHPA and/or regulations made under the Physiotherapy Act

RHPA: the Regulated Health Professions Act, 1991 as amended from time to time

Privacy Code Principles

1. Accountability
2. Identifying Purposes
3. Consent
4. Limiting Collection

5. Limiting Use, Disclosure or Retention
6. Accuracy
7. Safeguards
8. Openness
9. Individual Access
10. Challenging Compliance

Principle 1: Accountability

The Associate Registrar, Policy is accountable for compliance with this Privacy Code. Concerns or questions regarding the manner in which personal information is being handled by the College should be directed to the Associate Registrar, Policy, College of Physiotherapists of Ontario at 416-591-3828 or 1-800-583-5885, extension 232, email at info@collegept.org or by mail to 375 University Avenue, Suite 901, Toronto, Ontario M5G 2J5.

The College will provide orientation and training to all employees and appointees as well as all members of Council, committees or working groups regarding their obligations pursuant to section 36 of the RHPA and this Privacy Code.

A component of this orientation process will include an obligation for all College employees, Councillors and Committee members to sign an annual form indicating that they understand their confidentiality obligations.

The College's policies regarding privacy and information management are available on the College's website at www.collegept.org and on request by phone at 416-591-3828 or 1-800-583-5885 or by mail at 375 University Avenue, Suite 901, Toronto, Ontario M5G 2J5.

Principle 2: Identifying Purposes

The College collects, uses and discloses personal information to administer and enforce the Legislation.

Information about Registrants

The College collects and uses personal information regarding registrants for the following purposes:

- to assess whether a registrant continues to meet the standards of qualification for a certificate of registration;
- to investigate complaints regarding the conduct or actions of a registrant of the College;
- to investigate reports filed about registrants of the College under the Code;
- to investigate whether a registrant has committed an act of professional misconduct or is incompetent, (e.g. through a Registrar's inquiry) and to resolve such matters including through the imposition of specified continuing education and remediation programs and through undertakings;
- to inquire whether a registrant is incapacitated;
- to negotiate and implement informal resolutions, including acknowledgements and undertakings, specified continuing education programs and remediation programs;
- to implement the orders applying to registrants that result from a hearing held by a College

- statutory committee;
- to hold a hearing of allegations of a registrant's professional misconduct or incompetence, or of allegations that a registrant is incapacitated;
 - to carry out the quality management program of the College, including an assessment of the records and practice of its registrants;
 - to administer the program established by the College to provide funding for therapy and counselling for persons who, while patients, were sexually abused by registrants of the College;
 - to assess whether a former registrant's certificate of registration should be reinstated;
 - to develop and provide statistical information for human resource planning and demographic and research studies for regulatory purposes including providing that information to the Ministry of Health and Long-Term Care and other appropriate agencies;
 - to provide information about registrants to the public for regulatory purposes on the public register, which is accessible through the College's website and which includes information about discipline hearings and fitness to practise hearings; and
 - to administer and/or enforce the Legislation.

The College may collect personal information regarding a registrant from the registrant, employers and colleagues of the registrant, patients of the registrant and other persons, for the purposes set out above. Personal information regarding registrants is collected by the College from time to time and at regular intervals.

The College discloses personal information regarding its registrants only as permitted by section 36 of the RHPA or as required by law. For example, the College is required under the Code to maintain a register containing information about its registrants². Such information includes, but is not restricted to: registrants' qualifications and practice information; court findings of professional negligence of malpractice made against the registrant unless the finding is reversed on appeal; referrals to the College's Discipline and Fitness to Practise Committees until the matter has finally been resolved; and the result and a synopsis of the decisions for every finding made against a registrant as a result of a disciplinary or incapacity proceeding. The Code and the By-laws require the College to make the register accessible through the College website.

Information about Employers, Colleagues, Clients and Patients

The College collects and uses personal information regarding the employers, colleagues, clients and patients of registrants of the College for the following purposes:

- to investigate complaints regarding the conduct or actions of a registrant of the College;
- to investigate whether a registrant has committed an act of professional misconduct or is incompetent;
- to investigate reports filed about registrants of the College under the Code;
- to inquire whether a registrant is incapacitated;
- to hold a hearing of allegations of a registrant's professional misconduct or incompetence, or of allegations that a registrant is incapacitated;
- to negotiate and implement informal resolutions, including acknowledgements and undertakings or specified continuing education and remediation programs;

² Section 23 of the Regulated Health Professions Code and section 39 of the Official By-Laws of the College provide more detail on what information is collected by the College for the purpose of the public register.

