



# Transparency and Privacy What the World Will Know About You

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*One of the major features of the upcoming amendments to the Regulated Health Professions Act is the increased information about dietitians that will be available in the public register. In making these amendments, the government expressed the desire that the public have access to more information about health care practitioners so that the public could make informed choices.*

## WHAT IS THE REGISTER?

The register is now defined as the public record of information about individual dietitians. As of June 4, 2009, the entire register will be publicly available on the College's website. In addition, it will be available upon request from the College's offices during regular business hours. The College is required to advise an inquirer of all categories of information recorded on the register; the inquirer does not have to "know what to ask for".

The list of publicly available information is too long to set out in this article.<sup>1</sup> However, the more significant items are:

1. A member's name;
2. A member's business contact information;
3. All names currently and previously used by the member;
4. Registration number;
5. Date of resignation and date of any lifting of suspension or revocation of the certificate of registration;

6. Any variation or removal of terms, conditions and limitations and the date these were made;
7. A brief summary of the allegations leading to a referral to a discipline hearing;
8. Any terms, conditions and limitations on a member's certificate of registration;
9. Any suspensions or revocations of a member's certificate of registration including for non-payment of fees;
10. Information about discipline and incapacity proceedings against a member;
11. Any finding of professional negligence or malpractice made by a court against a member.

In the past, the College has closed access to register information about RDs who are no longer members of the College. As of June 4, 2009, the law requires that much of this information remain open to the public unless some limited conditions apply, such as the information is obsolete and no longer relevant to the member's suitability to practice. Because of this, RDs should be mindful that any suspension or revocation of a certificate of registration, even for non-payment of fees, is information that is available to the public on the College website for years - even after an RD is no longer a member of the College.

## WILL DISCIPLINE INFORMATION APPEAR ONLINE, TOO?

The rules about discipline proceedings are complex. Once allegations have been referred to the discipline for a hearing, they will be shown on the register, available online on the website, along with information about the time and location of the discipline hearing. If a finding is made against the member, a synopsis of the finding will be put on the register. This synopsis is different from the more detailed summary of the reasons for decision that some

1. For a complete list see section 23 of the *Health Professions Procedural Code* found under the heading "Regulated Health Professions Act" at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) and consult the *College General By-Law No. 1* at [www.cdo.on.ca](http://www.cdo.on.ca) > Resources

colleges now normally post on the discipline portion of their website. In most cases, the penalty ordered by the Discipline Committee will also be shown.

The Discipline Committee can also direct that additional information be placed on the register if it feels that the information is important for the public to know (e.g., the member's location or type of practice). If the decision of the Discipline Committee is appealed, the fact of the appeal will be entered, but the rest of the information will remain on the register during the appeal. Obviously, if the court quashes the decision of the Discipline Committee on the appeal, then all of the information will come off the register.

Under the new rules, discipline information will generally remain on the register permanently, which means it will be available online permanently. If the finding is relatively minor (e.g., only a fine or only a reprimand was imposed and it does not involve sexual abuse) a member can ask for the information to be removed after six years. However, the member must then satisfy the Discipline Committee that the information is no longer relevant to the member's suitability to practise the profession and that there is no overbalancing public interest for keeping the information on the register.

### WHAT ARE THE SAFEGUARDS FOR PROTECTING THE PRIVACY OF RDS?

Generally information about registration matters, complaints and quality assurance concerns are not posted on the register. Neither is an RD's home contact information (unless the member provides no business contact information, because the public has the right to know where to contact a member for clarification of past services or to address concerns). Similarly, even though members have to report to the College when they have been found guilty of an

offence, that information is not placed on the register unless discipline proceedings result.

There is a key safeguard for RDs whose personal safety is at risk. In such cases, the Registrar has the ability to withhold all contact information to protect them. However, the Registrar has to be advised of the safety risk. Any member feeling at risk for their personal safety if contact information is made public should write to the Registrar with the request to remove it from the register. The request should contain details of the safety risk and documentation confirming it (e.g., terms of release or restraining orders; witness attestations, etc.).

Another safeguard is that personal health information about members will only be posted on the register when reasonably necessary to do so. Generally, this will occur where the member has an illness that affects his or her ability to practise safely (e.g., an addiction or certain severe and chronic mental illnesses). Even then, only the minimum amount of information necessary to protect the public and ensure accountability to the College will be posted. For example, in the case of an incapacity finding by the Fitness to Practise Committee, the register might indicate that the member has a term, condition and limitation on his or her certificate of registration that he or she is incapacitated and must continue to participate in medical treatment for it.

Public access to certain professional information about members is part of the price of being a self-regulated professional. Members should be aware of the types of information that are available about them, what information will not be found on the register and of the safeguards they can employ, particularly where their personal safety is at risk.

## Have you recently moved or changed your work place?

**If so, please update your register information online.**

1. Access your profile from your secure Member Home Page at [www.cdo.on.ca](http://www.cdo.on.ca)
2. Enter your registration number and password in the login boxes.
3. Click on [Update my Register Information](#)