

## **THINKING IT THROUGH: THE INFORMATION MANAGEMENT IMPLICATIONS OF WORKING FROM HOME DURING A PANDEMIC**

Stuart Rennie, JD, MLIS, FAI & Gerson Vijayan, Panasonic National Account Manager

Webinar

August 27, 2020

### **BEST PRACTICES SELECT CHECKLIST**

#### **INTRODUCTION**

This Best Practices Select Checklist contains relevant information from the August 27, 2020 webinar on information management implications of working from home during a pandemic. This Checklist is information only and does not replace analysis of specific facts or competent legal advice. This Best Practices Checklist is based on information governance standards best practices and standards from ARMA International, the International Organization for Standards and the Canadian General Standards Board.

This Checklist is current to August 27, 2020.

## Government COVID-19 orders and Information Governance

To date, government COVID-19 orders typically are structured in 2 ways. First, general orders are issued by the government. These general orders can cover a wide range of business. These orders are commonly posted on government websites. Second, public health orders are issued by health officers under emergency or health statutes and cover public health and safety. These orders are commonly posted on public health authority websites.

- Ensure the order applies to the business of your organization
- Does the order create a legal retention to create records and keep them for a specific period of time? If so, document the duty and communicate it to your organization
- Does order create a duty to create records but does not set a legal retention period? If so, communicate the duty and set a reasonable retention period based on your organization's RIM practices and classification plan and retention schedule; if need be, adopt and customize industry best practices and standards
- Does the order create, amend or suspend a limitation period? A limitation period is the time period in which a legal action can be brought before a court of competent jurisdiction. If the limitation period is suspended without stating when the limitation period is restarted, to ensure needed records are available
  - Identify what records are subject to a limitation period
  - Suspend normal destruction for these records
  - Monitor limitation orders regularly and when they change then
  - Seek legal advice on when limitation period restarts & then ends for your specific legal claims/actions and their records

## Communicating About COVID-19

To manage COVID-19 safely, constant communication is required to your organization's workers and management, clients, third parties and even the public.

Ensure information is

- Current, check regularly to see if information has been replaced or updated
- Complete
- Accessible using your organization's website and social media platforms
- Provide Internet links for further information as needed

## Online Meeting Platforms: Security Best Practices for Remote Worker

*Before the Meeting*

- Update anti-virus software
- Have secure WiFi connection
- Use strong unique passwords for
  - o Computers
  - o Smartphones
  - o Web accounts
- Use authentication to access your organization's computers
- Use locked cabinets for paper records & secure disposition of paper records
- Back up home computer systems
- Report by the remote worker back to your organization on any suspicious computer activity
- Workers are trained & acknowledge organization's security policies apply to remote work
- Review platform's website to apply any new security features added to platform
- Ensure meeting has meeting ID & password-restricted access controls to ensure only invited attendees attend

## *At the Meeting*

- Permit attendees only to attend when host joins
- Enable waiting room software feature
- Mute attendees
- Limit screen sharing

## **Records Meetings Using An Online Meeting Platform**

Online meeting platforms are effective for communication and collaboration. It is a best practice to not use these platforms as recordkeeping software.

### *Before the Meeting:*

- Determine if a record of the meeting should be made
  - ... to document a business decision?
  - ...to comply with the law?
- If yes to any of the above, it is a record, record the meeting
- If not, it is not a record, don't record
- If going to record, in your team designate a team member to:
  - Record the meeting
  - Manage the record of the meeting
- Consider sending a meeting notice to attendees with a privacy notice that is compliant with the privacy legislation in your jurisdiction
- Consider sending a notice to attendees with a copyright notice stating what meeting materials can be used or not used by the attendees and whether or not meeting materials can be reproduced or redistributed without the prior written permission of copyright

### *Recording the Meeting:*

- Record the meeting
- After the meeting the designated team member takes saved record & saves it to a temporary site on team member's computer
- Then the team member saves the record as an official record into your organization's recordkeeping system following
  - Your organization's naming convention and/or
  - Your organization's metadata rules
  - (applies naming convention and/or metadata) via VPN for example
- Then member deletes the transitory record it as soon as possible from platform & deletes it from the temporary site on member's computer, same day is a best practice

## **Record Types: COVID-19**

Record types can be useful for your organization to identify what records it creates in its usual and ordinary course of business and for legal purposes.

Common COVID-19 record types are:

- Contracts
- Correspondence
- Disaster recovery records
- Government orders (emergency, health, workplace safety)
- Grant records from government(s)
- Health records (employee testing & quarantine)
- Holds on records destruction

- Manuals, policies/procedures, toolkits, guidelines
- Meeting minutes
- Notices
- Reports & planning
- Workplace health & safety (reporting & claims for COVID-19)

Record types regarding COVID-19 for archival purposes are:

- Artwork
- Diaries
- Journals
- Notices (social media, websites, press releases)
- Photos
- Posters
- Reports documenting remote work procedures
- Screen captures
- Videos, GIFs

## **Workplace Safety Plans for COVID-19**

Since the COVID-19 pandemic emergency was declared in the Spring 2020, many jurisdictions require organizations to create and document workplace safety plans in order to keep workers safe from COVID-19. Sanctions could be applied to organizations that do not comply with applicable workplace safety plans.

