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PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO
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Safe and Secure Disposal Procedures for Municipal Institutions

All organizations should dispose of personal information in a safe and secure way when it is no longer needed. While provincial government organizations have been provided with guidance on this through Regulations and Directives, municipal organizations have not. This issue of IPC Practices offers guidance and practical suggestions on how municipal organizations can dispose of personal information in a safe and secure manner.

Background

To prevent unauthorized parties from accessing personal data, it is important to use care in the disposal and destruction of personal information.

Section 40(4) combined with Regulation 459 of the provincial *Freedom of Information and Protection of Privacy Act* (the provincial *Act*) deals with the disposal of personal information. Section 4(1) of Regulation 459 states:

Every head shall ensure that all reasonable steps are taken to protect the security and confidentiality of personal information that is to be destroyed, including protecting its security and confidentiality during its storage, transportation, handling and destruction.

Section 4(3) goes on to state:

In determining whether all reasonable steps are taken under subsection (1) or (2), the head shall consider the nature of the personal information to be destroyed or transferred.

Section 6 deals with the need for provincial organizations to keep a record of what personal information has been destroyed and states:

- 1) Every head of an institution shall ensure that the institution maintains a disposal record setting out what personal information has been destroyed or transferred to the Archives and the date of that destruction or transfer.
- 2) The head shall ensure that the disposal record maintained under subsection (1) does not contain personal information.

Section 30(4) of the *Municipal Freedom of Information and Protection of Privacy Act* (the municipal *Act*) deals with the disposal of personal information and states:

A head shall dispose of personal information under the control of the institution in accordance with the regulations.

Unlike the provincial *Act*, there are no equivalent regulations pursuant to section 30(4) of the municipal *Act*.

Thus, we have developed the following procedures to assist municipal organizations with the disposal of records.



Recommended Procedures

Preparing disposal record

A disposal record is a list indicating what records have been destroyed, when, by whom, and using what method of destruction. Records that have been kept or archived may also be tracked. It could be a simple list on paper, or part of an electronic records management system.

The disposal record applies to both paper and electronic (computer and video) records, and must not contain personal information. Referring to the record “type” rather than the contents of the record will help you avoid this. For example, “1992 Home Visits” would be an acceptable entry on the disposal record, however, “Home Visits: John Doe” would not. See sample on next page.

Obtaining authorization from the Head

For record keeping purposes, you can obtain authorization from the Head before destroying records.

Disposing of records safely and securely

Some records containing sensitive personal information should be destroyed on-site, while others may be taken off-site for destruction. Whatever method is used, it is important that proper steps be taken to ensure that personal information on all storage media (paper, electronic and video) cannot later be used or reconstructed.

Paper records containing personal information should be shredded, not simply thrown out with regular garbage or general records.

For electronic records, care must be taken because utility programs can be used to reconstruct the deleted information. Furthermore, erasing or reformatting computer disks or personal computers with hard drives that once contained personal information is not enough. Using a utility such as Norton Utilities, PC Tools, or a recent version of the operating system will remove all data from the medium so that it cannot be reconstructed.

Similarly, video tapes containing personal information should be physically destroyed — not thrown out with the regular garbage. Overwriting a video tape that contains personal information with non-personal information will remove the previous images, but this should

be done on the premises by authorized staff. For more information, please refer to *IPC Practices, Number 10 — Video Surveillance: The Privacy Implications*.

Finally, when records are destroyed by an outside agency, the privacy provisions of the *Acts* should be observed. It is a good idea to have a formally signed contract or agreement outlining these provisions and addressing the need for security, confidentiality, and the disposal method that will be used.

Retaining records of historic value

While some records containing personal information have only temporary value and may be destroyed after the retention period has expired, others should be preserved or archived for future generations.

You may wish to consult other sources, such as *RIM* (Recorded Information Management). These fact sheets published by the Archives of Ontario provide tips on good records-management practices that can help you determine how to deal with maintaining records of historic value. These are available from the office of the Archives of Ontario, 6th Floor, 77 Grenville Street, Toronto, Ontario, M5S 1B3, (416) 327-1600.

Ensuring employee awareness and training

Staff should understand the importance of and the best ways to safely and securely dispose of records. Establishing training and awareness sessions about the handling and use of personal information, including privacy and disposal, is a good start.

Conclusion

It is to the advantage of every government organization to ensure that personal information is protected during the disposal process. Once an individual's privacy is lost, there is no recovering it. Inadvertent disclosures of personal information can lead to public embarrassment for the organization, as well as costly investigations and other consequences that could have been avoided. The Information and Privacy Commissioner/Ontario hopes that you will be able to use the suggestions outlined in this *IPC Practices* as a framework for enhancing or developing your own disposal policies and procedures.



SAMPLE DISPOSAL RECORD

WR Organization Disposal Record

Department: Administration — Facilities Unit

Date Completed: December 15, 1996

Completed By: John Doe

Records Schedule Cross-Reference	Particulars (Do not include Personal Information)	Transferred to Archives		Date	Manner of Disposal	
		Y	✓N			
<i>HR - 123</i>	<i>HR Files - A to Z (1989–1992) Resumes, interviews, references, evaluations, notes.</i>	Y	✓N	Nov 15 '96	✓ Shredded Erased	Incinerated Re-recorded
<i>SEC - 684</i>	<i>Video Tapes of Main Entrance and Loading Dock (Feb 1995–Sept 1996)</i>	Y	✓N	Dec 1 '96	Shredded Erased	Incinerated ✓ Re-recorded
<i>INS - A - 876</i>	<i>Health Inspection Reports - Facilities (1993–1994) Written reports and computer printouts.</i>	Y	✓N	Dec 5 '96	✓ Shredded Erased	Incinerated Re-recorded
<i>TREAS - AP/AR</i>	<i>Correspondence re: Payables, Receivables and letters of notice. Paper Files (1993–1994)</i>	Y	✓N	Dec 5 '96	✓ Shredded Erased	Incinerated Re-recorded
<i>TREAS - AP/AR</i>	<i>Correspondence re: Payables and Receivables and letters of notice. Computer Disks and Backups (1993–1994)</i>	Y	✓N	Dec 15 '96	Shredded ✓ Erased	Incinerated Re-recorded

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