



NEWS RELEASE – May 5, 2008

THERE IS MORE TO THAT FAX MACHINE THAN MEETS THE EYE

Following the discovery of personal health information on used fax equipment sold as surplus, the Office of the Saskatchewan Information and Privacy Commissioner (OIPC) has issued a set of guidelines for all health information trustees and public sector organizations.

In March 2008 our office received a roll of thermal film from a fax machine that appears to have been sold by a health information trustee to an individual in Prince Albert via public auction. Captured on the thermal film were images of personal health information of approximately 101 different patients. The relevant dates for this information appear to be July to September 2003. The fax machine appears to have been sold in late 2004.

Commissioner Gary Dickson cautions “these organizations must recognize that there are risks that the sale of used office equipment including fax machines may inadvertently disclose personal information contrary to Saskatchewan privacy laws.”

All health information trustees and public bodies in Saskatchewan are urged to immediately review their policies and procedures with respect to the servicing of fax equipment by contractors, the sale or gift of surplus fax machines and the return of leased fax machines at the end of the lease term. This also applies to photocopiers, scanners and computers that include a memory feature. Such modern multi-use office equipment needs to be treated just like computer hard drives. Public bodies and trustees must ensure that, just as hard drives must be destroyed or wiped clean before they are disposed of, fax machines and other multi-purpose office equipment must also be purged of any identifying information before leaving the control of the trustee, government institution or local authority.

See attached backgrounder.

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For further information, please contact:

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Personal Information Retained by Office Machines

The following are general measures that any Saskatchewan government institution, local authority or trustee using digital based equipment or older equipment that utilizes a thermal film should consider:

- Understand what type of office machine you have bought or leased. Does it have a data storage device such as a thermal film that can store data? Does it have a hard drive that can store data electronically?
- If the data storage device has some way of capturing and storing personal information or personal health information, the user should understand from the vendor and/or manufacturer what exactly the device is capturing. For example, is it capturing copy as well as transmit, scan and print jobs? Also, how much data is it storing, and for what period of time does the data remain on the storage device?
- How easily is the data storage device accessed, and can it be easily removed? If the device is easily accessible, you may want to consider moving the office machine to a more secure area of your office and limit access to the machine.
- If the data storage device is capturing and storing data, inquire as to what your options are for controlling the residual data. Does the vendor and/or manufacturer offer some form of security option such as data overwrite, delete features, or removal and destruction of the data storage device?
- Look at your servicing contract or lease agreement. Does it explain how any data residing on the data storage device of the office machine is handled when the machine is serviced and/or returned?
- Suppliers and vendors of office machines (such as fax machines, photocopiers, computers and scanners that capture and store data) who come across residual data in the course of servicing, repairing, refurbishing or selling a machine are prohibited under the *Personal Information Protection and Electronic Documents Act* (PIPEDA)² from using or disclosing the data. Suppliers and vendors should notify the lessor, owner or former owner of the machine about the existence of residual data and jointly determine how the data will be handled. If the supplier or vendor is unable to contact the lessor, owner or former owner, they should then make every effort to completely erase the data from the machine before disposing of the machine or reusing it.

¹ We gratefully acknowledge the very helpful document on office machines produced by the Alberta Information and Privacy Commissioner on March 15, 2005.

² PIPEDA is the federal private sector privacy law overseen by the Privacy Commissioner of Canada.