

# Practice Note

## Storage, Retention & Destruction of Records

The creation and maintenance of records by Social Workers is an essential component of professional practice.

The purpose of the social work record is<sup>i</sup>

- To understand the service participant,
- To plan the social work intervention,
- To document services in a recognizable form,
- To ensure the continuity and quality of service,
- To establish accountability for and evidence of the services rendered,
- To enable the evaluation of service quality,
- and can also provide information for research and education.

Social work records include any or all of the following: reports (handwritten, typed, or electronic); progress notes; checklists; correspondence such as but not limited to text messages, emails, letters; minutes; process logs; journals or appointment records; films and audio or video. The tools or data, such as genograms, sociograms, or assessment checklists, that are used by a Social Worker in developing a professional opinion are also included in the record. Social Work records can also include signed consent forms, service contracts, fee agreements, invoices and receipts for services rendered, and statements to third-party insurers.

Many people see emails as inherently transitory. However, decisions, key communications, and important information are regularly shared by email, and as a result, emails must be managed as any other record. Specific guidelines on managing electronic files can be found in the Standards for Technology in Social Work Practice<sup>ii</sup>.

All Social Workers must comply with the MCSW Code of Ethics, Standards of Practice, and legislation as it relates to creating, storing, and destroying records. Many Social Workers employed by organizations have internal policies and processes to guide their practice. In accordance with the Standards of Practice, Section 6.6: *If Social Work standards and organizational policy conflict, the MCSW Standards of Practice are to supersede those of the employer. When the Social Worker is uncertain or there appears to be ambiguity, the Social Worker is encouraged to consult the College.*

In accordance with Standard of Practice, 7.3 *Social Workers in private practice keep records that substantiate service in a secure place, and in accordance with all applicable legislation.* Social Workers who are self-employed (i.e. Independent contactors, self employed, in private practice) are responsible for establishing their own policies concerning record management.

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In accordance with the Code of Ethics, Section 1.7, *Social Workers maintain one written record of professional interventions and opinions*. If there are instances where some documents are kept separate from this record, the RSW observes the same standards with respect to confidentiality, security and destruction as with the social work record.

### **Storage:**

It is important to store all professional records securely, but service participant records need extra attention as service participants have the right to access this information, make changes to this information and it informs the services they might access.

Different periods of storage or retention time may be required by legislation (e.g. *Access to Information Act (1983)*). Longer periods of storage time may be defined by the policies of a RSW's employing or contracting organization, or by the policies established by a self-employed RSW.

There is no "one size fits all" retention and storage period; however, the Canadian Association of Social Workers Private Practice Portal<sup>iii</sup> outlines that both clinical and financial records must be stored for seven years. There are additional considerations for service participants' records, for example, the records for minors must be stored longer.

### **Destruction:**

Social Workers dispose of records and all record's contents in such a way that ensures that the confidentiality of the information is not compromised.

The goal is to irreversibly destroy the record so that personal information cannot be reconstructed or recovered in any way. When going through the process of disposal, the RSW should also destroy all associated copies, backup, and electronic files.

Registered Social Workers should adapt and maintain a records inventory that include the dates the records are eligible for disposal and the appropriate schedule for destruction.

### **Policy Development:**

In Manitoba the *Personal Health Information Act* applies to trustees who maintain (have custody or control of) personal health information. Social Workers do not fall under the definition of a trustee as outlined in *The Regulated Health Professions Act*.

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However, Social Workers often work in health care settings and therefore must consider the requirements of this legislation. Social Workers must consider which pieces of legislation is relevant to their practice and the services they are providing when developing their own policies.

When developing a policy about record storage and retention, Social Workers should consider that there may be potential need for the record in the future. A Social Worker's retirement, relocation, bankruptcy, or incapacitation may leave their social work practice, client records, and financial records at risk. In addition to an executor for your personal will, Social Workers in private practice are obligated to develop a professional will that appoints qualified persons to take charge of the business including client records.

Self-employed RSW's who cease practice may:

- (i) maintain their client records in accordance with their policy or
- (ii) make arrangements to transfer the records to another RSW,
- (iii) make reasonable efforts to give notice to their clients of the future location of their records, unless they are required, under any applicable privacy or other legislation, to obtain their clients' consent to such transfer, in which case they obtain their clients' consent.
- (iv) In accordance with MCSW Standards of Practice, Section 5.17 states that *Social Workers who intend to terminate independent practice in Manitoba will notify the College of their future location and of the future location of the client records.*

Financial records such as revenue or income tax must be retained per the Canada Revenue Agency recommendations.<sup>iv</sup>

### **References and Resources:**

To assist your decision making, RSW are encouraged to use an ethical decision making tool such as the [Ethical Decision-Making Framework](#) and [Quick Reference Guide](#) located on the Manitoba College of Social Worker's website.

MCSW Code of Ethics ([Code-of-Ethics-SEP-2021-WEB.pdf \(mcsw.ca\)](#))

In particular:

Section 1.5 Protect Privacy and Confidentiality

Section 1.7 Maintenance and Handling of Client Records

MCSW Standards of Practice [MCSW Standards-of-Practice-SEP-2021-WEB.pdf](#)

In particular:

Standard 5 – Social Work File Records

Standard 7 – Private Practice

### **Standards for Technology in Social Work Practice**

In particular:

Section 3: Gathering, Managing, and Storing Information

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## CASW Private Practice Portal

### *The Social Work Profession Act*

Complaints against former members

28(2) If, after a member's registration is cancelled, suspended or not renewed under this Act, (a) a complaint, or a referral under clause 29(1)(b), is made about the former member; and (b) the complaint or referral relates to conduct occurring before the cancellation, suspension or non-renewal;

the complaint or referral may, despite the cancellation, suspension or non-renewal, be dealt with within five years after the date of the cancellation, suspension or non-renewal as if the former member's registration were still in effect.

Other Tools to consider:

Consider reviewing any legislation applicable to the RSW's area of practice, for example:

The Personal Health Information Act see: Retention and destruction policy 17(1)

The Mental Health Act, see part 5, Information and Records

The Family Law Act which states, 45 Right to Information about child

Other literature and articles such as:

<https://www.casw-acts.ca/en/523-storing-records>

<https://www.ocswssw.org/wp-content/uploads/9-Principle-IV-The-SW-and-SSW-Record.pdf>

[https://www.priv.gc.ca/en/privacy-topics/business-privacy/safeguards-and-breaches/safeguarding-personal-information/gd\\_rd\\_201406/](https://www.priv.gc.ca/en/privacy-topics/business-privacy/safeguards-and-breaches/safeguarding-personal-information/gd_rd_201406/)

<https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/>

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<sup>i</sup> <https://mcsww.ca/wp-content/uploads/2021/09/Standards-of-Practice-SEP-2021-WEB.pdf>

<sup>ii</sup> <https://mcsww.ca/wp-content/uploads/2017/09/e-ASWB-Technology-Standards.pdf>

<sup>iii</sup> [Private Practice Portal | Canadian Association of Social Workers](#)

<sup>iv</sup> <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/keeping-records/where-keep-your-records-long-request-permission-destroy-them-early.html>

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