

**POLICY OF THE ORDRE DES DENTISTES DU QUÉBEC
REGARDING DOCUMENTS AND INFORMATION ACCESSIBLE
WITHOUT RESTRICTION**

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FOREWORD

This document stems from the *Model Policy of a Professional Order on Documents and Information Accessible Without Restriction*, proposed to professional orders by the Information Management Working Group, created in summer 2007 under the stewardship of the Conseil interprofessionnel du Québec.

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1. INTRODUCTION

The *Policy of the Ordre des dentistes du Québec on documents and information accessible without restriction* (the "Policy") is adopted pursuant to the *Act respecting Access to documents held by public bodies and the Protection of personal information* ("AAD"), the *Act respecting the Protection of personal information in the private sector* ("APPIPS") and the *Professional Code* ("PC").

AAD, R.S.Q.,
c. A-2.1

APPIPS,
R.S.Q.,
c. P.39.1

PC, R.S.Q.,
c. C-26

The Policy provides measures to foster and facilitate access to information while protecting personal information. It lists or determines the types of information or documents which are of a public nature, which are accessible to any person and which can be communicated without restriction.

Thus the personnel of the Ordre des dentistes du Québec may respond to numerous requests for information or documents and fulfill its regulatory and ethical obligations, without it being necessary for the person in charge of access to intervene.

However, in the event of doubt as to whether a document or information may be communicated, or concerning the relevant terms and conditions, it is always advisable to submit the request to the person in charge of access at the Ordre.

2. SCOPE

2.1 Individuals concerned

The Policy is a reference tool intended specifically for the personnel of the Ordre des dentistes du Québec. It is also posted on the Ordre des dentistes du Québec website.

Unless otherwise indicated, the Policy applies to all Ordre des dentistes du Québec stakeholders, be it an officer, director or employee, or a mandatary acting on behalf of the Order pursuant to a service contract, a job contract or other (subcontractor, accountant, lawyer, etc.).

2.2 Review mechanisms

Any request to amend the Policy is submitted to the person in charge of access, who then forwards the request to the decision-making body concerned.

2.3 Person in charge of application

The person in charge of access sees to the application of the Policy. The name and contact information of the person in charge of access must be accessible, in particular on the Ordre des dentistes du Québec website.

3. DOCUMENTS OR PERSONAL INFORMATION

3.1 Information contained in the Roll of the Ordre des dentistes du Québec or in the directory concerning any person who is no longer entered on the Roll of the Order, as applicable.

Roll: Sect. 46.1 and 108.8(1°) PC

See also:
Roll regulation
Sect. 2

Directory:
Sect. 46.2 and
108.8 PC

Note: The directory keeps the information concerning former members who were struck from the roll, declared disqualified or who ceased to be members.

3.1.1 What information is of a public nature under the law?

- Member's last and first name;
- Member's number; ¹
- Member's sex;
- Name of the member's office or employer;
- Address and telephone number of the member's professional domicile;
- Information on other places of practice, apart from the professional domicile;²
- Sector of practice in which the member principally practises; ³
- Year that the person was entered on the Roll and the year of every subsequent entry on the Roll;
- Every certificate, permit or accreditation that the Ordre des dentistes du Québec has issued to the person, including the date of issue;
- Note to the effect that the person has been struck from the Roll or that the person's right to engage in professional activities is or has been restricted or suspended, or that the person's permit has been revoked⁴ under the following circumstances:
 - disciplinary, criminal or penal decision, in Quebec or elsewhere (s. 45.1, 55.1 and 55.2 PC);
 - medical examination (s. 51);
 - refresher training or refresher course upon recommendation of the Disciplinary Council or the Professional Inspection Committee, or in the event of re-enrolment (s. 55 PC);
 - in cases other than those listed above (s. 46.1 (8) PC). Examples: non-payment of contribution or failure to comply with the *Regulation respecting professional liability insurance* (Sect. 86 (I) PC);

