



F09-04-MS Reporter Probes for Details on Allegations of Unprofessional Behaviour

A member of the press asked a health professional college for copies of reports containing allegations of unprofessional behaviour by college registrants and a description of what had been done to address the allegations.

Although the reporter did not request the names of the parties involved in the incidents, the college concluded that the circumstances described in the allegations were sufficiently sensitive that in some cases simply revealing them might enable identification of the individuals involved. As a result, the college decided to withhold the reports in their entirety, citing section 22(3)(d) of the *Freedom of Information and Protection of Privacy Act*, and instead referred the applicant to its web page, which provided a brief description of each disciplinary action and the outcomes. This compromise was of little use to the applicant due to the lack of details supplied in the accounts.

When we began a review of the college's decision to withhold the reports, the college told us that the allegations either had not proceeded past the investigation stage or had been dealt with through the inquiry process—an informal, confidential process by which the parties try to resolve the complaint through some form of remedial action, similar to arbitration. If the inquiry process does not result in a resolution, the college will conduct a hearing—a formal process resulting in a finding of guilt or acquittal. Previous decisions by the Commissioner suggested the applicant had little chance of obtaining the pre-hearing records. However, in the spirit of openness, the college tried to provide records that would satisfy the applicant's request while protecting the privacy of the registrants and other individuals involved in each case.

The college agreed to supply the remedial agreements or outcomes entered into between the college and the registrants with the exception of personal information that might identify the individuals involved. The applicant was satisfied with this release, but still wanted more detail about the allegations.

The college agreed to release a severed record containing the outline of the allegations and the outcomes. This record provided more detail than the web description, while still protecting personal information belonging to the individuals involved in the incident. The applicant was satisfied with this outcome and withdrew his request for a review by our office.