

By CONNIE MUCKLESTONE

To better fulfil its regulatory mandate, PEO will soon make more information about its licensees available to the public. Council approved the move to an “expanded public information model” at its meeting on September 10 as part of a package of privacy-related motions. The other motions included approval of a PEO privacy policy and related implementation and training.

Under an expanded public information model, PEO will make universally available in the public interest yet-to-be-determined information about licensees. Such information might include practitioners’ business contact information, PEO licence number, chapter affiliation, educational qualifications, year of first licensing, PEO awards, other professional involvements, other recognitions, or professional conduct history. Council learned that PEO could choose to take this approach rather than having to obtain express consent to release such information as a result of a six-month review of PEO’s privacy needs by consultants Steinecke Maciura Leblanc. Council authorized the review in January 2004 to ensure PEO compliance, if necessary, with the *Personal Information Protection and Electronic Documents Act* (PIPEDA), which came into effect on January 1. The act sets out rules for how the private sector may collect, use or disclose personal information in the course of commercial activities.

After reviewing PEO’s mandate and activities, the privacy consultants concluded that although PEO is not subject to PIPEDA because its activities are not of a commercial nature, all the provincial engineering regulators should together apply to Industry Canada for “investigative body” status, which would explicitly exempt them from PIPEDA. Industry Canada expects, however, that exempted organizations will have in place voluntary privacy policies that follow the PIPEDA principles of accountability; identifying purposes for which personal information is collected; obtaining consent as appropriate to collect, use and

## Council approves expanded public information model, privacy policy

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disclose personal information; limiting collection, use, disclosure and retention of personal information; ensuring accuracy of the personal information held; adequately safeguarding personal information; openness; accessibility of individuals to their personal information; and a mechanism to challenge compliance. To this end, Council also approved a PEO Privacy Policy, including seven subpolicies. The main policy outlines PEO’s commitment to protecting personal information, provides definitions, and discusses the 10 privacy principles as applied by PEO. The subpolicies deal with the use and safeguarding of personal information by PEO chapters, a PEO Internet privacy policy, an access and correction request procedure, PEO protocols for safeguarding personal information, a records retention policy, a privacy complaints procedure, and the text of a PEO privacy brochure that will be widely distributed. The entire policy is available on PEO’s home page at [www.peo.on.ca](http://www.peo.on.ca).

To develop the policy, the consultants reviewed PEO’s website, internal policies, procedures, forms and contracts, met with and were directed by senior management, interviewed key staff, and circulated a preliminary privacy quiz to staff and many volunteers to establish baseline knowledge of privacy principles. They then administered a detailed questionnaire and compiled results, met with each PEO department about records retention, and drafted a preliminary privacy policy, which was circulated widely and revised before presentation to Council.

In presenting the consultants’ review and privacy policy, Richard Steineke, LLB, stressed that although PEO is not covered by PIPEDA, it’s widely expected that all organizations that deal with personal information will have a policy for protecting that information. PEO’s privacy policy implementation can also be a model to its licensees, he said, most of whom will be

obliged to have a PIPEDA privacy policy for their own firms or work according to their employers’ PIPEDA policies. In addition, he said, provincial legislation that would apply to PEO may be on the way and PEO can get ahead of it by voluntarily putting in place a privacy policy.

The next step for expanding the public availability of PEO practitioner information is for Council to review and approve a list of the types of information to be made available, including the rationale for why it is in the public interest to do so. Council will also have to consider and approve the conditions for not making an individual’s information available, as well as how the public information will physically be made available. For example, will all of it be available for lookup on PEO’s website? Or will some be available for lookup and the rest on request?

Full implementation of the PEO privacy policy will take at least six months with information on PEO’s collection and use of personal information being added to PEO documentation as supplies of existing documents are depleted. Staff and volunteers will also require training on the policy and its effect on their information handling practices. To date, staff and some volunteers have received training, which was videotaped and will be edited to provide an aid for training PEO’s entire volunteer network. Staff have also signed confidentiality agreements, which will also be required of volunteers. (See the January/February 2005 issue of *Engineering Dimensions* for more information on PEO’s privacy policy implementation.)