*Sect. 45.1, 51,
55 and 55.1
PC
55.1 CP*

¹ Since the entry into force of Order in Council 82-2013 (G.O. II, 2013, No. 8, 533), approving the *Regulation amending the Regulation respecting the roll of professional orders*, on March 7, 2013, the permit numbers of ODO members have been considered to be of a public nature (section 4.1(2) of the *Regulation respecting the roll of professional orders*);

² Section 108.8 (2) PC

³ Article 2 (2°) du *Règlement sur le tableau des ordres professionnels*;

⁴ Section 2 (1) of the *Regulation respecting the roll of professional orders*. Members' background information is communicated to the public by the Roll and Office of the Clerk department.

- The name of the assignee of the member's records.⁵

3.1.2 To obtain this information, the applicant can:

- Call the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.
- Write to the Roll and Office of the Clerk Department when proof of registration on the Roll is required.

Note: The request for access to this information must concern an identified dentist.

Sect. 108.8 PC

3.2 Students

Sect. 108.8 PC

3.2.1 What does this information include?

- The following information on a person who carries on professional activities as part of a program of study leading to a diploma giving access to a permit or a specialist's certificate:
 - the person's name;
 - the person's sex;
 - information on where the person carries on professional activities;
 - the professional activities the person is authorized to carry on;
 - the dates when the person started and ceased carrying on professional activities.⁶

3.2.2 To obtain this information, the applicant can:

- Call the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.
- Write to the Roll and Office of the Clerk Department.

Note: The request for access to this information must concern an identified student.

3.3 Special authorizations to practise the profession

Art. 108.8 CP

3.3.1 What does this information include?

- Information concerning a person to whom a special authorization is issued, i.e. the authorized activities and the authorization period, even after the authorization ceases to be effective.

⁵ Order in Council 82-2013 (G.O. II, 2013, No. 8, 533) approving the *Regulation amending the Regulation respecting the roll of professional orders*, March 7, 2013 (s. 4.1 (2) of the *Regulation respecting the roll of professional orders*);

⁶ Section 108.8 (3) of the *Professional Code* (since June 19, 2009, i.e. the date of entry into force of section 7 of the *Act amending the Professional Code and other legislative provisions*, R.Q. 2009, c. 35).

3.3.2 *To obtain this information, the applicant can:*

- Call the Roll and Office of the Clerk Department.

3.4 Information concerning directors, committee members and personnel of the Ordre des dentistes du Québec

Sect. 90 PC
Sect. 108.6 PC

3.4.1 *What does this information include?*

- Names, titles and functions of the President, Vice-President, Secretary, Assistant Secretary, Syndic, Assistant Syndics and corresponding syndics, the Secretary of the Disciplinary Council and members of the personnel of the Ordre des dentistes du Québec;
- Names, titles and functions of the members of the Board of Directors and, if applicable, the area of professional activity and the region they represent;
- Names, titles and functions of the members of the Executive Committee, the Disciplinary Council, the Professional Inspection Committee and the Review Committee, as well as information concerning the person in charge of professional inspection;
- Names of the scrutineers designated by the Board of Directors;
- Names, titles and functions of the members of the Council for Conciliation and Arbitration of Accounts;
- Name, title and function of the Ordre des dentistes du Québec representative on the Conseil interprofessionnel du Québec.

Note: The dissemination of information concerning members of other committees, including the Continuing Dental Education Committee, requires the consent of the persons concerned.

3.4.2 *To obtain this information, the applicant can:*

- Visit the website of the Ordre des dentistes du Québec at www.odq.qc.ca.
- Call the Administration Office of the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.

