RECORDS RETENTION & DESTRUCTION POLICY

Approved By	Executive Management Team
Last Reviewed	August 10, 2018 (next review to be within two years of this date)
Responsible Role	Chief Privacy Officer (Director, Communications & Marketing)
Responsible Department	Chief Privacy Officer

SECTION 1 - INTRODUCTION

1.1 Purpose

The purpose of this policy is to establish which records or information are to be retained, in what manner, for what length of time, and to set out procedures for the release and/or destruction of the records and information.

1.2 Scope

This policy applies to records and information for all programs and services at all JVS Toronto locations, including its internal business operations.

1.3 Definitions

Word/Term	Definition
Chief Privacy Officer	A member of the JVS Toronto executive management team who is appointed with the responsibility for managing the risks and business impacts of privacy laws and policies.
Closed Client Files	Client files refer to client records for individuals who are no longer receiving active service.
Confidential Information	Refers to any personal or sensitive information that is confidential.
Personnel	Every individual working or volunteering at JVS Toronto including, but not limited to employees, managers, directors, senior management, casual and contract workers, volunteers, students, consultants, Board members, and third-party service providers.
Limitation Periods	Time within which legislature permits actions (lawsuits) to be brought.
Non-Records	Administrative data or communications, transient memoranda, notes and memoranda having limited or short-term value or usefulness. Non-records can be generated and/or destroyed at any time without having the need to consult this policy. Purging of non-records is encouraged so as to avoid keeping unnecessary and cumbersome files. Examples of non-records include draft client reports, draft budgets, copy of a staff letter.
Personal Information	Section 2(1) of the *Personal Information Protection and Electronic Documents Act* (2000, c. 5) (PIPEDA) states that "personal information" means "information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization." For example, personal information may include performance reviews, doctor's notes, home address and a record of their sick days.
Personnel	This refers to anyone working on behalf of JVS Toronto including full-time, part-time, casual and other employees, volunteers including Board and Board Committee members, placement students, contractors or consultants.
Records	Includes accounts, agreements, books, charts, tables, diagrams, forms, images, business documents (invoices, financial statements, etc.), letters, memos, client records, statements, vouchers or any other thing which contains information whether written or in any other form (electronic or otherwise).
Records Destruction	Privacy laws require that personal information be disposed of in a secure manner so that it is permanently destroyed or erased. Paper records should be cross-cut shredded and electronic or wireless

	media should be wiped cleaned or if the media is not reused, it should be made physically unusable.
Statutory Requirements	For certain records, statues of law dictate how long particular records must be kept.

1.4 Related Policies

1.4.1 Privacy Policies

Business & Remote Office Privacy and Security Policy
Client Records Collection & Disclosure Policy
JVS Toronto Enterprise Privacy Policy
JVS Toronto Personnel Records Collection & Disclosure Policy
Privacy Breaches Policy
Privacy Complaint Resolution Policy
Records Retention & Destruction Policy

1.4.2 Additional Policies

Internet & Email Policy
Password Policy
Whistleblower Policy

1.5 Legislative Context

Canada Revenue Agency Law, Policy and Practice
Canadian Institution of Chartered Accountants
Child and Family Services Act
Corporations Act
Ontario's Health Care Consent Act
Pension Legislation
Personal Health Information Protection Act, (PHIPA) 2004
Privacy and Personal Information Act (PIPA)
Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act
Social Work and Social Service Work Act
The Mental Health Act

SECTION 2 - POLICY

2.1 Policy

Records are to be retained and destroyed in a manner consistent with the privacy principles outlined in this policy, in line with principles stated in the **JVS Toronto Enterprise Privacy Policy,** to safeguard the privacy of its clients, personnel, funders, donors, and stakeholders, and in relation to the following criteria:

- Retention period prescribed by various municipal, provincial and federal statutes;
- Retention period prescribed by an employee's membership in an association, college or other governing body such as those providing psychological services; and
- Other criteria as established by JVS Toronto.

NOTE: The following section, 3, "RESPONSIBILITY & PROCEDURE" represents best practices as determined by JVS Toronto, and is largely designed to provide guidance to designated JVS Toronto representatives. However, it is understood that, where appropriate, these representatives may adopt modified procedures in response to any given circumstance.

SECTION 3 – RESPONSIBILITY & PROCEDURE

3.1 All Employees

All JVS Toronto employees who collect personal and confidential information are responsible for its safety and security either at a JVS Toronto location, or at a remote or home office site.