- to implement the orders applying to registrants that result from a hearing held by a College statutory committee;
- to carry out the quality management program of the College, including an assessment of the records and practice of its registrants;
- to administer the program established by the College to provide funding for therapy and counselling for persons who, while patients, were sexually abused by registrants of the College;
- to assess whether a registrant continues to meet the standards of qualification for a certificate of registration;
- to assess whether a former registrant's certificate of registration should be reinstated;
- to provide information about registrants to the public for regulatory purposes such as public register information and information about discipline hearings; and
- to administer or enforce the Legislation.

The College may collect personal information regarding an employer, colleague and patient of a registrant of the College from the employer, the colleague, the patient, the registrant or other persons, for the purposes set out above.

The College discloses personal information regarding the employers, colleagues, patients of registrants of the College only as permitted by section 36 of the RHPA or as required by law. For example, hearings of the Discipline Committee are required, subject to certain exceptions, to be open to the public. Evidence at a hearing of the Discipline Committee may include personal information regarding the registrant of the College who is the subject of the allegation of professional misconduct or incompetence, as well as personal information regarding the registrant's patients related to the allegations of professional misconduct or incompetence, and the personal information of other witnesses.

Another example of disclosure of personal information about patients of registrants of the College relates to complaints regarding the conduct or actions of registrants of the College. Where a complainant or a registrant does not agree with a decision of the ICRC subject to certain exceptions, either person can request a review by the Board. The Code requires that the College disclose to the Board a record of the investigation, the prior history of the registrant, and the documents and things upon which the decision was based. This disclosure of personal information about a patient of a registrant to the Board is required under the Code.

Information about Applicants for Registration and Potential Registrants

The College collects and uses personal information regarding applicants and potential registrants to assess whether an applicant or potential registrant meets, and continues to meet, the standards of qualification to be issued a certificate of registration and to administer or enforce the Legislation. The College discloses personal information regarding applicants, potential registrants and references about them only as permitted by Section 36 of the RHPA or as required by law. For example, the Code provides a procedure for an applicant who does not agree with a decision of the Registration Committee to request a review or a hearing by the Board. The Code requires that the College disclose to the Board a copy of the order and reasons of the Registration Committee and the documents and things upon which the decision was based. This disclosure of personal information to the Board is required under the Code.

Information Related to Unauthorized Practice and Holding Out

The College collects and uses personal information regarding individuals who may be either holding themselves out as authorized to practice as physiotherapists or who use protected titles without the appropriate authority. This information may be collected from these individuals, their patients and their employers, colleagues or other witnesses to investigate whether such individuals have contravened or are contravening the Legislation, and to administer or enforce the Legislation. The College discloses personal information regarding such individuals only as permitted by section 36 of the RHPA or as required by law.

Information Related to Administering the Legislation

The College collects and uses personal information regarding individuals who are retained, elected or appointed for the purpose of the administration of the Physiotherapy Act including the following:

- to review prospective candidates and retain or appoint persons for the purpose of the administration of the Act;
- to maintain records to ensure accurate remuneration and payment of expenses, and all documentation required by law and by the various levels of government in accordance with sound accounting practices;
- to communicate with the person (e.g., home contact information);
- to maintain accurate and fair accounts of any disputes, possible conflicts of interest or misconduct involving a person retained or appointed for the purpose of the administration of the Act or a member of the Council or committee of the College; and
- for the purpose of making payments and providing benefits.

The College discloses personal information regarding the individuals referred to above only as permitted by section 36 of the RHPA or as required by law.

Specifying the Identified Purpose

Where practicable, the College will make a reasonable effort to specify the identified purposes to the individual from whom the personal information is collected, either at the time of collection or after collection but before use, except where to do so would defeat the purpose of the Legislation or be inconsistent with the Legislation.

The College will state the identified purposes in such a manner that an individual can reasonably understand how the information will be used or disclosed.

