

<b>Policy Name</b>	<b>CONFIDENTIALITY</b>
<b>Policy Section</b>	<b>GOVERNANCE</b>
<b>Policy #</b>	<b>GOV-01</b>
<b>Approved by:</b>	<b>Council</b>
<b>Distribution:</b>	<b>Treasurer, Executive Director, Registration &amp; Financial Coordinator</b>
<b>Applies to:</b>	<b>Council, Volunteers, Staff</b>

### **Purpose:**

Effective governance of the College of Occupational Therapists of Manitoba requires a balance between transparency, openness, and confidentiality. By fulfilling their respective duties and responsibilities, COTM employees and volunteers have access to privileged information. Disclosure of this information outside of COTM may result in COTM not meeting its mandate, loss of public opinion, and/or legal action. This policy establishes COTM's expectations for confidentiality from employees and volunteers.

### **Principles:**

- COTM employees and volunteers will act in a professional manner to maintain the public's trust in the COTM
- COTM employees and volunteers will act honestly, truthfully, with integrity, in a fair manner, and will be accountable for their decisions and actions
- Maintaining confidentiality of proceedings promotes trust and respect among COTM employees and volunteers
- COTM employees and volunteers require access to confidential information to assist in meeting the COTM's mandate and strategic plan
- COTM employees and volunteers will only collect and use the minimum amount required to complete the duties and responsibilities
- COTM values active collaboration between the Council, committees, and employees

### **Policy:**

#### *Confidentiality*

1. Employees and volunteers shall take all reasonable measures to maintain all personal and business information that they are privileged to confidential and will not disclose such information without authorization from the Council.
2. Information may be disclosed to other employees and committee members, the legal counsel of the COTM, or the auditor of COTM where reasonably necessary.
3. Confidential information includes, but is not restricted to, the following:
  - a. Personal information of employees and volunteers;
  - b. Personal and financial information of COTM registrants that is not publicly available;
  - c. Personal information of members of the public received by the COTM;
  - d. Any information relating to the investigation and discipline of a member of COTM that is not publicly available under The Occupational Therapists Act and regulations;
  - e. Deliberations of COTM Council or committees;

- f. Business information of COTM, including operational, contractual, and financial documents;
- g. Information related to the development and administration of the COTM's Continuing Competence Program;
- h. Business information from other regulators and organizations with which COTM is affiliated;
- i. Information considered confidential under federal or provincial legislation;
- j. Any additional information identified as confidential by the Council.

#### *Exclusions*

- 4. The following information is not considered confidential:
  - a. Approved College policies and procedures;
  - b. Information included in the College's public registers in accordance with the *Occupational Therapists Act* and regulations;
  - c. Information regarding the investigation and discipline of a member of the College that must be made publicly available according to the *Occupational Therapists Act* and regulations;
  - d. Information contained on the College's website or included in an annual report;
  - e. Any information considered public domain by the Council.

#### *Terminations or Resignations*

- 5. Any confidential information in the possession of an employee or volunteer shall be returned to COTM upon their termination or resignation. Any electronic information shall be deleted from all servers and accounts in a timely manner.

#### *Breach of Confidentiality*

- 6. Where an individual or group has reasonable evidence that an employee or volunteer has disclosed confidential information or breached this policy, they shall inform the College Council, who will investigate the matter.
- 7. Where the Council determines that confidential information was disclosed or this policy was breached, the Council may pursue disciplinary action, which may include, but not be limited to:
  - a. Reprimand the employee or volunteer;
  - b. Decline to provide confidential information to the employee or volunteer;
  - c. Remove the employee's or volunteer's access to confidential information;
  - d. Termination of employment;
  - e. Remove the volunteer from the Council, committees, or other activities in which they have been acting on behalf of COTM in accordance with The Occupational Therapists Act and regulations;
  - f. Pursue legal action against the employee or volunteer.
- 8. Where the Council determines that confidential information was disclosed, COTM will inform those individuals whose information was disclosed or may have been disclosed.

#### **Procedure:**

- 9. All volunteers, Council members and staff will sign a Confidentiality Pledge.
- 10. The Executive Director will ensure that all consultants are provided with this policy and sign the Confidentiality Pledge or in a comparable manner commit to uphold these practices.

