

**Practice Advisory #5**

**Location and Copying of Practice Records**

***DRAFT FOR REGISTRANT FEEDBACK***

**Practice Issue**

This practice advisory addresses questions concerning the proper maintenance and copying of practice records.

**Rationale**

Registrants are responsible for producing practice records to facilitate future service provision to clients, to ensure accountability, and to meet other legal and institutional requirements (see Code of Conduct Standard **7.19**). Producing records raises corollary responsibilities to maintain the confidentiality and the integrity of those records. The location where records may be kept and the methods by which they may be copied are integral components to maintaining both confidentiality and security.

Sections **13.0** and **14.0** of the Code of Conduct address the proper maintenance and security of records. Pertinent provisions include Standards **13.1**, **13.2**, **13.3**, and **13.8**, which address the time for which records must be kept, **13.7**, which requires that records be complete and accessible whatever their location, **14.1**, **14.2**, and **14.3**, which require registrants to ensure security and privacy for both physical and electronic records, and **14.4**, which requires registrants to maintain confidentiality.

From time to time registrants may be required by law either to provide access to their practice records or to make copies of those records. Given the confidentiality of the information in practice records, registrants are required to ensure that the copying process preserves the confidentiality and the integrity of the information.

**Selected Relevant Standards in the Code of Conduct**

**14.1 Location of Records**

Practice records must be maintained or stored at the registrant's primary place of practice, in another location under the sole control of the registrant, or in a professional storage facility obligated to provide confidential and secure storage.

**14.5 Copying of Documents**

A registrant may contract for off-site professional copying services provided those services are, at minimum:

- (a) Confidential, e.g.,
  - The employees are bound by a confidentiality agreement;
- (b) Secure, e.g.,
  - Confidential documents are kept secure and separate from the rest of the printing operations;
  - Any waste from the copying is retained and shredded; and
- (c) Accurate and legible, e.g.,
  - Services include a 100% quality control page-by-page check of copies against the original sets;
  - Services include a legibility check for difficult-to-copy items such as pencil notations; and

- Any perceived errors and omissions (e.g., missing pages) are recorded and reported back to the registrant.

### Advisory

- Registrants are advised to retain sole control of their practice records.
- A registrant should not delegate the copying of his or her practice records to a person who is not under his or her direct supervision. If, however, the circumstances make such copying impractical, then a registrant may contract for off-site professional copying services, provided the services are, at minimum, confidential, secure, and accurate, (i.e., they at least satisfy the elements listed in Standard **14.5**).

A number of printing houses offer confidential, secure services specifically for reproducing legal documents or medical records. Asking a printing house about their client list may be helpful to a registrant in determining if the required protocols are successfully in place.

- Practice records must be maintained or stored at the registrant’s primary place of practice, in another location under the sole control of the registrant (which may include in the temporary custody of another registrant who is caring for those records consistently with Code requirements), or in a professional storage facility obligated to provide confidential and secure storage. In ideal circumstances, a professional storage facility should offer most or all of the following features:
  - a secured storage area that is fully alarmed for both fire and intrusion, with video monitoring of the storage warehouse entrances;
  - “viewing rooms” that are physically separated from the records storage area for authorized parties coming into the facility to view records;
  - bondable records management employees, including warehouse, “front office” and delivery drivers;
  - no access to the records storage area by any non-employee;
  - computerized indexing of all stored records;
  - facilities for electronic media storage, including fireproof vaults or cabinets in secured facilities; and
  - rush or regular retrieval schedules that enable access within 4 hours of request.
- Registrants who are required by law to produce their practice records should, if the circumstances permit, provide a copy of their practice records rather than the originals.
- Registrants should ensure that, consistent with Standard **14.6**, any contingency plans made with their professional executor(s) appropriately reflect and account for all of their practice record locations.
- Registrants should ensure that any fees they set for copying and releasing records are set consistently with the requirements of Section **12.0** of the Code of Conduct.