Identifying and Handling Records and Non-Records

Procedures

Revision History

Version	Revision Date	Author	Summary of Changes
1	*Last Review: February 2020*	CIM unit	Review of procedures
2	*Last Updated: November 2021*	CIM unit	Updated policy AD-1508 to AD-7114
3	Last Review: January 2022	Danielle Paul-Elias	Complete review of document
4	July 2022	CIM Unit	Complete review of document

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Introduction

This guide will help you to:
- identify what is a record that should be managed in a records management system;
- identify and evaluate what items are non-records that can be disposed of when no longer required; thus ensuring you comply with the *Archives Act* and the *Information Management Policy (AD-7114)*.

Note: *Records Retention and Disposition Schedules,* approved by the Provincial Archivist, *state how long records are to be kept and how they are to be disposed of. Talk to your records manager to learn about Schedules that apply to your work.*

What is a record?

The *Archives Act* defines a record as:

"*…correspondence, memoranda, forms and other papers and books; maps, plans and charts; photographs, prints and drawings; motion picture films, microfilms and video tapes; sound recordings, magnetic tapes, computer cards and other machine-readable records; and all other documentary materials regardless of physical form or characteristics…*"

that are or have been

"*prepared or received by any department pursuant to an Act of the Legislature or in connection with the transaction of public business, preserved or appropriated for preservation by a department, containing information on the organization, functions, procedures, policies or activities of a department, or other information of past, present, or potential value to the Province…*"

Simply put, records provide evidence of a business activity, decision, or transaction related to the functions and activities of the Government of New Brunswick.

The physical format and how the information was created are irrelevant. It is the **content** and **context** in which they are created and for which they are used that determines whether information or documents are records. While GNB still produces many paper records, most records are now created digitally. Retention schedules apply to both paper and digital records.

Types of Records

There are two types of records:

1. **Common Records**: administrative records common to all government departments and agencies, and support routine "housekeeping" functions such as human resources, finances, facilities, materials, and information management and technology. These records are organized and managed according to the Classification Plan and Retention Schedules for Common Records (CPRS).

   Examples include:
   - Committee agendas and minutes
   - Reports
   - Strategic Plans
   - Statistics
   - Accounts receivable/payable
   - Employee Records

2. **Operational Records:** generated by a department or agency in fulfilling its mandate. Operational records, unlike administrative records, are unique to each department. Decisions on how long to maintain operational records are made on a case-by-case basis, through the development of an individual Records Retention and Disposition Schedule. CPRS does not apply to operational records.

   Examples include:
   - Cumulative (Pupil) Records, *Department of Education*
   - Adoption Records, *Department of Social Development*
   - Forestry Management Records, *Department of Energy and Resource Development*
   - Assessment Review Board Appeals, *Service New Brunswick*
   - Patient Advocate files – *Department of Health*

What should you keep and file?

Keep and file records that:

- support business operations;

- demonstrate that a business transaction took place;

- are required by legislation;

- protect the rights of citizens and the government;

- provide evidence of compliance with accountability or other business requirements; or

- have business, financial, legal, historical, or research value to the government or citizens of the Province.

These are all ***public records*** and are the property of the Government of New Brunswick. Store them securely, classify them according to approved retention schedules and ensure they are readily available to those who need them and those with authority to view them. Remember, format does not matter.

Examples include:
- Decision papers
- Meeting minutes
- Correspondence: Memoranda, letters, electronic communications (email, instant messages, social media posts, etc.)
- Contracts
- Reports
- Supporting materials that document and/or explain the decision-making process
- Legal agreements of any kind
- Policy and planning activities
- Transactions that document payment is exchanged, or a service is delivered

What is a non-record?

Not all recorded information that you create or receive in the course of your work meets the criteria of a public record. If a record provides evidence of a business activity, decision, or transaction related to the functions and activities of the government of New Brunswick, then *a non-record is everything else.* It may be temporary in nature and required only for short-term use, having no long-term or future value.

To store these non-records any longer than necessary uses up space in offices and on servers, and ultimately makes it more difficult and time consuming to find what is really important. The more you keep, the more you have to sift through. Therefore, it is important to delete or destroy **non-record items when they are no longer useful**. Routine disposal of non-record material will help you and others in your office to be more efficient and effective.

A. WHAT IS CONSIDERED A NON-RECORD?

When determining what is a record and what is a non-record, there are few hard and fast rules though your best guide is the context of creation and use of information.

The following are *usually* considered non-records:

1. Duplicates

These are exact copies where:
- nothing has been added, changed, or deleted;
- the documents are used only for reference or convenience purposes;

- the official version of the document is filed in *a records and information management system*.

Digital duplicates are often rampant and can be difficult to control. Talk to your records manager for tips on how long you may need to keep duplicates.

