



## PEO seeks exemption from privacy bill

by Dwight Hamilton

The provincial government's proposed privacy legislation will compromise PEO's ability to fulfill its legislative mandate, states a letter to the Ministry of Consumer and Business Services signed by PEO Registrar Roger Barker, P.Eng., and the heads of 15 other self-regulating organizations (SROs).

According to the government, the *Privacy of Personal Information Act, 2002*, is intended to set clear rules to protect the personal information of individuals, but according to the SROs, the legislation's broad scope would impede their ability to protect the public interest. Personal information is defined in the legislation as: information in any form or manner about an individual that identifies the individual; can be manipulated by a reasonably foreseeable method to identify the individual; or can be linked or matched by a reasonably foreseeable method to other information that identifies the individual. Also included is personal health information and information that relates or may relate to the work performance of the individual or professional wrongdoing, misconduct or disciplinary matters involving them.

Information not defined as personal and therefore in the public domain is an individual's business contact information (job title, employer, employment address, telephone, fax and email) and professional information. This can include the professional designation of an identifiable individual when it is used to describe the professional or their professional's official responsibilities and the manner in which they are carried out. Also included is a description of those responsibilities.

The law would apply to the private sector, the health sector, non-governmental organizations like charities, professional organizations (like PEO), religious groups, and other organizations in Ontario that are not federally regulated. A federal privacy act that began to come into effect in 2001 currently applies to federally regulated businesses and to cross-border trade in personal information. When it is fully effective in 2004, it will apply to all other commercial activities across Canada and to commercial health-related transactions, unless a provincial government adopts "substantially similar" legislation.

The proposed provincial law differs from its federal counterpart in several respects. First, it would establish specific protections for personal health information and rules governing the not-for-profit sector. It would also define a number of key terms that expand upon the federal law's concepts. The federal law imposes many specific administrative requirements, while Ontario would give businesses the flexibility to determine the best way to administer the privacy rules within their operations.

Under the draft Ontario legislation, individuals would be entitled to:

- ◆ provide or withhold their consent to the collection, use and disclosure of their personal information, except in limited, defined circumstances;
- ◆ be informed of their rights in relation to the collection, use and disclosure of their personal information;
- ◆ challenge the accuracy and completeness of their personal information held by an organization;
- ◆ challenge an organization's information practices through a designated individual within each organization, who would be responsible for privacy matters; and
- ◆ have access to an independent oversight body (the information and privacy commissioner) that would have powers to investigate privacy complaints.

Organizations would be required to:

- ◆ inform individuals about why, and how they are collecting, using and disclosing personal information;
- ◆ obtain an individual's express or implied consent (except in limited, defined circumstances) before they can collect, use or disclose that person's personal information;
- ◆ obtain an individual's express consent before they can collect, use or disclose personal information for fundraising purposes, including charities and political parties;
- ◆ tell people how their personal information is being protected and disposed of when its use is complete; and
- ◆ provide individuals access to their records and allow them to correct any errors in their personal information.

The Ontario regulatory bodies are seeking to have their respective acts (such as the *Professional Engineers Act*) included among the pieces of legislation listed in the privacy act whose provisions would override that legislation where they conflict. Their letter to the government suggests that a safeguard against improper use of an individual's information by an SRO "would be to allow each of the ministries responsible for their respective SROs, in consultation with the SRO, to draft any necessary amendments to the individual acts to ensure they contain a code for the collection, use and disclosure of personal information consistent with those privacy principles appropriate to SROs, while enabling the SRO to govern in the public interest."

At present, section 38 of the *Professional Engineers Act* requires all those administering the Act, including anyone making an examination or review under section 26 (complaints) or an investigation under section 33 (Registrar's investigations), to keep confidential information gained in the course of their

