

CityHousing Hamilton Corporation



CATEGORY	01	Administration	DATE APPROVED: March 14, 2019
SECTION	04		File Management and Reporting
POLICY	01	Records Management	INTERNAL

1.0 POLICY STATEMENT AND PURPOSE

In accordance with the *Freedom of Information and Privacy Act (FIPPA)*, 1990, the *Municipal Freedom of Information and Privacy Act (MFIPPA)*, 1990, the *Municipal Act (Act)*, 2001, and the *City of Hamilton Records Retention By-Law (FCS11014)*, CityHousing Hamilton (CHH) is required to retain and preserve the records of the organization and its Board of Directors in a secure and accessible manner. The Act provides a framework for the creation, retention, storage, and destruction of records within a prescribed timeline.

It is the responsibility of CHH to ensure that records are organized, secured, retrievable, retained under appropriate environmental conditions and managed efficiently throughout the active, semi-active, and inactive states of their life cycle.

2.0 SCOPE

The policy applies to all records within the control of CityHousing Hamilton, including those produced or received within its departments.

3.0 POLICY

CityHousing Hamilton (CHH) records act as the corporate memory, aid in decision making, provide litigation support. The records management policy ensures organization efficiency is met, with regards to the treatment and storage of records during its lifespan, while also meeting legislative and regulatory requirements. Ownership of any record remains with CityHousing Hamilton, and property of the City of Hamilton. Records vary in sensitivity, and may be in written or electronic format. Records are deemed as active, inactive, and transitory.

This policy is guided by the following principles, which are grounded in the *FIPPA* and *MFIPPA*

legislation and requirements:

- Records in all formats is available, accessible, and maintained to meet the needs of the organization;
- Records are secured and properly protected against unauthorized access and damage;
- Records are retained for specific time frames as specified by the retention life-cycle;
- Records are destroyed in a secure manner which upholds confidentiality requirements.

Each department within CHH must comply with all legislation and this policy with regards to collection, access, security, retention, maintenance, and disposal of records. Departments will follow the *Records Management Policy* and the department specific *Records Management Schedule* which describes and governs the informational lifecycle of a record. It will provide for timely destruction of records that are no longer required, and ensure that records of enduring value are retained.

Records are reviewed annually for storage and disposal. If CHH is notified that its records are subject to litigation or potential litigation, then those records must be preserved until legal counsel determines the records are no longer needed.

Any employee, volunteer or intern, who breaches this Policy may be subject to discipline, which could include a sanction and or dismissal.

To ensure compliance with this policy, a documented operational audit of record retention will be conducted annually by the CHH Privacy Officer.

4.0 PROCEDURE

The CityHousing Hamilton (CHH) Privacy Officer is responsible for records containing personal information, and must take steps to keeps records securely stored. The protection of personal privacy includes precautions taken to prevent unauthorized access of personal information and records. Safe and secure storage of personal information should address physical security, technological security, and administrative controls.

Each department manager will ensure that records are managed and disposed of, as per the

policy, whereas the CHH Privacy Officer will oversee this for the organization as a whole.

Please refer to the *Records Management Schedule* for detail on the retention and disposal guidelines for each specific department.

4.1 ACTIVE RECORD STORAGE & SECURITY

Physical Security – In office

Staff, students, interns, and volunteers will place documents unfolded in the master file within 30 days of processing.

All active records must be stored in a locked filing cabinet, desk drawer, and/or room. Only authorized personnel may access the information, as per the requirements of *FIPPA* and *MFIPPA*. If the storage area is required to remain open during the day for access, it must be locked at any time when appropriate “users” are not in the office (i.e. offsite staff meetings).

Employees, students, interns, and volunteers may retain a client file at their desk for no more than 30 days (unless a reasonable circumstance may justify it). It must be signed out from the storage location.

Physical Security – Out of office

Staff, students, interns, or volunteers may be required to transport confidential, sensitive, and personal information while outside the office. This may include home or off-site visits, attending meetings, visits to community or government services, conducting investigations, or appearances at court or tribunal hearings. Records containing personal information are only to be removed from the office when absolutely necessary.

Where possible, only copies of the documents containing personal information are to be removed from the office, the original documents should remain at the office.

