



Office of the Chief Information Officer

Directive

Transitory Records

Governance

Authority: Treasury Board Approval TBM 2018-111

Audience: All staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and other persons working on behalf of the Government of Newfoundland and Labrador, including all departments and other public bodies as defined under the Management of Information Act (hereinafter referred to as "individual").

Compliance Level: Mandatory

Issuing Public Body: Office of the Chief Information Officer
Application and Information Management Services Branch
Information Management Services Division

Original Issue Date: 2020-07-30

Date Last Reviewed: Not Applicable

OCIO Reference: DOC03539/2019

Version Number: 1.0

Notice:

The Office of the Chief Information Officer (OCIO) is mindful of creating and delivering accessible materials, in line with the Government of Newfoundland and Labrador's Accessible Communications Policy. New materials created by OCIO align with policy requirements and modifications to existing materials will occur as part of the standard review cycle.

This document is available in alternate format. Please contact OCIO@gov.nl.ca.

Forward questions and/or comments related to this document to IM@gov.nl.ca.

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1.0 Overview

The Management of Information Act (MOIA) mandates that departments and other public bodies implement a records and information management system (also referred to as an Information Management (IM) Program) to manage records. Departments and other public bodies rely on records to provide documentary evidence of the programs and services they operate on behalf of government. Complete and accurate records are necessary to demonstrate transparency and accountability to the public.

It is essential to retain government records that document business decisions and have operational, financial, legal or historical value. However, it is equally important to regularly dispose of low-value and duplicate records, referred to as transitory records. The MOIA defines a transitory record as:

- A government record of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record. Transitory records can be securely destroyed when no longer of value without authorization of the Government Records Committee.

The availability of tools for records creation has led to the exponential growth of transitory records. These low-value records detract from an organization's ability to focus on and manage high-value records, which constitute the evidence of their business activities.

The responsible management of low-value or transitory records increases the overall quality of records maintained. It permits efficient storage and maintenance of records, minimizes search and retrieval times, enhances operational effectiveness, reduces legal discovery costs and improves information reuse and collaboration opportunities.

Individuals directly engaged in business processes are in the best position to decide if records are transitory as they are most familiar with the context or use of the record. Given the distributed nature of recordkeeping in an electronic environment with individuals accessing email, network shares, systems and portable storage devices, once these are assessed for value, these individuals are also in the best position to securely dispose of transitory records as a regular course of business.

This Directive applies to all government departments and other public bodies as defined under the MOIA and issued under the authority of the Information Management and Protection Policy (IM&P) Policy. The IM&P Policy establishes the foundation for

development of all IM&P policies, directives, standards, guidelines and procedures by the OCIO and provides the OCIO with a comprehensive approach in addressing IM&P Policy governance.

Directives provide an official authoritative instruction to the organization supporting an existing policy. Compliance with OCIO issued directives is mandatory. This policy instrument will be reviewed and updated as required. Incidental revisions, which may be required from time to time as a result of changes in operational requirements, legislation or other policies, will be made in a timely manner as necessary.

2.0 Purpose

This Directive mandates the individuals, departments, and other public bodies' responsibility to identify and securely dispose of transitory records as a regular course of business.

The management of transitory records through an individual's regular assessment and secure disposal permits individuals to identify and dispose of records that no longer have value in a department or other public body's activities and decision-making abilities; promotes the quality of records holdings for future use and ease of access; and supports responsible fiscal use of resources.

3.0 Definitions and Acronyms

A complete listing of terms are located on the OCIO website - Information Management and Protection (IM&P) Glossary of Terms.

Record – A record means a correspondence, memorandum, form, paper, parchment, manuscript, map, plan, drawing, painting, print, photograph, magnetic tape, computer disc, microform, electronically produced document and other documentary material regardless of physical form or characteristic. (Source: MOIA)

Government Record - A government record is a record created by or received by a public body in the conduct of its affairs and includes a Cabinet record, transitory record and an abandoned record. Disposal of a government record must be sanctioned by a records retention and disposal schedule (RRDS) that has been approved by the Government Records Committee (GRC). (Source: MOIA)

Transitory Record - A transitory record is a government record of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record. Transitory records can be securely destroyed when no longer of value without authorization of the Government Records Committee. (Source: MOIA)

Individual – For the purposes of OCIO IM policy instruments the definition of individual refers to all staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and other persons working on behalf of the Government of Newfoundland and Labrador, including all departments and other public bodies as defined under the Management of Information Act.

Public Body – As defined under the MOIA, a public body is:

- i) a department created under the Executive Council Act or a branch of the executive government of the province,
- ii) a corporation, the ownership of which, or a majority of shares of which, is vested in the Crown,
- iii) a corporation, commission, board or other body, the majority of the members of which, or the majority of members of the board of directors of which, are appointed under an Act of the province, the Lieutenant-Governor in Council or a minister of the Crown,
- iv) a court established under an Act of the province, and

v) the House of Assembly and committees of the House of Assembly. (Source: MOIA)

The table below includes common abbreviations used by OCIO as well as acronyms found within this document.