Where personal information is collected for one purpose, the College has the right to use and disclose the information for another regulatory purpose where it is in the public interest to do so. For example, the ICRC will receive all information, documents and reports concerning a registrant, no matter what the originating source (with the exception of the results of the registrant's involvement with the College Quality Management process). Further, the ICRC is mandated to review and consider the prior history (i.e. previous complaints or reports), including prior decisions dismissing a complaint or concern. In certain situations, the complainant may also obtain access to the registrant's prior history.

Principle 3: Consent

The College collects personal information for purposes related to its objects (see Preamble for the College's objects) including for the purpose of the administration and enforcement of the Legislation and for other related regulatory purposes. In carrying out its objects, the College has a duty to serve and protect the public interest.

Where practicable, the College will make a reasonable effort to specify the identified purposes to the individual from whom the personal information is collected as described in Principle 2. However, obtaining the consent of the individuals would, in many cases, defeat the purposes of the College's collecting, using and disclosing the personal information. Personal information will only be collected, used and disclosed without the knowledge and consent of the individual for the purpose of the administration or enforcement of the Legislation and in accordance with any applicable provisions of the Legislation.

Principle 4: Limiting Collection

The College collects only the personal information that is required for the purposes identified in Principle 2 of this Privacy Code. The College collects personal information using procedures that are fair and lawful.

Personal information regarding patients must be collected as part of the College's regulatory function. This information is typically obtained by the College as part of an investigation or during the collection of information for the College's quality management program. The focus of these inquiries is the conduct, competence or capacity of the registrant, the continuing competence and improvement of registrants and the protection of the public. The College only collects personal information regarding patients to satisfy this regulatory purpose.

Principle 5: Limiting Use, Disclosure or Retention

The College uses personal information only for the purposes identified in Principle 2 and in accordance with the provisions of the Legislation. Personal information is only disclosed in accordance with the provisions of section 36 of the RHPA or as required by law.

The Code and the College by-laws clearly designate the information regarding registrants that is publicly available. The Code, which is part of the Regulated Health Professions Act, is available from the website of the government of Ontario at www.gov.on.ca and the by-laws can be accessed from the College website at www.collegept.org or by contacting the College at 1-800-583-5885 or 416-591-3828.

Under the Code, discipline hearings conducted by the Discipline Committee are open to the public. Evidence at a discipline hearing may include personal information regarding the registrant and the registrant's patients, employers and colleagues or other witnesses related to allegations of professional misconduct or incompetence. Under the Code, the panel of the Discipline Committee has the discretion to close a hearing under certain prescribed circumstances and/or restrict the publication of personal information where appropriate. Under the Code, the College is required to publish certain information regarding discipline hearings conducted by the Discipline Committee. Publication requirements also extend to the results of Fitness to Practise hearings however the Code dictates that these hearings are

closed to the public.

Under the Code, reviews of decisions of the ICRC and Registration Committee by the Board are open to the public. Similarly, the Board has the discretion to restrict the disclosure of personal information in its review process. The objective of these regulatory processes is always the protection of the public.

The College has a record retention policy in place. Specific information regarding the record retention policy can be obtained by contacting the Associate Registrar, Policy, at the College.

The College also conducts regular audits to ensure that personal information that is no longer required to be kept is destroyed, erased or made anonymous.

Principle 6: Accuracy

It is in the best interest of the public that the College collect, use and disclose only accurate personal information in regulating the profession. The College therefore endeavours to ensure that the information it collects, uses and discloses is accurate.

However, in order to be accountable for its collection, use and disclosure of information, the College makes corrections to information without obliterating the original entry.

Registrants are required to provide the College with current name, contact and employment information and to advise the College of changes within thirty (30) days of any change. Registrant information is updated when new information is provided to the College. The College also requests and updates registrant information annually when registrants renew their registration with the College.

Principle 7: Safeguards

The College ensures that personal information it holds is secure.

The College ensures that personal information is stored in electronic and physical files that are secure. Security measures are in place to safeguard this information which include restricting access to personal information to authorized personnel, ensuring that physical files are under lock and key and ensuring that electronic files are password protected. The College reviews its security measures periodically to ensure that all personal information is secure.

Employees of the College receive an annual orientation and ongoing training as required regarding the information safeguards required for personal information and their importance.

