PART 5 - COLLEGE RECORDS AND INFORMATION

Freedom of Information and Protection of Privacy Act

5-1 (1) The registrar is the head of the college for purposes of FIPPA.

(2) The registrar may authorize a deputy registrar or another officer, employee, agent or contractor of the college to exercise any power or perform any duty of the registrar under FIPPA.

(3) The board must ensure that the registrar performs the registrar's duties under FIPPA.

(4) The registrar must deliver a report to the board regarding the steps taken to comply with FIPPA in a form and at a time directed by the board.

Fees for access requests

5-2 Subject to section 75 of FIPPA, the college may charge the fees set out in section 13 and Schedule 1 of the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 155/2012 for processing and responding to requests for access to records.

Protection of personal information

5-3 (1) The registrar must take reasonable steps to ensure the college's collection, protection, use, disclosure, and retention of personal information complies with Part 3 of FIPPA, subject to section 102(3)(b) of the Act.

(2) The registrar must take reasonable steps to ensure that

(a) if personal information is sent to any person or service provider for processing, storage or destruction, a contract is made with that person or service provider that includes an undertaking by the person or service provider that the confidentiality of that personal information will be maintained, and

(b) all service providers to whom the college provides personal information are informed of their obligation to comply with Part 3 of FIPPA.

Disposal of records containing personal information

5-4 When the college disposes of a record containing personal information, the registrar must ensure that

(a) in the case of information recorded electronically, the college disposes of it by erasing or destroying the information securely and in a manner that ensures it cannot be reconstructed, and

(b) in the case of a physical record, the college

(i) effectively destroys the record, by use of a shredding device or in another manner that ensures the record cannot be reconstructed,

(ii) transfers the record to the person whose information is contained in it, or

(iii) transfers the record to the licensee who compiled the information in it.

Retention of records

5-5 (1) Subject to subsections (2) to (4), the board, or, if authorized by the board, the registrar may establish policies and procedures for record management and retention that comply with the Act, the Regulations, these bylaws, FIPPA, and other applicable laws.

(2) The college must retain the disciplinary and capacity records required by section 390 of the Act for each current or former licensee, in physical or electronic form, during the lifetime of the current or former licensee.

(3) Except as otherwise required by law and subject to subsection (2), the college must retain all records related to the activities of investigators, the investigation committee and its panels, or persons acting on behalf of the investigation committee or its panels in respect of the investigation and disposition of complaints, for at least 16 years after the later of

(a) the date an investigation is concluded, or

(b) the date the complainant or other materially affected third party in the matter, if any, reaches 19 years of age.

(4) The college must retain the following records permanently, in physical or electronic form:

(a) the minutes of board meetings, together with all supporting records submitted for each board meeting;

(b) annual reports made under section 398 of the Act.

Registry

5-6 (1) The college must maintain its registry in an electronic format.

(2) For greater certainty, the power of the board or registrar under section 5-5(1) to establish or adopt policies and procedures relating to records includes the registry.

(3) In addition to the information that must be included in the registry under sections 55 and 249 of the Act and section <> of the <> Regulation, the registrar must identify in the registry, under a licensee's name, the following information:

(a) a statement that the person is or is not authorized to practise as a nurse or midwife in British Columbia, as the case may be;

(b) in respect of licensees in each class of multijurisdictional licensees, a notation specifying

(i) each other Canadian jurisdiction in which the person is registered or licensed as the equivalent of a practising licensee in the corresponding class of practising licensees,

(ii) each governing body with or by which the person is registered or licensed as described in subparagraph (i), and

(iii) the name or description of the class or type of registration or licensure held by the person with each governing body referred to in subparagraph (ii);

(c) in respect of a licensee whose business contact information under section 55(1)(a) of the Act is that of an employer, the name of the employer;

(d) effective on and after the date specified by ordinary resolution of the board for the purpose of this paragraph, a unique identification number assigned to the licensee by the college;

(e) the date on which the licensee was first granted licensure or registration, and a notation of each grant or cancellation of licensure or registration in each applicable class, regardless of whether it occurred before, on or after the HPOA effective date;

(f) a notation or each grant or cancellation of certification under section <>, and the period for which the licensee is or was certified to perform restricted activities under the applicable certification program;

(g) a notation of each certified practice designation granted or cancelled under the former Act, and the periods for which it was valid;

(h) in respect of a practising NP licensee or provisional NP licensee, a notation of the licensee's NP category, which must be stated as being family, adult or pediatric, as applicable;

(i) in respect of a practising RPN licensee, multijurisdictional RPN licensee, practising RN licensee, multijurisdictional RN licensee, practising NP licensee or provisional NP licensee, a notation indicating whether or not the person is

(i) assigned a Medical Services Plan practitioner number and authorized to independently make referrals for medical or diagnostic services in accordance with the applicable practice standards, and

(ii) authorized to independently prescribe Schedule I or IA drugs as contemplated by section <>, <> or <> of the <> *Regulation*;

(j) in respect of a practising midwife licensee or provisional midwife licensee, a notation of each hospital for which the licensee holds a valid permit, issued by the hospital's board, to practise in the hospital;

(k) any public notice relating to the licensee published under section 255 or 256 of the Act or section 39.3 of the former Act.