Examples include: e-mail you were copied in as a FYI, copies of digital files, photocopies, copies of brochures or pamphlets, digital records that were printed for convenience, CD-ROMS or DVD backups.

2. <u>Unused and Blank Media</u>

These items have a way of ending up in boxes which take up space in records storage spaces. Trust us, the Archives does not want them! If you don't need them anymore, destroy!

Examples include: blank files, blank forms, unused or erased audio tapes, video tapes and CDs, disk drives, optical disks, unused stationery and forms.

3. <u>Published Material</u>

This includes published items originating from outside the Government of New Brunswick **OR** extra copies of materials that are produced by the Government of New Brunswick. These materials would normally be maintained in a departmental reference library for as long as they are administratively useful or at the Legislative Library or Archives for posterity.

Examples include: books, magazines, periodicals, brochures, journals, newspapers, software manuals and software installation disks.

Note: In the situation where your organization creates a publication, the original or final version is a public record and should be maintained in a records and information management filing system within its related record series. Also, in many cases where the government creates a published document the public record is kept and maintained by the Legislative Library.

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4. <u>Reference Material</u>

This is material from internal or external sources which is collected for reference and is related to the activities and functions of an individual or workgroup. Reference material is considered temporary and should not be retained any longer than necessary.

Examples of reference material are: Equipment operation manuals, library materials, international standards, professional journals, etc.

> *Note:* Any reference material that serves as evidence of the evolution of a significant activity is filed with pertinent public records and classified under the appropriate retention and disposition schedule. See the *Classification Plan and Retention Schedules for Common Records (CPRS).*

5. Advertising Material

This is solicited or unsolicited information received from organizations or individuals advertising their products and services. If the material is of no value or is of short-term use or interest only, it is considered transitory and may be destroyed.

Examples include: brochures, company profiles, sales letters, menus, catalogues, and price lists.

> *Note:* Any advertising material that is of value or use should be filed with pertinent public records and classified under the appropriate retention and disposition schedule. See the *Classification Plan and Retention Schedules for Common Records (CPRS).*

6. Draft Documents, Versions, and Working Papers

This includes items that have been used in the development or creation of a public record. *Generally*, once a final version of the record is placed into a records or information management system, drafts and working materials lose their value, and may be destroyed. Talk to your records manager before destroying drafts for additional guidance.

Examples include: drafts of correspondence, reports, calculations, research materials, rough notes, as well as editing and formatting notes.

> *Note*: **Not all drafts are non-records!**
> In certain instances, it may be necessary to keep drafts and working materials. If they are needed to track the development or modification of a significant document, they should be filed along with the other records relating to that program or service.
>
> Examples might include drafts or working papers created in the preparation of:
> - legislation (acts, regulations, orders in council)
> - audit reports
> - policies, standards, guidelines and procedures
> - legal documents

7. Other Items of Short-Term Value

This includes information that has immediate or short-term use to a government organization. It has little value, especially as time passes. It can be destroyed once it has been acted on.

Examples include: routing slips, personal messages or information, scratch notes, appointment calendars (see exceptions below), and opened envelopes.

<u>How do you identify non-records?</u>

There are always exceptions which may dictate that an item normally considered of no value is actually a public record. If the examples listed above contain significant or pertinent information for the government of New Brunswick, or you suspect they do, do not treat them as transitory records; file them in a records and information management system.

Some examples are:
- an appointment calendar which contains notes about what happened at a meeting,
- a date-stamped envelope that provides proof of when it was mailed or received (as in the case of tenders), or
- a note that conveys approval for, or an opinion about, a proposed activity or course of action.

How you use information in the course of your work will often help determine whether to retain or destroy it.

Use your judgment to decide whether an item is a record that must be maintained, or whether it is only of temporary value and can be disposed of. If in doubt, check with your departmental Records Manager.

Appendix A contains a flowchart designed to assist you in your decision-making process.

<u>How do you dispose of non-records?</u>

Non-records can be destroyed without permission of the Director of the Provincial Archives. Destroy them securely and in accordance with the level of sensitivity of the content.

The *Right to Information and Protection of Privacy Act (RTIPPA)* applies to **any** information (non-records as well as public records). If personal identifiable information is included in any non-records (for example a scratch/note pad with an individual's name, address, and telephone number), take care to dispose of it in a safe, timely, and secure manner according to your department`s best practices.

Failure to ensure the complete destruction may lead to the unauthorized release of information and a violation of the *Right to Information and Protection of Privacy Act* (RTIPPA), the *Archives Act*, and/or other legislation which mandates or regulates the disclosure of specific types or categories of information.
It is recommended that each department have guidelines in place for the destruction of non-records on a regular basis (weekly, monthly, etc.). For more information please consult PANB's directives for the Secure Destruction of Records.

Non-Records: Impact of the Right to Information and Protection of Privacy Act *and Legal Actions*

In situations involving an access request or legal action, caution is required.

