HRPA Privacy Policy

November, 2015

Prologue

HRPA is both professional association and professional regulatory body. Each role requires a somewhat different approach to privacy. As a professional association, HRPA serves the interests of its members; however, as a professional regulatory body, HRPA has a mandate and an obligation to protect the public interest. HRPA must balance the protection of personal information with its mandate to protect the public interest. HRPA will act to protect all personal information in its custody or under its control unless there is an over-riding public interest that would requires such personal information to be collected, used, or disclosed without consent.

This Privacy Policy has been designed to clarify expectations that employees, members, subcontractors, and members of the public might have of HRPA in regards to the management of the personal information in its possession or under its control under various circumstances. This Privacy Policy describes the principles HRPA will use in managing the personal information in its possession or under its control. It addresses how such information is to be collected, how it is to be used, and the conditions under which it may be disclosed.

As most of HRPA's activities would be deemed non-commercial in nature, the federal *Personal Information Protection and Electronic Documents Act (PIPEDA)* would rarely apply to HRPA. Nonetheless, HRPA has voluntarily agreed to abide by the principles laid out in PIPEDA as laid out in this present Privacy Policy.

HRPA will continue to review its Privacy Policy to ensure it is relevant and remains current with changing technologies and laws. Most importantly, HRPA will ensure that its Privacy Policy continues to meet the evolving needs of our members, customers, employees, and the public.

Bill Greenhalgh
Chief Executive Officer, HRPA

Chief Privacy Officer

Claude Balthazard is designated as HRPA's Chief Privacy Officer, and has overall responsibility for the protection of personal information at HRPA and for HRPA's compliance with this Privacy Policy.

HRPA's Chief Privacy Officer shall investigate all complaints concerning compliance with HRPA's Privacy Policy. If a complaint is found to be justified, HRPA shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A member, employee, or any member of the public for whom HRPA has personal information shall be informed of the outcome of the investigation regarding his or her complaint.

Contact Information for HRPA's Chief Privacy Officer:

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If using e-mail as a point of contact, please ensure that you identify "Privacy" in your subject line.

The Chief Privacy Officer may seek external advice where appropriate before providing a final response to individual complaints.

For more information on HRPA's privacy practices, visit our website at www.hrpa.ca or call 1-800-387-1311.

HRPA's Privacy Policy and the *Personal Information Protection and Electronic Documents Act (PIPEDA)*

It is a common misunderstanding that the *Personal Information Protection and Electronic Documents Act (PIPEDA)* applies to HRPA. For the most part, PIPEDA does not apply to HRPA. This is because PIPEDA applies to *commercial activity* and very little of what goes on at HRPA would be deemed *commercial activity* as defined by the Office of the Privacy Commissioner.

- Section 2(1) of PIPEDA states that "commercial activity" means "any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists."
- Section 4(1)(a) of PIPEDA provides that PIPEDA applies to every organization in respect of personal information that the organization "collects, uses or discloses in the course of commercial activities" or "is about an employee of the organization and that the organization collects, uses or discloses in connection with the operation of a federal work, undertaking or business."
- HRPA is incorporated by act of provincial legislature and is not involved in a federal work, undertaking or business.
- Not-for-profit organizations are not automatically exempt from PIPEDA. Whether an organization is a non-profit business for purposes of taxation is not determinative of whether its collection, use or disclosure of personal information is carried out in the course of commercial activity.
- The courts have determined that although an association's collection of membership fees in exchange for the services and benefits of membership may constitute an "exchange of consideration" under the laws of contract; this does not in itself lead to the finding of a commercial activity for the purposes of PIPEDA. The Privacy Commissioner's Fact Sheet states: "Collecting membership fees, organizing club activities, compiling a list of members' names and addresses, and mailing out newsletters are not considered commercial activities." Also, the Ontario Superior Court of Justice has held that there must be more than an exchange of consideration for an activity to be considered commercial. In determining whether an activity is commercial, and thus subject to PIPEDA, the courts have considered the nature of the organization's core activities.
- Industry Canada's Questions and Answers Sheet on PIPEDA states that regulatory bodies do not engage in commercial activities when they collect, use or disclose personal information in the course of carrying out their statutory duties to regulate their members.

