

Administrative Policy No 017

To: Council
From: Regulations Committee and Registrar
Date: July 11, 2023
Re: Administrative Policy on Collection, Retention and Disposal of Patient Files

According to the Act, personal health records must be preserved for as long as necessary to provide a person time to use all available legal options in response to a request for access. The optician or practitioner must dispose of records containing personal health information securely after keeping them for the minimum amount of time specified in the Standards of Practice, this policy, or any applicable legislation. Opticians or Contact Lens Practitioners (custodians) are required by the Regulations to safeguard any personal health information under their custody or control and to make sure that records are stored, transferred, and disposed of safely.

The purpose of this policy is to provide direction on the preservation, retention and destruction of records containing personal health information in the following ways:

- To ensure that all records are retained in accordance with all legislative requirements.
- To ensure that all records are retained for the necessary time to support business needs and patient care; and
- To ensure that all records are disposed of in such a way that the personal health information they contain is not retrievable (i.e., that the disposal protects the privacy of the individual).
- To maintain accurate, understandable, complete, and confidential health and financial records, which will be provided or transferred at the patient's request.

"Personal health information" refers to any information about a person's eyes, prescribed vision appliances, information gathered while providing health services, information acquired incidentally to provide health services to the person, or registration information.

"Format" – voice, text, digital image, video.

"Media" – anything that contains personal health information. This includes but is not limited to the following: paper, backup tapes, video tape, network cabling, CD, DVD, pen drive, memory sticks, hard drives and cloud storage.

"Record" refers to a copy of the information in any form, including that which is written, photographed, recorded, digitally saved, or otherwise physically preserved, as well as information contained in computer programs, software, or other processes that create records.

Criteria:

1. All records shall be retained for a minimum of 10 years from the last date of file entry or until the age of 20 if the patient is a minor, whichever period is longer.

2. Destruction of formal archived records will occur annually. The time for disposal of any document should be calculated from the end of the year covered by the document. This policy pertains to all patient information.
3. Shredding shall be the approved method of destruction for paper copies for the destruction of records containing personal health information. For electronic records, secure disposal may include either physically destroying the media they are stored on (such as a pen drive or hard drive) or deletion/overwriting the information in such a way that the information cannot be recovered.
4. Custodians should keep a record of disposal dates and the names of individuals whose records were disposed of.
5. When relocating offices, extreme caution should be exercised to protect personal health information. Files should never be discarded or left lying around without being safely destroyed first. Before computers are sold, all private health information must be completely deleted and rendered unrecoverable.
6. Records may be transferred to facilities, other custodians, or successors. Custodians must securely transfer records and refer to their governing legislation and regulatory procedures to determine appropriate transfer requirements.
7. Custodians must notify individuals whose personal health information has been stolen, lost, or accessed by an unauthorized person.

Authority – Enforcement:

If an individual knowingly violates this policy, they may be subject to sanction under applicable law and may face claims for damages, and disciplinary proceedings, as applicable.

Passed by the Council on July 11, 2023