At the time an access request is received, **all** existing relevant information is part of that request. As such, information (whether it is a public record or a non-record) cannot be destroyed until the request is processed and any appeal period has expired.

Due concern and diligence must also be taken concerning recorded information relating to ongoing legal action, such as discovery processes and legal holds. In such cases, recorded information cannot be disposed of until the hold is lifted.

Increasingly, non-record items are in digital form such as a Teams chat, email, or text message. These are also subject to RTIPPA and e-discovery requests.

Guidelines for limiting the amount of non-record material

To reduce the amount of transitory records you produce:
- Dispose of unsolicited mail as soon as you are finished with it.
- Instead of emailing attachments, hyperlink to a shared folder, OneDrive or SharePoint.
- Dispose of draft versions and working papers when you know that the final version has been filed.
- Destroy supplies of obsolete blank forms, letterhead, and business cards. Trust us – you're not going to use them later and we don't want them!
- Destroy post-it notes, message notes, and other scratch notes as soon as you have acted upon them.
- Regularly delete e-mail messages that are not considered public records. Other helpful hints concerning e-mail management can be found on our website at Provincial Archives of New Brunswick - Corporate Information Management Unit
- Destroy duplicate print and electronic items when you know the official version has been filed.
- Discard routine publications when they are no longer needed, or place in a library for reference.
- Dispose of any advertising material as soon as it is no longer of administrate use, or place in a library for reference.
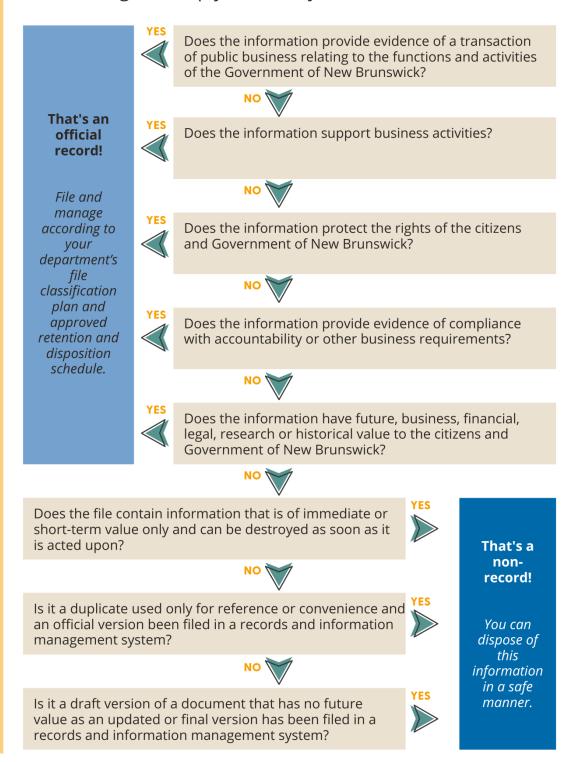
For more information, contact your departmental Records Manager or the Corporate Information Management Unit of the Provincial Archives.

APPENDIX A – Is It a Record?

Is It a Record?

Use this diagram help you identify records from non-records.

YES → Does the information provide evidence of a transaction of public business relating to the functions and activities of the Government of New Brunswick?

NO ↓

That's an official record!

File and manage according to your department's file classification plan and approved retention and disposition schedule.

YES → Does the information support business activities?

NO ↓

YES → Does the information protect the rights of the citizens and Government of New Brunswick?

NO ↓

YES → Does the information provide evidence of compliance with accountability or other business requirements?

NO ↓

YES → Does the information have future, business, financial, legal, research or historical value to the citizens and Government of New Brunswick?

NO ↓

Does the file contain information that is of immediate or short-term value only and can be destroyed as soon as it is acted upon? → **YES**

NO ↓

Is it a duplicate used only for reference or convenience and an official version been filed in a records and information management system? → **YES**

NO ↓

Is it a draft version of a document that has no future value as an updated or final version has been filed in a records and information management system? → **YES**

That's a non-record!

You can dispose of this information in a safe manner.

APPENDIX A (continued) – What to keep?

What to Keep?

Keep and file records that document:

- All policy and planning activities

- All significant decisions and recommendations, along with background materials

- Legal agreements, along with supporting documentation

- Documentation that a business transaction took place, i.e. payment was exchanged, services rendered, debt was incurred, etc.

- Systems and procedures determining the integrity and availability of government information.

- Transactions and interactions with clients

- Any other information that meets the definition of a record.

Don't keep non-records! These are:

- Unsolicited advertising and publications such as brochures, catalogues, periodicals, etc.

- duplicate copies where nothing has been added, changed, or deleted; and the documents are used only for reference or convenience purposes

- Miscellaneous notices such as the charitable campaigns, upcoming events, minor administrative details, etc.

- Personal messages

- Preliminary drafts that do not document significant changes or decisions.