Pulling together the information above, it is clear that little if any of what HRPA does would be deemed 'commercial activity.' Although PIPEDA would not generally apply to HRPA, the Association has *voluntarily* agreed to abide by the principles and framework of PIPEDA *except* where the Association's obligations as a professional regulatory body necessitate the collection, use, and disclosure of personal information without consent.

Notwithstanding, PIPEDA would apply to HRPA where such activities are commercial in nature and do not follow from HRPA's core activities. By their very nature, activities that would be commercial in nature would not fall under professional regulation and would not be carried out in the public interest. These activities would be covered by PIPEDA.

Although HRPA is generally not subject to PIPEDA, it is subject to its own by-laws and policies. In other words, HRPA is subject to obligations that are contained in PIPEDA but not because HRPA is subject to PIPEDA *per se* but because HRPA has enacted this Privacy Policy which is modeled after PIPEDA.

Definitions

Business contact information means an individual's name, position name or title, business telephone number, business address, business e-mail, business fax number and other similar business information collected, used or disclosed to contact an individual in his or her capacity as an employee or official of an organization.

Collection means gathering, acquiring, recording, photographing or obtaining personal information from any source, and by any means.

Commercial activity means "any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists" (PIPEDA).

Complainant means an individual who lodges a complaint with the professional regulatory organization or with the Commissioner.

Disclosure means showing, telling, sending, or giving personal information to some other individual or organization or the public. Disclosure does not include use of the information within the professional regulatory organization but does include use of the information for non-regulatory purposes of information collected for regulatory purposes.

Investigation means an investigation related to a complaint lodged against a member of HRPA.

Member means a member of HRPA.

Personal information means information about an identifiable individual.

Professional Act means an enactment under which a professional or occupational group or discipline is organized and that provides for the membership in and the regulation of the members of the professional or occupational group or discipline including such matters as registration, regulation, competence, conduct, practice and discipline of its members.

Professional regulatory organization (PRO) means those an organization incorporated under a professional Act.

Professional regulatory activity means any activity that is undertaken by the professional regulatory organization in fulfilment of its regulatory mandate. It is a requirement of professional regulatory

activities that these are carried out in the public interest. Activities that are not carried out in fulfilment of HRPA's regulatory mandate and which are not carried out in the public interest are deemed not to be professional regulatory activities.

Volunteer means any individual who is appointed to any of HRPAs committees or carries out activities on behalf of HRPA or one of its chapters.

Use means employing personal information to carry out activities which are in fulfilment of HRPA's regulatory mandate.

Scope and Application of HRPA's Privacy Policy

The basic approach to privacy at HRPA is that HRPA will endeavor to protect the personal information of members, customers, employees, and members of the public except in those situations where the obligation to protect the public interest over-rides the obligation to protect the personal information of members, customers, employees, and members of the public. The obligation to protect the public interest follows from HRPA's duties and obligations as a professional regulator.

The ten principles, which form the basis of the HRPA Privacy Policy, are interrelated and HRPA in its activities as a professional association shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. The commentary in the HRPA Privacy Policy has been tailored to reflect personal information issues specific to HRPA.

The scope and application of the HRPA Privacy Policy are as follows:

1. The Policy applies to personal information about HRPA members, employees, and members of the public for whom HRPA has personal information that is collected, used, or disclosed by HRPA.

2. The Policy applies to the management of personal information in any form whether oral, electronic, or written.

3. The Policy does not impose any limits on the collection, use or disclosure of the following information by HRPA:

   (a) a member or customer's name, address, telephone number and e-mail address, when listed in a directory or available through directory assistance; or
   (b) an employee's name, title, business address (including e-mail address) or business telephone or fax.

4. The Policy does not apply to information regarding HRPA's corporate customers; however, such information is protected by other HRPA policies and practices and through contractual arrangements.

