

## **DISPOSITION OF GOVERNMENT RECORDS**

### **1. OVERVIEW**

This policy is established to ensure the appropriate disposition of government records, regardless of media or format.

Records are eligible for final disposition when their scheduled active and semi-active retention periods have expired. Scheduled final disposition may consist of destruction, full or selective retention by the government archives, or permanent alienation of the records from the Crown provincial.

#### **1.1 Authority**

- [\*Document Disposal Act\*](#) (RSBC 1996, c. 99)
- Treasury Board, [\*Core Policy and Procedures Manual \(CPPM\)\*](#), c. 12

#### **1.2 Applicability**

- Ministries, agencies, boards, commissions, Crown corporations and other public bodies (“other bodies”) covered by the *Document Disposal Act*.

### **2. POLICY**

Government records will be disposed of in accordance with approved records retention and disposition schedules.

Ministries and other bodies will establish internal records disposition procedures in compliance with policies, procedures and standards established by the Corporate Information Management Branch (CIMB).

### **3. ROLES AND RESPONSIBILITIES**

#### **3.1 Ministries and Other Bodies**

Ministries and other bodies are responsible for developing internal records disposition procedures in compliance with policies, procedures and standards established by the Corporate Information Management Branch.

Ministries and other bodies are responsible for administering the disposition of eligible records located on-site in ministry buildings or buildings housing other public bodies.

### **3.2 Corporate Information Management Branch (CIMB)**

CIMB is responsible for establishing government-wide standards for the disposition of government records. This includes standards for the destruction of government records, the transfer of government records to the custody of the government archives, or the alienation of government records from the Crown provincial.

CIMB is responsible for administering the destruction of eligible records (records scheduled for final disposition of destruction [DE]) that are stored in government-contracted records storage facilities.

CIMB is responsible for administering the transfer to the legal custody of the government archives, all eligible records (i.e., records scheduled for final disposition of selective retention [SR] or full retention [FR]) that are stored in government-contracted off-site records storage facilities.

## **4. PROCEDURES**

### **4.1 Disposition of Records Held in Government-Contracted**

#### **Records Storage Facilities**

CIMB arranges the disposition of eligible records stored in contracted facilities.

CIMB will notify ministries and other bodies of the impending disposition of records by sending the Records Officer two copies of the *60-Day Notice of Final Disposition Action* report (ARS 196) sixty days prior to the actual disposition date of the records. The Records Officer should retain one copy of the report and forward the second copy to the branch or office responsible for the records.

Each *60-Day Notice* contains information relating to a specific accession, and identifies those boxes or containers that will be disposed of. The Records Officer should not respond to the *60-Day Notice* unless he or she wishes to place a “hold” on final disposition (see 4.1.1, below). If the Records Officer does not contact CIMB upon receipt of a *60-Day Notice*, the records are disposed of in accordance with their scheduled final disposition. Actual disposition action will not occur until the sixty-day notification period has elapsed.

Final disposition is applied at the box level, which means the entire box or container is destroyed, transferred to archival custody or alienated when *all* the records within it are eligible for final disposition. See CIMB’s Recorded Information Management Policy 2-03, *Authority to Apply Records Schedules* for instructions on applying schedules to records.

#### **4.1.1 Requesting “Holds” on Scheduled Final Disposition**

Sometimes records eligible for scheduled final disposition are still required by the ministry or other body. This happens when the records are required for litigation, program review or evaluation, inquiries or

requests for information under the *Freedom of Information and Protection of Privacy Act* or in other extraordinary situations. Ministries and other bodies may also request a “hold” to final disposition if the records in question are covered under a schedule which will be amended, and where the planned amendment will change retention periods and/or final dispositions that will be applied to the records.

To request a “hold” on final disposition of records, the Records Officer should contact CIMB upon receiving a *60-Day Notice* covering the records. The Records Officer should send a written or emailed request to the Records Centre Services Section of CIMB requesting that final disposition action be held, and providing a reason and estimated time period for this delay. CIMB will then cancel the disposition action. The records will remain in the legal custody of the ministry or other body until the Records Officer notifies CIMB in writing or by email that the scheduled final disposition may be applied to the records.