### Chapter Coordinator

In a tight vote, Council approved the addition of a new chapter coordinator to the PEO staff structure and authorized hiring in the fourth quarter of 2004. When Council approved the 2004 budget in February, it was with a \$113,000 operating surplus, \$500,000 allocated to PEO’s

operating reserve and several proposed initiatives placed in a “parking lot,” pending results of a Councillor priority-setting exercise. In that exercise, the addition of a new chapter coordinator position was the highest priority. In the September debate, some Councillors questioned whether funds for parking lot items were still available, since earlier in the meeting Council had approved a restatement of the 2004 budget to increase the retiree future benefits portion to \$860,000 rather than the \$307,000 originally budgeted. The increase was the result of a calculation by PEO’s actuaries in April. Councillors favouring the immediate addition of a chapter coordinator stressed the need for succession planning in PEO’s chapter operations.

### Executive committee changes

Councillor Nancy Hill, P.Eng., LLB, will sit as a member of PEO’s Executive Committee to finish the term of Councillor Colin Moore, P.Eng., whose resignation from the committee Council accepted with regret. Recovering from a serious illness, Moore is continuing to participate on Council in his position as West Central Region Councillor, but felt he could not participate actively on the Executive Committee at this time.

### Policy process adopted

PEO will now use a structured process to guide its policy development, analysis and decision making, as a result of Council approval of the policy development process and *Policy Development Reference Manual* first presented to it in June. The new process will require generating and evaluating different policy options to address identified problems and proposed solutions that produce measurable results for future evaluation and feedback. Such an approach to developing regulatory policy should ensure work is directed only to issues that fit within pre-established PEO priorities, greater consistency in the development process and between developed policies, a formalized, broad approach to stakeholder consultation, increased accountability for policy development, and informed Council decision making, based on solid strategic and policy analysis and consideration of the risks/benefits of various options. ▀

## Council Workshop focuses on far-reaching issues

Some 23 Councillors and many PEO senior staff considered pressing issues impacting PEO and professional engineers at Council’s annual three-day workshop, September 30 to October 2 at the Nottawasaga Inn and Resort.

The four issues considered were selected by the Past President, President, President-elect and registrar from among 500 responses to the registrar’s recent invitation to members to identify and comment on issues of importance to them.

The issues considered were:

- *Developing a seamless transition from engineering student to licensed P.Eng.* PEO consistently shows the lowest rate of applications for licensing among the Canadian provincial engineering regulators from graduates of Canadian Engineering Accreditation Board programs.
- *External certifications.* There is a recent trend by government ministries to define in their legislation and regulations the role of professional engineers and then require certification to confirm the competence of the professional in this role, which impacts on the relevance of the P.Eng. licence and PEO’s jurisdiction.
- *Member’s annual report.* PEO collects basic information from licence applicants and information on major areas of professional activity from Certificate of Authorization (C of A) holders. For most licensees, PEO does not ask for and cannot provide to the public on request information on areas of practice, competencies, continuing education, or professional

development of its licence holders.

- *Role and value of C of A.* The C of A register has limited usefulness to the public, since qualification criteria are minimal and professional liability insurance may be waived if disclosed to clients.

Before the workshop, staff prepared back-grounders on each topic, which outlined the issue/problem, its importance and for whom, its impact on whom if left unresolved, its fit within PEO’s regulatory mandate and reason for resolving, how other regulators have resolved it and their lessons learned, and what further information is required to understand the issue.

Councillors Nancy Hill, P.Eng., LLB, David Robinson, P.Eng., John Vieth, P.Eng., and I each presented a topic before workshop participants broke into smaller groups to discuss it. Councillors Ravi Gupta, P.Eng., Santosh Gupta, P.Eng., James Dunsmuir, P.Eng., and Ken Lopez, P.Eng., expertly facilitated the breakout sessions. All Councillors and staff participated intensively with many very important comments and contributions. In some instances, the breakout groups were able to craft scope statements for projects to deal with the issues. In other cases, the breakouts provided enough information and input to enable task groups or committees to develop scope statements as required.

A very productive three days! The words—competence assurance, continued competence and similar—were heard all weekend.

*Bob Goodings, P.Eng., President-elect*