

Professional Engineers Act

R.S.O. 1990, CHAPTER P.28

Last amendment: 2010, c. 16, Sched. 2, s. 5.

Confidentiality

38.(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 26 or an investigation under section 33, shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of,

(i) this Act and the regulations and by-laws, or

(ii) the *Architects Act*, and the regulations and by-laws under that Act,

or any proceedings under,

(iii) this Act or the regulations, or

(iv) the *Architects Act*, or the regulations under that Act;

(b) to his or her counsel; or

(c) with the consent of the person to whom the information relates. R.S.O. 1990, c. P.28, s. 38 (1).

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained in the course of his or her duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Architects Act* or the regulations or by-laws under that Act. R.S.O. 1990, c. P.28, s. 38 (2).

Offence, penalty

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2001, c. 9, Sched. B, s. 11 (58).

Limitation

(4) No proceeding shall be commenced in respect of an offence under subsection (1) after the expiration of two years after the date on which the offence was, or is alleged to have been, committed. 2001, c. 9, Sched. B, s. 11 (58).