#### **4.2 Disposition of Records Held On-site by Public Bodies**

Ministries and other bodies should develop internal procedures for disposition of eligible records located on-site (that is, in public body buildings rather than in government-contracted storage facilities managed by CIMB). These procedures should ensure that:

- levels of approval required for applying scheduled final disposition to records are established and documented in a signing matrix;
- records destroyed, transferred to archival custody or alienated from the Crown are documented at the file, document, tape, disk, etc. level (depending on media) for paper, electronic (analogue or digital), or other special media such as video tape, film, CDs, mylar maps, microfiche, microfilm, etc.;
- the secure and confidential destruction of records, including any existing backup, duplicate and/or security copies, is fully documented.

##### **4.2.1 On-site Records Scheduled for Destruction**

Records Officers are responsible for administering the physical destruction of eligible records located on-site in a public body’s buildings. See CIMB’s Recorded Information Management Policy 2-02 *Destruction of Government Records* for procedures and standards relating to physical records destruction.

##### **4.2.2 On-site Records Scheduled for Selective or Full Retention**

Records Officers are responsible for administering the physical transfer of eligible records located on-site in a public body’s buildings directly to the legal custody of the government archives.

The Records Officer completes an ARS 517 *Client Authority to Apply Approved Records Schedule* form, and submits it to CIMB, which will

then arrange for the immediate physical transfer of the records to a records storage facility. CIMB will then process the *Authority*, and a *60-Day Notice* will be sent to the Records Officer prior to transferring legal custody of the records to the government archives.

#### **4.3 Permanent Alienation of Records from the Legal Custody of the Crown Provincial**

“Alienation” means the permanent transfer of records and all present and future rights to the records from the Crown provincial to another entity. Records may only be alienated from the Crown with the approval of the Legislative Assembly, which may be obtained in one of two ways:

- legislative approval of records retention and disposition schedules in accordance with the *Document Disposal Act*; or
- new or amended legislation that approves the transfer of government assets, including records, from the Crown provincial to another entity.

A ministry or other body wishing to dispose of records through alienation, either through a one-time schedule covering a discrete collection of records or through an ongoing schedule covering a specified category of record (single-series schedule or *ORCS* secondary) must present their application to the Public Documents Committee in order to support the proposed final disposition of alienation.

Records, which have been removed from the custody and control of the Crown provincial by intention or in error and in non-compliance with the *Document Disposal Act*, must be returned to the custody and control of the Crown provincial prior to their disposition.

When formatting a schedule covering records to be scheduled for alienation, the final disposition code is “OD” (Other Disposition). A final disposition note will explain that OD = Alienation, and will provide information relating to the specific method to be used for alienation of the records (e.g., sale, transfer, or other method of alienation).

##### **4.3.1 Alienation versus Transfer of Physical Custody**

In some cases, physical custody of records is transferred from the Crown provincial to another entity. This entity may belong to another level of government (e.g., regional authority, municipality, federal agency) or it may be a non-government entity (e.g., a private company or a publicly funded non-government agency).

An example is the transfer of physical custody of records documenting the activities of the Riverview Hospital created by the Ministry of Health and transferred to the physical custody of the British Columbia Mental Health Society (BCMHS) when it took over the administration of the Facility. Although the records are in the physical custody of the BCMHS, the

records remain in the legal custody of the Ministry of Health and will be disposed of in accordance with approved records retention and disposition schedules.

Transfer of physical custody differs from permanent alienation because the Crown provincial retains the authority to manage the record through its lifecycle.

## **5. STANDARDS**

The following Corporate Information Management Branch policies establish the standards that apply to the disposition of government records:

- Recorded Information Management Policy 3-01 *Custody and Control of Records*
- Recorded Information Management Policy 2-02 *Destruction of Government Records*