JVS Toronto employees who remove files or documents from JVS Toronto are responsible to follow protocols detailed in the **Business & Remote Office Privacy & Security Policy.**

Records are retained according to the **Records Retention Schedule** (Section 3.4) that is prescribed either by specific legislation or statute, or specified to meet the requirements of JVS Toronto. In no instance will documents be retained for any period that is less than that which is legally specified.

3.2 Records Retention

3.2.1 On-Site Retention

All records containing personal or confidential information are kept on-site for a period outlined in the **Records Retention Schedule** (Section 3.4).

Files and documents containing personal or confidential information are to be securely stored in locked file cabinets or drawers when not in use.

The following files will be kept in locked *fire-proof* filing cabinets while stored on-site.

- Audit statements
- Incorporating documents
- Individual payroll files (employees and non-employees)
- Insurance documents
- JVS Toronto employee files
- Minutes of meetings of board of directors and of members
- T3010 returns

3.2.2 Off-Site Storage

JVS Toronto utilizes the services of an off-site facility (currently Iron Mountain) for storing files when they no longer need to be maintained at a JVS Toronto location. Managers are responsible for ensuring that files are shipped to Iron Mountain for storage after the requisite period of time as detailed in the **Records Retention Schedule** (Section 3.4).

Managers should follow the **Iron Mountain Transmittal Instructions** can be requested from the Facilities Manager.

Files should not be maintained on-site for a period longer than that noted in the **Records Retention Schedule** (Section 3.4) except for exceptional circumstances, such as ongoing legal action or program and/or funder requirements.

All records being stored off-site should be clearly labeled with the following information.

- Department Name and Number
- Tracking Number (Iron Mountain barcode)
- Type of information or data contained within
- Requested date of destruction

The information provided will aid in file recall (if needed) and file destruction. Should a file need to be retrieved, the Iron Mountain Retrieval Instructions should be followed.

The Facilities Manager is responsible for maintaining the agency master list of files being stored off-site and destroyed files. This list includes requested and actual destruction dates.

3.2.2 (a) Closing Client Files

Before shipping client files off-site, the files must be closed. Files should be closed when a client is no longer receiving JVS Toronto services. Reasons for an individual to no longer receive services can include, but are not limited to:

- Program completion;
- Program withdrawal;
- Program cancelation; and
- Inability to contact the client.

When a client file is deemed as closed, it should be physically separate from active client files and assigned a destruction date.

3.3 Records Destruction

3.3.1 On-Site Records Destruction

There are limited records that will be stored exclusively on-site (see **Records Retention Schedule Section 3.4)**. When such records have reached the end of their retention period, the material should be disposed of in a secured manner (i.e. shredded). A list of what information has been destroyed will be maintained by the department's manager.

3.3.2 Off-Site Records Destruction

After their complete retention period, records are to be destroyed. Records are eligible when:

- Retention periods have expired;
- All audit requirements have been satisfied;
- There are no pending requests for information; and
- There is no reasonably foreseeable litigation involving the records.

The Facilities Manager will initiate the destruction process twice a year.

After identifying records ready for destruction, he/she will:

1. Send out the list of records eligible for destruction to JVS Toronto managers. Managers are responsible for ensuring that the circumstances for the file have not changed and that the file should still be destroyed.
2. Send confirmation to off-site storage company for record destruction.
3. Create and keep a list of the files that has been destroyed, noting the date of and reason for destruction of the information.

The Facilities Manager is responsible for maintaining the agency master list of files being stored off-site and destroyed files. This list includes requested and actual destruction dates.

3.4 Records Retention Schedule

JVS Toronto's Records Retention Schedule is designed to support effective management of JVS Toronto's recorded information. JVS Toronto's Retention Schedule specifies how long specific records should be kept, where they should be retained, and whether they should ultimately be destroyed. They apply to all records, regardless of format, in all locations.

A retention schedules is a key component of a comprehensive records management program that support the administration and operation of JVS Toronto by:

- Limiting unnecessary records accumulation;
- Assisting in identifying and retrieving needed information;
- Supporting cost-effective use of office space and storage facilities;

- Guarding against premature destruction;
- Assisting with legislative compliance; and
- Assisting in identifying and preserving records of historical value.

The following table summarizes JVS Toronto's records retention requirements. This schedule meets or exceeds the retention periods outlined in related legislations.

