

RPA Alert

Regulation. Prosecution. Action.

Alert to all practitioners from the Legal Services Commissioner and the Legal Services Board

RPA Alert 3, March 2013

*This email has been delivered to you because you have actively requested, or previously consented to, receiving intermittent email messages from the Board or the Commissioner about matters of importance to lawyers.

Proper document disposal

I draw your attention to a recent [New Lawyer article](#) about the improper disposal of client records and personal information.

A recent [survey](#) of 100 unsecured rubbish bins in Sydney found that 11% of companies had improperly disposed of records creating an opportunity for the public or identity thieves to obtain personal information. Unfortunately, three of these companies were law firms. If this is a problem for some law firms in Sydney, there is a real risk that it may also be a problem in Victoria.

The Commissioner has dealt with cases involving inappropriate handling of documents. One recent complaint involved confidential documents being accidentally placed in the rubbish. Other cases have involved lawyers sending the wrong documents to the opposite sides. The worst case, with criminal charges pending, involves the unlawful, deliberate burning of client records.

Please discharge your responsibilities of confidentiality by handling documents with care and attention, and disposing of the personal information of your clients securely and lawfully. It is vitally important that the whole practice is aware of this responsibility, including administration staff. Their mistakes become the lawyers' responsibilities. Practitioners are also reminded of the [seven-year rule](#) in relation to destruction of documents under section 7.2.16 of the *Legal Profession Act 2004*.

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