

(This document supersedes the document previously entitled MCFD Contractor Records Guidelines)

Ministry of Children and Family Development (MCFD)

Contractor's Information Management Guidelines

November 2014

These guidelines have been established to ensure you, the Contractor, understand your obligations to ensure proper information management practices are implemented and maintained.

These guidelines specifically address contractor management of records that are specified as Province's Records. These records are subject to the privacy and security protection provisions of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and other government information management legislation, policies and procedures.

Contractor's Records are outside the scope of these guidelines. Records specified as Contractor's Records are under your control and ownership as the Contractor and are subject to the *Personal Information Protection Act* (PIPA). For information on how to manage Contractor's Records under PIPA, go to http://www.bclaws.ca/Recon/document/ID/freeside/00_03063_01.

Records Management

To comply with the terms of the contract and to enable the easy transfer of these Province's Records to MCFD as and when required by the contract, you the Contractor must:

- Maintain individual client records each in their own file, and to include records relating to the client's family members if services are in support of the client. Ensuring no other individuals' information is intermixed reduces the possibility of information being shared with to the wrong person.
- Maintain a separate MCFD client service record for each service type. These MCFD client service records must be maintained separately from the Contractor client record. If non-Ministry funded services are being provided to the same individual, information on these services cannot be maintained in the same file.
- Maintain the records of all referrals from MCFD to you, the Contractor, for contracted services as these records are considered Province's Records unless otherwise specified, even if no services were provided or the client declined services.
- Be aware of which records in your, the Contractor's custody, are Province's Records and the timing and frequency of when to transfer the records to MCFD.
- Be aware that the Province's Records are subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA) and other privacy legislation and may only be disclosed in accordance with that legislation by MCFD. *A Contractor must never disclose verbally, or by providing a copy of, the information from a Province's Record to the individual or any other party (e.g. information in a medical assessment about the client received from a physician).*

Security of Physical Records

- Store the Province's Records containing personal information in locked storage rooms, locked filing cabinets or lockable desk drawers, with controls over distribution of keys or lock combinations.
- Locate work stations and computers in secure areas.
- Ensure access is granted and managed based on the need to know and least privilege principles, ensuring that employees have access only to the minimum amount of personal information they require to perform their employment duties.
- Ensure records containing personal information are not left unattended in unsecured areas while being worked on, during transit or while in interim storage.
- Incorporate user security levels in file check-out procedures.

Security of Electronic Records

- Adhere to the following basic computer guidelines
 - Each person should have a separate logon ID for the computer.
 - This ID should have a complex passcode to gain access
 - Complex passcode should be at least 8 characters and contain upper case, lower case and numbers or special characters
 - Don't use a word found in a dictionary, English or foreign.
 - Never use the same password twice.
 - Don't just add a single digit or symbol before or after a word. e.g. "apple1"
 - Don't double up a single word. e.g. "appleapple"
 - Don't simply reverse a word. e.g. "elppa"
 - Don't just remove the vowels. e.g. "ppl"
 - Key sequences that can easily be repeated. e.g. "qwerty", "asdf" etc.
 - Don't just garble letters, e.g. converting e to 3, L or i to 1, o to 0. as in "z3r0-10v3"
 - The computer should have the current security patches for the base operating system (Windows 7, OS X)
 - Software installed (Adobe products, Word, Email program) on the computer should also have the latest security installs. Computer should have a current and up to date anti-virus program installed and actively running.
 - Ensure access is granted and managed based on the need to know and least privilege principles, ensuring that employees have access only to the minimum amount of personal information they require to perform their employment duties. Access permissions should be assigned consistently and kept up to date.

Managing Client Information on a Mobile Device

A case relevant client record involves information used, or that could be used, to make a decision about an individual. When a contractor uses a mobile device to send, receive or store case relevant information (whether it be via a phone call, email, instant (text) message, photograph or a calendar entry, etc.) this is a Province Record and must be appropriately retained as a Province Record. Once filed, the record on the mobile device is now a transitory record and should be deleted from the mobile device. Contractors should not keep data stored on their mobile device any longer than necessary to complete their work.

- Contractors should secure their mobile device using a robust passcode and enabling encryption.
- Contractors can communicate via text message with clients; however both the contractor and clients need to be aware that e-communications (i.e. text messaging, instant messaging and email) that passes outside of the government secure network) are not protected. Personal, identifiable and sensitive information should not be sent or received on a contractor mobile device.
- There are two recommended options for securely transcribing a record so that it can be filed (the filed record should include the source of the information, when collected and by whom).
 - Manually transcribe the record.
 - Use a USB cable to connect with your work computer and transfer the MCFD record(s). Then file this record using the appropriate media.

