

CHAPTER 9: COLLECTING AND KEEPING INFORMATION

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Keeping Records

RGI Administrators are responsible for the information they collect in carrying out their duties under the HSA.

The HSA sets certain rules about keeping *records*. A record is

- any document or written material created by a housing provider
- any document or written material related to the operation of a housing project that is given to a housing provider.

You must keep the financial and project records for each fiscal year for at least 7 years.

Each housing provider must keep files for current RGI households. You must keep these files for at least 7 years after the household moves out. You must keep documents about initial eligibility (application, status in Canada etc.) in the current RGI files throughout the tenancy. You must keep these records for 7 years after the household ceases to be eligible (pays market rent or moves out).

You must keep a written record of the decision to refuse to offer a unit to an applicant for 7 years. The record must include

- the decision
- a copy of the notice given to the household
- the facts that were used to make the decision.

Checklist for RGI file

For each household, make sure the file contains

- a chart or docket keeping track of what you have done and when you did it. This will help ensure that you follow the correct procedures.
- completed leases (for a non-profit) or occupancy agreements (for a co-op)
- all completed income and assets reviews for the duration of the tenancy, including
 - proof of income documents, and
 - a *consent form* signed by all people in the household 16 years of age or older. If a person in the household is unable to sign, a consent form may be signed by a person with authority to sign on their behalf. Consent forms allow RGI Administrators to collect and share personal information about the applicants. complete documents to verify income and assets
 - a *rental history* record
 - documents to verify each member's status in Canada
 - a written record of any review of a decision
 - RGI Rent calculation worksheet
 - all notices of annual income and asset reviews
 - all notices of rent changes
 - all correspondence to and from members of households about the RGI program.

Exemption: If a member of a *special priority household* feels that they may be at risk if they attempt to obtain documents to verify their income or family composition, the housing provider cannot require the documents.

Protecting Personal Information

(Reg. 367 sec. 145-147)

RGI Administrators collect *personal information* to determine if a household is eligible for RGI assistance. They must follow the guidelines in Regulation 367 and the *Municipal Freedom of Information and Protection of Privacy Act*.

When you ask for personal information, you must give the person a written notice that tells them why you need the information. You must also tell them that you may share it with

- the Minister of Municipal Affairs and Housing
- other service managers
- administrators appointed by a service manager
- other housing providers/RGI Administrators
- organizations providing services to any of the above
- an officer enforcing the law under the HSA, the *Ontario Disability Support Program Act*, the *Ontario Works Act*, or the *Day Nurseries Act*.

This notice must be in writing and include the name, title, business address, and phone number of a person that will respond to any questions or complaints about the collecting and keeping of personal information.

You can only use the information for the purpose stated in the notice.

There are special rules for handling personal information about people experiencing domestic violence. If you collect information to determine if a person is eligible for special priority, you can only use the information for that purpose.

Reg 367, s.147

CHAPTER 9: COLLECTING AND KEEPING INFORMATION

Regulation 367 sets out standards for collecting, using, disclosing, keeping, and disposing of personal information.

Personal information may be disclosed only if

- the person the information is about consents to the release of the information
- the HSA, a Regulation, or an agreement under the *Act* allows you to share the information
- an officer, employee, agent such as a lawyer or auditor, or volunteer of the housing provider needs the information to perform their duties
- the information may affect the health or safety of the person the information is about. In this case, you must notify the person in writing to tell them that you have shared personal information about them.
- there are “compassionate circumstances” such as an illness or an injury and sharing the information will allow someone to contact the next of kin or a friend.

People have the right to see information about themselves unless

- the information reveals something personal about another person
- the information reveals something private about an organization
- giving out the information will put another person at risk.

If a person disagrees with the personal information in their file, they can ask the housing provider to correct it. Or they can add a written statement telling why they disagree with the information.

RGI Administrators should control access to all personal RGI information. Keep RGI files in a cabinet that can be locked. Use passwords to protect RGI information on computer systems. Do not send confidential information by fax.

Records should only be viewed by persons who need to see them to make decisions. When providing information to the board of directors about resident households, the names and unit numbers of should not be disclosed. Assign a number to each file being discussed. This ensures that the discussion is objective and that personal information remains confidential.

RGI Administrators should dispose of confidential records by

- shredding or destroying the information
- sending the records to a company that specializes in getting rid of confidential information.

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RGI Administrators must make sure that directors, officers, employees, agents, and volunteers are aware of their responsibilities for keeping personal information confidential. They must also assign an individual to make sure that confidential records are dealt with properly. This will usually be a staff person.