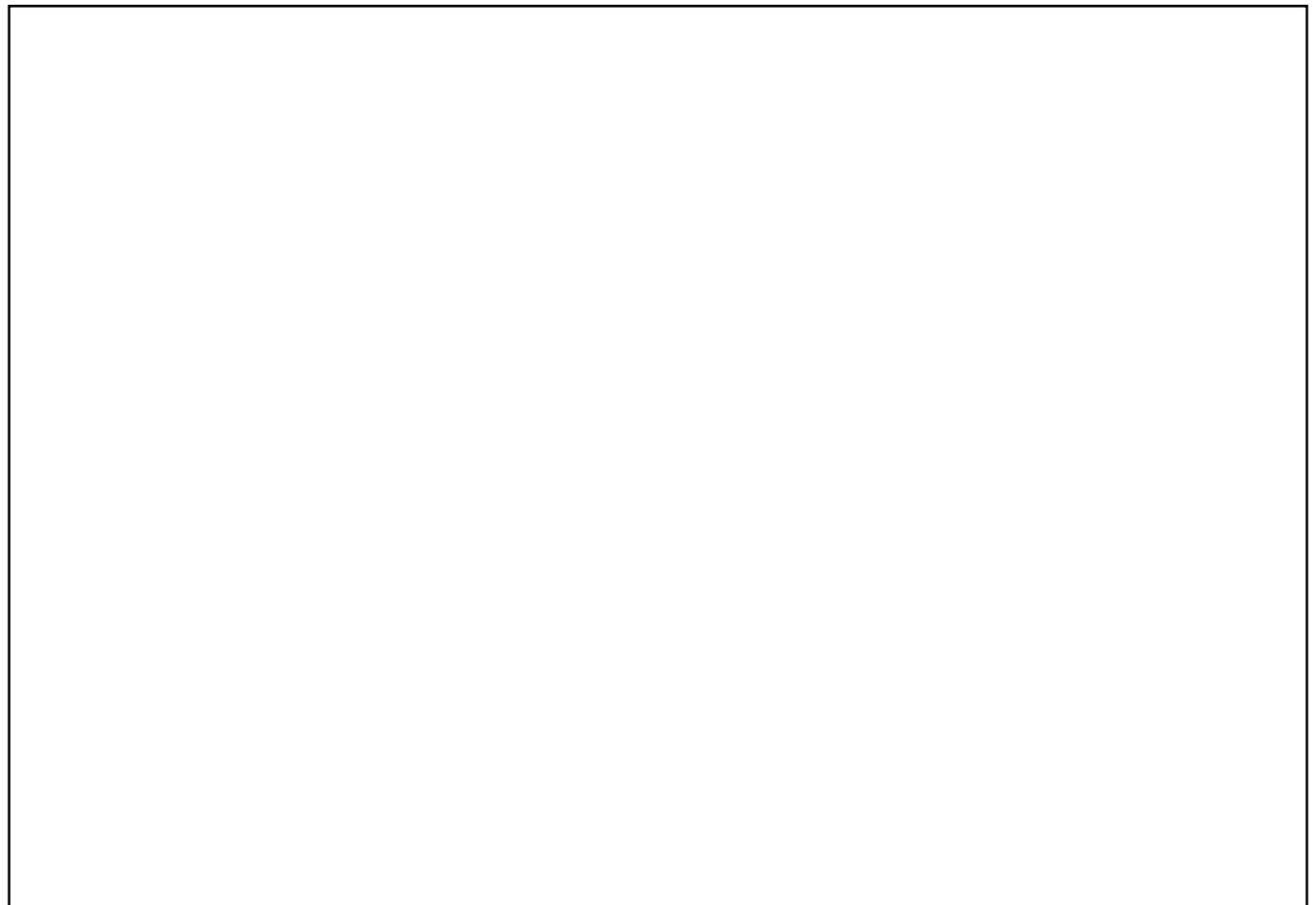
duties, except as is necessary to perform those duties. This provision also applies to information gained by PEO's legal counsel in the course of their duties on behalf of PEO.

The draft privacy legislation would permit collection of personal information for research purposes where it will be used in the aggregate, such as in the Canadian Council of Professional

Engineers' current national survey of the engineering profession, and PEO's new Professional Profile questionnaire, which members will begin receiving shortly with their annual fee invoices.



**A meeting of Presidents:** PEO then President Gordon Sterling, P.Eng., (centre) talks with Canadian Council of Professional Engineers' Marie Lemay, P.Eng., CEO, and Pierre Boucher, ing., president, at PEO's 2002 Annual General Meeting held in Ottawa, April 18-21. Look for further coverage of the event, including the Annual Business Meeting, in the next issue of *The Link*.



# National Engineering Week 2002 a huge success

by Sharon Van Ihinger

Ontario's professional engineers, engineering technicians, technologists and students participated in over 80 province-wide events and activities during National Engineering Week (NEW) held March 2-10.

Many events were geared to children, and one of the highlights was the launch of the 2002 Engineers are Everyday Heroes campaign. The campaign featured four simultaneous performances of a TVO Kids "Go Green" live stage show on Saturday, March 2 at the Canada Science and Technology Museum (Ottawa), London Regional Children's Museum, Science North (Sudbury), and the Ontario Science Centre (Toronto). Special engineering guests demonstrated "go green" technologies, e.g. wind power, solar power and pedal power, cheered on by about 3000 enthusiastic fans. Video clips from the show are available at [www.everyday-heroes.on.ca](http://www.everyday-heroes.on.ca) until mid June.