Abbreviation	Description
IM	Information Management
IM&P	Information Management and Protection
IP	Information Protection
MOIA	Management of Information Act
OCIO	Office of the Chief Information Officer

4.0 Statements

1. The content and context determines whether a record is transitory; not its format.
2. Decisions must be made by individuals in departments and other public bodies as it is key to ensuring proper management of high-value records which support decision-making.
3. Individuals must become familiar with how to determine whether a record meets the definition of a transitory record.
4. Individuals must regularly review and assess records to determine whether records in their possession are transitory.
5. Individuals must securely destroy transitory records as a regular course of business.
6. Executive, directors, managers and other staff responsible for IM must ensure that the management of transitory records is part of the department or other public body's IM Program.
7. Departments and other public bodies must develop organizational guidance to assist individuals in understanding transitory records unique to their organization.
8. Departments and other public bodies that receive a legal hold, audit or access to information request must ensure that records related to the request, including those identified as transitory, are not modified or destroyed.

5.0 Roles and Responsibilities

Deputy Minister or Permanent Head or Designate

(Department or other Public Body)

- Enforce this Directive across their department or other public body.
- Support their department or other public body's compliance with the MOIA, the IM&P Policy and other policy instruments issued by OCIO, and other relevant organizational IM&P legal and regulatory requirements.

Executive, Directors, Managers and other staff responsible for IM

(Department or other Public Body)

- Issue direction to individuals on the identification and disposal of transitory records.
- Coordinate secure destruction of transitory records as required.
- Ensure that all individuals receive training in both OCIO-issued and organizational policy instruments regarding transitory records.
- Provide direction on the appropriate storage of government records.

Management and other supervisory staff

(Department or other Public Body)

- Ensure all individuals within the program or service area of responsibility are aware of this Directive and other related policy instruments.
- Provide direction to individuals on what records need to be retained to document the delivery of programs and services as per the department or other public body's mandate.
- Ensure tools, programs or services required to complete secure destruction of transitory records are available to individuals.

Individuals

- Comply with the MOIA, the IM&P Policy and other policy instruments issued by OCIO, and other relevant organizational IM&P legal and regulatory requirements.
- Understand requirements for managing and protecting information.
- Manage and limit the creation, collection and receipt of transitory records.
- Securely dispose of transitory records as a regular course of business.

Office of the Chief Information Officer (OCIO)

As part of OCIO's administration of the Management of Information Act, the OCIO:

- Recommends to Treasury Board policies for adoption.

- Develops, manages, monitors, and communicates IM&P policy instruments and supporting materials to departments and other public bodies.
- Provides direction on IM&P best practices, resource requirements, organizational structure, recordkeeping systems and IM Programs to departments and other public bodies.
- Assists departments and other public bodies to improve their IM&P capacity.
- Provides IM&P advisory, training and awareness services and support to departments and other public bodies.
- Supports IM forums, committees, and other professional practice communities, consisting of IM representatives from departments and other public bodies.
- Manages the Provincial Records Centre (PRC).
- Provides administrative support to the Government Records Committee (GRC).

In addition, the OCIO will:

- Maintain the Transitory Records Directive and any associated supporting materials.
- Provide education and awareness on the management of transitory records.

6.0 Compliance and Enforcement

Mandatory compliance

OCIO directives are mandatory for individuals to follow and dictate uniform ways of operating.

Compliance monitoring

Compliance monitoring of this Directive is the responsibility of the department or other public body.

Penalty for failure to comply

Willful non-compliance with this Directive, or contravention through negligence, may result in disciplinary action, up to and including termination of employment/contract or other disciplinary action as per the policies and procedures established by Treasury Board and contractual agreements. Human Resource Policies can be accessed through the following link:

<https://www.gov.nl.ca/exec/hrs/working-with-us/policies/#4d>

7.0 Supporting Materials and Version History

Supporting Materials

Below is a listing of supporting materials hyperlinked to the published location.

Management of Information Act

<http://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.htm>

Information Management and Protection Policy, TBM 2018-111

<https://www.gov.nl.ca/exec/ocio/im/im-ip-policy/>

Directive - Email Management

<https://www.gov.nl.ca/exec/ocio/email/>

Directive - Acceptable Use of the Government Network and/or IT Assets

<https://www.gov.nl.ca/exec/ocio/im/employees/asset-use/>

Transitory Records

<https://www.gov.nl.ca/exec/ocio/transitory-records/>

Guideline - Managing Transitory Records

<https://www.gov.nl.ca/exec/ocio/files/guideline-managing-transitory-records.pdf>

FYI - IM Advisory Managing Note Books

<https://www.gov.nl.ca/exec/ocio/files/fyi-im-advisory-managing-note-books.pdf>

OCIO Website

<https://www.gov.nl.ca/exec/ocio/>

Version History

The following table highlights the version history of this document including date issued and version number.

Date (yyyy-mm-dd)	Version
2020-07-30	1.0