Privacy policy in the context of association activity

The 10 Principles

Principle 1 – Accountability

HRPA is responsible for personal information under its control and as such designated Claude Balthazard, Ph.D., C.Psych., CHRP as our Chief Privacy Officer accountable for HRPA's compliance with the following principles:

1. Responsibility for ensuring compliance with the provisions of the HRPA Privacy Policy rests with the Chief Privacy Officer. The Chief Privacy Officer may however delegate to other HRPA employees to act on their behalf for certain responsibilities.

2. HRPA shall make known, upon request, the title of the person(s) acting on behalf of the Chief Privacy Officer, and the mandate and responsibilities of its Chief Privacy Officer.

3. HRPA is responsible for personal information in its possession or control. HRPA shall use appropriate means to provide a comparable level of protection when information is being processed by a third party (see Principle 7).

4. HRPA shall implement policies and procedures to give effect to the HRPA Privacy Policy, including:

    a. implementing procedures to protect personal information and to oversee HRPA's compliance with the HRPA Privacy Policy;
    b. establishing procedures to receive and respond to inquiries or complaints;
    c. training and communicating to staff about HRPA's policies and procedures; and
    d. Developing public information to explain HRPA's policies and practices.

Principle 2 – Identifying Purposes

HRPA shall identify the purposes for which personal information is collected at or before the time the information is collected.

1. HRPA collects personal information only for the following purposes:

    (a) to establish and maintain responsible relations with members and customers and to provide ongoing service;
    (b) to understand member and customer needs and preferences;
    (c) to develop, enhance, market or provide products and services;
    (d) to manage and develop HRPA's business and operations, including personnel and employment matters; and
    (e) to meet legal and regulatory requirements.

    Further references to "identified purposes" mean the purposes identified in this Principle.

2. HRPA shall specify orally, electronically or in writing the identified purposes to the member, member, employee, or any member of the public for whom HRPA has personal information at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within HRPA who shall explain the purposes.
3. Unless required by law, HRPA shall not use or disclose for any new purpose personal information that has been collected without first identifying and documenting the new purpose and obtaining the consent of the member, employee, or any member of the public for whom HRPA has personal information. Personal information collected in the context of professional regulation shall not be used for other purposes without obtaining the consent of the member, employee, or any member of the public for this additional purpose.

Principle 3 – Consent & Disclosure

The knowledge and consent of a member, customer, employee, or member of the public are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

The Office of the Privacy Commissioner has recognized that where a third party service provider is offering services directly related to the purpose for which the information was collected, no additional consent is required in order for an organization to transfer information to that third party and there is no requirement to provide an opt-out option.

In general, the use of products and services by a member or customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for HRPA to collect, use and disclose personal information for all identifiable purposes.

1. HRPA may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as where the individual is seriously ill or mentally incapacitated.

2. HRPA may also collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting the information, such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law.

3. HRPA may also use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.

4. HRPA may disclose personal information without knowledge or consent to a third party representing HRPA, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

5. In obtaining consent, HRPA shall use reasonable efforts to ensure that a member, employee, or any member of the public for whom HRPA has personal information is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the member, employee, or any member of the public for whom HRPA has personal information.

    (a) Generally, HRPA shall seek consent to use and disclose personal information at the same time it collects the information. However, HRPA may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
    (b) HRPA will require customers to consent to the collection, use, or disclosure of personal information as a condition of the supply of a product or service only if such collection, use, or disclosure is required to fulfill the identified purposes.
    (c) In determining the appropriate form of consent, HRPA shall take into account the sensitivity of the personal information and the reasonable expectations of its customers and employees.

6. A member, customer, employee, or member of the public may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Members, employees, and members of the public for whom HRPA has personal information may contact HRPA for more information regarding the implications of withdrawing consent.

Principle 4 – Limiting Collection

HRPA shall limit the collection of personal information to that which is necessary for the purposes identified by HRPA. HRPA shall collect personal information by fair and lawful means.

1. HRPA collects personal information primarily from its members, customers, employees, or members of the public.

2. HRPA may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

Principle 5 – Limiting Use, Disclosure and Retention

HRPA shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. HRPA shall retain personal information only as long as necessary for the fulfillment of those purposes.

