

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Erin Nolan, 2024 ONCSWSSW 2

Decision 20240212
date:

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

ERIN NOLAN

PANEL:	Rita Silverthorn	Chair, Professional Member
	Chisanga Chekwe	Public Member
	Candice Snake	Professional Member

Appearances: Ben Kates, counsel for the College
Austen Metcalfe, counsel for the Registrant
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: December 14, 2023

DECISION AND REASONS FOR DECISION

[1] This matter was heard via videoconference before a panel of the Discipline Committee (the “**Panel**”) at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

The Allegations

[2] In the Notice of Hearing dated January 26, 2023, Erin Nolan, (the “**Registrant**”) is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, SO 1998, c 31 (the “**Act**”) in that she allegedly engaged in conduct that contravened sections of the Act and sections of Ontario Regulation 384/00 (the “**Professional Misconduct Regulation**”).

[3] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

I. The following are particulars of the said allegations:

1. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the “**College**”).
2. From on or about July 17, 2017, to on or about September 23, 2021, you were employed by Family and Children’s Services Niagara (“**FACS Niagara**”) as a Child Welfare Supervisor.
3. Between on or about November 12, 2020, until on or about July 16, 2021, you inappropriately searched and/or accessed confidential Child Protection Information Network (“**CPIN**”) records on multiple dates. Those improper searches and/or accesses included but were not limited to one or more searches and/or accesses related to:
 - a. Your own name and/or your maiden name;
 - b. The names of various relatives, including but not limited to your child, husband, brother, mother, aunt, and/or cousin;
 - c. The name of the individual at the centre of a high-profile case within the jurisdiction of another Children’s Aid Society, which had received media coverage; and
 - d. The daycare that your child attended.
4. In total, you accessed records that belonged to six different child protection agencies, resulting in privacy breaches relating to 14 different people and 1 service provider (your child’s daycare). In addition, a number of your searches that did not result in an identifiable privacy breach nonetheless breached FACS Niagara’s policies.
5. You had no legitimate employment reason to search for and/or access these records and/or did not have the necessary consent or authorization to do so. These searches and/or accesses violated the policies of FACS Niagara and/or breached the *Child, Youth and Family Services Act, 2017*.
6. FACS Niagara was required to report your conduct to the Information and Privacy Commissioner and to the Ministry of Children, Community and Social Services. It also had to take steps to notify the affected individuals and/or providers.
7. On or about September 23, 2021, your employment at FACS Niagara was terminated as a result of the conduct outlined above.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- a. In that you violated **Section 2.2 of the Professional Misconduct Regulation** and
 - i. **Principle II of the Handbook (commented on in Interpretation 2.2.8)** by engaging in conduct that could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
 - ii. **Principle IV of the Handbook (commented on in Interpretations 4.3.1)** by failing to manage records in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, failing to comply with the requirements regarding access to client information including personal information in a record as set out in applicable privacy and other legislation, and/or failing to acquire and maintain an understanding of your employer's policies regarding access to information in a record;
 - iii. **Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2)** by failing to respect the privacy of clients, failing to comply with applicable privacy and other legislation, and/or failing to acquire and maintain a thorough understanding of your employer's policies and practices relating to the management of client information;
- b. In that you violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a federal, provincial or territorial law or a municipal by-law (namely, the Child, Youth and Family Services Act, 2017) where:
 - i. the purpose of the law or by-law is to protect public health, or
 - ii. the contravention is relevant to the member's suitability to practice; and/or
- c. In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as dishonourable or unprofessional.

Registrant's position

[4] The Registrant admitted the allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

The Evidence

[5] The hearing evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows:

A. Overview

1. Erin Nolan (the "**Registrant**") conducted unauthorized searches and improperly accessed records of personal information within the Child Protection Information Network ("**CPIN**").
2. Specifically, between November 2020 and July 2021, the Registrant conducted 20 searches of the CPIN system in breach of the rules and policies related to confidentiality of her employer, Family and Children's Services Niagara ("**FACS Niagara**"). She accessed records of personal information belonging to six different child protection agencies and thereby breached the privacy of 14 different individuals and one service provider. The Registrant's breaches of privacy

amounted to a contravention of Part X of the *Child, Youth and Family Service Act, 2017*¹ ("CYFSA").