**Outcome:**

11. COTM employees and volunteers maintain confidentiality of privileged information;
12. Public standing and reputation of COTM is maintained;
13. A breach of confidentiality may result in disciplinary action of an employee or volunteer as determined by the Council.

**Accompanying Documents:**

*COTM Confidentiality Pledge (see attached)*

*COTM Confidentiality – OT Act Provisions reference document*

Approved By	Original approval	Reviewed/Revised	Next Review
COTM Council	2006	2020	2023



College of Occupational  
Therapists of Manitoba

Quality Occupational Therapy - Accountable to Manitobans

## **Confidentiality Pledge for Council and Committee Members and for Employees**

***I confirm I have read, considered and understood the COTM Confidentiality Policy for Council and Committee Member and Employees and agree to abide by its provisions.***

***I understand that any breach of the COTM Confidentiality Policy may result in remedial action, censure or removal from office.***

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**Full Name (print)**

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**Signature**

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**Position with COTM**

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**Date of Start of Position**

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**Date**

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**Member Number (if applicable)**

<b>Document Name</b>	<b>CONFIDENTIALITY – OT ACT / REGULATION PROVISIONS REFERENCE</b>
<b>Policy Name</b>	<b>CONFIDENTIALITY</b>
<b>Policy Section</b>	<b>GOVERNANCE</b>
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#### GUIDELINES:

It is advised that the reader refer to the legislation and regulation for full and complete information on the following excerpts.

*The Occupational Therapists Act (2002)* – Part 4 and the Occupational Therapists Regulation – Section 3 **provide for the following:**

During normal business hours, a person may obtain the following information contained in the register of occupational therapists:

- (a) the occupational therapist's name, business address, business telephone number, any conditions imposed on the certificate of registration;
- (b) a notation of every cancellation and suspension or non-renewal of a certificate of registration;
- (c) the results of every disciplinary proceeding completed within six years before the register was prepared or last updated in which an occupational therapist's certificate of registration was cancelled or suspended or had conditions imposed on it or in which an occupational therapist was required to pay a fine or attend to be censured;
- (d) the registration number and the date and type of registration;
- (e) any finding under section 41 of the Act;
- (f) any order made by a panel under section 42 of the Act;

#### **Part 6 - Complaints**

##### 23(2) Publication of censure

The investigation 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.

##### 24(3) Publication of voluntary surrender

The investigation committee may publish the fact that a member has voluntarily surrendered his or her registration, and publication may include the member's name and a description of the circumstances that led to the voluntary surrender of registration.

##### 33(4) Public notice of hearing

The registrar may issue a public notice of the hearing in any manner he or she considers appropriate, but the notice must not include the name of the investigated member.

##### 37(1 - 7) Hearing open to public

(See legislation)

##### 45 Publication of decision

Notwithstanding that any proceeding or part of a proceeding under this Part may have been held in private, the college may, after the decision and any order has been served on the member, publish the circumstances relevant to the findings and any order of the panel. If the panel makes an order against the member under section 42 or 43, the college may also publish the member's name.

## **Part 8 – General Provisions**

### **58(2) Offence**

A person who contravenes section 62 is guilty of an offence and is liable on summary conviction to a fine of not more than \$50,000.

### **62 Confidentiality of information**

Subject to section 62.1, every person employed, appointed or retained for the purpose of administering this Act, and every member of the council or a committee of the council, shall preserve secrecy about all information that comes to his or her knowledge in the course of his or her duties, and shall not communicate any information to any other person except

- (a) to the extent the information is available to the public, or is required to be disclosed, under this Act;
- (b) in connection with the administration of this Act, including, but not limited to, the registration of members, complaints about members, allegations of members' incapacity, unfitness, incompetence or acts of professional misconduct, or the governing of the profession;
- (c) to a body that governs the practice of a health profession pursuant to an Act of the Legislature, to the extent the information is required in order for that body to carry out its mandate under the Act; or
- (d) to a body that governs the practice of occupational therapy in a jurisdiction other than Manitoba.