

## DISCLOSURE PROTOCOL May 5, 2021

### 1. Preamble

The purpose of this *Disclosure Protocol* is to set out the rules for the disclosure of *personal* and *other information* obtained in the course of implementing the *Complaint Handling Protocol*.

Its purpose is to ensure compliance within the Archdiocese or beyond, with the *Charter of Human Rights and Freedoms* and any other applicable law or regulation on communication of *personal* and *other information* arising from the handling of complaints against a member of the pastoral staff, an Archdiocese or parish employee, a non-mandated lay staff member, a volunteer, a member of a religious community, or a cleric incardinated in another diocese.

The following principles apply:

- The protection of a person's *personal information*
- The protection of the public through the communication of *personal* and *other information* to potential victim(s) and persons likely to intervene to prevent an act of violence, including suicide or the commission of physical, sexual or psychological abuse, against an identified or identifiable person or group of persons.

### 2. Definitions

“*Archbishop*” includes the Archbishop of Montreal, the Corporation Archiépiscope Catholique-Romaine de Montréal (CACRM) and the Archevêque Catholique-Romain de Montréal (ACRM)

“*Other information*” means information that is not *personal information*, including information of an administrative nature and information relating to the functions, responsibilities and duties of pastoral personnel, employees, or volunteers of the Archdiocese or parishes, as well as members of religious communities.

“*Advisory Committee*” means a committee established under the *Constitutive By-Law of Ombudsman and Advisory Committee*.

“*Ombudsman*” means the person, or the members of their team, acting in that capacity, within the meaning of the *Constitutive By-Law of Ombudsman and Advisory Committee*.

“*Personal information*” means any information about a person that may lead to their identification.

### **3. Disclosure of personal and other information between the Ombudsman, the Advisory Committee, investigators and the Archbishop**

The Ombudsman, the Advisory Committee, the Archbishop and an investigator appointed by the Archbishop may share any *personal* and *other information* pertinent to the *Complaint Handling Protocol* and, when applicable, to the conduct of an investigation.

### **4. Disclosure of *personal* and *other information***

#### **A. Communication of information to the Director of Youth Protection (DYP)**

In accordance with the *Youth Protection Act*, where there is reasonable cause to believe that the safety or development of a child is believed to be in danger due to sexual or physical abuse, the Ombudsman will report the matter to the Director without delay.

#### **B. Disclosure of information to religious authorities**

For the purpose of conducting a canonical procedure, *personal* and *other information* may be disclosed to ecclesiastical authorities in accordance with the rules of canonical law.

#### **C. Disclosure of information to the complainant**

The Ombudsman may at any time communicate *other information* about the progress of the complaint to the complainant (or to the legal guardians in the case of a minor under 14 years of age or under 18 years of age as provided for under the law).

The Ombudsman may disclose *personal information* concerning administrative decisions affecting the subject of the complaint, such as the withdrawal of faculties, the reprimand or dismissal of an employee, or the referral of a case to the Vatican for canonical procedure.

#### **D. Disclosure of information to the subject of a complaint**

The person who is the subject of a complaint investigation does not have the right to be informed of the *personal* and *other information* contained in the complaint forwarded by the Ombudsman or in the Advisory Committee’s file unless all the following conditions are met:

- 1° That disclosure is necessary to allow the subject of the complaint to respond to the allegations against them in accordance with the rules of procedural fairness.
- 2° That the disclosure of *personal* and *other information* does not reveal the identity of a source who has requested that their testimony remain confidential.
- 3° That the disclosure of *personal information will not jeopardize* the safety of the complainant, a witness or a third party or result in retaliation.

## **5. Disclosure of *personal* and *other information* by the Archbishop to entities and persons under his authority or the authority of parish leaders**

- 5.1 The Archbishop may disclose *personal* and *other information* arising from the complaint handling process to officials and leaders of the Archdiocese or parishes where disclosure is necessary to change the duties of the person who is the subject of the complaint.
- 5.2 Where the information thus communicated by the Archbishop is *personal information*, it must remain confidential and may not be communicated to third parties by the persons and entities receiving it, unless its disclosure is necessary to prevent, detect or deter the commission of an act of violence, including suicide, or the commission of physical, sexual or psychological abuse against an identified or identifiable person or group of persons.
- 5.3 Where the information so disclosed is *other information*, including administrative decisions relating to the change of the duties of a person who is the subject of a complaint, it may be disclosed to third parties by the persons and entities that received it from the Archbishop.

## **6. Disclosure of information to religious communities**

6.1 The Archbishop may disclose *personal* and *other information* arising from the complaint forwarded by the Ombudsman or from the Advisory Committee recommendations to the Superior or Ordinary in order to:

- 1° Investigate the allegations in question.
- 2° Prevent, detect or deter the commission of an act of violence, including suicide or the commission of physical, sexual or psychological abuse against an identified or identifiable person or group of persons.

## **7. Disclosure of personal and other information to third parties**

7.1 The Archbishop may communicate to those in a position to intervene or to the potential victim(s) information contained in the complaint forwarded by the Ombudsman or in the Advisory Committee's file, with a view to preventing an act of violence, including suicide or the commission of physical, sexual or psychological abuse, from being committed against the potential victim(s) or against an identified or identifiable person or group of persons

7.2 The Archbishop, with the assistance of the Advisory Committee If he deems it appropriate, shall determine the content of such disclosure of *personal* and *other information*, the form of such disclosure and the date on which it shall take place.

## **8. Disclosure of information during a criminal investigation**

8.1 Notwithstanding the above sections, before disclosing *personal* or *other information*, the Archbishop shall communicate with the relevant investigators to ensure that such disclosure does not prejudice the ongoing criminal investigation.