If a contractor mobile device is lost or stolen and it is suspected that there is personal information about MCFD clients on the device, it must be reported immediately to the contract manager who would then follow through on the [Information Incident Management Process](#). If the contract manager is not immediately available, then the contractor must follow through on this process.

Security of Province's Records on a Device (Data at Rest)

Data at rest is a term used to refer to all data in computer storage while excluding data that is moving from one network location to another. If a record is on your computer it is at rest even though you may

be working on it; for example, a Word document with a client's history is considered data at rest while it is on your computer. With respect to this data:

- The Province's Records/data should be isolated from non-government information; this can be done by storing it on a separate computer, a separate hard drive or a separate folder on your computer.
- Access to the location of the Province's Records should be limited to ID's with the authority to view them.
- The location of the Province's Records should be encrypted using a 256 bit encryption level
- The physical storage location (computer or hard drive) containing the Province's Records must not leave Canada, this means that you cannot use most of the "cloud" storage tools (iCloud, DropBox or SkyDrive) as these store files on servers that are physically outside of Canada.

Security of Province's Records in Transport (Data in Transit)

If you are transmitting information; which is part of the Province's Records, over a network (e.g. emailing a word document or photo), this is considered data in transit and it must be:

- Encrypted while in transit using a 256 bit encryption level;
- Transmitted using a secured method such as secured file transfer protocol (SFTP), encrypted email, or in emergency situations sending a password protected Zip file; and
- Only under extreme circumstances should province records be stored on portable media such as USB keys or CD/DVD's and only if the device is fully encrypted: Do Not use unencrypted devices!

Physical File Maintenance

- Province's Records containing MCFD client information must be grouped into individual client file type with the full name of the client on the outside of the file folder. Client records should be arranged alphabetically by client last name.
- Where there is more than one client with the same name, include additional information such as middle initial to enable differentiation.

Electronic Record Maintenance

- You, the Contractor, must ensure that all Province's Records held in electronic format are maintained according to the same guidelines as the physical format records.
- You, the Contractor, must develop and adopt procedures that ensure electronic format records are printed and placed in the physical client file. Upon completion, expiry or termination of the contract **and** upon written authorization from MCFD, you, the Contractor, are required to dispose of any electronic copies of Province's Records (e.g. a document created and saved on Contractor computer) according to instructions provided at that time. Once destroyed, you the Contractor, must notify MCFD contract administrator.

Contract File Closure (on contract completion, expiry, termination)

- Requests to return the Province's Records must be sent to the MCFD office responsible for the administration of the contract.
- The Contractor is responsible for ensuring that the records are prepared according to the *Procedures for Returning Records to MCFD*. Those procedures begin on Page 6 of this document.

Client or Third Party Request for Access to MCFD Records

- If you, the Contractor, receives a request for access to any of the Province's Records from a person other than us, and this Agreement does not require or authorize you to provide such access, you must advise the person to make the request to the Ministry.

Note: Handling of requests for access to Contractor's Records is your, the Contractor's, responsibility pursuant to PIPA. Guidelines for private businesses or organizations responsible for the collection, use, disclosure and disposal of personal information under PIPA can be viewed at: <http://www.oipc.bc.ca/tools-guidance/guidance-documents.aspx>

MCFD Records Retention and Disposition

- You, the Contractor, are responsible returning custody of the Province's Records upon contract expiry or termination, as defined in contract, or sooner if sufficient volume exists to warrant a transfer.
- You, the Contractor, are not responsible for determining or enforcing the prescribed retention period for the Province's Records.
- Contractors are not responsible for the disposition of the Province's Records. Records that are identified as Province's Records must not be stored off-site or disposed of by you, the Contractor, under any circumstances.

MCFD Records on Contract Termination

If the contract is terminated by either MCFD or you, the Contractor, the Province's Records must be promptly prepared for return to MCFD by following the *Procedures for Returning Records to MCFD* on page 6 of this document.

Information Incidents

Information incidents occur when unwanted or unexpected events threaten privacy or information security. They can be accidental or deliberate and include the theft, loss, alteration or destruction of information. An information incident can be especially serious when it is a privacy breach: the compromised data includes personal information such as names, birthdates, health or financial details, or social insurance numbers.

- You, the Contractor must immediately report an information incident (including a privacy breach) to the MCFD Contract Manager.
- You, the Contractor will participate in the information incident investigation and follow-up process as required.

Correction of Personal Information

If you, the Contractor, receive a request for correction of personal information from a person other than the Province, then you must promptly advise the person to make the request to MCFD Disclosure and Document Management.