3. The Registrant had access to CPIN through her role as Child Welfare Supervisor for FACS Niagara.

B. The Registrant's Employment and Relevant Policies

4. The Registrant obtained a Master's degree from the University of Toronto in 2006. She first registered with the College as a Social Worker on April 13, 2017. She is registered without conditions as of the date of this agreement.
5. The Registrant was employed by FACS Niagara as a Child Welfare Supervisor between approximately July 17, 2017, and September 23, 2021. As a Child Welfare Supervisor, the Registrant was responsible for overseeing the day-to-day operations of activities of the assigned service team in accordance with the prescribed guidelines and regulations of the CYFSA. She was a "service provider" within the meaning of the CYFSA.
6. Through her employment at FACS Niagara, the Registrant had access to records stored in CPIN to be used for legitimate purposes related to her work as a Child Welfare Supervisor. CPIN is a provincial information management system used by Ontario's children's aid societies to store information needed to deliver child protection services. CPIN is designed to permit enhanced access to information between children's aid societies, and CPIN-using societies disclose information to one another in the system.
7. Records stored in CPIN are subject to Part X of the CYFSA and can be accessed only for certain permitted uses. Part X of the CYFSA includes a formal mechanism for individuals to access records of their own personal information. The Registrant received training from FACS Niagara about Part X of the CYFSA on July 9, 2021.
8. As a FACS Niagara employee, the Registrant was obliged to comply with FACS Niagara's Confidentiality Policy (the "**Confidentiality Policy**"). The Registrant signed an acknowledgment that she had read and understood the Confidentiality Policy on July 17, 2017, November 30, 2017, November 26, 2018, and December 11, 2020. The Confidentiality Policy, as revised November 2020, provided:

No one is permitted to access files (including case management files and electronic files) that they are not currently working on including coverage or are the case management for. Any employee discovered doing so will be subject to disciplinary actions due to the breach in privacy.
9. A copy of the Confidentiality Policy, in force at the material time, is included at **Tab 1** of the Joint Document Book.
10. The Registrant's understanding of the permitted use of CPIN was further informed by FACS Niagara's Privacy and Personal Information Manual. That manual, as issued December 13, 2019 states:

Employees of FACS Niagara must not access any personal records unless authorized to do so and only where is an authorized work- related reason has been confirmed *[sic]*

¹ S.O. 2017, c. 14, Sched. 1

Employees of FACS Niagara may not access CPIN or any other electronic or paper or other records of personal information of their own family, friends, neighbors, work colleagues or any other persons unless the Employee is authorized to do so as part of their official duties.

Employees of FACS Niagara may only access service records related to themselves held in CPIN through the formal request for records as a service recipient and as prescribed by law.

11. A copy of FACS Niagara's Privacy and Personal Information Manual, in force at the material time, is included at **Tab 2** of the Joint Document Book.
12. As a FACS Niagara Employee, the Registrant was also obliged to comply with FACS Niagara's Code of Ethics. That document provides:

We undertake, both collectively and individually, to uphold and comply with all laws, rules, regulations, policies, and procedures that impact on our job responsibilities and on the mandate of the Society.

We undertake not to use any information obtained during the course of our employment or affiliation with the Society for our benefit or the benefit of a third party without the authorization of the Executive Director. Furthermore, no information shall be used to the detriment of the Society or its work.

13. A copy of FACS' Niagara's Code of Ethics, in force at the material time, is included at **Tab 3** of the Joint Document Book.

