



Policy Name

Records Management

Policy Number

ADM-17

Policy Statement

To ensure the reasonable and good faith retention of all records created by or under the control of the County, whether paper or electronic, that are necessary or advisable to retain for: business operations; historical value; accounting, audit, tax and financial purposes; compliance with applicable legislation; possible future use in litigation involving the County; possible future use in an official proceedings or governmental investigation, audit or other matter and assign responsibilities for administering this function.

Policy

It is important to understand that all records are considered property of the County and not of the individual or department that may create them. Records of the County, which may be in electronic or paper form, shall be retained in accordance with these guidelines. Records that do not need to be retained shall be destroyed after the requisite retention period, if any, has passed. All other information that is not a record should be discarded after it has fulfilled its purpose to avoid the unnecessary expense and effort that would be required to preserve it. A log of records that are destroyed will be created to track compliance and assist in evaluating the effectiveness of this policy.

Pending or potential litigation, governmental investigation and other circumstances may require a legal hold of regularly scheduled destruction of records or other information. Employees will be promptly notified of any such hold by the Records Management Coordinator, their designate, or the Corporate Services Department. The format of the hold notification is shown in Schedule B to this policy. Records flagged for legal hold will be subject to an additional retention period equal to that of the original retention period once the hold is lifted.

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A. Definitions

Unless otherwise indicated in this policy, the following terms will have the meanings provided in this section.

Active Records: Electronic or paper records and information that is presently in use or are immediately accessible to users.

Archival Records: Electronic or paper records and information that is not directly accessible to users, but which are maintained long-term and accessible with some effort.

Backup Records: Electronic or paper records and information that are presently in use and which are routinely stored on portable media (i.e. disks, magnetic tape) and/or offsite and are a source for disaster recovery.

CAO: Chief Administrative Officer

EDMS: Electronic Document Management System

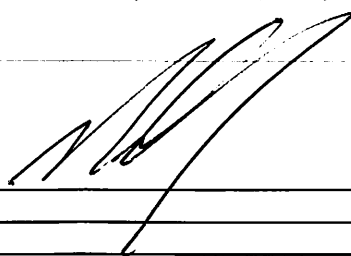
Electronically Stored Information (ESI): Any file, document, data, image, database, etc. that is stored on a computing device or electronic media, including but not limited to servers, computer desktops, laptops, cell phones, hard drives, flash drives, PDAs or Smart Phones, CDs or DVDs, floppy disks and magnetic tapes.

FOIP: *Freedom of Information and Protection of Privacy Act*

Legacy Data: Information which has retained some importance or usefulness to the County for a period of time but has been created or stored by the use of software and/or hardware that has subsequently become obsolete or replaced ("legacy system").

Other Information/Data: "Other information" or "data" is any other material that is of a transitory nature. After serving its limited purpose or being transferred to a more permanent form, or is being incorporated with other recorded material, the County has no need to retain such information except in the event of a legal hold. Some examples are: notes, drafts, routine correspondence, informational or courtesy copies, extra copies of filed or preserved records and emails containing non-record information (such as scheduling or logistics information, thank you notes, etc.).

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Records Management Procedure Manual (RMPM): The document outlining all procedures and processes with regards to the implementation and enforcement of the Records Management Policy.

Record: A “record” is any information (paper or electronic) recorded in a tangible form that is created or received by the County and documents some aspect of its operations. A record has some enduring value to the County that merits its retention for a period of time. Records include original and copies of contracts and other legal documents, memos, reports, forms, cheques, accounting journals and ledgers, work orders, purchase orders, drawings, maps, images, photographs, and may be found in various electronic or machine-readable formats including but not limited to CDs, DVDs, tape recordings, digital voice recordings, voicemail messages, emails, web pages, computer and other electronic files.

B. Classification and Retention of Records

Records shall be classified, indexed and retained in a manner that ensures their easy accessibility. Classification and indexing shall be carried out according to the Records Classification and Retention System as set forth in the Records Management Procedure Manual, by the Records Management Coordinator or their designate. All records that are to be retained in accordance with the Records Classification and Retention System will be provided to the Records Management Coordinator or their designate for accurate classification and indexing prior to retention in the County’s EDMS and/or for filing in paper format.