3.4 (a) Client Files

Type of Record	On-Site Retention Period	Off-Site Retention Period	Full Retention Period
Client files - adults clients for programs other than Psychological Services	One year from when the file was closed.	Six years	Seven years from when the file was closed.
Client files – child clients (under 18 years old) for programs other than Psychological Services	One year following the day the clients became eighteen.	Six years	Seven years from when the file was closed.
Client Files - adult clients for Psychological services	Five years from when the file was closed.	Five years	Ten years from when the file was closed.
Client files – child clients (under 18 years old) for Psychological services	Five years following the day the client became eighteen.	Five years	Ten years following the day the client became eighteen.
Client records - individuals with substitute decision makers	One year after file was closed.	Seven years after the individual is able to give consent or in perpetuity.	Seven years after the individual is able to give consent or in perpetuity.

***Note*:** Any electronic records related to client issues (including, but not limited to emails and electronic voicemail) of current or departed JVS Toronto employees should be printed and included in the file.

3.4 (b) Financial Records

Type of Record	On-Site Retention Period	Off-Site Retention Period	Full Retention Period
Audited statements	In perpetuity	N/A	In perpetuity
Agency pension yearly summaries – hard	In perpetuity.	N/A.	In perpetuity.
General financial records (soft and hard) including tax receipts for regular donations, and accounts payable, accounts receivable, general ledger and banking records	Three years	Four years	Seven years
Incorporating documents	For as long as the charity is registered plus two years after the charity is dissolved	N/A	For as long as the charity is registered plus two years after the charity is

	or registration is revoked.		dissolved or registration is revoked.
Insurance documents	Seven years	N/A	Seven years
Individual payroll/pension files – employees in pension program	Until not in pension program.	Two years.	Until not in pension program plus two years.
Individual payroll/pension files – employees *not in* pension program	Three years after not employed by JVS Toronto	In perpetuity	In perpetuity
Individual payroll files – non-employees (i.e. clients and students)	Three years	Four years	Four years
Long-term donations and endowments	As denoted in the agreement.	N/A	As denoted in the agreement.
Minutes of meetings of board of directors and of members	For as long as the charity is registered plus two years after the charity is dissolved or registration is revoked.	N/A	For as long as the charity is registered plus two years after the charity is dissolved or registration is revoked.
Payroll registers – hard copies	Three years	Four years	Seven years
Payroll registers – soft copies	In perpetuity	N/A.	In perpetuity
Tax receipts copies – development department	Two years	N/A	Two years
T3010 Returns	For as long as the charity is registered plus two years after the charity is dissolved or registration is revoked.	N/A	For as long as the charity is registered plus two years after the charity is dissolved or registration is revoked.

3.4 (c) JVS Personnel Files

Type of Record	On-Site Retention Period	Off-Site Retention Period	Full Retention Period
Personnel Records (not including Volunteers)	Three years after termination.	Four years	Seven years after termination.
Volunteer and Student Records	Four years after termination.	Three years	Seven years after termination.

3.4 (d) Complaint Forms

Type of Record	On-Site Retention Period	Off-Site Retention Period	Full Retention Period
Customer Service Complaint Forms	Seven years after incident.	N/A	Seven years after incident.
Privacy Complaint Forms	Seven years after incident.	N/A	Seven years after incident.

Documentation of privacy complaints, investigative efforts, and complaint disposition is considered administrative information and will be maintained in administrative files of the executive office for at least seven (7) years. Documentation of privacy complaint information will not be included in a client or personnel file.

Failure to comply with the practices, processes and conduct outlined above may result in disciplinary action up to and including termination of employment and/or the individual's relationship with JVS Toronto.

3.2 Supporting Documentation

Name	Location	Document Type
Iron Mountain Transmittal Instructions	JVS Insider	PDF
Iron Mountain Retrieval Instructions	JVS Insider	PDF
Iron Mountain Blank Transmittal Form	JVS Insider	PDF

SECTION 4 – GOVERNANCE

4.1 Policy Owner

Policy Owner	Chief Privacy Officer

4.2 Version Control And Change History

Version Number	Approval Date	Approved by	Amendment
Version 7	n/a	n/a	This policy was reviewed and edited for wording additions on August 10, 2018.
Version 6	n/a	n/a	This policy was edited on November 14, 2017 to change the position responsible for the Chief Privacy Officer
Version 5	n/a	n/a	This policy was reviewed on December 22, 2016 and minor wording changes were made to reflect staffing changes and currently used internal terms.
Version 4	n/a	n/a	This policy was reviewed and edited on March 20, 2014 during the Imagine Canada accreditation process.
Version 3	n/a	n/a	This policy was reviewed and edited for wording consistency on June 26, 2013.
Version 2	October 11, 2011	EMT	This policy has been developed as part of a full agency policy review.
Version 1	March 22, 2011		