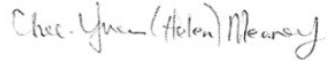




Policy Title: DISCLOSURE OF INFORMATION		Policy Section: IV Governance Process	Policy Number: IV-135
Approved By: Board of Directors	Date Approved: Jan 23, 1996	Date Reviewed/ Revised: Nov 30, 2007 Nov 30, 2010 Nov 29, 2013 Dec 3, 2018 Dec 12, 2023	President's Signature: 

BACKGROUND

The College of Medical Laboratory Technologists of Ontario (CMLTO) Board believes in accountability and transparency and as such the Board supports disclosure to the public of information that does not need to be kept confidential. In addition, the CMLTO has the duty to preserve the values of public scrutiny and accountability for the actions of the College.

POLICY PURPOSE

The purpose of this policy is to identify the CMLTO's intention to be as transparent and open as possible with CMLTO information, while at the same time honouring and protecting the confidentiality of information that either relates to individuals or that must be kept confidential. This policy is designed to identify the exemptions for disclosing information under the *Regulated Health Professionals Act, 1991* (the "RHPA"), Section 36, i.e., the exceptions under which certain information may be disclosed by CMLTO.

POLICY

Pursuant to the RHPA, information that comes to the knowledge of every person employed, retained or appointed for the purpose of administration of the RHPA and the *Medical Laboratory Technology Act, 1991* must be kept confidential unless a specific exemption permits it to be disclosed. At CMLTO, it is the Registrar & CEO who determines, in each case, if an exemption applies.



Information, in general, must be kept confidential except:

1. To the extent that the information is available to the public under the RHPA, a health profession Act or the *Drug and Pharmacies Regulation Act*.

- Examples of publicly available information include information that is:
 - Included on the public portion of the College website and register,
 - About statutes, regulations, by-laws and most Board policies about the time, place, agenda, and minutes of Board meetings (excluding minutes of closed sessions),
 - About the time and place of discipline hearings from which the public is not excluded, and
 - About:
 - CMLTO's governance approach, values, and strategic direction,
 - A summary of significant regulatory processes,
 - CMLTO's approach to ethics, prudence, and equity, and
 - CMLTO's approach to intentionally and transparently evaluating the impact of its decisions on the public interest.

2. In connection with the administration of the RHPA, 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 members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession.

This exception is generally interpreted quite narrowly and would include instances where specific authorization is provided in the RHPA (such as information requested by the Minister of Health regarding health human resources planning), or information that is required in connection with the administration of the RHPA as it relates to a complaint, such as providing sufficient information to a witness in an investigation so the witness knows what is being asked of them.

3. To a body that governs a profession inside or outside of Ontario.

This exception allows information to be provided by CMLTO to both health and non-health regulators in any jurisdiction.

4. 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 Coroners Act, the Controlled Drugs and Substances Act (Canada) and the Food and Drugs Act (Canada).

This exception would allow the CMLTO, for example, to provide information to OHIP about fraud under the *Health Insurance Act*.

5. 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.

A “law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed. Nothing requires a person to disclose information unless a police officer produces a warrant for that information.

6. To the counsel of the person who is required to keep the information confidential under this section.

This exception allows a member of the CMLTO, including the Board, to provide information to their legal counsel in defense, for example, of a civil action for breach of confidentiality.

7. To confirm whether the CMLTO is investigating a member, and if there is a compelling public interest in the disclosure of that information.

Information that may be disclosed pursuant to this exception is limited to the fact that an investigation is or is not underway and shall not include any other information.

8. Where disclosure of the information is required by an *Act of the Legislature* or an *Act of Parliament*.

An example of where disclosure is required by a statute would be the requirement to report suspected child abuse under the *Child and Family Services Act*.

9. 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.

An example of when this exception would apply is if the CMLTO became aware of a serious threat made by a member against a specific person, such as a complainant.

10. With the written consent of the person to whom the information relates.



If information relates to a specific person but the person has consented in writing to the information being made public, then it may be disclosed.

11. To the Minister in order for the Minister to determine whether the CMLTO is fulfilling its duties and carrying out its objects or whether the Minister should exercise any powers under the Act.

This exception allows the CMLTO to share any information with the Minister of Health who has powers under the RHPA, including the power to review a Council's (Board's) activities.

Board Members' Duty Regarding Confidential Information:

Board Members, through their work on the Board, statutory committees, and ad hoc working groups may be exposed to confidential information. It is expected and required that all Board Members will maintain the strictest confidentiality about any information that comes to their attention in the course of their duties. Breach of this duty, as described in subsection 36(1) of the RHPA, is a provincial offence punishable by a fine of up to \$25,000.

An intentional breach of the duty of confidentiality may constitute an absence of good faith making the offender liable for damages despite the immunity provision contained in section 38 of the RHPA.