

REGISTRATION AND LICENSING DIRECTION

Current and updated as of: January 8, 2004

3.21 Safeguarding Personal Information About Registrants

Purpose:

The College of Physiotherapists of Manitoba collects and stores personal information about registrants and others, in an effort to uphold its mandate to protect and serve the public by striving to improve the quality of physiotherapy services to Manitobans. The College also has a role to ensure that the personal information of registrants is safeguarded

Policy:

Information that is collected by the College is collected and stored in paper and/ or electronic format. Generally speaking, the information collected about registrants usually falls into two categories: 1) registration information 2) complaint, investigation and inquiry information.

Registration information: To ensure that new registrants meet the legislated requirements for registration as a physiotherapist, new applicants are asked to provide a certified copy of their education degree, a criminal record check, proof of professional liability insurance coverage, a membership in good standing form from previous regulatory authorities and an application form, which contains personal information such as current home address etc. This information is kept permanently in an individual registrant's file.

On a yearly basis, registrants are required to renew their registration and provide the College with an update of their information- such as change in address, workplace, educational achievement, criminal convictions over the past year, any physical or mental disorders that may affect their ability to practice physiotherapy, practice hours and current professional liability insurance coverage. This information is also stored permanently in the individual's file.

Persons seeking registration sometimes forward information to the College, such as a resume, transcripts, employer references or other similar information, in an effort to have the College determine whether they are eligible for registration as a physiotherapist. This information is stored for 2 years and then destroyed, unless the person is registered by the College within the two year time frame.

Complaints, investigation and inquiry information: In order to handle a complaint against a physiotherapist, the College requires the complainant to write a formal letter, documenting his/her concerns. Once a letter is received, a complaint file is established and the file is given a number (to protect the identities of the complainant and the physiotherapist). All information and any correspondence concerning the complaint is placed in this file. If the complaint is investigated, the investigation report is also included in the file. Information on the disposition of the complaint (including decision of the complaints committee, censure, or referral of the complaint to the Inquiry Committee) is kept in the file. The decision of the Inquiry panel is also kept on file.

Purpose of collecting and storing this information:

The registration information is collected to ensure that the applicant and those physiotherapists renewing their registration are meeting the requirements of provincial legislation, *The Physiotherapists Act*. This information is stored permanently as a record of registration in order to be able to provide information, with the registrants consent, to other regulatory authorities who may be seeking this information (e.g. for Agreement on Internal Trade purposes).

The complaints, investigation and inquiry information is collected as part of the process to handle complaints against members. Information on complaints is stored for ten years unless there is a finding and a decision made by the Complaints Committee, the registrant accepts censure or there is a finding and decision made by the Inquiry Panel. Under these circumstances, a permanent record is stored on the registrant's file.

Disclosure of information:

According to *The Physiotherapists Act*, the College is required to make public the following information:

- Every physiotherapist's name, business address, and business telephone number
- The conditions imposed on every certificate of registration
- A current suspension of a certificate of registration
- The result of every disciplinary proceeding within the last six years, in which a certificate of registration was cancelled, suspended or had conditions imposed on it or in which a physiotherapist was required to pay a fine or attend to be censured
- Information that the regulations specify as information to be kept in the register that is designated as public information.
- The Complaints Committee may publish the fact that a member has been censured and publication may include the member's name and a description of the circumstances that led to the censure.
- The Complaints Committee may disclose to a law enforcement authority any information respecting possible criminal activity on the part of a member that is obtained during an investigation into the member's conduct.
- Hearings of the Inquiry Committee are to be held in public. Public notice of the hearing can be issued in any manner but the name of the investigated person shall not be disclosed. The Hearing shall not be reported in the media whereby the identity of the investigated member is disclosed, including the member's name, business name of the member's practice or partnership, or the location of the practice unless and until the panel makes a finding. A member can request a private hearing, under certain circumstances as per section 37 (3) of *The Physiotherapists Act*.

All other registrant information is considered personal and will not be released to others without the expressed consent of the registrant. For example, the Membership in Good Standing form contains a consent form which must be signed before the College will release any information to another College.

The College publishes two Registers yearly, which contain the registrant's name, workplace and workplace address and telephone number. The Register is provided to each facility/ business that hires physiotherapists in order that the employer can ensure that the physiotherapy employees are fully registered to practice. Third party payers and others may purchase the Register at cost, for the purpose of ensuring that the services received by their clients are being provided by registered physiotherapists. Other sources may purchase the Register for the purposes of contacting physiotherapists for research, or to advertise courses, products.

Security Measures:

The College keeps individual member files and complaint files (paper) locked up in filing cabinets. Access to information in these files is only granted to the Registrar/ Executive Director, the Registration Secretary, the Board of Assessors and parties dealing with a complaint (e.g. the Complaints Committee, the investigator, the College's lawyer (s)). All personal information is kept confidential and each employee, committee and Council member must sign an oath of confidentiality.

Personal information about registrants is also kept on the College's database. Our computer system is designed to prevent unauthorized access by the use of password protection. The College retains personal information only as long as it is reasonably required. When personal information is no longer needed, the College has procedures to destroy, delete, erase or convert the information to an anonymous form.

Ensuring the accuracy of the information:

The By-laws of the College require members to notify the College of changes to name, address, telephone number and place of employment in order to keep personal information updated. The College will make appropriate corrections to the database and files. The College also sends the Register to each employer twice per year, seeking changes to the registrant's employment information. There is also a reminder printed in every newsletter notifying registrants to contact the College with changes to their personal or employment information

Registrant's access to information:

At the request of a registrant, the College will confirm the nature of the personal information that has been collected, the purpose for which it is being used, and to whom it is being disclosed and how long it will be retained.

When making such requests, the registrant will be asked to provide proof of identity and will be asked for the specific information that is being requested. The request will be responded to within 30 days. Wherever possible, the College will give registrants access to their information in order that they may review its accuracy.

Privacy related Inquiries:

If registrants have concerns about privacy or confidentiality of their personal information or the manner in which their personal information is being handled, the registrant should contact the Information Officer at the College's address. The Information Officer for the College is the Registrar/ Executive Director. In the letter, the registrant should describe his/her questions or concerns in as much detail as possible. The College will investigate the matter promptly and will respond within 30 days after receiving the letter.

If the issue is not resolved to the registrant's satisfaction, a complaint may be filed in writing to:

The Office of the Privacy Commissioner of Canada
112 Kent Street,
Ottawa, Ontario K1A 1H3