If a record is being transported, it must be kept secure where only designated “users” of the record have access and that the records are kept secure as to prevent loss or theft (i.e. not left unattended in a vehicle, on a public table, etc).

Any forms or documents containing personal information are only to be accessible to the point at which they pertain. Once forms or documents are completed, signed, or no longer required, they are to be secured and inaccessible by others.

Documents containing personal information should be securely packaged and carried in a briefcase or sealed box, and must be kept under the constant control of the CityHousing Hamilton staff while out of the office.

Technological Security

Records will be stored in department files/directories on the shared drive, with access provided only to authorized personnel, as per the requirements of *FIPPA* and *MFIPPA*. Encryption and limitation of file access will be used to protect records. All users with access to records will follow the *City of Hamilton Computer and Technology Acceptable Use Policy (HR-15-09)*.

Records saved on laptops, handheld devices (i.e. cellular phone) or electronic storage (i.e. memory stick) must be password protected.

Keys, access cards, passwords, ID's, etc are not be shared.

No records shall be saved on personal computers or storage devices.

4.2 INACTIVE RECORD STORAGE & SECURITY

Written Records

Records deemed inactive are placed in storage, as per the *Records Management Schedule*. Only authorized personnel may access the information, as per the requirements of *FIPPA* and *MFIPPA*.

Records are to be packed in bankers' boxes – loose papers only. Non-shreddable items such as binders and boxes are not to be packed.

When documents are received and a record is in storage, those documents would be placed in

the file in storage.

Employees, students, interns, and volunteers that require access to a file in storage must sign it out from the storage location, and cannot be out for greater than 30 days (unless a reasonable circumstance may justify it).

Electronic Records

Records will be stored in department files/directories on the shared drive, with access provided only to authorized personnel, as per *FIPPA* and *MFIPPA*. Encryption and limitation of file access will be used to protect records. All users with access to records will follow the *City of Hamilton Computer and Technology Acceptable Use Policy (HR-15-09)*.

Records saved on laptops, handheld devices (i.e. cellular phone) or electronic storage (i.e. memory stick) must be password protected.

4.3 RECORD DISPOSAL

CityHousing Hamilton (CHH) records must be destroyed in such a manner so that information cannot be reconstructed or retrieved.

Records that do not contain personal, sensitive, or confidential information may be discarded or destroyed using non-secure methods (i.e. office recycling bins, delete option on email).

Inactive records are destroyed annually at the end of the fiscal year. Only authorized personnel are permitted to destroy or dispose of records.

Paper Records

Paper records containing personal, sensitive, or confidential information must be shredded, using the designated locked shredding bins provided at CHH properties. If there is no shredding bin on site, retain and secure the document until you are able to safely dispose of it in designated locked shredding bin.

Once a record has been inactive for a period of time as determined in the *Records Management*

Schedule, it will be is required to be destroyed. A *Records Destruction Form* must be printed, signed by the CHH Privacy Officer, and retained as proof of disposal by CityHousing Hamilton. *FIPPA* and *MFIPPA* requires that no disposal records contain any personal information (i.e. names and addresses of residents, etc).

Electronic Records

Electronic files must be permanently and thoroughly deleted from all online and offline storage media using existing digital shredding techniques to prevent data reconstruction. If detailed historical transactions are to be retained, all personal identifiable data (name, home address, home telephone number, etc) must be destroyed.

Additional actions (i.e. “purging”) may be required to completely remove deleted records from an information system. Contact IT for further supports.

Removable electronic media (i.e. floppy disks, CD’s, DVD’s, flash drives, etc) must be physically destroyed by scratching, cutting, or breaking to render tem usable.

Once a record has been inactive for a period of time as determined in the *Records Management Schedule*, it will be is required to be destroyed. A *Records Destruction Form* must be printed and signed by the CHH Privacy Officer, and retained as proof of disposal by CityHousing Hamilton. *FIPPA* and *MFIPPA* requires that no disposal records contain any personal information (i.e. names and addresses of residents, etc).

5.0 RESPONSIBILITY

It is the responsibility of the Chief Executive Officer to ensure that all appropriate staff are trained on this Policy.

6.0 DEFINITIONS

Active Records: Are currently open, being edited and changed, regularly used and worked on by staff.

