

4.1 Records Management Policy

Policy Statement

The Government of Nova Scotia recognizes that records are a strategic business resource which provides authoritative evidence of business activities. Good records management ensures that records are created, captured, managed, and made accessible for as long as they are required. This enables:

- Improved transparency and accountability;
- Effective policy formation and informed decision-making;
- Management of business risk and continuity in the event of disaster;
- The protection of rights and obligations of organizations and individuals;
- Protection and support in litigation;
- Compliance with legislation and regulations;
- Reduction of costs through greater business efficiency; and
- The preservation of corporate, personal, and collective memory.

The policy provides direction to public bodies and their employees to manage records in their custody or under their control throughout their life cycle, so that they may meet their obligations under the *Government Records Act*.

Definitions

ALIENATION

The physical transfer of records from the custody and control of the Government of Nova Scotia which occurs when:

- (a) an agency or function of an agency or department is sold outright or transferred to the private sector; or
- (b) an agency changes its status from an agency of the Government to a corporation or funded agency, not covered by the *Government Records Act*; or
- (c) records are, for various reasons, transferred to a non-government institution.

AUTHENTIC RECORD

A record that can be proven

- (a) to be what it purports to be,
- (b) to have been created or sent by the person purported to have created or sent it, and
- (c) to have been created or sent at the time purported.

CLASSIFICATION

The systemic identification and arrangement of business activities, or records, into categories according to logically structured conventions, methods and procedural rules represented in a records schedule.

COMMON RECORDS SCHEDULE

A records schedule that is applicable to records common to more than one public body.

CONTROL

The power or authority to decide on the creation, use, disposal or disclosure of the record.

CUSTODY

The keeping, care, watch, preservation or security of the record for a legitimate business purpose.

DISPOSITION

The range of processes associated with implementing destruction or transfer decisions, which are documented in record schedules. May also be referred to as disposal.

EMPLOYEE

All persons in the employ of, seconded to, or under contract to a public body. This includes members of agencies, boards, commissions or tribunals, outside contractors and consultants, volunteers, students, and interns who have access to records of a public body and its agencies, boards, commissions or tribunals.

EVIDENCE

Proof of business transactions, activities, or legal obligations in the form of records, which can be shown to have been created or received during the regular course of business, provide sufficient context in which they took place, and which can also be shown to be authentic and reliable. Evidence is not limited to the legal sense of the term.

OFFICIAL RECORD

The record that is in the custody of the Office of Primary Responsibility which is maintained in accordance with an approved records schedule.

PUBLIC BODY

A government department or an agency, board, commission, committee, office, foundation, tribunal, task force, council, association, or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which, are appointed by order of the Governor in Council or, if not so appointed or specified, in the discharge of their duties are public officers or servants of His Majesty in right of the province, subject to certain exclusions and inclusions in the *Government Records Act*.

RECORDS

Information in any form, created, received and maintained as evidence by a public body for business purposes and legal obligations.

RECORDS MANAGEMENT

The efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of, and information about business activities and transactions.

RECORDS SCHEDULE

A comprehensive description and classification of the records of one or more public bodies, and includes a plan governing the life cycle of the records from creation or receipt to disposition.

TRANSITORY RECORD

Records of temporary usefulness which are only required for a limited period of time for the completion of an action or the preparation of an ongoing record. Transitory records are not required to meet statutory obligations, or to sustain administrative or operational functions.

Policy Objectives

- To ensure that public bodies meet their obligations under the *Government Records Act* and other legislation.
- To ensure the accountability of the Government of Nova Scotia by protecting and preserving records that document activities, decisions, and the rights and obligations of government, corporations, and individuals.
- To protect the records in the custody or under the control of public bodies from unauthorized access, disposition, or alienation.

- To ensure that records created and maintained by public bodies provide useful, accessible, authentic and reliable records of government activity.
- To ensure the efficient creation, capture, management, and disposition of records in all formats, including digital records and systems.
- To enable the efficient provision of complete information when requested, which includes information access requests, legal discovery, and the support of mandated functions.
- To ensure the efficient creation, capture, management and disposition of transitory records and information.
- To promote a culture within the Government of Nova Scotia, where all employees understand their obligation to create, manage and protect records.