B. The Registrant's unauthorized CPIN Searches and improper access of personal information

14. Between November 12, 2020, and June 16, 2021, the Registrant conducted several unauthorized searches using the CPIN system. Using the search results, she improperly accessed records belonging to six different child protection agencies, resulting in breaches of privacy to 14 people and one provider, being her child's daycare provider. In each case, there was no legitimate reason for the Registrant to conduct the searches or access the files in question, and the Registrant did not have the necessary consent or authorization to have done so.
15. The details of the Registrants improper searches and inappropriate record access are as follows:

(a) On November 12, 2020, the Registrant searched:

- (i) Her child's forename and surname. She went on to view "Person" and "Family View" records held by the Family and Children's Services of the Waterloo Region. The "Family View" records included one case reference.
- (ii) Her own forename and surname.
- (iii) Her husband's forename and surname.

(b) On April 20, 2021, the Registrant searched:

- (i) Her own forename and surname.
- (ii) Her husband's forename and surname.

- (c) On May 6, 2021, the Registrant searched:
 - (i) A relative's forename and surname.
 - (ii) The same relative's forename and surname, adding a term in the "city" field.
 - (iii) Her own forename and maiden name.
 - (iv) A second relative's forename and surname. She went on to view "Person" and "Family View" records held by Highland Shores Children's Aid Society. The "Family View" records included one case reference.
 - (d) On June 10, 2021, the Registrant searched the forename and surname of a high-profile criminal suspect that had recently been the subject of media coverage. She went on to view "Person", "Family View", and "Intake Case" records held by the Children's Aid Society of London and Middlesex ("**London CAS**"). The "Family View" records included 16 case references.
 - (e) On June 24, 2021, the Registrant searched:
 - (i) A third relative's forename and surname.
 - (ii) A fourth relative's forename and married name. She went on to view "Person" records held by the Children's Aid Society of Hamilton.
 - (iii) The same relative's forename and married name.
 - (iv) A fifth relative's forename and surname. She went on to view "Person", "Family View", "Investigation Case", and "Intake Summary" records of the Family and Children's Services of Lanark, Leeds and Grenville. The "Family View" records included two case references.
 - (v) A sixth relative's forename and surname.
 - (vi) A relative's forename and surname. The following day, she went on to view "Person", "Investigation Case", and "Intake Records" of the Family and Children's Services of Lanark, Leeds and Grenville.
 - (f) On July 16, 2021, the Registrant searched:
 - (i) Her own forename and surname.
 - (ii) The name of her child's daycare provider. She went on to view "Provider", "Case Search", "Intake Case" and two "Investigation Case" records of the Children's Aid Society of the Regional Municipality of Halton.
 - (iii) Her child's forename and surname.
 - (iv) Her child's forename and surname by a different spelling.
16. The fact that the Registrant searched for or accessed the files above does not confirm that any of the above-mentioned individuals have a file in CPIN. Rather, certain of the Registrant's search targets do not have a file in CPIN.
17. The Registrant's access of personal information records on CPIN amounted to breaches of privacy and contravened Part X of the CYFSA. Those breaches affected individuals beyond her intended search targets. In certain instances, the Registrant accessed a record that contained personal

information about multiple individuals, not limited to her search target. In other instances, the Registrant accessed a record for an individual whose name resembled the target of her search but was, in fact, someone else.

18. Not all of the conduct set out at paragraph 15 amount to breaches of Part X of the CYFSA. However, all the conduct set out therein breached FACS Niagara's Confidentiality Policy and Code of Ethics.

C. Discovery of the Registrant's Breaches and Aftermath

19. The Registrant's conduct initially came to the attention of FACS Niagara through another children's aid society. On September 10, 2021, FACS Niagara received notice from London CAS of a potential breach of privacy due to an unauthorized access to a high-profile file by FACS Niagara.
20. FACS Niagara determined that the Registrant had accessed the file in question and that she had no legitimate purpose for doing so. FACS Niagara ran a user audit for the Registrant's entire search and access history in the CPIN system. The ensuing audit identified the Registrant's conduct as set out at paragraph 15, above.
21. FACS Niagara was required to, and did, report the Registrant's conduct to the Ministry of Children, Community and Social Services, and the Information and Privacy Commissioner of Ontario. It was also required to, and did, take steps to notify the service recipients and provider whose privacy had been impacted by the Registrant's breaches.
22. The Registrant resigned from FACS Niagara on September 23, 2021.
23. FACS Niagara reported the Registrant's conduct to the College on October 1, 2021.

