



POLICY

Public access to Council documents and redaction of sensitive information contained therein

STATUS:	APPROVED
Approved by Council:	June 24, 2016
Amended:	June 2021
To be reviewed:	June 2026

This document is a policy of the College of Physicians and Surgeons of Saskatchewan and reflects the position of the College.

Background

The processes of Council's normal work demands review of document that inform decisions. The Council maintains a strong commitment to transparency and fairness in its deliberations and therefore wishes to ensure that the public and profession have as much access to documents guiding decisions as is possible. Promoting public access to documents must be balanced with the privacy rights of the persons to whom the documents pertain. As such, Council accepts the following guiding principles for public access to its documents and to the redaction of sensitive information when deemed appropriate.

- 1) After a physician is charged with unbecoming, improper, unprofessional or discreditable conduct, or after a decision is made to refer a concern about a physician's skill and knowledge for a hearing before a competency hearing committee, the charge or referral to a competency hearing committee is available to the public. If Council approves charges against a physician, it will consider whether the full charge or a synoptic charge will be published. If either a charge or a referral to a competency hearing committee contains information which the Registrar considers to be sensitive, and if the Registrar concludes that the appropriate balance between confidentiality and transparency should result in redaction of that information, the Registrar may redact that information or de-identify information before releasing the information to the public.
- 2) Subject to paragraph 1), all documents pertaining to a complaint will be held as confidential until such time as finding of guilt has been established by either admission or a finding of a

discipline committee. Subsequently, confidential documents will be assessed for public accessibility on a case by case basis.

- 3) A decision of a discipline hearing committee that a physician has been found guilty of unprofessional conduct will be available to the public, subject to a review by the Registrar to determine if the decision contains information which the Registrar considers to be sensitive. If the Registrar concludes that the appropriate balance between confidentiality and transparency should result in redaction of that information, the Registrar may redact that information or de-identify information before releasing the information to the public.
- 4) Any document other than a decision referred to in paragraph 3) which is considered by Council in relation to imposing a penalty will require a written request. Upon such request, the Registrar's office will review the pertinent documents for information which the Registrar considers to be sensitive. If no such information is identified, the document shall be made public to the requesting party.
- 5) If public access to a document is requested, and that document is felt to contain sensitive information, then the content of the document will be reviewed by Council or the Executive Committee for redaction. Council or the Executive Committee retains the right to hold documents confidential as they see fit.
- 6) In considering whether to redact or de-identify information, the Council or the Executive Committee will consider whether redacting or de-identifying information would be consistent with the open court principle. In making that determination, the Council will consider the following:
 - a) In determining whether to redact information, the degree of sensitivity of the information and the effect that releasing that information may have on the person affected is an important consideration;
 - b) In determining whether to redact information, the ability to provide information to the public to explain the decisions reached by the Council or a committee of the College is an important consideration;
 - c) Individuals other than the physician who is subject to discipline or competency proceedings are entitled to a higher degree of protection of their information than the physician;
 - d) Information that was pertinent to a determination that the physician was guilty of unprofessional conduct, lacked skill and knowledge or to a determination of penalty or remedy, will not generally be redacted;
 - e) Sensitive personal or medical information presented by a physician found guilty of misconduct and presented as a mitigating factor to lessen penalty should not be redacted.
 - f) Sensitive information about a physician that was not pertinent as set out in paragraph d) will generally be redacted;

- 7) If a physician has been subject to an investigation of the physician’s skill and knowledge under section 45 of the Act, the principles set out above will guide the College in determining what information should be released.
- 8) If a physician has been suspended from practice in accordance with section 45 or 48 of the Act, the principles set out above will guide the College in determining what information should be released.
- 9) If a physician has agreed to a restriction or limitation on the physician’s practice which has been made publicly available in accordance with Council’s policies, the principles set out above will guide the College in determining what information should be released.
- 10) If the person or agency making the request is a regulatory body, a Regional Health Authority, or other organization or individual which requires the information in order to carry out its responsibilities, the Registrar will make the determination whether information should be redacted or de-identified when providing the information.
- 11) The policy on [Alternate Dispute Resolution](#) sets out what will be published when an ADR is approved by Council.