Records shall be maintained for as long as the period stated in the Records Classification and Retention Schedule. This schedule is based on the minimum retention periods as required by applicable municipal law (*Municipal Government Act*) or County Bylaw, as amended from time-to-time, whichever is greater. The retention schedule will be reviewed periodically and amended as needed to reflect changing legal requirements, business needs or evolving practices.

The Records Management Coordinator or their designate shall be designated Records Custodian(s) and shall be responsible for supervising all of the County’s retention practices and procedures and for ensuring that appropriate internal controls are implemented. Paper and electronic records and other information shall be maintained in the formats and/or media and at the locations provided in the master index, which media shall ensure a life expectancy that, at a minimum, preserves the records for as long as specified in the Records Classification and Retention Schedule. All records that

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require transfer to storage media that is different from the media in which the document was originally created or is being maintained requires documentation of the transfer and verification for accuracy. Proper scanning and imaging procedures are outlined in the RMPM.

C. Brazeau County Shared Drive (G: Drive), Employee Network Drives (Z: Drive), Employee Hard Drives (C: Drive) and External Storage Devices.

The primary use of the Brazeau County G: drive or individual hard drives (both C: and Z: Drive) should be as a temporary repository for working documents and transitory records only. Under no circumstance is the G: drive or C: drive to be used for any type of records retention or file management. Employees should not download copies of any records to their computers. The EDMS system is designed so that employees can edit documents online without retaining a copy of said document on their individual computers.

Each employee will be assigned one folder within the G: drive where they will be able to store documents that they are working on until such time that the document is complete. At that time, the document or record will be forwarded to the Records Management Coordinator or their designate for proper classification and retention in the EDMS and/or in hard copy format.

Both the G: drive and C: drives of all County-owned computers and devices will be closely monitored and inactive records and/or documents will be deleted annually.

External storage devices will be restricted to County issued USB fobs, which are encrypted and password protected to ensure the security of County information. These fobs may only be used for County documents and must be returned to the County upon termination of an employee for confidential deletion and/or destruction. Employees will provide their fob to the IT Department semi-annually for scheduled deletion of documents.

D. Retention of Email

Email communications are considered to be official records; and, therefore are considered County property. Email retention procedures are outlined in the RMPM.

E. Purging and destruction of Records and Other Information

Unless a legal hold is in effect, destruction of records shall occur within one month after the time period stated in the schedule has been met. Other information should be

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discarded as soon as practicable after it has served its purpose unless subject to a legal hold.

Destruction may occur by the following acceptable methods:

Paper

- Recycling or trash if no sensitive, personally identifiable or confidential information is included in compliance with FOIP legislation
- Destruction by an approved third party company where sensitive, personally identifiable or confidential information is included in compliance with FOIP legislation

Electronic

- Deletion of records and data in shared network files, on computer desktop and laptop hard drives including personal copies
- Deletion of distributed data/records on peripheral devices and portable storage media (i.e. PDAs, memory sticks, CDs, DVDs, floppy disks, etc.)
- Erasing or recycling of magnetic tapes

F. Suspension of Destruction (Legal Hold)

A legal hold is the process for suspending the destruction of records and other information that becomes necessary for the County to preserve. A legal hold may need to be issued for various reasons such as:

- A complaint is filed against the County
- A credible threat of litigation has been received by the County
- A discovery request is received
- A records preservation order has been issued
- A subpoena has been served on the County
- A governmental, regulatory or law enforcement agency has instituted an investigation
- An event has occurred that resulted in death or serious bodily injury
- A circumstance has arisen that is likely to cause the County to file a lawsuit against someone or some entity
- An employee has made a complaint/allegation/report regarding a violation of law, County policy or other improper conduct prompting an internal investigation

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In the event that a legal hold must be enforced, the appended notification (Schedule B) must be completed and distributed to all persons identified as likely to have relevant records, as well as to the Records Management Coordinator.

If the County receives any such complaint, request, subpoena or inquiry, it shall be immediately submitted to the CAO or Director as the case may be. Following such submission, the CAO and appropriate senior staff shall determine whether the need to preserve records exists. If such a need is determined to exist, a request will be submitted to the Records Management Coordinator who will then issue a Legal Hold Notification in the form appended to this policy (Schedule B).

The legal hold requires the preservation of all records and other information detailed in the legal hold notice. With regard to electronic records and information, all such active, distributed and archived materials must be preserved. Backup tapes that only contain records or other information redundant to that which is being maintained as active archived data will be recycled or destroyed in accordance with the County's regular backup tape policy/practice.