1. HRPA may disclose a customer's or member's personal information to:

    (a) a person who in the reasonable judgment of HRPA is seeking the information as an agent of the member or customer;

(b) a company or individual employed by HRPA to perform functions on its behalf, such as research or data processing;
(c) another company or individual for the development, enhancement, marketing or provision of any of HRPA's products or services;
(d) a third party or parties, where the member or customer consents to such disclosure or disclosure is required by law.

2. HRPA may disclose personal information about its employees:

   (a) for normal personnel and benefits administration;
   (b) in the context of providing references regarding current or former employees in response to requests from prospective employers; or
   (c) where the employee consents to such disclosure or disclosure is required by law.

3. Only HRPA's employees with a business need to know, or whose duties reasonably so require, are granted access to personal information about members, customers and employees.

4. HRPA shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a member, customer, or employee, or member of the public, HRPA shall retain, for a period of time that is reasonably sufficient to allow for access by the member, customer, or employee, or member of the public, either the actual information or the rationale for making the decision.

5. HRPA shall maintain reasonable and systematic controls, schedules, and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased, or made anonymous.

Principle 6 – Accuracy

Personal information shall be accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

1. Personal information used by HRPA shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a member, employee, or any member of the public for whom HRPA has personal information

2. HRPA shall update personal information about members, customers and employees as and when necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 – Safeguards

HRPA shall protect personal information by security safeguards appropriate to the sensitivity of the information.

1. HRPA shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. HRPA shall protect the information regardless of the format in which it is held

2. HRPA shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

3. All of HRPA's employees with access to personal information shall be required to respect the confidentiality of that information.

Principle 8 – Openness

HRPA shall make readily available to members, employees, and members of the public for whom HRPA has personal information specific information about its policies and practices relating to the management of personal information.

1. HRPA shall make information about its policies and practices easy to understand, including:

   (a) the title and address of the person or persons accountable for HRPA's compliance with the HRPA Privacy Policy and to whom inquiries or complaints can be forwarded;
   (b) the means of gaining access to personal information held by HRPA; and
   (c) a description of the type of personal information held by HRPA including a general account of its use.

2. HRPA shall make available information to help members, customers, employees and members of the public exercise choices regarding the use of their personal information.

Principle 9 – Individual Access

HRPA shall inform a member, customer, employee, or member of the public of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. A member, customer, employee, or member of the public shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

1. Upon request, HRPA shall afford members, employees, and members of the public for whom HRPA has personal information a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.

2. In certain situations, HRPA may not be able to provide access to all the personal information that it holds about a member, customer, or employee, or member of the public. For example, HRPA may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor – client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a

federal or provincial law. If access to personal information cannot be provided, HRPA shall provide the reasons for denying access upon request.

3. Upon request, HRPA shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, HRPA shall provide a list of organizations to which it may have disclosed personal information of the individual when it is not possible to provide an actual list.

4. In order to safeguard personal information, a member, customer, employee, or member of the public may be required to provide sufficient identification information to permit HRPA to account for the existence, use, and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.

5. HRPA shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, HRPA shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.

6. Members, customers, or members of the public can seek access to their personal information by contacting a designated representative at HRPA's business offices. Employees can seek access to their personal information by contacting their immediate supervisor within HRPA.

Principle 10 – Challenging Compliance

A member, customer, employee, or any member of the public for whom HRPA has personal information shall be able to address a challenge concerning compliance with the above principles to the Chief Privacy Officer of HRPA who is accountable for HRPA's compliance with the HRPA Privacy Policy.

1. HRPA shall maintain procedures for addressing and responding to all inquiries or complaints from its members, customers, employees and members of the public on whom it has collected personal information about HRPA's handling of personal information.

2. HRPA shall inform its members, customers, employees and members of the public on whom it has collected personal information about the existence of these procedures as well as the availability of complaint procedures.