- Follow guides published by workplace safety authorities
  - Apply to your organization any of these guides for specific industries that apply to your organization's business, like Offices
- Check current orders in your jurisdiction that apply to your organization:
  - Emergency statutes and regulations
  - Public health and safety statutes and regulations
  - Other relevant statutes and regulations
- Review your plan regularly and update your plan as needed to be compliant
- Ensure your plan is accessible to authorities in event of audit, investigation or litigation since your plan is evidence of legal compliance

## **Customize Existing Information Governance Tools to Your Response to COVID-19**

It is a best practice for organizations to customize their existing information governance tools in their response to COVID-19. Common existing information governance tools are:

- Appropriate Use of Technology Policy
- Bring Your Own Device (BYOD) Policy
- Conduct for Staff and Management Standards
- Guides on using office software (Microsoft Office OneNote, SharePoint)
- Information Security Policy
- Mobile Devices Policy
- Privacy Commissioner's guidance on protecting personal information away from the office
- Social Media Guidelines
- Working alone or in isolation

## **Documenting the Remote Work Relationship**

It is a best practice for organizations to document the remote work relationship between workers and employers. Common elements in the documenting the relationship are:

- Records are property of employer

- RIM policies/procedures apply
- Employment terms & policies apply
- Workplace safety policies apply
- Confidentiality & privacy apply
- Information and physical security apply
- Employer may supply laptop/smartphone
- Remote worker may use own equipment under a BYOD arrangement
- Homeowner/tenants insurance allows remote work
- Employer may compensate worker for use of worker's space at home, Internet, electricity



Select Resource List

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### **SELECT RESOURCE LIST**

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The Internet links are current to August 27, 2020.



## **INFORMATION GOVERNANCE and STANDARDS**

[COVID-19 response: freely available ISO standards](#)  
[Canadian General Standards Board, Electronic Records as Documentary Evidence](#)  
[\(CAN/CGSB 72.34-2017\)\(Amendment 1\)\(October 2018\)](#)

[ARMA International](#)

[ARMA Canada](#)

[ARMA Canada Connects Webinar Series](#)

## **FIRST NATIONS PUBLIC SERVICE SECRETARIAT**

[COVID-19 Information](#)

## **CANADA**

[Coronavirus disease \(COVID-19\): Working remotely](#)

[Staying cyber-healthy during COVID-19 isolation](#)

## **ONTARIO**

### **Ontario Workplace Safety**

[COVID-19 \(coronavirus\) and workplace health and safety](#)

[Guidance for Ontario workplaces](#)

[Resources to prevent COVID-19 in the workplace](#)

[Workplace Safety & Prevention Services](#)

[Guidance on Health and Safety for Office Sector during COVID-19](#)

[Post-Pandemic Business Playbook: A guide for COVID-19 Pandemic](#)

[Preparedness and Response](#)

[Coronavirus Disease 2019 \(COVID-19\) Cleaning and Disinfection for Public Settings](#)

## Select Ontario Legislation

[Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020, S.O. 2020, c. 17](#)

[Emergency Management and Civil Protection Act, RSO 1990, c E.9](#)

[Employment Standards Act, 2000, SO 2000, c 41](#)

[Human Rights Code, RSO 1990, c H.19](#)

[Limitations Act, 2002, SO 2002, c 24, Sch B](#)

[Occupational Health and Safety Act, RSO 1990, c O.1](#)

[Provincial status on COVID-19](#)

## INFORMATION AND PRIVACY: ONTARIO

[Information and Privacy Commissioner of Ontario](#)

[Working from home during the COVID-19 pandemic](#)

## Privacy Legislation

[Freedom of Information and Protection of Privacy Act, RSO 1990, c F.31](#)

[Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c M.56](#)

[Personal Health Information Protection Act, 2004, SO 2004, c 3, Sch A](#)

[Child, Youth and Family Services Act, 2017, SO 2017, c 14, Sch 1](#)

## OTHER

### Ergonomics for the Home Office

[Entrac Ergonomics And Temporary Work From Home Practical Guide](#)

### Information Security: Best Practices

[The Sedona Conference, Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines](#), 21 SEDONA CONF. J. 577 (August 2020)





## **Workplace Toolkits**

[Homewood Health COVID-19 Workplace Re-entry Toolkit](#)

[Example: Various industries](#)

## **ARCHIVES**

[Archives Canada](#)

[Archives of Ontario](#)

[Canadian Council of Archives](#)

[Directory of Archives](#)