E. Admissions of Professional Misconduct

24. The Registrant agrees that the following are standards of the profession, as set out in the *Code of Ethics and Standards of Practice Handbook* (the "**Handbook**"):
 - (a) Principle II addresses competence and integrity;
 - (b) Principle IV addresses the social work and social service work record; and
 - (c) Principle V addresses confidentiality.
25. The Registrant admits that by reason of engaging in the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c 31 (the "**Act**"), in that the Registrant:
 - (a) Violated section 2.2 of the 0. Reg. 384/00: Professional Misconduct (the "**Professional Misconduct Regulation**") by failing to meet the standards of the profession and in particular:
 - (i) Principle II of the Handbook (commented on in Interpretation 2.2.8) by:
 1. Engaging in conduct that could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
 - (ii) Principle IV of the Handbook (commented on in Interpretation 4.3.1) by:

1. Failing to manage records in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, failing to comply with the requirements regarding access to client information including personal information in a record as set out in applicable privacy and other legislation, and/or failing to acquire and maintain an understanding of your employer's policies regarding access to information in a record;
 - (iii) Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2) by failing to respect the privacy of clients, failing to comply with applicable privacy and other legislation, and/or failing to acquire and maintain a thorough understanding of your employer's policies and practices relating to the management of client information;
- (b) Violated section 2.29 of the Professional Misconduct Regulation by contravening a federal, provincial or territorial law or a municipal by-law (namely, the CYSA where:
 - (i) the purpose of the law or by-law is to protect public health, or
 - (ii) the contravention is relevant to the member's suitability to practise; and
- (c) Violated section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, and unprofessional.

G. Acknowledgements

26. Having had the opportunity to obtain, and having in fact obtained, independent legal advice, the Registrant has reviewed and understands the Notice of Hearing dated January 26, 2023 (the "**Notice of Hearing**") and this Agreed Statement of Facts. The Registrant further acknowledges that she is entering into this Agreed Statement of Facts freely and voluntarily, without compulsion or duress.
27. This Agreed Statement of Facts constitutes a statement of facts agreed upon by the parties within the meaning of rule 13.02 of the *Rules of Procedure* of the Discipline Committee of the College.
28. The Registrant irrevocably acknowledges and agrees that all the facts in this Agreed Statement of Fact are true and accurate.
29. The College and the Registrant voluntarily admit the truth of the facts as recounted in this Agreed Statement of Facts and the authenticity of the documents to which it refers, including all documents in the accompanying Joint Document Book.
30. The Registrant understands the nature of the allegations that have been made against her and that by voluntarily admitting these facts, she waives her right to require the College to otherwise prove these facts. The College and the Registrant agree that because of the admissions in this Agreed Statement of Facts, neither the College nor the Registrant need to prove the facts recounted in this Agreed Statement of Facts through a full hearing with witness' testimony and other evidence.
31. The College and the Registrant understand that, at a hearing into this matter, they may adduce additional evidence pertaining to some or all of the allegations contained in the Notice of Hearing that is consistent with the facts agreed to in this Agreed Statement of

Facts. The College and the Registrant understand that, at a hearing into this matter, they are prohibited from adducing additional evidence that is inconsistent with the facts agreed to in this Agreed Statement of Facts.

32. The Registrant understands that the Panel of the Discipline Committee can accept that the facts herein constitute professional misconduct and, in particular, can accept her admissions as constituting professional misconduct.
33. The Registrant understands that if the Panel makes a finding or findings of professional misconduct against her, then the Panel's decision and its reasons, and/or a summary of its reasons including the facts contained herein and the Registrant's name, as well as any reprimand ordered under section 26 of the Act, will be published in the College's official member publication, in the College's register, on the College's website, and/or in any other media-related format that is provided to the public and is deemed appropriate by the College pursuant to s. 26(5)(3) of the Act.
34. The Registrant understands that the Panel of the Discipline Committee can make orders as a result of a finding of professional misconduct, as described in the Notice of Hearing, and then would consider the appropriate penalty under section 26 of the Act. The Registrant understands that the Panel of the Discipline Committee might not accept a submission as to penalty or costs, even where jointly proposed by the parties.
35. The College and the Registrant consent to this Agreed Statement of Facts being filed with the Discipline Committee and provided to the Panel in advance of the hearing of this matter.

