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## Privacy Policy

### Purpose

To establish appropriate privacy protections for information collected, received, used, created or disclosed by the College.

### Relevant Legislation

[Regulated Health Professions Act, 1991 \(RHPA\), section 36](#)

[Health Professions Procedural Code](#) (RHPA Procedural Code)

[Psychotherapy Act, 2007](#) (the Act)

### Context

In carrying out its objects,<sup>1</sup> 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 *Regulated Health Professions Act, 1991* (RHPA), the RHPA Procedural Code, and the *Psychotherapy Act, 2007*. The activities of the College are subject to a number of oversight mechanisms including accountability to the Ontario Minister of Health and Long-Term Care and the Office of the Fairness Commissioner, as well as legal appeal processes before the Health Professions Appeal and Review Board (HPARB) and the Courts.

In fulfilling its mandate, the College may collect, use and disclose personal information regarding applicants for registration, registrants, registrants' clients 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 College 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. Individuals who breach this provision face fines of up to \$25,000.00 for a first-time offence

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<sup>1</sup> See section 3, RHPA Procedural Code.

and up to \$50,000 for a second or subsequent offence. Personal information handled by the College is subject to the provisions of this Privacy Policy.

The College's collection, use and disclosure of personal information in the course of carrying out its regulatory activities are done for the purpose of regulating the profession in the public interest. These regulatory activities are not of a commercial character. Accordingly, the performance by the College of its statutory duties is not covered by PIPEDA<sup>2</sup> or CASL.<sup>3</sup> The College has adopted this Privacy Policy voluntarily 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 RHPA Procedural Code and the *Psychotherapy Act, 2007*.

## **Scope**

This policy applies to all information CRPO collects, receives, creates, uses or discloses while performing its regulatory functions.

This may include information about registrants, applicants, members of the public, as well as about CRPO employees, and Council and Committee members.

## **Policy**

### *Accountability*

The Deputy Registrar, or an alternate College staff-person designated by the Registrar, is accountable for compliance with these policies and procedures. Complaints or questions regarding the manner in which personal information is being handled by the College should be directed to the Deputy Registrar who can be reached via [info@crpo.ca](mailto:info@crpo.ca).

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

The College's policies regarding privacy and information management are available on the College's website and on request by phone at 416-479-4330 or 1-844-712-1364.

### *Identifying Purposes*

The purpose for which the College collects, uses and discloses personal information is to administer and enforce the Legislation.

## **Information About Registrants**

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<sup>2</sup> Personal Information Protection and Electronic Documents Act.

<sup>3</sup> Canada's anti-spam legislation.

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

- to investigate complaints and reports regarding the conduct or actions of a registrant of the College;
- to inquire whether a registrant is incapacitated;
- to negotiate and implement informal resolutions, including acknowledgements and undertakings, advice, cautions, and specified continuing education and remediation programs (a SCERP) that may provide for reviewing samples of client records;
- to hold a hearing of allegations of a registrant's professional misconduct, incompetence, or incapacity;
- to carry out the Quality Assurance 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 clients, were sexually abused by registrants of the College;
- to assess whether a former registrant's certificate of registration should be reinstated;
- to 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 located on the College's website;
- to administer or enforce the Legislation.

The College may collect personal information regarding a registrant from the registrant, their employers, colleagues, clients 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 RHPA Procedural Code to maintain a register containing information about its registrants. Such information includes but is not restricted to: registration status and practice site information; criminal findings of guilt unless that finding has been overturned on appeal or there has been a pardon or record suspension; referrals to the College's Discipline Committee until the matter has been finally resolved; and the result and a synopsis of the decision for every finding made against a registrant as a result of a disciplinary or incapacity proceeding. The RHPA Procedural Code and the By-laws require the College to post the register on the College's website.

#### Information About Employers, Colleagues and Clients

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

- to investigate complaints and reports regarding the conduct or actions of a registrant of the College;

- to inquire whether a registrant is incapacitated;
- to hold a hearing of allegations of a registrant's professional misconduct, incompetence, or incapacity;
- to negotiate and implement informal resolutions, including acknowledgements and undertakings, advice, cautions, and specified continuing education and remediation programs (a SCERP) that may provide for reviewing samples of client records;
- to carry out the Quality Assurance 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 clients, were sexually abused by registrants of the College;
- 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;
- to administer or enforce the Legislation.

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

The College discloses personal information regarding the employers, colleagues, clients 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 clients related to the allegations of professional misconduct or incompetence. Another example of disclosure of personal information about clients of registrants of the College relates to complaints regarding the conduct or actions of registrants of the College. Where a complainant, who is frequently a client of a registrant, or a registrant, does not agree with a decision of the ICRC, subject to certain exceptions, either person can request a review by HPARB. The RHPA Procedural Code requires that the College disclose to HPARB a record of the investigation and the documents and things upon which the decision was based. This disclosure of personal information about a client of a registrant to HPARB is required under the RHPA Procedural Code.

#### Information About Applicants for Registration and Potential Registrants

The College collects and uses personal information regarding applicants and potential registrants and the clients of 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 and potential

registrants, references about them and their clients only as permitted by Section 36 of the RHPA or as required by law. For example, the RHPA Procedural 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 HPARB. The RHPA Procedural Code requires that the College disclose to HPARB 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 HPARB is required under the RHPA Procedural Code.