The College ensures that personal information that is no longer required to be retained is disposed of in a confidential and secure fashion (i.e. shredding).

Principle 8: Openness

The College's Privacy Code is available to the public and its registrants via the College's website at www.collegept.org. It is also available by contacting the College at 1-800-583-5885 or 416-591-3828, by e-mail at info@collegept.org or by sending a letter to the College at 375 University Avenue, Suite 901,

Toronto, Ontario M5G 2J5.

Inquiries concerning the College's policies and practices for collecting, using and disclosing personal information may be directed to the Associate Registrar, Policy, College of Physiotherapists of Ontario at 416-591-3828 or 1-800-583-5885, extension 232, email at info@collegept.org or by mail to 375 University Avenue, Suite 901, Toronto, Ontario M5G 2J5.

Principle 9: Individual Access

Where the College holds personal information about an individual, upon written request the College shall allow access to the information to that individual, unless providing access could reasonably be expected to interfere with the administration or enforcement of the Legislation or it is impracticable or impossible for the College to retrieve the information.

Examples of situations where access may be denied include:

- Information contains references to another individual(s) that cannot be severed;
- Disclosure may result in significant risk of harm to the requestor or a third party;
- Information was collected or created in the course of an inspection, investigation, inquiry, assessment or similar procedure;
- Disclosure may defeat the purposes for which the information was collected;
- Information cannot be disclosed for legal, security or commercial proprietary reasons;
- Information is subject to solicitor-client or other privilege;
- Information was generated in the course of a resolution process; and
- The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process.

In cases where the personal information forms part of a record created by another organization (or person), the College may refer the individual to the organization (or person) that created the record (unless it is inappropriate or impossible to do so) so that the individual may obtain access to the personal information from the original source rather than the College.

While the College's response will typically be provided at no cost or minimal cost to the individual, depending on the nature of the request and the amount of information involved, the College reserves the right to impose a cost recovery fee. In these circumstances, the College will inform the individual of the cost to provide the response and proceed to respond to the request upon payment by the individual of the fee.

The College will make every effort to respond to the request within thirty days and to assist the individual in understanding the information.

Individuals should send their written request for access, with contact information and sufficient information about themselves to identify them, to the Associate Registrar, Policy, College of Physiotherapists of Ontario at 416-591-3828 or 1-800-583-5885, extension 232, email at info@collegept.org or by mail to 375 University Avenue, Suite 901, Toronto, Ontario M5G 2J5.

In the event the College refuses to provide access to all of the personal information it holds, the College will provide reasons for denying access except in circumstances where the provisions of such reasons

may compromise the ability of the College to administer or enforce the Legislation.

Upon receipt of the College's response to his or her request, the individual may then choose to register a concern with the Associate Registrar, Policy.

Challenging accuracy and completeness of personal information

An individual has the right to request a correction of what, in his or her view, is erroneous information. Where the information forms part of a record created by another organization (or person), the College may refer the individual to the organization (or person) that created the record (unless it is inappropriate or impossible to do so) so that the individual may challenge the accuracy or completeness of the information.

Where the College receives notification from the originator of a record that an individual has been able to successfully demonstrate that the personal information of a factual nature (not, for example, the expression of an opinion) was inaccurate or incomplete and changes to the information were required, if the College has a copy of this information the College will amend the information (i.e. correct, or add information). In some cases, a correction may be inappropriate (e.g. where the fact that a person made or recorded such a statement is the primary focus of the record rather than whether the statement is, in fact, accurate).

If an individual who requests a correction to his or her record cannot be referred to the organization that created it, the College, upon the individual's successful demonstration that personal information of a factual nature was inaccurate or incomplete, will amend the information through correction or addition. In addition, where appropriate, the College will notify any third parties to whom the College has disclosed the erroneous information.

Where there is a dispute between the individual and the College as to the accuracy or completeness of the information, then the College will document the details of the disagreement and, where appropriate, will advise any third party who received the contested information from the College of the unresolved disagreement.

Principle 10: Challenging Compliance

Concerns or questions regarding the College's compliance with this Privacy Code should be directed to the Associate Registrar, Policy, College of Physiotherapists of Ontario at 416-591-3828 or 1-800-583-5885, extension 232, email at info@collept.org or by mail to 375 University Avenue, Suite 901, Toronto, Ontario M5G 2J5.