Engineering volunteers gave a helping hand to parents and kids, as they built entries to the TVOKids Be an Engineering Hero: Build an Environmentally Friendly Vehicle for Tumbleweed Contest at 15 Ontario venues. Workshops were held at the London Regional Children's Museum, Science North, and the Ontario Science Centre, and 12 branches of the Toronto Public Library. The names of two grand prize winners were drawn from the over 15,000 entries received. Each won a home computer and printer and another computer and printer for their schools.

About 3000 Ontario public school teachers ordered the 2002 Engineers are Everyday Heroes teachers' kit: "Engines—Past, Present and Future." It features five custom-designed, hands-on challenges for students. Teachers were encouraged to use the kits during engineering week and throughout the year.

## Engineers for a day

Ten young winners of the Engineer-for-a-Day contest each spent a day during

NEW working alongside an engineer at a leading Ontario company.

Andrew Oldham, 13, of Caledon East, one of the winners, spent the day at Honeywell Limited in Toronto. Andrew suited up to work in the "clean room" where he soldered a resistor to a circuit board under the direction of his host for the day, Kristiina McConville, P.Eng.

Another contest winner, Maryanne Siu, 16, of Toronto, worked with Ross Gillett,

P.Eng., of MD Robotics Limited in Brampton, learning about some of the features of a satellite capture simulator. The simulator allows robot operations to be performed in lighting conditions similar to those in space.

Other hosts were Bloorview MacMillan Children's Centre, Bombardier Aerospace, Celestica, CH2M Hill Canada, Ontario Power Generation, SNC-Lavalin, TELUS Mobility and The Woodbridge Group.



Parents and kids at Science North in Sudbury prepare to build an environmentally friendly vehicle for Tumbleweed, the TVOKids' pet hamster, as their entry to the "Be an Engineering Hero" TVOKids contest.

### FOR THE RECORD

Members who attended PEO's Annual General Meeting, held this past April, expressed confusion over the initial and transitional funding of OSPE. To clear up any confusion, here is a brief recap of PEO's past, current and projected budget. Over the next two years PEO's responsibility to OSPE will gradually decrease and by 2005 payments to OSPE will be discontinued (figures in \$, 000).

	2000	2001	2002	2003	2004	2005
<b>Total Revenue</b>	\$11,508	\$11,375	\$12,661	\$14,252	\$15,166	\$15,629
<b>Expenditures</b>	\$11,025	\$11,894	\$12,335	\$12,904	\$13,254	\$13,615
<b>Excess Revenue Before OSPE</b>	\$483	\$(519)	\$326	\$1,348	\$1,911	\$2,015
<b>Payments to OSPE</b>	\$933	\$1,394	\$1,857	\$1,836	\$225	\$-
<b>Excess Revenue After OSPE</b>	\$(450)	\$(1,913)	\$(1,531)	\$(488)	\$1,686	\$2,015