Application

This policy applies to all:

- public bodies as defined by the *Government Records Act*,
- all employees of a public body,
- all records in the custody or under the control of a public body.

Policy Directives

- A. A comprehensive records management program shall be developed to ensure public bodies can meet their obligations under the *Government Records Act*, regulations, and other legislation.
- B. Policies shall be created to protect records from unauthorized access, disposition, or alienation; and to assign accountabilities for the management of records.
- C. Records schedules shall be prepared and approved for all records. Common records schedules shall apply to all records common across public bodies, and each public body shall prepare and approve a records schedule for all other records under their custody and control.
- D. Records schedules shall be submitted to the Government Records Committee (GRC) for their review and recommendation for approval by the Minister of Service Nova Scotia.
- E. In the event of government reorganization, records and record schedules shall be included in the transfer of responsibility for a business function or organizational unit.
- F. All records shall be managed according to a records schedule approved by the Minister of Service Nova Scotia.

- G. Records schedules shall be regularly reviewed and updated.
- H. Records shall be managed to ensure they remain useful, accessible, authentic and reliable evidence of a public body's mandated functions for their whole life cycle.
- I. Digital records shall be managed in systems that support their authenticity and reliability.
- J. Digital records shall be managed in their original format, whenever possible.
- K. Records migrated to other formats shall be declared as the official record only when conversion is part of a process which protects the usefulness, accessibility, authenticity and reliability of the original records.
- L. No person shall destroy or alienate the records of a public body, except in accordance with an approved records schedule. Any person who does so may be found guilty of an offence under the *Summary Proceedings Act*.

Accountability

The Minister of the Department of Service Nova Scotia is responsible for:

- the general supervision of records management for all public bodies, and
- the approval of all records schedules recommended for such approval by the Government Records Committee (GRC).

The GRC is responsible for:

- the review of records schedules,
- the recommendation of records schedules for the Minister's approval, and
- the request to a public body to revise and resubmit a previously submitted records schedule.

The Department of Service Nova Scotia is responsible for:

- the development and implementation of a comprehensive corporate records management program for public bodies,
- the development of policies, standards, and procedures for public bodies,
- the development of standards to protect the authenticity of digital records, and the

systems used to manage digital records,

- the provision of advice, assistance, and training to public bodies,
- the delivery of physical records storage services to public bodies, and,
- to provide other records management services to ensure compliance with the *Government Records Act* and other legislation.

Public bodies are responsible for:

- adherence to this policy and any supporting standards, guidelines, and procedures,
- the protection and maintenance of records in the custody or under the control to preserve the usefulness, accessibility, authenticity and reliability of the records,
- the management of records in accordance with a comprehensive records management program,
- the application of any records schedules or common records schedules approved by the Minister to records in the custody or under their control,
- the timely disposition of records according to approved records schedules,
- the identification of records management designates, at both the management and the activity level, who have direct responsibility for the conduct of records management within the public body.

Deputy ministers of public bodies, on behalf of ministers, or equivalents, will ensure that employees are aware of, and meet their responsibilities for managing records.

All employees are responsible for:

- creating, capturing, accessing, storing, and managing records in accordance with this policy, and with any supporting procedures, guidelines, and tools made available by their public body.

Monitoring

The Department of Service Nova Scotia will monitor this policy, and report to the Minister responsible for the Department of Service Nova Scotia on the progress and status of records management programs, policies, and schedules throughout government. The Department of Service Nova Scotia may conduct such audits of records management activity and adherence to policies and standards as may be necessary.

References

The following legislation is related directly to the corporate Records Management Policy:

- *Freedom of Information and Protection of Privacy Act*
- *Government Records Act*
- *Public Archives Act*
- *Summary Proceedings Act*

This policy is further supported by the following provincial policies:

Manual 300, Common Services:

- Policy 4.10 Information Management Policy
- Policy 4.11 Privacy Policy

Enquiries

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