

# *Health Professions Appeal and Review Board*

## *Health Services Appeal and Review Board*

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### **Practice Direction:**

## **Public Access to Proceedings**

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#### **Practice**

The Board is required to hold all hearings and reviews in public unless there are exceptional reasons not to do so. Board decisions are available to the public by publication on the internet through the Canadian Legal Information Institute at: <http://www.canlii.org> or by request through the Board offices. The parties names may appear in any documents posted publicly.

The Board is subject to the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Personal Health Information Protection Act, 2004* that prohibit the disclosure of personal information and personal health information, unless permitted under the conditions outlined under these Acts. All the records and information held by the Board are subject to these Acts.

#### **Comment**

Public access to Board proceedings and decisions furthers the principles of openness, transparency, and accountability of a public body that exercises powers given by legislation. Public access to Board proceedings and the public availability of Board decisions helps to educate others about its processes, jurisdiction, powers, and the principles that apply to its decision-making.

#### **Board Process to request denial of public access to a hearing or review:**

If you request an Order denying the public access to your hearing or review or ask that your identity be withheld you should:

- make your request in writing or by email to the Board or by speaking directly with your case officer;
- give your reason for requesting the denial of public access to your hearing or review.

Following the receipt of submissions, the Board may ask the other party whether there is any objection to the request and for a submission. The Board will consider the submissions and will issue an Order either granting the request, in whole or part, or dismissing the request. An Order giving directions to the parties must be followed.

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### **Factors the Board Considers**

A party may request that the Board prohibit public access to the hearing or review and the party may request that the Board order that the party be referenced by initials only in any documents prepared for the proceeding or in any material publicly posted by the Board. The Board may exercise its authority to make the order requested if reasons exist that show:

- the safety of a person may be jeopardized;
- matters involving public security may be disclosed;
- financial, personal or other matters of such a nature would be disclosed such that the harm created by public disclosure of this information outweighs the principle that hearings must be open to the public;
- a person involved in a criminal proceeding or in a civil suit or proceeding may be prejudiced; or
- matters involving complaints of misconduct of a sexual nature by a regulated health professional.

### **Refer also to:**

- Rule 13 – Public access to proceedings and documents
- Rule 16.3 - Decisions