



# Health Professions Review Board

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## NOTICE to Complainants and Registrants

### Withholding Information in the Record from a Party (Section 42 application)

#### Fairness and Transparency

An important part of a fair review process is for all parties to have access to the same information.

#### The College's Record of Investigation

The first step in a review is for the Review Board to obtain a copy of the college's record of investigation (see [Practice Directive 2 Duty of a College to Produce the Record](#)). The Review Board then distributes it to all the parties.

#### Withholding Information

The Review Board always obtains a complete copy of the college's record of investigation in accordance with the [Rules of Practice and Procedure](#). However, in exceptional cases, a party to the review (most often the college itself) might believe the Review Board should withhold certain information in the record from a party. For example:

- documents that disclose financial or other information that is not relevant to the review
- information that may bias a reviewer (for example, sexual health information or mental health information that does not relate to the subject of the complaint)
- information about a third party (such as names, statements, or personal information about family members that are not relevant to the review)
- information that should be withheld from a party to protect personal safety or security

## How to Apply

Most reviews do not involve an application to withhold information from a party. If you do wish to apply, write to the Review Board **no later than 14 days from the day you receive this notice**. If no requests are received, the Review Board will distribute the entire record of investigation to all parties.

Your application must be in writing, and must:

1. describe the information that should not be disclosed, and which party it should not be disclosed to;
2. explain why the information should not be disclosed;
3. be sent to all other parties. **If copying the parties would defeat the purpose of the application, please contact your case manager.**

If you have any questions or need help, contact your case manager.

References:

[Practice Directive 3 Section 42 Applications Under the Administrative Tribunals Act \(Complaint Disposition Reviews\)](#)