Decision of the panel

[6] Having considered the admissions of the Registrant, the evidence contained in the Agreed Statement of Facts, and the submissions of both counsel, the Panel found that the Registrant committed the acts of professional misconduct alleged in the Notice of Hearing. With respect to allegation II(c), the Panel found that the Registrant's conduct would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

Reasons for decision

[7] The Agreed Statement of Facts substantiates all the allegations contained in the Notice of Hearing. It contains a comprehensive documentary record of what occurred. The Registrant admitted to conducting improper database searches and there was no dispute that the admitted conduct contravened applicable privacy laws and the internal policies of the Registrant's former employer.

[8] Members of the public are entitled to the assurance of privacy when they consult practitioners. They must be confident that their records will not be used or accessed improperly. The breaches in this case affected individuals beyond the Registrant's intended searches. In certain instances, the Registrant accessed records containing personal information of multiple individuals, unconnected to the Registrant's search targets. The Registrant clearly failed to manage records in accordance with legislation.

[9] The Registrant's conduct undermined her professionalism and risked undermining the broader public perception of the social work and social service work profession. The admitted facts were more than sufficient to substantiate that the Registrant performed an

act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

Penalty submissions

[10] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submissions as to Penalty (“**Joint Submission**”) asking this Panel to make an order as follows.

1. The Registrant shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to suspend the Registrant's certificate of registration for a period of three months.
3. The Registrar shall be directed to impose terms, conditions, and limitations on the Registrant's certificate of registration as set out in paragraphs 3(a) through 3(e). These terms, conditions, and limitations shall consist of the following:¹
 - a. The Registrant shall participate in and successfully complete, at her own expense, coursework on the topic of professional ethics, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of this order;
 - b. The Registrant shall participate in and successfully complete, at her own expense, coursework on the topic of privacy and related professional obligations, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date of the Discipline Committee's order;
 - c. The Registrant shall meet with the Registrar, Registrar's Designate or a regulatory expert within six months of the date of the order to discuss, among other things, strategies for preventing future misconduct from occurring.
 - d. In the event that the Registrant is employed as a social worker in the 12 months following the Discipline Committee's order, the Registrant shall;
 1. Provide the College with the details of her employment and/or practice circumstances;
 11. Notify her employer of the Discipline Committee's reasons for its decision; and
 111. Only practise social work for an employer who agrees to, and does, forward a report to the Registrar within fifteen (15) days of the commencement or resumption of the Registrant's employment in any social work position, confirming that they received notice of the Discipline Committee's response for its decision.
 - e. In the event that the Registrant operates a private practice within 12 months of the Discipline Committee's order (the "Supervisory Period"), the Registrant shall practise under the supervision of a supervisor, approved by the College and at her own expense.

¹ If the Registrant is unable to meet the terms, conditions, and limitations hereby imposed upon her, then she is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