PROCEDURES FOR RETURNING RECORDS TO MCFD

Requests will be processed based on the following criteria:

- Records must be client service records or records which have been identified as Province's Records in the terms of the contract.
- If the transfer request is due to storage volume issues, the request must be approved by either MCFD Disclosure and Document Management or the MCFD Contract Manager responsible for the Contract.
- If you, the Contractor, are unable able to prepare records for return to MCFD as per the following procedure, due to urgent emergency circumstances, please contact MCFD Disclosure and Document Management for instructions. In emergency situations, such as natural disaster, fire, flood, the following procedures may not apply.

PROCEDURES

1. Contact the office responsible for your contract and provide a description of the Province's Records you would like to transfer to off-site storage. Include the following in your description:

- a) Client Service Type (e.g. Emergency Receiving Home;);
- b) Volume of records (number of boxes, cabinets, or shelves); and
- c) Format of records e.g. paper documents, printed copies of electronic documents, audio tape, computer disk, video tapes, etc.

2. You will receive the following information from the MCFD contract administrator:

- a) Where to purchase standard records storage boxes;
- b) An accession number (e.g. 93-45 67) that will be used to track the boxes in off-site storage; and
- c) Accession labels for your boxes.

3. Prepare MCFD Records for off-site storage.

- a) Records relating to each client must be securely placed in a file;
- b) Remove unnecessary duplicate copies of information from each client file;
- c) Clearly label each file folder and include the following information;
- d) Client name (LASTNAME, First Name, Date of Birth (DOB));
- e) Client Service Type; and
- f) Date range (aka opened and closed date) of information within the file (e.g March 20, 1990 to May 01, 1995).

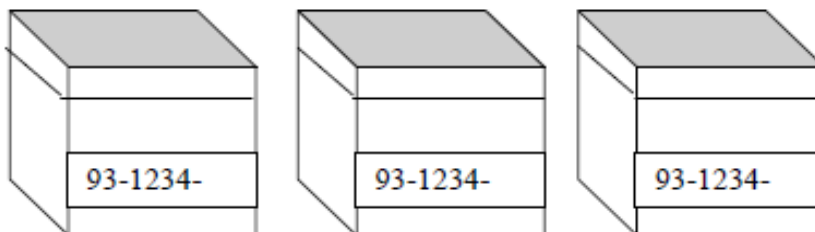
4. Pack Boxes

- a) Place the files inside the box in an upright position, each facing the same direction to ensure that the file label can be easily read;
- b) Ensure that no more that 3 **consecutive** closing date years are within one box. Example; 1997, 1998, 1999, or 1999, 2000, 2001. The boxes can then be alphabetized;
- c) Do not over pack boxes (boxes should not exceed 25 lbs.). Leave 3 or 4 inches of space to allow for the retrieval of files from the box;

- d) Records of different Client Service Types should not be intermixed inside the boxes, Please ensure that there is only one Client Service Type per box;
- e) Complete a Box Content File List for each box of records;
- f) Please prepare the Box Content File List in either a Word document, or Excel spreadsheet; and
- g) Please ensure that your file list contains all of the same columns of information indicated on the sample Box Content File List provided.

5. Number boxes

- a) Using a permanent marker, number the box labels clearly and sequentially with the accession number and box number (e.g. 93-1234-0001, 93-1234-0002, etc.). Apply the labels to the right end of each box (when flap is opening toward you) and press the edges down firmly.
- b) Do not write any other information on the outside of the boxes. Anonymity protects the security of the records.
- c) .Submit the prepared file list via email to the Ministry office that is providing you with direction regarding the return of the files, e.g. your Ministry contract administrator or MCFD Disclosure and Document Management.
- d) Await notification regarding shipment or pick up of boxes.
- e) Upon instruction from the Ministry contract administrator, or MCFD Disclosure and Document Management:
 - i. Put a copy of the each box's file list inside the box, in front of the folders;
 - ii. Seal each box securely with a two pieces of packing tape;
 - iii. Store boxes in a secure location; and
 - iv. Forward a paper and/or electronic copy of the completed box lists to your MCFD contract administrator (keep a copy of the forms and lists until the boxes are picked up or shipped from your office.



6. Pick up or shipping of boxes

You will be notified when your boxes will be picked up or advised that they can be shipped. Once transferred, the Province's Records will not be accessible to you, the Contractor. If files were transferred due to volume, and ongoing services are to be provided to a client, Contractor access is possible by making a request to your MCFD contract administrator, or MCFD Disclosure and Document Management.