# CCPE lobbies to continue assessment program

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by Dwight Hamilton

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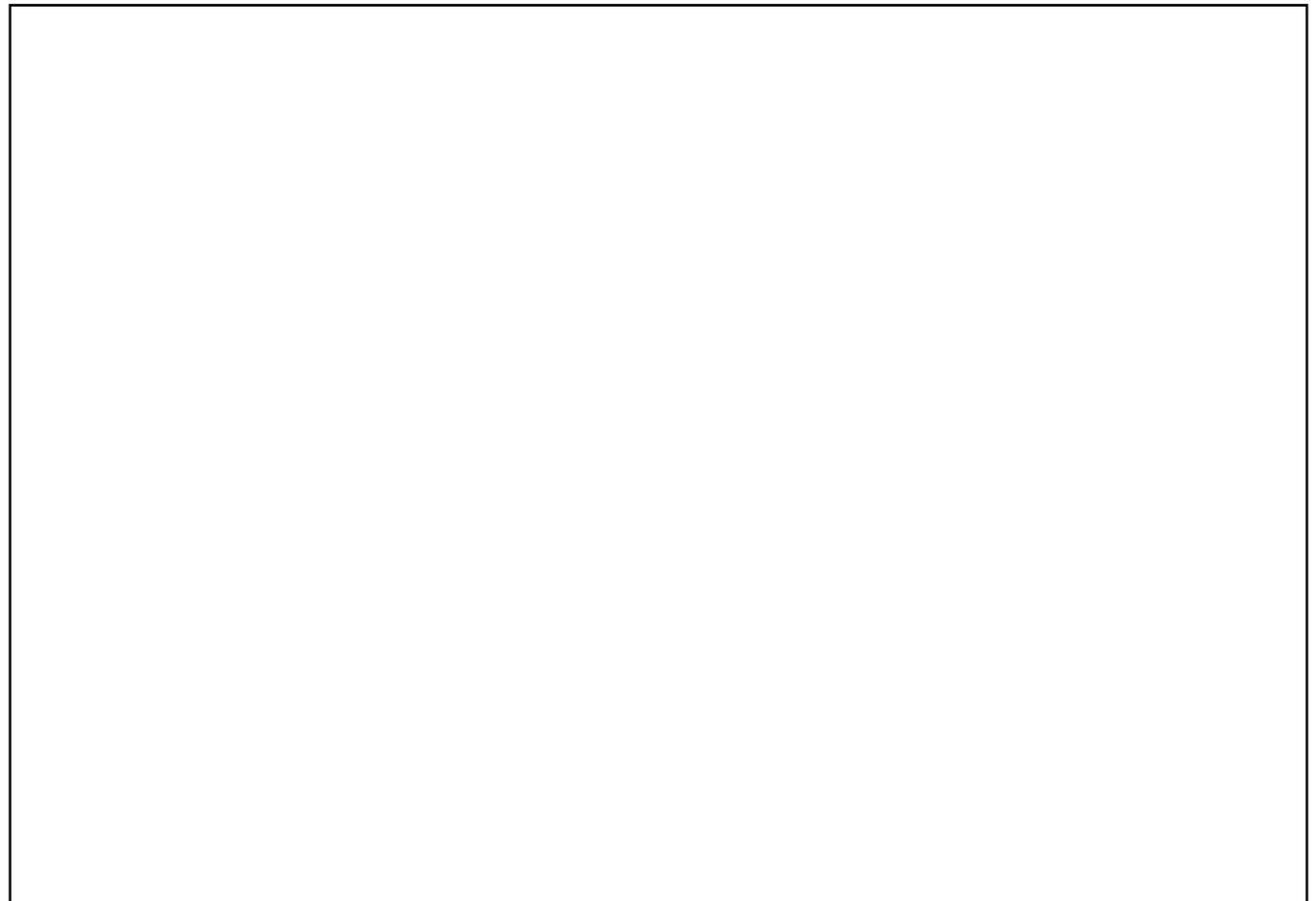
The Canadian Council of Professional Engineers (CCPE) is asking Citizenship and Immigration Canada (CIC) for the right to continue to conduct assessments of foreign-educated engineering graduates' educational credentials for immigration purposes.

CCPE originally planned to scrap its Initial Assessment Program as a result of Bill C-11, the new *Immigration and Refugee Protection Act*, which is scheduled to become effective June 28. The new law shifts the basis of CIC's evaluation of prospective immigrants from an occupation-based model to a skills-based one, emphasizing education. It also states that education would be assessed by the applicants' country of origin. CCPE has "serious concerns" about this, according to a letter sent to the deputy

minister of immigration by CCPE President Pierre Boucher, ing. The letter emphasized CCPE's "extensive expertise" over 20 years in evaluating educational credentials issued by about 3000 engineering institutions in 140 countries.

CCPE predicts dropping the program will produce a revenue shortfall of about \$2 million, which it is preparing for by reviewing its programs and budgets and asking its constituent members to increase their fees, beginning in 2003. Any increase must be approved by each provincial association/ordre to become effective, and no decisions have been reached. However, even if CIC agrees to CCPE's proposal to undertake educational assessments on CIC's behalf, it is anticipated that the assessment program will operate on a break-even basis and so has not been factored into CCPE's budget review.

PEO has provided input to a letter supporting CCPE's assessment of prospective immigrants' engineering education for immigration purposes, for submission by CCPE to the immigration minister. Regardless of whether CCPE's bid to continue initial assessments is successful, PEO will continue to review fully the qualifications of each applicant for licensing, and remains the final arbiter on the acceptability of qualifications for licensing under the *Professional Engineers Act*. Under recently implemented changes to its admissions procedures, PEO now enables prospective immigrants to begin the licensing process before they leave their countries of origin, and to continue it once they arrive in Ontario. This provides them a clear understanding of the requirements for licensing and a firm assessment of their qualifications against these requirements.