#### Information Related to Unauthorized Practice and Holding Out

The College collects and uses personal information regarding individuals who may be practising the profession of psychotherapy, using protected titles or holding themselves out as practising the profession, and information about their clients, to investigate whether the individual has contravened or is 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 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;
- 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. Further, the ICRC is required 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.

#### *Consent*

The College collects personal information for purposes related to its objects (as set out in the RHPA Procedural Code) including for the purpose of the proper 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 the Information About Registrants section. For example, applicants for registration are informed about the collection, use and disclosure of personal information prior to submitting an application. In many cases, obtaining consent of the individuals would 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. For example, personal information about a client may be collected and used without the client's consent for the purpose of an investigation of a registrant in accordance with the RHPA Procedural Code and any applicable regulations. Where practicable, the College will request client consent before collecting personal information such as their health record.

#### *Limiting Collection*

The College collects only the personal information that is required for the purposes identified in this Privacy Policy.

The College collects personal information using procedures that are fair and lawful. Personal information regarding clients must be collected as part of the College's regulatory function. This information is typically obtained by the College as part of an investigation. The focus of these inquiries is the conduct, competence or capacity of the registrant and the protection of the public. The College only collects personal information regarding clients to satisfy this regulatory purpose.

Where practicable the College avoids collecting personal information. For example, peer coaches may view redacted client records as part of the Quality Assurance Program, and not retain a copy after the peer and practice review has concluded.

#### *Limiting Use, Disclosure or Retention*

The College uses personal information only for the purposes identified in this policy 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 RHPA Procedural Code and By-laws clearly designate the information regarding registrants that is publicly available. The By-laws can be accessed from the College website or by contacting the College. In addition, under the RHPA Procedural Code, the College is required to publish certain information regarding discipline hearings conducted by the Discipline Committee.

Under the RHPA Procedural Code, discipline hearings conducted by the Discipline Committee are usually open to the public. Evidence at a discipline hearing may include personal information regarding the registrant and the registrant's clients, employers and colleagues related to allegations of professional misconduct or incompetence. Under the RHPA Procedural Code, the panel of the Discipline Committee has discretion to close a hearing under certain prescribed circumstances and/or restrict the publication of personal information where appropriate. Under the RHPA Procedural Code, reviews of decisions of the ICRC and Registration Committee by HPARB are open to the public. Similarly, HPARB has discretion to restrict the disclosure of personal information in its review process. The objective of these regulatory processes is always protection of the public.

As a regulatory body, the College needs to retain various kinds of information indefinitely. For example, the College is required to retain all prior investigation, disciplinary, and incapacity decisions about a registrant in the event another investigation takes place in the future. This could be many years later. Notwithstanding this need to retain certain information for long periods of time, the College securely disposes information that it determines it no longer needs to retain.

#### *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 uses its best efforts 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 losing 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. This information is also updated annually when registrants renew their registration with the College.

#### *Safeguards*

The College ensures that the personal information it holds is secure.

The College ensures that personal information is stored in electronic, and where necessary 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 orientation and ongoing training regarding the information safeguards required for personal information and their importance.

### *Openness*

The College's personal information management policies and procedures are available to the public and its registrants via the College's website or can be requested by phone at 416-479-4330 or 1-844-712-1364, or by email at [info@crpo.ca](mailto:info@crpo.ca). Inquiries concerning the College's policies and practices for collecting, using and disclosing personal information may be directed to the Deputy Registrar via the phone numbers or email address above.

### *Individual Access*

#### 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 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 dispute or resolution process;
- 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, the College may refer the individual to the organization that created the record (unless it is inappropriate to do so) so that the individual may obtain access to the personal information from the organization 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 approximate cost to provide the response and proceed upon payment by the individual of the cost.



The College will make reasonable efforts 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 the Attention of the Deputy Registrar, via [info@crpo.ca](mailto:info@crpo.ca).

In the event the College refuses to provide access to all of the personal information it holds, then the College will provide reasons for denying access. The individual may then choose to file a complaint with the Privacy Committee.

#### Challenging accuracy and completeness of personal information

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

Where an individual is able to successfully demonstrate that the personal information of a factual nature (not, for example, the expression of an opinion) is inaccurate or incomplete, the College will amend the information (i.e., correct, or add information). In addition, where appropriate, the College will notify any third parties to whom the College has disclosed the erroneous 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).

Where there is a dispute between the individual and the College as to the accuracy or completeness of the information, 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.

#### *Challenging Compliance*

Complaints or questions regarding the College's compliance with this Privacy Policy should be directed to the Deputy Registrar who can be reached at 416-479-4330, 1-844- 712-1364 or [info@crpo.ca](mailto:info@crpo.ca).

If the Deputy Registrar cannot satisfactorily resolve a complaint, the College has a formal privacy complaints procedure which includes:

- acknowledging the complaint;
- review of the complaint by the College's Privacy Committee;
- providing a written decision and reasons to the complainant; and
- taking appropriate measures where the complaint is found to be justified.

Please note that there is a different process for handling concerns about the conduct or actions of a registrant of the College. Please contact [complaints@crpo.ca](mailto:complaints@crpo.ca) if you wish to file a complaint or report about the conduct or actions of a registrant of the College.