3.5 Restriction or suspension of permit or temporary striking off the Roll

Sect. 108.7(1°) PC
Sect. 156 PC
Sect. 182.9 PC

3.5.1 *What does this information include?*

- The information contained in the resolution striking a member off the roll of the Order or restricting or suspending the member's right to engage in professional activities, except any medical information or information concerning a third person that it may contain (e.g. the nature of the restriction, the starting and ending dates, etc.) or the notice in a publication concerning a dentist who has been removed from the roll or whose right to practise has been restricted or suspended, a notice of the final decision of the Board of Directors or the Tribunal

des professions, as the case may be, leading to this striking off, restriction or suspension and, if applicable, a notice of the decision of the Tribunal to rectify or review such a decision. This notice includes the dentist's name, professional domicile, specialty and, if applicable, the date and a summary of the decision;

- Name of a provisional custodian and a description of the latter's mandate (according to the regulation of the Ordre des dentistes du Québec).

3.5.2 To obtain this information, the applicant can:

- Call the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.
- Call the Secretariat of the Disciplinary Council or the Roll and Office of the Clerk Department.

3.6 Disciplinary complaints

Sect. 108.7 (5°) PC

3.6.1 What does this information include?

- Name of the member concerned and the object of the complaint duly filed with the Secretary of the Disciplinary Council upon service of the complaint on the dentist.

Note: Following the initial hearing, the file of the Disciplinary Council itself is made accessible, unless otherwise ordered by the Council.

3.6.2 To obtain this information, the applicant can:

- Call the Secretariat of the Disciplinary Council at 514 875-8511 or, toll free, at 1 800 361-4887.

3.7 Disciplinary Council

Sect. 118.1 PC

3.7.1 What does this information include?

- List of members of the Disciplinary Council (name and occupation);
- Name of the Chair of the Disciplinary Council;
- Name of the Substitute Chair.

3.7.2 To obtain this information, the applicant can:

- Visit the website of the Ordre des dentistes du Québec at www.odq.qc.ca.
- Call the Secretariat of the Disciplinary Council at 514 875-8511 or, toll free, at 1 800 361-4887.

3.8 Hearing roll of the Disciplinary Council

3.8.1 What does this information include?

- List of upcoming hearings of the Disciplinary Council;
- The hearing roll specifies the object of the complaint, the names of the parties and the place, date and time of the hearing.

3.8.2 To obtain this information, the applicant can:

- Visit the website of the Ordre des dentistes du Québec at www.odq.qc.ca.
- During business hours, consult the hearing roll posted on the notice board at the reception of the Ordre des dentistes du Québec.

3.9 Disciplinary file of the Disciplinary Council

Sect. 108.7(5) PC

3.9.1 What does this information include?

- The entire disciplinary file is made public once the initial hearing has been held, with the exception of hearings held before August 1, 1988, subject to any order to the contrary issued by the Disciplinary Council or the Professions Tribunal pursuant to sections 142 or 173 PC.

3.9.2 To obtain this information, the applicant can:

- Call the Secretariat of the Disciplinary Council at 514 875-8511 or, toll free, at 1 800 361-4887.

3.10 Decisions of the Disciplinary Council

3.10.1 What does this information include?

- All decisions of the Disciplinary Council, whether the member concerned is found guilty of an infraction or not;
- If applicable, the content of the sanction, i.e. a reprimand, temporary or permanent striking off the roll, a fine, the obligation to remit money, an obligation with respect to information or a document, the revocation of a permit or a specialist's certificate, and the restriction or suspension of the right to practise.

3.10.2 To obtain this information, the applicant can:

- Call the Secretariat of the Disciplinary Council at 514 875-8511 or, toll free, at 1 800 361-4887.

Note: All disciplinary decisions (whether rendered before or after August 1, 1988) are public.⁷

⁷ K.K. c. Collège des médecins, 2011 QCCA 126.

4. ACTS, REGULATIONS, POLICIES AND PROCEDURES

4.1 Information concerning acts and regulations

The members of the Ordre des dentistes du Québec are subject to the *Professional Code*, R.S.Q., c. C-26, to the *Dental Act*, R.S.Q., c. D-3 and to the various regulations adopted by the Ordre des dentistes du Québec, including the *Code of ethics of dentists*.

