



Document Management in the FIPPA Era

Kathryn Frelick

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Document Management in the FIPPA Era

Overview

1. Records Inventory - What records do you have and where are they located?
2. How do you manage your records?
3. When and how do you dispose of records?

What is document management?

- Systematic and efficient management of business records throughout their entire lifecycle; from creation to eventual destruction
- Record → information created, received and maintained as evidence ... in pursuance of legal obligations in the transaction of business (ISO Records Management Standard)
- Can be any media or format

Why is document management important?

- Critical asset of organization → obligation to organize, control and protect records
 - Legal benefits – legislative compliance, evidence, protection during litigation, due diligence
 - Economic benefits – business continuity, reduction of storage space, equipment, retrieval costs
 - Operational benefits – efficient retrieval of information, support business requirements, consistency
 - Historical benefits – preservation of identity and culture, permanent records

Enhanced obligations under FIPPA

- Access to information
 - Facilitate record retrieval and support appeal process
- Reporting obligations and prescribed information
 - Directory of Records and personal information banks
- Protection of Personal Information
 - Retention, safeguards and destruction of records

1. Records inventory

- Directory of Records
 - obligation to provide Minister of Government Services with information about the types of records in the custody or control of the hospital annually
- Review information holdings and records management systems in preparation for FIPPA

Records inventory

- Survey of recorded information in all formats in all areas of the hospital where records are kept
 - Identify FIPPA lead for each office or department to assist with records review (and ongoing obligations)
 - Review existing records, record classification plans, retention or disposal schedules (paper and electronic) and create formal inventory
 - Create consolidated inventory
 - Survey on annual basis

2. Records management

- Review existing records management policies and practices and incorporate specific requirements under FIPPA
- Review retention schedules and practices
- Consolidate or reorganization of records (hospital-wide basis)
- Identify records that may be suitable for proactive disclosure

2. Records management

- Consider whether notice and consent forms are compliant with FIPPA for the collection, use and disclosure of personal information
- Identify whether information security practices comply with FIPPA
 - reasonable measures in place including defined and documented measures to prevent unauthorized access or disclosure and to prevent inadvertent destruction or damage to records

Key elements for record retention policies

- Record retention system
 - grouping/classification of records
 - applying appropriate retention period to records
 - movement of older records to storage
 - retrieval of records as required
 - proper disposition of records as scheduled
- Identify roles for staff, managers, senior leadership, privacy office, risk management

Key elements for record retention policies

- Record retention schedules define period of time that records are maintained and set out specific procedures for destruction
 - Not all records – i.e. transitory records
- Look to usefulness of information and whether there is organizational benefit, anticipated future need, or legal or contractual obligation

Key elements for record retention policies

- Legal requirements – statutory retention and destruction requirements, limitation periods, privacy requirements
- Other factors – patient care, educational, economic, operational, technological, risk management or historical benefits, records with “enduring interest”
- Consistency - spoliation of evidence (intentional or negligent destruction of relevant evidence)

Key elements for records retention

- “Records hold” – where risk of potential litigation or notice of possible legal action, audit, inquest, investigation or proceeding (overrides retention schedule)
 - Also access requests under PHIPA
- Communication/processes to ensure obligations are met

Retention requirements under FIPPA

- Personal information - used by the hospital must be retained for at least one year after its last use
 - Person may consent to earlier disposal
- If a record is subject to an FOI request, privacy complaint or appeal, it must be retained until the request/any appeals have been dealt with
 - Recommendation that once appeals exhausted, maintain for retention period or further five years

3. Disposal of records

- Process to ensure that records are monitored and identified for destruction in accordance with retention schedules (subject to records holds)
- Guided by existing legislative requirements (PHA, PHIPA) and IPC guidelines regarding secure disposal of records

Disposal of records under FIPPA

- Records of personal information:
 - all reasonable steps must be taken to protect the security and confidentiality of personal information that is to be destroyed, including protecting security and confidentiality during storage, transportation, handling and destruction
 - only with authorization of head and in such a way that it cannot be reconstructed or retrieved
 - must maintain disposal record (personal information that has been destroyed and the date of destruction)

Questions?

Thank you!