# 2002 Council election and referenda results

by Sharon Van Ihinger

The results of PEO's 2002 Council election, which closed February 28, are as follows:

Kenneth C. McMartin, P.Eng., was elected President-elect; the Vice President position was filled by acclamation by George C. Comrie, P.Eng., and Past President is G. Gordon M. Sterling, P.Eng. Councillors were elected as follows:

- ◆ Councillor-at-Large—Monique Frize, PhD, P.Eng.,
- ◆ Northern Region Councillor—Bryan J. Parkinson, P.Eng.
- ◆ Eastern Region Councillor—Colin S. Cantlie, P.Eng.
- ◆ East Central Region Councillor—Daniela E. Iliescu, P.Eng.

◆ Western Region Councillor—J. David Adams, P.Eng.

◆ West Central Region Councillor—Colin T. Moore, P.Eng.

About 18 per cent of members voted for candidates for President-elect and Councillor-at-large, which were the only positions for which all members were eligible to vote. In 2001, about 21 per cent of members participated in the election, about 23 per cent in 2000.

At the first meeting of the new Council on April 20, 2002, Allen Lucas was elected by Council as Vice President and Nancy Hill and Denis Dixon were elected by Council as Members of the Executive Committee.

## Referenda results

All three referenda on proposed amendments to sections of By-Law No. 1 were

passed. The first referendum dealt with Section 20 of By-law No. 1, and proposed that notice of the time, place and purpose of the annual meeting and other general meetings of members be allowed to be given by electronic means as an alternative to notice by mail.

The second referendum dealt with Section 26 of By-law No. 1, and sought to enable more flexibility in the holding of other than face-to-face meetings of Council and non-regulatory committees.

The third referendum dealt with proposed general amendments to By-law No. 1. Members approved amendments to sections 7, 13, 20, 21, 24, 34, 35, 45, 46 and 54 as proposed to replace references to "executive director," "general secretary" or "the secretary" with "Registrar."

### How you cast your vote

#### President-elect (2002-2003)

Ken C. McMartin	7051
Cameran Mirza	5044

#### Councillor-at-Large

Monique Frize	5178
James S. McConnach	4454
David L. Parnas	2369

#### Eastern Region Councillor

Colin Cantlie	1149
R. Douglas Hatfield	971

#### Western Region Councillor

J. David Adams	1357
David Moncur	1119

#### Northern Region Councillor

Bryan J. Parkinson	314
Seimer Tsang	190

#### West Central Region Councillor

Colin T. Moore	1354
Alberto De-Santis	1268

#### East Central Region Councillor

Daniela Iliescu	1310
Pawan R. Gupta	835
Romel Khan	601

# New directors named to society's board

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by Sharon Van Ihinger

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Three new directors have been elected by acclamation to the board of the Ontario Society of Professional Engineers (the Society). Walter K. Bilanski, PhD, P.Eng., Stephen Fischer, P.Eng., and Annette M. Bergeron, P.Eng., will each serve three-year terms.

They took up their new positions at the Society's annual general meeting (AGM) on May 11, although their work, focusing on building a voice for engineers in Ontario, began prior to the AGM. In announcing the election results in February, society Chair Robert Goodings, P.Eng., said he's pleased to have engineers of such high calibre join the board.

Bilanski is a professor emeritus, University of Guelph, where he taught agricultural engineering. A licensed professional engineer for 45 years, he is a three-time past president of PEO and has also served on the board of the Canadian Council of

Professional Engineers. Fischer, a licensed professional engineer for 14 years, graduated from Carleton University and works at Falconbridge's Kidd Mining Division in Timmins as senior mechanical engineer. Bergeron holds a degree from Queen's

University in Kingston in materials and metallurgical engineering, and an MBA from the Schulich School of Business in York University. She is an adjunct instructor in chemical engineering at Queen's, and has been a P.Eng. for 12 years.

## Send us your stories

*Engineering Dimensions* welcomes submissions of articles and stories. Stories should focus on the legal, regulatory and ethical aspects of the profession. Possible topics could include professional development, continued competence, innovation in safety engineering, trends in regulation across Canada, etc.

Editorial staff will edit submissions from authors for spelling, grammar, punctuation and style.

Send submissions to the Managing Editor, *Engineering Dimensions*, Professional Engineers Ontario, 25 Sheppard Ave. W., Suite 1000, Toronto, ON M2N 6S9 and be sure to include your name, telephone number and email address.