

Draft Bylaws:

**College of Health and Care
Professionals of British Columbia**

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5.0 College Records and Information

Freedom of Information and Protection of Privacy Act

- 5.1 The Registrar is the “head” of the College for purposes of FOIPPA.
- 5.2 The Registrar may, in writing, delegate a duty, power, or function in accordance with section 66 of FOIPPA.

Protection of personal information

- 5.3 The Registrar must take reasonable steps to ensure the College’s collection, protection, use, disclosure, and retention of personal information complies with the Act, these Bylaws, and other applicable statutes and regulations.
- 5.4 The Registrar must take reasonable steps to contractually bind service providers and third parties who have access to College information to requirements regarding information handling that comply with FOIPPA and any College policies relevant to the service.

Disposal or transfer of records containing personal information

- 5.5 Where the College disposes of a record containing personal or otherwise sensitive information, the Registrar must take reasonable steps to ensure that:
 - (a) in the case of information recorded electronically, it is disposed of by erasing the information, or destroying its physical medium, in a manner that ensures the information cannot be reconstructed; and
 - (b) in the case of a physical record, it is disposed of by:
 - (i) effectively destroying the record, such as by use of a shredding device;
 - (ii) transferring the record to the person to whom the information is about; or
 - (iii) transferring the record to the Licensee who compiled the information.

Fees for access requests

- 5.6 Subject to section 75 of FOIPPA, the College may charge the fees set out in the “Schedule of Maximum Fees” in the *Freedom of Information and Protection of Privacy Regulation*, BC Reg. 155/2012 for processing requests for access to records.

Records

- 5.7 The Registrar must establish a policy for the College’s records management, which policy must comply with the Act, Regulations, these Bylaws, FOIPPA, and other applicable enactments.

- 5.8 The Registrar must take reasonable steps to ensure College records are retained and disposed of in accordance with these Bylaws and the policy established under Bylaw 5.7.
- 5.9 The Registrar must ensure that records required to be retained indefinitely under the Act, Regulations or College policy are so managed.

Registry

- 5.10 The Registrar must maintain the Registry in an electronic format.
- 5.11 For clarity, the power of the Registrar to establish or adopt procedures or policies relating to records includes the Registry.
- 5.12 In addition to information permitted or required to be disclosed on the Registry under the Act and Regulations, the Registrar may include the following information in the Registry:
- (a) Orders and reasons for such Orders under the Act, the *Health Professions Act* and extra-jurisdictional regulatory statutes as described in section 390(1)(g) of the Act, including any decision on Reconsideration, review, judicial review or appeal and the reasons for the decision; and
 - (b) any public notice relating to a Licensee published under section 255 and 256 of the Act, or under section 39.3 of the *Health Professions Act*.
- 5.13 Apart from information which is required to be included in the Registry under the Act and Regulations, the Registrar may remove information or decline to include it in the Registry where the Registrar reasonably believes that disclosure of the information may pose a threat to the safety of a Regulated Health Practitioner or a third party.

Disclosure of Information about Health Profession Corporations

- 5.14 If the College receives an inquiry about a Health Profession Corporation, the Registrar may disclose:
- (a) the legal name of the Health Profession Corporation;
 - (b) the names of all shareholders;
 - (c) the names of all directors; and
 - (d) the name and contact information of the corporation's Designated Licensee.