

## Draft for Consultation

Your input is requested on the following Framework Element. Engineers Canada is seeking expert feedback and validation regarding sharing of regulatory information. Key questions for consideration:

- When is it appropriate for a regulator to share otherwise confidential information about registrants?
- When appropriate, what information should a regulator share?

If you have any questions, or would like to submit your feedback please contact:

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**We welcome your feedback!**

## Sharing of regulatory information

under revision-July 2016

### Purpose and policy direction

A regulator recognizes that sharing of certain registrant information with other engineering regulators may be necessary to protect the public interest. Regulators strike an appropriate balance between the protection of confidential information and the need to share regulatory information.

### Key considerations

1. A regulator's duty is to protect the public interest.
2. Regulators have the power to collect personal and confidential information in support of their regulatory mandate, and have a legal requirement to protect personal information from improper disclosure.
3. Regulators must act in accordance with the provincial engineering acts and should seek clarifying legislation where legislation is unclear regarding the ability and/or obligation to disclose regulatory information that is collected from members.
4. Regulators may disclose regulatory information in response to a request for information or may do so on their own initiative, particularly where the public interest needs safeguarding.
5. The appropriateness of disclosure may depend in part on the stage of the proceedings:

- a. regulatory information related to investigations is generally confidential
  - b. regulatory information related to disciplinary proceedings is more likely to be available to the public
- 6. The appropriateness of disclosure may depend in part on the intended recipient of the information:
  - a. disclosure to other engineering regulators or similar professional regulatory bodies is generally permissible and recommended
  - b. disclosure to law enforcement is generally permissible
  - c. disclosure to the public is permissible where there is an identified threat or risk to public safety or welfare

### Definitions

**Regulatory Information:** for the purposes of this element, regulatory information may include:

- 1. the fact of a complaint or investigation in relation to a registrant
- 2. information, documents, or evidence generated or obtained during the course of an investigation
- 3. findings made by a complaints/investigative or discipline committee

### Related

Element: Complaints, discipline and investigation practices