- i. The Registrant shall meet with her supervisor no fewer than once per month during the Supervisory Period to discuss and review her social service work practice.
 - ii. The Registrant shall provide to the approved supervisor the Notice of Hearing as well as the Agreed Statement of Facts, Joint Submission as to Penalty and final decision of the Discipline Committee arising from this proceeding and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the Registrant's return to practice under supervision.
 - ii. In the event that the Registrant wishes to change supervisors, she shall forthwith advise the Registrar of her wish to terminate the approved supervisory relationship and present the name of her proposed new supervisor for approval and, upon the approval by Registrar, the Registrant shall comply with the requirements of paragraph 3(e) in respect of her new supervisor for the balance of the Supervisory Period.²
 - iii. The Registrant shall seek consent from prospective clients to share personal health information with her supervisor to allow the supervisor to review client files and engage in supervision and shall anonymize all personal information of clients while discussing her client files with her supervisor.³
 - iv. Forthwith upon completion of the supervision, the Registrant shall provide to the Registrar written confirmation from her supervisor(s) of such completion.
4. The Discipline Committee's finding and order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College.
5. The Registrant shall pay costs to the College in the amount of \$5,000 to be paid in accordance with the following schedule:
 - a. \$1,250 to be paid within 90 days of the acceptance by the panel of this penalty;
 - b. \$1,250 to be paid within 180 days of the acceptance by the panel of this penalty;
 - c. \$1,250 to be paid within 270 days of the acceptance by the panel of this penalty;
 - d. \$1,250 to be paid within one year of the acceptance by the panel of this penalty.
6. In the Registrant fails to make either of the first two payments at paragraphs 5(a) and 5(b) in

² For clarity, the Registrant shall provide her new supervisor with the Notice of Hearing, the Agreed Statement of Facts and Joint Submission as to Penalty, and, if available, the final decision of the Discipline Committee and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the commencement of supervisory relationship. If the final decision of the Discipline Committee is not yet available at the commencement of the supervisory relationship, the Registrant must subsequently provide it to the approved supervisor within 72 hours of receipt.

³ For greater clarity, while a client may refuse to sign a consent to release personal health information, the Registrant must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor

accordance with the payment schedule set out therein, the entire amount of costs outstanding will become due immediately.

Penalty decision

[11] Having considered the findings of professional misconduct and the submissions of the parties, the Panel accepted the Joint Submission and made an order consistent with its terms before the conclusion of the oral hearing.

Reasons for penalty decision

[12] This is the case of a Registrant who meant no harm but ultimately failed to fully appreciate the seriousness of what she was doing at the time. That said, the Panel has no doubt that the Registrant fully appreciates the seriousness of her conduct now.

[13] A penalty order needs to maintain high professional standards, preserve public confidence in the ability of the College to regulate its registrants, and, above all, protect the public. It also needs to be commensurate with the severity of the misconduct found in the relevant case.

[14] The Joint Submission is well structured to address the misconduct found in this matter. The necessary suspension period will ensure both general and specific deterrence. The requirement to complete coursework on ethics and privacy coupled with the obligation to meet with the College Registrar (or Designate) to discuss strategies for preventing recurrence strikes a strong balance with an emphasis on rehabilitation that is appropriate for this Registrant.

[15] The 12-month requirement to inform future employers of these proceedings or to engage a supervisor if in private practice assures this Panel that the public will be adequately protected when the Registrant returns to work. The public can also be reassured that while the Registrant completes her coursework and rehabilitation efforts, the College will have clear visibility into her progress.

[16] The reprimand in this matter was particularly important. The Panel had the ability to deliver an oral reprimand directly to the Registrant before the conclusion of the hearing. We have no doubt that the Registrant heard us and has taken these events seriously. This Panel remains confident that this Registrant still has much value to offer to future clients and the profession. We have confidence in her and placed significant weight in the positive way in which she proactively engaged in the discipline process. We are also confident that this Registrant will not be before the Discipline Committee again and that she appreciates this conduct must never recur.

[17] The mitigating factors in this case were essential. Our comments above do not, in any way, diminish the seriousness of what occurred. Registrants who engage in behaviour which leverages their positions of trust and authority to infringe upon the privacy of clients or third parties should anticipate that such conduct will be strongly denounced. The penalty in this case was appropriate to this Registrant. On different facts, with aggravating factors or fewer mitigating factors, a registrant should expect a penalty that could be even more severe.

[18] This was a case where the parties agreed that costs were appropriate. The broader College membership should not bear the entire cost of this Registrant's actions. The amount agreed upon between the parties and the payment schedule proposed is reasonable and the Panel accepted it without concern.

I, Rita Silverthorn, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: _____

Signed: _____

Rita Silverthorn, Chair
Chisanga Chekwe
Candice Snake