



## POLICY AND PROCEDURE MANUAL

<b>SECTION: Administrative</b>	<b>POLICY: AD 09</b>
<b>Policy Date:</b> July 2022 March 2021; November 2019; August 2018; February 2016; November 2014	<b>PAGE: 1 of 3</b>
<b>RETENTION OF RECORDS</b>	

### PREAMBLE

Client records at Contact Brant are maintained for continuity of client care. There are no formal retention guidelines by the Ministry related to client records kept by Contact Brant; the Ministry has indicated it is up to the service provider to determine how long to keep records, relying on any other applicable law and their own policies and standards.

The Ministry expects financial records to be retained for seven years.

The Contact agencies requested legal advice from Lonny Rosen in June 2013 who recommended:

- Records should be retained for 10 years after the last contact with a client, or after the client has reached the age of 18, whichever is longer, with the exception of:
  - Records relating to abuse of a person by a fiduciary (parent, teacher, etc.) should be flagged as “not to be destroyed” as there is no limitation period for actions against a fiduciary for abuse.
  - Records relating to a client who has alleged negligence/abuse/misconduct on the part of the agency or its staff should be flagged as “not to be destroyed”.
- Archiving of files is not equivalent to their destruction. Files may be maintained in any format that permits review of all of the information contained therein. Complete hard copy files or portions thereof may be:
  - moved to offsite storage and maintained there for the remainder of the retention period;
  - scanned and then shredded/destroyed; or
  - transferred to microfiche
- All archiving of files should be managed in the same manner and audits confirm that all of the information contained in the file can be accessed. For example, if different ink is used within one record, the scanned/microfiche copy must permit the identification of that difference. Portions of files or complete files can be archived at any time (i.e. without waiting 10 or 18 years).
- Destruction of records must be done in a secure manner. This requires the use of cross-cut shredding or pulverizing for paper records, and engagement of experts for destruction of electronic records. If you are using an outside agent for destruction of records, you need to have in place an agreement through which the agent will acknowledge that the records to be destroyed consist of PHIP records and that it will safeguard PHI records pending destruction.
- Keep a record of destroyed files, such as: Client Name, Date of Birth, Date of Service, Date of Destruction, Manner of Destruction, and Person Responsible for Destruction.

## **POLICY**

Financial records will be retained for seven years.

Personnel records will be retained for seven years after termination of employment.

Client records will be retained for ten years:

- After the eighteenth anniversary of the birth of the client or after the last contact with the client, whichever is longer,
- For clients age 18 and older as of July 1, 2011 who have a confirmed developmental disability
- Except for records relating to abuse of a person by a fiduciary, or negligence/abuse/misconduct on the part of the agency or its staff; these records will be flagged as “not to be destroyed”
- Except where the ministry or another service provider has advised that the information may be required for planning, managing or delivering services
- Except where the personal information is subject to an access request under the CYFSA.
- Client records will be archived electronically wherever possible; any destruction of records will be done in a secure manner once all information has been scanned and attached to the client’s file in EMHware.

## **PROCEDURE:**

1. Client records include, but are not limited to, personal information collected at intake, service referral history, assessments and diagnosis received with consent, Coordinated Service Plans, Consent for the Release of Information, and case notes reflecting all contact with or about the client. Personal information is only shared with explicit consent. (Refer to AD 02 *Consent Policy*)
2. **Retention**: All records will be stored in a secure location.
  - a. Client records are primarily maintained electronically as well as limited information in hard copy while Contact Brant is working on the record and these are maintained in locked filing cabinets in locked offices, and in a locked filing system in the locked file room
  - b. Financial records are maintained by the Executive Assistant electronically as well as in a locked filing system or the file room.
  - c. Personnel records are maintained by the Chief Executive Officer electronically as well as in a locked filing system. Personnel records include personal information such as resume, date of employment, employment contract including position and pay rate, job description, signed acknowledgement of policies and procedures, training, signed confidentiality agreement, police check report and annual declarations, performance evaluations, and any disciplinary letters.
  - d. Supervisory notes are not a part of the personnel records but are maintained electronically and/or in a locked filing system by the Chief Executive Officer and Manager of Service Coordination.

3. If Contact Brant has custody or control of a record of personal information subject to an access request, Contact Brant must retain the information for as long as needed for the individual to exhaust any related recourse under the Act.
4. **Archiving:** On an annual basis, the Administrative Assistant will identify client records that have aged out of children's services (youth who have turned 18), as well as any client records where the client is deceased. These records will be scanned and attached to the client's EMHware file, or moved to an inactive filing cabinet in the file room for secure storage.
5. **Destruction:** Records containing personal information must be disposed of in a secure manner. Contact Brant will take reasonable steps to protect records from theft, loss or unauthorized use or sharing; and destroy records so that they cannot be reconstructed or retrieved.
  - a. On an annual basis, the Administrative Assistant will identify client records that have reached or exceeded the 10 year retention period, except for any files noted as 'not to be destroyed'.
  - b. Any information not available in EMHware must be scanned and attached to the client file. The Administrative Assistant will ensure that a file audit confirms that all of the information contained in the file can be accessed electronically in EMHware.
  - c. Once confirmed that all of the information can be accessed electronically, the Executive Assistant will arrange for these client records to be destroyed by shredding through a contracted service which uses cross-cut shredding or pulverizing of paper records.
  - d. The Executive Assistant will maintain a log of those records that have been destroyed, including: the Client Name, Date of Birth, Date of Service, Date of Destruction, Manner of Destruction (e.g., shredding), and Person Responsible for Destruction (e.g., shredding company's name).
6. On an annual basis, the Executive Assistant will identify financial records that have reached or exceeded the seven year retention period. These financial records will be destroyed by shredding.
7. Any destruction of electronic records must be by engaging an expert who will acknowledge that records consist of Personal Information records and that it will safeguard these records pending destruction which they can ensure will be complete.
8. Record Transfer: If records containing personal information need to be transferred to continue service delivery, Contact Brant must ensure that the receiving service provider has a records retention policy that addresses the retention of the type of record being transferred.

Note: Record Transfer is not the same as a referral and instead would mean the closure of the record at Contact Brant.