Privacy policy in the context of regulatory activity

The general principle here is that the greater good can dictate that personal information can, or should be, collected, used, and/or disclosed without consent in certain situations. The courts have recognized that professionals do give up some of their rights to privacy in exchange for the privilege of being professionals. In other words, protection of the public interest will trump privacy rights of regulated professionals in certain situations. This document describes what those situations might be.

Procedural fairness is another reason why there may be limits to privacy. For instance, in the handling of a complaint, the identity of the complainant will be revealed to the member against whom the complaint was made. But even here, other considerations might apply. In the situation where revealing the identity of the complainant would put the complainant at risk of harm, the complainant's identity might be withheld. Here, the right to safety trumped the public interest.

Another principle is that administration of justice, and public confidence in the administration of justice, require transparency in judicial and quasi-judicial proceedings. For this reason, disciplinary hearings are usually public. Again, however, there are some circumstances where such hearings may be closed to the public.

In regulatory matters, privacy becomes one factor among others that must be balanced. HRPA's commitment is that its by-laws, policies, procedures, and decisions in the context of professional regulation will always be based on a careful appreciation of the circumstances at hand.

What is regulatory activity?

As defined above, *professional regulatory activity* means any activity that is undertaken by the professional regulatory organization in fulfilment of its regulatory mandate. It is a requirement of professional regulatory activities that these are carried out in the public interest. Activities that are not carried out in fulfilment of HRPA's regulatory mandate and which are not carried out in the public interest are deemed not to be professional regulatory activities.

An important characteristic of professional regulatory activity is that such activities are carried out in the public interest. HRPA's objects, as laid out in the *Registered Human Resources Professionals Act 2013*, specifically refer to a public interest mandate or duty.

The objects of the Association as laid out in the *Registered Human Resources Professionals Act, 2013*, are:

4. The objects of the Association are,

(a) to promote and protect the public interest by governing and regulating the practice of members of the Association and firms in accordance with this Act and the by-laws, including,

(i) establishing, maintaining, developing and enforcing standards of qualification,

(ii) establishing, maintaining, developing and enforcing standards of practice,

(iii) establishing, maintaining, developing and enforcing standards of professional ethics,

(iv) establishing, maintaining, developing and enforcing standards of knowledge, skill and proficiency, and

(v) regulating the practice, competence and professional conduct of members of the Association and firms;

(b) to promote and increase the knowledge, skill and proficiency of members of the Association, firms and students;

(c) to promote and protect the welfare and interests of the Association and of the human resources profession;

(d) to promote inter-professional collaboration with other professional bodies;

(e) to address any other matter that relates to the regulation of its members that the Board considers appropriate.

The Agreement on Internal Trade (AIT) does not provide a definition for regulation but does provide a definition of regulatory authority. A regulatory authority of a Party means a department, ministry or similar agency of government of a Party or a non-governmental body that exercises authority delegated by law. (The parties in question here are the signatories to the Agreement on Internal Trade.) A "non- governmental bodies that exercise authority delegated by law" means any non-governmental body to whom authority has been delegated by provincial or federal statute to set or implement measures related to:

(a) the establishment of occupational standards or certification requirements;
(b) the assessment of the qualifications of workers against established occupational standards or certification requirements; or
(c) the official recognition that an individual meets established occupational standards or certification requirements.

When conducted by regulatory authorities, setting occupational standards, assessing individuals against such standards, and recognizing individuals who have met such standards is a core regulatory activity. By implication, when such activities are carried out by organizations that are not regulatory authorities, they are not 'regulatory.'

Other regulatory activities include:

(a) Quality assurance programs
(b) Professional inspection programs
(c) Continuing professional development programs

(d) Complaints and investigations processes
(e) Discipline processes, and
(f) Maintenance of a public register

Specific situations where HRPA may collect, use and disclose personal information without consent

1. By law, HRPA is required to maintain and make public its register. The contents of HRPA's public register are established by by-law. Upon request, the contents of HRPA's public register may be disclosed by telephone, by mail or facsimile or via e-mail. Any disclosure will be limited to the information contained on the public register and according to any conditions set out in the by-laws.