If a computer or peripheral device (i.e. Smartphone, external disk drive, etc.) has stored on it, records or other information subject to the legal hold, then any scheduled replacement of that computer or device must be suspended until the stored materials on such computer or device are copied to a secure medium before the computer or device is taken out of service. Such steps must be documented (in a hardware replacement, IT maintenance or other log) noting the dates of such copying, the equipment replacement, the person responsible for the copying and replacement, and the location of the copied materials.

A complete guide to the Brazeau County Records Disposition Program can be found in Records Management Procedure Manual.

G. Compliance and Questions

Every director, employee and agent of the County is required to comply with this policy. Training will be provided annually to ensure that everyone subject to the policy is familiar with its provisions and understands the specific responsibilities and tasks associated with carrying out the policy. Every person subject to the policy shall sign, either manually or electronically, a copy of the acknowledgement appended to this policy.

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Questions regarding this policy should be directed to the Records Management Coordinator.

H. Reporting of Suspected Noncompliance

Should any employee, director or agent of the County become aware of information indicating that a person responsible for the retention or destruction of records is not in compliance with this policy, such information shall be promptly reported to the Records Management Coordinator, CAO or Director as the case may be.

A review of this policy will be conducted every three (3) years or as dictated by legislative changes or other external requirements.

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Schedule A

Acknowledgement

I acknowledge that I have received and read and that I will abide by this Records Management Policy distributed to me on _____ (date). I understand that I am expected to and agree to bring forth any questions regarding this policy to the identified contact person(s). I further understand and agree that I may be required to complete periodic training on records procedures as part of this policy.

Signature

Print Name

Date

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Schedule B

Sample Form of Legal Hold Notification

URGENT NOTICE

TO: Name all persons identified as likely to have relevant records including the designated Records Management Coordinator
FROM: System Counsel or Records Management Coordinator
DATE:
RE: Your Obligation to Preserve Records & Other Information

The event/circumstance described below has triggered an obligation to preserve records and other information. Your assistance is necessary and required for the preservation of County records and other information to fulfill the County's legal obligations and/or to preserve the County's rights.

Failure to fully comply with this directive could result in harm or penalties against the County; therefore, employees could be subject to discipline, up to and including termination of employment, for failure to follow the directives in this notice.

Event or Circumstance Triggering the Need to Preserve Records: (Description of lawsuit, investigation, occurrence etc. If litigation, describe specific claims involved.)

Types of Records & Other Information to be Preserved: All paper and electronic records and other information that could be relevant to the above described event or circumstance must be preserved – that is, retained and not deleted – including, without limitation: (Tailor description as needed to specific trigger event – such as documents (including drafts & revisions), spreadsheets (including drafts and revisions), emails (sent & received), databases, calendars, presentations, image files, maps, voice messages, data generated based on Internet activity (cookies, cache, history files), computer usage logs, etc.)

When potentially relevant records or other information exist on multiple platforms or media, for example – a file on a desktop computer, on a laptop computer, on a mobile device, on a portable storage medium such as a CD or DVD, and a paper copy, every copy must be preserved.

Any routine or planned destruction of these types of records or data that you are aware of and control (i.e. a user's personal email setting to automatically delete messages older than a certain date) must be suspended for the period of this hold.

Time Period: All of the above described records and other information currently in your possession or under your control must be preserved from this point forward until you are notified that this hold is lifted.

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Verification of Preservation: *(Describe the actual steps that a recipient of this notice must take to verify preservation. Different types of records or information may require different preservation methods (i.e. certain electronic files may be subject to automatic purging that requires an override or programming change.)*

Contact Person(s): If you have questions regarding this notice, or are aware of any other persons not listed as recipients of this notice – including retired employees, contractors, consultants or others – who should receive this notice, please direct all such questions and information to the County’s Records Management Coordinator, the CAO or the Director.

Reminders: Reminders will be sent to you periodically during the course of this *(litigation, investigation, audit etc.)* matter to ensure that you continue to preserve relevant information and to inform you of any change as the matter progresses that would affect your preservation obligations. Such a change could include a change in scope that could add additional categories of records or other information for preservation or may require you to take additional preservation or verification steps.

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