

POLICY FOR PUBLICATION OF REGULATORY INFORMATION ABOUT RCICs AND REGISTRANTS



icccrc
IMMIGRATION CONSULTANTS OF
CANADA REGULATORY COUNCIL
crcic
CONSEIL DE RÉGLEMENTATION DES
CONSULTANTS EN IMMIGRATION DU CANADA

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1. INTRODUCTION

The purpose of the Policy is to provide guidelines for the publication of notices, decisions and other information regarding discipline and other regulatory matters related to specific individuals or businesses. Accountability and transparency are essential to ICCRC's regulation of immigration consultants and protection of consumers of the services provided by the profession.

This Policy reflects ICCRC's organizational value of Transparency, which states, "Important decisions, policies and procedures are provided to Members, and, where appropriate, the public on ICCRC's website." This Policy is also consistent with ICCRC's [Transparency Policy](#).

In this Publication Policy, the following terms are used:

- "registrant" includes RISIAs, Firms and Sole Proprietorships;
- "Respondent" means the RCIC or registrant who is the subject of the complaint or other discipline or regulatory process;
- "regulatory" matters or process refers to applications or renewals for licensing or registration, complaints, discipline, fitness to practice, fee reviews, regulatory offences, and other conduct matters;
- "Tribunal Committee" refers to one or all of the Discipline Committee, Fitness to Practice Committee, Professional Fees Review Committee, and Appeal Committee; and
- "ICCRC" includes any Tribunal Committee.

2. GUIDING PRINCIPLES

The following principles guide the development and implementation of this Policy:

2.1 Balancing of Interests

As stated in ICCRC's Transparency Policy, "The need for transparency and accountability must always be balanced with principles of appropriate confidentiality, privacy and fairness." Any decisions made to publish information about specific cases must balance the public interests in consumer protection and professional regulation with the individual interests of the persons or businesses involved in each case. In balancing these interests, the public interests will generally have more weight than individual interests. The accountability and transparency of the regulatory process requires that any exceptions to public access to information must be justified.

2.2 Public Interests

As part of consumer protection and making informed choices, the public requires useful and accessible information about specific RCICs and registrants. As part of the effective regulation of the immigration consultant profession, ICCRC must provide information about the outcome of specific regulatory cases. This will help build the trust and confidence of all stakeholders, and it

will advance the immigration consultant profession by encouraging positive conduct and deterring improper conduct.

2.3 Business Interests of the Respondent

The publication of regulatory information that identifies the Respondent will usually have a negative impact on the Respondent's business. This should be considered in deciding the content, timing and manner of publishing any information with the Respondent's name.

2.4 Privacy Interests of the Complainant or Non-Respondents

Public content about regulatory matters should not contain the name or personal information of the Complainant or individuals other than the Respondent, unless it is necessary to support ICCRC's investigation, adjudication, findings or reasoning in the process.

2.5 The Internet

The balancing of interests will be sensitive to the nature of the Internet, and how it profoundly changes how information is accessed, stored and used. Publishing information on the Internet can have huge consequences on individuals or businesses whose names appear in searches, and these consequences may sometimes be unintended, disproportionate or irreversible. At the same time, the Internet is also a powerful tool to provide timely information to protect consumers and the public.

2.6 Tribunal Committee's Powers

The Tribunal Committee should be guided by this Policy but the Committee has the power to exercise its discretion to decide individual cases on their own merits. The Committee may assess each case, balance the competing interests and consider possible exceptions, and then decide the content, timing and manner of publishing its notices, reasons and decisions.

2.7 Early Resolution Processes

An effective professional regulation process should support the early resolution of regulatory matters in appropriate circumstances. Only the more serious cases should go through a Tribunal Committee's full hearing process. Alternative dispute resolution (ADR) processes typically involve private discussions between the interested parties, which may lead to settlements in which the parties agree to not have all the details published. ICCRC will support these settlements if they are consistent with the principles and the balancing of interests in this Policy.