2. In any complaint, the identity of the complainant will be disclosed to the member against whom the allegations of misconduct, incompetence, or incapacity were made. This disclosure is required in order to provide the member with a fair opportunity to answer the allegations. Only when the disclosure of the identity of the complainant would place the complainant in danger of harm would the identity of the complainant be withheld.

3. HRPA will not require the consent of the member to collect or disclose personal information relevant to an investigation pursuant to a complaint alleging misconduct, incompetence, or incapacity, Nonetheless, in collecting, using or disclosing personal information for an investigative purpose, HRPA will collect, use, or disclose only as much personal information as is reasonable for the conduct of the investigation.

4. HRPA will disclose personal information of its members to other bodies authorized to carry out investigations. Again, HRPA will limit its disclosure to information that is relevant to the investigation.

5. HRPA will refuse access to an individual's own personal information in investigation records, for example, if disclosing the information would interfere with an investigation or pose a threat to any witness.

6. The public confidence in the administration of justice requires transparency in disciplinary proceedings. The notice of hearing shall be made public for all matters referred to the discipline committee except for matters involving incapacity.

7. Disciplinary hearings shall be open to the public except where the panel hearing the case is of the opinion that,

   (a) matters involving public security may be disclosed; or

   (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case the tribunal may hold the hearing in the absence of the public.

8. The outcome of disciplinary proceedings shall be made public. The disposition of the disciplinary proceeding will be recorded in the public register. As well, the outcome of a disciplinary proceeding may be publicized through other channels (e.g., Association newsletters, website).
9. HRPA may share with professional regulatory organization information relevant to the ability of this other professional regulatory organization to fulfil its regulatory mandate. This information may include:

    (c) whether the person has been the subject of disciplinary, incompetence, incapacity or similar proceedings by HRPA;
    (d) whether the person has been denied registration by HRPA and the reasons why registration was denied;
    (e) whether the person's registration was the subject of any terms and conditions;
    (f) whether registration with HRPA was ever suspended or revoked; or in the case of a resignation whether there was a complaint, investigation or proceeding against the person or any outstanding obligations to HRPA; or
    (g) the terms of any undertakings that the person has agreed to with HRPA.

In the context of professional regulation at HRPA, this policy applies to:

- all HRPA staff involved in regulatory activities,
- any third party which has been delegated the responsibility to carry out some activity under a regulatory process (e.g., third party evaluation of credentials)
- volunteers appointed to various regulatory committees,
- legal counsel,
- investigators appointed by HRPA in regards to the investigation of complaints,
- persons who are not employees of HRPA or volunteers who may be hired for specific purposes in the context of regulatory activities (court reporters, transcribers, translators, interpreters, process servers, printers),
- members of HRPA who are involved in any regulatory process at HRPA,
- complainants,
- witnesses,
- expert witnesses, and
- members of the public who attend any regulatory proceeding by HRPA which is open to the public.

Principles for the collection, use, and disclosure of personal information in the context of regulatory activity

1. Information collected in the context of regulatory activities will not be used for purposes other than professional regulation unless express written consent is obtained for such non-regulatory use of the information.
2. The access to personal information in any regulatory activity or proceeding carried out by HRPA shall be limited to those who have a need to know this information.All persons engaged in

regulatory activities at HRPA have duty of confidentiality. In accordance with this duty of confidentiality, persons involved in regulatory matters at HRPA shall not disclose any such information or material to any person except,

(a) to HRPA support staff and other members of the panel dealing with the specific matter;
(b) to Independent Legal Counsel (ILC) appointed by HRPA or his or her personal legal counsel;
(b) with the consent of the person to whom the information or material relates;
(c) to the extent that the information or material is available to the public;
(d) as may be required in connection with the conduct of regulatory activities in accordance with the by-laws of HRPA; or
(e) as may otherwise be required by law.

3. The duty of confidentiality in regards to any information or material that comes to the knowledge or possession of a person in the course of his or her duties in any regulatory matter at HRPA continues in perpetuity.

HRPA shall endeavor to make all persons involved in any of its regulatory activities aware of their duties of confidentiality under this Policy and the by-laws of HRPA.