

GUIDE TO THE DESTRUCTION OF DOCUMENTS THAT CONTAIN PERSONAL INFORMATION

Any public body or private business which collects, retains, uses or discloses personal information must take the security measures required to preserve the confidential nature of this information. This obligation stems from the *Act respecting Access to documents held by public bodies and the Protection of personal information* and the *Act respecting the protection of personal information in the private sector*. Following serious incidents of which it was made aware, the Commission d'accès à l'information has given much thought to the steps to be taken to preserve the confidential nature of personal information at the time it is destroyed.

In a public body or a private business, every employee, at his place of work, must feel responsible for protecting the personal information he handles. For instance, he must never throw out documents, diskettes or magnetic cartridges and tapes that contains personal information without first making sure that their contents cannot be extracted.

The Commission suggest that public bodies and private business designate a person to take charge of setting up a policy on the destruction of documents that contain personal information and to see that it is enforced.

Shredding remains the best method of destroying confidential documents. If the technical specifications of the shredder available make it impossible to handle the volume of documents to be destroyed, they must be stored under lock and key before they are entrusted to a paper disposal company.

The Commission cannot see how a verbal agreement alone could be sufficient where the destruction of documents containing personal information is concerned. Therefore, a formal contract on the destruction of documents should, at least, specify:

- the process used to destroy documents;
- that an agreement must be reached between the parties before the disposal company can entrust the destruction of confidential documents to a subcontractor;
- the penalties at the expense of the disposal company for non-compliance with its commitments.

The Commission believes that, in this contract, the disposal company should:

- recognize that the documents contain personal information of a confidential nature;
- commit itself to have every person called upon to handle these documents sign a confidentiality agreement;
- commit itself to store the documents on safe premises and to keep them constantly under guard until they are destroyed;

- strictly limit access to the premises where the documents are stored or processed;
- commit itself not to transfer the documents in its possession to third parties for purposes other than processing the paper previously and obligatorily shredded;
- allow access to its installations by its customer at any time for the duration of the contract;
- guarantee total destruction of the documents which are not processed;
- report to its customer when the documents received are destroyed.