(4) For the purposes of section 396(2)(b) of the Act, the registrar may refuse access to information kept in the registry if the registrar reasonably believes that the access could threaten the safety of a licensee or an affected third party.

Unauthorized practice information

5-7 The registrar may publish on the college's website, or may make publicly accessible by other means, the following information:

(a) information respecting a person whom the registrar reasonably believes to have engaged in unauthorized practice contrary to section 29 of the Act;

(b) information respecting a person whom the registrar reasonably believes to have engaged in unauthorized use of title contrary to section 30 of the Act;

(c) information respecting a person whom the registrar reasonably believes to have provided false or misleading information to the public contrary to section 34 of the Act;

(d) a statement that a person described in paragraph (a), (b) or (c)

(i) is not authorized to practise in British Columbia, and

(ii) is not authorized to use any title that may be used exclusively by one or more classes of licensees in association with the person's work in British Columbia.

Disclosure of licensure status and contact information

5-8 (1) If the college receives an inquiry about a person's licensure status, the registrar must disclose

(a) whether or not the person is a licensee or a former licensee,

(b) any other information respecting the person that is set out in the registry as of the date the inquiry is made, if the person is a licensee or a former licensee, unless access to that information is refused under section 396(2) of the Act or section 5-6(4), and

(c) any information respecting the person that has been published or made publicly accessible under section 5-7.

(2) The registrar may disclose, to a corporation or other entity that provides professional liability protection or insurance coverage against liability for negligence in the provision of services that constitute the practice of nursing, practical nursing, psychiatric nursing or midwifery, any of the following information to enable a person who is a licensee or former licensee to be contacted by the corporation or entity:

(a) any information that would be disclosed under subsection (1) if an inquiry were made about the person's licensure status;

(b) any former names of the person and any names by which the person was previously known, as recorded in the college records;

(c) any unique identification numbers assigned to the person, as recorded in the college records;

(d) the most recent telephone number or fax number for the person that is recorded in the college records, if different from the person's business contact information described in section 55(1)(a) of the Act;

(e) the most recent physical address or mailing address for the person that is recorded in the college records, if different from the person's business contact information described in section 55(1)(a) of the Act;

(f) the most recent email address for the person that is recorded in the college records for the purpose of receiving communications from the college.

Disclosure required to protect the public

5-9 For greater certainty, a person who exercises a power or performs a duty under Part 3 or 5 of the Act may disclose information under section 243(1)(b) of the Act that if the registrar or the board determines that disclosure to be reasonably necessary to fulfill the person's duty to act in accordance with the principles described in section 14(2) and (3) of the Act, including the principle of protecting the public from harm and discrimination.

Disclosure of education program information

5-10 If the registrar considers it necessary for the exercise of the powers or the performance of the duties of a minister, officer or employee of a ministry of the government of British Columbia in relation to the approval, certification, licensing, registration, recognition or regulation of, or consent for, education programs or post-secondary institutions offering education programs, the registrar may disclose to the minister, officer or employee

(a) any record or information that is or has been collected, created, developed or received by or for, or on behalf of, the college or the education program review committee in connection with or relevant to the exercise of the powers or the performance of the duties of that committee under sections 6-6 and 6-7, or

(b) any similar or equivalent record that was in the possession or under the control of the college before the HPOA effective date.

Disclosure of NP or midwife information to Health Canada

5-11 (1) In this section,

(a) "**conduct of an activity**", "**Federal Minister**", "**listed substance**", "**midwife**" and "**nurse practitioner**" have the same meanings as in section <>;

(b) "**request to consult**" means an inquiry by the Federal Minister under section 79(5)(a) of the *Benzodiazepines and Other Targeted Substances Regulations* (Canada), section G.04.004.2(5)(a) of the *Food and Drug Regulations* (Canada) or section 59(5)(a) of the *Narcotic Control Regulations* (Canada).

(2) The registrar may disclose to the Federal Minister, in response to a request to consult, information or records relating to a nurse practitioner's or midwife's conduct of an activity with a listed substance.