

Confidentiality in our Enforcement Process

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This document is intended for complainants, certificants, and their representatives involved in the FP Canada™ enforcement process. We are publishing this Information Sheet to provide clarity and assurance on the confidentiality measures that are integral to our complaint and investigation processes. Understanding the importance of confidentiality will help all parties navigate the process with confidence and trust.

FP CANADA STANDARDS COUNCIL'S APPROACH TO CONFIDENTIALITY

FP Canada maintains confidentiality during the complaint intake and investigation stages. All communications and discussions between intake staff and/or investigation staff and the certificant are kept confidential. Similarly, all communications and discussions between intake staff and/or investigation staff and the complainant, are confidential. Information is shared only in exceptional circumstances, which are outlined below.

Why is confidentiality important in the complaint process?

Confidentiality is crucial to encourage openness and cooperation. By maintaining confidentiality in our reviews and investigations, parties can comfortably share information with us while we work to understand the facts.

How does the Standards Council maintain confidentiality in our reviews and investigations?

The Standards Council maintains confidentiality by:

- Ensuring content of discussions and correspondence between the complainant, the certificant, and their representatives remains confidential during the review and investigation stage.
- Limiting access to complaint-related documents to authorized staff.
- Sharing investigation findings only as required under FP Canada's rules and policies.
- Adhering to strict data protection measures when handling sensitive information.

Are there any exceptions?

Yes, there are specific circumstances where information may need to be disclosed. Records related to an FP Canada certificant and all records of a complaint, and/or investigation will only be disclosed to a third party if such disclosure is required/permitted by:

- Legal Process: Information may be disclosed as required by a court of law or provincial government agency with appropriate jurisdiction.
 - an Information-Sharing Agreement/Memorandum of Understanding: FP Canada may share information with bodies with whom we have an information-sharing agreement or memorandum of understanding.
 - Provincial Bodies: FP Canada may share information with bodies who have the authority to regulate, oversee, or enforce title protection legislation.
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- **Exceptional circumstances:** In certain exceptional circumstances, where protection of the public outweighs factors favoring non-disclosure, the Standards Council can bring a motion before a Hearing Panel to disclose the fact that there is an ongoing investigation. For complete transparency, and in fairness to the certificant, the exceptional circumstances and process to be followed are set out in the *Standards Council Policy on the Disclosure of Investigations and Interim Suspensions*, an appendix to *FP Canada's Disciplinary Rules and Procedures (DRP)*.

Confidentiality in Hearings: Once the certificant receives a Notice of Referral to Hearing Panel and a Statement of Allegations has been issued, the complaint review and investigation process is no longer confidential and becomes a matter of public record. This ensures transparency in the hearing process. Note: Even at the hearing stage, FP Canada maintains confidentiality by disclosing only non-privilege documents relevant to allegations. This ensures that sensitive information is protected, and only necessary documents are shared. Additional details on Confidentiality at the hearing stage can be found in the *Disciplinary Rules and Procedures*.

How does Confidentiality apply to Complainants?

Complainants, when filing a complaint, consent to FP Canada's policy regarding the sharing of information with the certificant. This includes sharing certain details or all information provided in the complaint, along with copies of documents and personal data such as names, addresses, and telephone numbers.

Complainants also agree to keep confidential the content of any discussions, correspondence, documents and/or investigative findings they receive from the Standards Council, including using information or documentation received from the Standards Council in any ongoing and/or subsequent legal proceedings. The only exception is that complainants may share information with a professional advisor or a support person, assisting them with their complaint to FP Canada, as long as that person also agrees to maintain the confidentiality of the information or documentation.

While the Standards Council requires confidentiality around its communications and outcomes, complainants are not prevented from discussing the underlying facts of their case, their story, and/or their evidence (documents). Further, nothing in our process, precludes a complainant from participating in another regulators' complaint processes while engaging in the FP Canada's process.

How does Confidentiality apply to Certificants and Firms?

When applying for certification, renewing or reinstating their certification, certificants are required to attest to complying with FP Canada's rules and policies, this includes maintaining confidentiality.

Confidentiality ensures that during the initial review and investigation stage, a certificant's reputation is not affected. Public notice will only occur if an exceptional circumstance is triggered, or the matter proceeds to a hearing.

Have Questions?

If there are any questions about confidentiality in the complaint or investigation process, please contact FP Canada at standards@fpcanada.ca or contact FP Canada Standards Council™ by phone at 416.593.8587, or toll free at 1.800.305.9886, and ask to speak with the Standards Council.

For further details, please refer to:

- [*FP Canada Standards Council™ Disciplinary Rules and Procedures and the Policy on the Disclosure of Investigations and Interim Suspensions*](#)
- [*Make a complaint*](#)
- [*FP Canada™'s Privacy policy*](#)

FP Canada is committed to maintaining a fair and confidential process for all parties involved.

FP CANADA™

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