2.8 Different Kinds of Public Access Tailored to the Situation

There are many different ways to make information available to the public. On one end of the range, ICCRC or its Tribunal Committee could be very proactive and send out a news release, inform key stakeholders or institutions, and post information in a prominent place on its website. At the other end of the range, ICCRC may only have the information in a file in its offices and available only on a specific request. The level and timing of disclosure will differ for each situation.

For example, some situations may justify early disclosure of names and allegations where this is required to ensure public protection and effective regulation.

3. PUBLISHING INFORMATION ABOUT REGULATORY MATTERS INVOLVING SPECIFIC RCICs AND REGISTRANTS

3.1 General Rules

3.1.1 No names, identifying information or unnecessary personal information of Complainants, Respondents or other individuals shall be published or made public unless that is:

3.1.1.1 required under a By-law or Regulation of ICCRC;

3.1.1.2 permitted under this Policy;

3.1.1.3 ordered by the assigned panel of the Tribunal Committee; or

3.1.1.4 permitted by the Complainant, Respondent or other individual who has given written permission.

3.1.2 The above rule does not prevent ICCRC from disclosing any names, identifying information, or personal information that may be needed to fairly and fully investigate or adjudicate a regulatory matter, or to provide adequate reasons for ICCRC's findings or decisions. In any event, the name of any Complainant who is a private individual shall not be published on the Internet unless that Complainant has given written permission.

3.1.3 ICCRC shall publish any pending criminal charges and convictions that it has knowledge of and that relate to the honesty and integrity of a Respondent, the quality of their services, or the safety or well-being of their customers.

3.1.4 To encourage parties to resolve cases, ICCRC may enter into settlement agreements where ICCRC agrees to not publish any information identifying the Respondent or to publish only certain information in the settlement agreement.

3.1.5 For cases at the Discipline Committee, any settlement agreement that is approved by the Committee will be published as part of the final decision of the Committee.

3.1.6 ICCRC may publish information about any revocations, suspensions, limits or conditions placed on the services that may be provided by a Respondent, even if the case has not been referred to the Tribunal Committee or even if there has been a private settlement agreement.

3.2 Information After Any Referral of a Case to a Tribunal Committee

3.2.1 After a case has been referred to a Tribunal Committee, ICCRC may publish the following information, unless the Tribunal Committee has ordered otherwise:

- 3.2.1.1 Respondent's name;
 - 3.2.1.2 summary of the allegations or information, without any information that would identify the Complainant or individuals other than the Respondent;
 - 3.2.1.3 where applicable, the penalty requested by ICCRC;
 - 3.2.1.4 any hearing dates (but not pre-hearings or settlement conferences);
 - 3.2.1.5 any interim orders that suspend or limit the Respondent's services; and
 - 3.2.1.6 any other information that the Tribunal Committee orders be published.
- 3.2.2 In deciding the content, manner and timing of publishing its final decision or other orders, the Tribunal Committee should consider the following factors:
- 3.2.2.1 the public interest in protecting the consumers;
 - 3.2.2.2 the public interest in regulating the immigration consultant profession;
 - 3.2.2.3 the interest of justice for the Complainant;
 - 3.2.2.4 the interest of the Respondent, including the impact on their business;
 - 3.2.2.5 if a penalty is ordered, whether the penalty is minor enough that a less public approach is justified; and
 - 3.2.2.6 if the matter concerns fitness to practice, ICCRC should not publish any health or other personal information unless the Respondent agrees, or unless the Tribunal Committee has a good reason to order that certain information be made public because it is required in the public interest.
- All final decisions and reasons of the Discipline Committee and all Tribunal Committee decisions that revoke or suspend the membership or registration of a Respondent shall be published in ICCRC's website with the full name of the Respondent.
- 3.2.3 All final decisions and reasons of a Tribunal Committee that follow a hearing of the parties shall be published in the [CanLII website](#) of court and tribunal decisions, unless the Tribunal Committee or ICCRC Registrar orders or directs otherwise. These reasons and decisions published on CanLII shall not include the name of the Respondent or any other individuals.