4.1.1 What does this information include?

- Any regulation or provision of an act in force;
- Any bill presented to the National Assembly to amend the *Professional Code* and, if applicable, to amend the *Dental Act*;
- Any draft regulation published in the *Gazette officielle du Québec*.

4.1.2 To obtain this information, the applicant can:

- Visit the website of the Office des professions or that of the Ordre des dentistes du Québec at www.odq.qc.ca.
- Call the Administration Office or the Public Affairs and Communications Department of the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.

4.2 Policies and procedures pertaining to the control of the practice of the profession

These are, in particular, documents pertaining to professional training, admission, the issue of permits, specialist's certificates or special authorizations, discipline, the conciliation and arbitration of accounts, the supervision of the practice of the profession and the use of a title, professional inspection and indemnification, as well as documents pertaining to the adoption of standards relating to such matters.

4.2.1 What are these documents?

- Guidelines;
- Examination guide or protocol;
- Other documents, depending on the list established by the Board of Directors of the Ordre des dentistes du Québec.

4.2.2 To obtain this information, the applicant can:

- Visit the website of the Ordre des dentistes du Québec at www.odq.qc.ca.
- Call the Administration Office or the Public Affairs and Communications Department at 514 875-8511 or, toll free, at 1 800 361-4887.

4.3 Classification plan

The Ordre des dentistes du Québec makes accessible to the public a document classification plan or list.

4.3.1 What are these documents?

- Document classification plan (or classification list).

4.3.2 *To obtain these documents, the applicant can:*

- Call the Ordre des dentistes du Québec at 514 875-8511 or, toll free, at 1 800 361-4887.
- Contact the person in charge of the management of documents.

5. OTHER DOCUMENTS AND INFORMATION

Sect. 13 AAD
Sect. 108.1 PC
Sect. 108.1 CP

The Ordre des dentistes du Québec regularly publishes or disseminates documents intended for members and the public, or both. These documents are updated periodically.

5.1 *What does this information include?*

- Directories
- Newsletters
- Leaflets
- Position statements
- Papers
- Reports and reference documents
- Annual reports

The Ordre des dentistes du Québec establishes the list of documents it wishes to make accessible even when such documents are not meant to be published or disseminated.

Note: Any document or information posted in the general section of the Ordre des dentistes du Québec website is, by definition, public.

5.2 To obtain these documents, the applicant can:

- Visit the website of the Ordre des dentistes du Québec at www.odq.qc.ca.
- Order the desired publication by calling the Public Affairs and Communications Department at 514 875-8511 or, toll free, at 1 800 361-4887.

6. FEES PAYABLE

c. A-2.1 r.1.1

- The Ordre des dentistes du Québec can charge fees not exceeding those provided in the latest update of the *Regulation respecting fees for the transcription, reproduction and transmission of documents and personal information*.⁸
- The Ordre des dentistes du Québec must inform the applicant of the fees at the time of the request.
- When the right to access is recognized, there is a fee payment exemption up to the amount of \$7.30.
- Documents on sale will continue to be sold at the price set.
- The main fees that can be charged are summed up in the following table:

Type of document	Fees *	Description
Sheet of paper	\$0.37	Per photocopied or per printed page, or per page derived from a microfilm or a microfiche
Photograph	\$7.30	To produce a negative
Photograph (8" x10" format)	\$5.80	Per photograph
Photograph (5" x7" format)	\$4.50	Per photograph
CD/Diskette	\$14.00	N/A
Computerized document	\$25.50/hour	Hourly rate when computerized documents must be transcribed manually

- * These fees are increased on April 1 of each year based on the rate of increase in the general consumer price index, as determined by Statistics Canada (section 5.3 of the Regulation).

⁸ Fees in effect on April 1, 2013 (G.O.I, March 16, 2013, p. 381)