Consent: Voluntary agreement with what is being done or proposed. There are three types of consent:

- **Express** – given explicitly, either orally or in writing.
- **Implied** – arises where consent may reasonably be inferred from the action or inaction of the individual.
- **Notice** – situations where clients, families, visitors, and staff are given written information explaining how their information may be used or disclosed, but are not asked to sign any form indicating that they have read the notice and agreed with its terms and conditions.

Disposition: The final outcome of a record when its retention period is complete. Disposition may indicate one of the following:

- Destruction, where records are securely destroyed beyond the point of recognition or recovery. For paper records, this means cross-cut or particle shredding; for electronic records, this means a complete deletion from shared drives, servers and backup storage.

Inactive Records: Are closed, completed, and no longer actively referred to or changed by staff.

Informational lifecycle: the various stages that records go through from their creation or acquisition to their final destruction or archiving.

1. **Creation and Collection:** This is the birth of a record. At this stage, a record is either created or collected. This can include a number of different types of records, such as drafts, research materials, final versions of documents, data, or analytics.
2. **Use and Maintenance:** Once a record has been created or collected, it enters this stage. Here, the record may be actively used in any number of ways, such as publishing it or using it as a reference. Maintenance at this stage refers to the editing and updating that may occur to a record.
3. **Disposition:** When a record is no longer useful, it will either be retained permanently (archived) or destroyed. The decision to archive or destroy will be based on the applicable records retention schedule.

Permanent Retention: Where records are retained until CityHousing Hamilton ceases to exist as an organization.

Personal information:

- (a) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- (b) any identifying number, symbol or other particular assigned to the individual;
- (c) the address, telephone number, fingerprints or blood type of the individual;
- (d) the personal opinions or views of the individual except if they relate to another individual;
- (e) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (f) the views or opinions of another individual about the individual; and
- (g) the individual's name if it appears with other personal information relating to the individual or where disclosure of the name would reveal other personal information about the individual.

Record: refers to any information, whether recorded in printed form, on film, by electronic means or otherwise, and includes:

- (a) Correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) Subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

Retention: The period of time for which a record must be kept, usually expressed in years.

Sensitivity: Indicates the general level of confidentiality applied to a record series. This area of the schedule will include one of the following designations:

- **Low** - Records are generally considered to be public, and a Freedom of Information request is not generally required in order to access these records. Examples include by-laws, annual reports, approved budget books, and non-confidential committee reports.
- **Medium** - Records are likely to contain information exempt from public disclosure under *MFIPPA*. A formal Freedom of Information request is required under *MFIPPA* in order to access.
- **High** - Records are considered to be confidential for internal business purposes, legal protection or legislative compliance, as in the case of confidential reports to Committee and Council. A formal Freedom of Information request is required under *MFIPPA* in order to access. High sensitivity records may also contain Personal Information Banks, defined by section 2(1) of *MFIPPA* as “a collection of personal information that is organized and capable of being retrieved using an individual’s name or an identifying number or particular assigned to the individual.”

Transitory records: records which only have temporary value and are required for a limited time. They are retained for as long as deemed operationally necessary. They are produced:

- In the completion of routine actions;
- In the preparation of other records which supersede them;
- For convenience of reference.

They are not official copies of records, which need to be retained as evidence of an activity, and they have no significant information value after they have served their primary purpose. Some examples include photocopies or printed copies of paper or electronic documents, duplicate copies of audio and video recordings, working documents such as draft documents with proofreading marks, fax cover sheets, Post-it notes, informational materials, printouts and extracts from a database, announcements, routine emails to schedule and confirm meetings.

7.0 REFERENCES AND RELATED POLICIES

City of Hamilton Computer and Technology Acceptable Use Policy (HR-15-09)

City of Hamilton Records Retention By-law (FCS11014)

Freedom of Information and Protection of Privacy Act (FIPPA), 1990

Housing Services Act, 2011

The Municipal Act, 2001

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), 1990

8.0 ATTACHMENTS

Records Destruction Form

Records Flow Chart

Records Management Schedule

- Asset Renewal
- Business Services
- CEO
- Finance
- Human Resources***
- Maintenance
- Operations
- Residency Administration
- Support Services

***Note: Please refer to the *City of Hamilton Records Retention By-law (FCS11014)* for this schedule.

Transitory Records Flow Chart

9.0 RATIONAL FOR CHANGE