Upon receipt of a concern of this nature the Associate Registrar, Policy will initiate a review of the concern that includes:

- informing the registrar that a concern has been noted;
- acknowledging the concern;
- reviewing the expressed concern in light of this Privacy Code, relevant statutes, other relevant College policies or procedures, and any extenuating circumstances that may apply;
- providing a written decision and reasons to the individual who identified the concern; and

- taking appropriate measures if/when the concern is found to be justified.

If the Associate Registrar, Policy cannot satisfactorily resolve a concern, the next stage in the College's formal challenging compliance procedure permits a privacy concern to be made to and reviewed by the College's Privacy Committee. Upon receipt of a concern that has not been satisfactorily resolved by the Associate Registrar, Policy, the College Privacy Committee will initiate a review of the concern that includes:

- informing the registrar that a concern has been made;
- acknowledging the concern;
- reviewing the expressed concern in light of this Privacy Code, relevant statutes, other relevant College policies or procedures, any extenuating circumstances that may apply and the previous review of the matter by the Associate Registrar, Policy;
- providing a written decision and reasons to the complainant; and
- taking appropriate measures where the concern is found to be justified.

Please note that there is a different process for handling complaints about the conduct or actions of a registrant of the College. Please contact the Professional Conduct Team if you wish to file a complaint about the conduct or actions of a registrant of the College. You may contact the Coordinator of Investigations at investigations@collegept.org or by phone at 416-591-3828, or 1-800-583-5885 extension 227.

Schedule 1

SECTION 36 OF THE REGULATED HEALTH PROFESSIONS ACT, 1991, as amended (as of 2009)

36. (1) Every person employed, retained or appointed for the purpose of the administration of this Act, a health profession Act or the Drug and Pharmacies Regulation Act and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

(a) to the extent that the information is available to the public under this Act, a health profession Act or the Drug and Pharmacies Regulation Act;

(b) in connection with the administration of this Act, a health profession Act or the Drug and Pharmacies Regulation Act, including, without limiting the generality of this, in connection with anything relating to the registration of registrants, complaints about registrants, allegations of registrants' incapacity, incompetence or acts of professional misconduct or the governing of the profession;

(c) to a body that governs a profession inside or outside of Ontario;

(d) as may be required for the administration of the Drug Interchangeability and Dispensing Fee Act, the Healing Arts Radiation Protection Act, the Health Insurance Act, the Independent Health Facilities Act, the Laboratory and Specimen Collection Centre Licensing Act, the Ontario Drug Benefit Act, the Narcotic

Control Act (Canada) and the Food and Drugs Act (Canada);

(e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(f) to the counsel of the person who is required to keep the information confidential under this section;

(g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;

(h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;

(i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons; or

(j) with the written consent of the person to whom the information relates. 2007, c. 10, Sched. M, s. 7(1).

Reports required under Code

(1.1) Clauses (1) (c) and (d) do not apply with respect to reports required under section 85.1 or 85.2 of the Code. 1993, c. 37, s. 1.

Definition

(1.2) In clause (1) (e),

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed.

Limitation

(1.3) No person or member described in subsection (1) shall disclose, under clause (1) (e), any information with respect to a person other than a member.

No requirement

(1.4) Nothing in clause (1) (e) shall require a person described in subsection (1) to disclose information to a police officer unless the information is required to be produced under a warrant. 1998, c. 18, Sched. G, s. 7 (2).

Confirmation of investigation

(1.5) Information disclosed under clause (1) (g) shall be limited to the fact that an investigation is or is not underway and shall not include any other investigation. 2007, c. 10, Sched. M s. 7 (5)

Not compellable

(2) No person or member described in subsection (1) shall be compelled to give testimony in a civil proceeding with regard to matters that come to his or her knowledge in the course of his or her duties. 1991, c. 18, s. 36 (2).

Evidence in civil proceedings

(3) No record of a proceeding under this Act, a health profession Act or the Drug and Pharmacies Regulation Act, no report, document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act, a health profession Act or the Drug and Pharmacies Regulation Act or a proceeding relating to an order under section 11.1 or 11.2 of the Ontario Drug Benefit Act. 1991, c. 18, s. 36 (3); 1996, c. 1, Sched. G, s. 27