

## The Breaches

Ontario's Information and Privacy Commissioner launched a special investigation into allegations that political staff in the former Minister of Energy's Office inappropriately deleted emails pertaining to the sensitive subject of the cancellation and relocation of gas plants. The Commissioner's Office found staff at the office had broken the law and had routinely deleted emails in an effort to avoid transparency and accountability, with two chiefs of staff responsible for the deletion of the emails.

It was also suggested that a senior individual be designated in each minister's office that is to be accountable for the implementation of record management policies outlined by the Archives of Ontario. This individual would also be responsible for ensuring new staff receive the appropriate training.

## Consequences

This case has sparked political debate in local media as opposition parties look to discredit those associated with the scandal.

Effectively, this activity was illegal; government officials broke the law. While there are no penalties those for those involved under the current legislation, there has been some discussion as to whether the individuals could be considered to be in contempt of parliament, which could in fact lead to a punishment.

Aside for the potential cost of re-training, hiring and reviewing record retention policies, the potential political cost of this incident is undoubtedly going to be high.

## DELETING ACCOUNTABILITY

# ONTARIO OFFICIAL'S OFFICE ATTEMPTED COVER UP

## The Law

Under the Archives and Record keeping Act the office of the Minister would have been required to save all of these documents and turn them over for archiving. This legislation extends to include electronic data, which must be handed over to relevant authorities before they are erased at source.

## The Findings

The retention policies of the Ontario Archives were recommended for review as well as a review of the data retention practices that apply to records management in ministers' offices, with special regard paid to the issues raised in the report. It was also stated that new policies and procedures were to be developed and staff fully trained in line with these policies, including new incoming staff and after a change in government.

TURN THE PAGE TO READ

WHAT COULD HAVE BEEN DONE DIFFERENTLY?



DELETING ACCOUNTABILITY:

ONTARIO OFFICIAL'S OFFICE ATTEMPTED COVER UP

JATHEON

DATA | KNOWLEDGE | INSIGHT

## WHAT COULD HAVE BEEN DONE DIFFERENTLY?

### Training

**One of the key recommendations and overriding theme of the subsequent political commentary on the issue** revolves around the appropriate training of staff. As Attorney General John Gerretsen admitted his own doubt regarding rules on keeping emails, he was quoted as saying "I'm quite sure that a lot of us would not have been familiar with what you can or cannot delete, quite frankly, from emails."

With the appropriate staff training in the area of record retention and compliance this situation could have very easily been prevented. If an individual had been making a deliberate attempt to conceal information through the deletion of data, staff members could be more aware of the potential consequences and brought this activity to that attention of the authorities.

### Policies

**The investigation recommended a review of existing policies** and the development of new procedures in reaction to the findings of the report. However, fully comprehensive data retention policies, including a program of training for relevant staff, would have resolved this issue before it even arose. As pointed out by numerous commentators, education on the issue had been ambiguous and unclear.

### On-site Email Archiving

**Under the current legislation, chiefs of staff were required to ensure data** was handed over to the appropriate authorities for archiving before they were deleted. A more efficient method of archiving would be an on-site solution that archived the emails as they came in and were sent and stored them in a read-only, un-editable format. Not only would this ensure that all email data was archived, without the need for any handovers or transfers during which data can be corrupted, it also means that there can be no deletion or modification of data, whether intentional or accidental.

---

### ABOUT JATHEON

*Founded in 2004, Jatheon Technologies Inc. designed the world's first non-intrusive network appliance.*

*Today, Jatheon continues to raise the bar throughout the industry with its latest enterprise grade cCore appliance line, and ergo, its powerful email archiving, indexing, retrieval and dynamic monitoring software solution.*

*Jatheon is headquartered in Toronto, Canada and serves clients worldwide through its network of global business partners.*

*For more information, please visit [www.jatheon.com](http://www.jatheon.com).*



888.528.4366 **888.JATHEON**  
[www.jatheon.com](http://www.jatheon.com)