Identifying Official and Transitory Records Guideline

Data and Content Management Division, Enterprise Content Management Branch

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Guideline Statement

The intent of this guideline is to educate and empower Government of Alberta (GoA) staff to appropriately identify official and transitory records.

This guideline supports the Official and Transitory Records Directive.

Authority

This guideline is issued under the authority of the *Government Organization Act* and the Records Management Regulation.

Under the Records Management Regulation, Technology and Innovation has the authority to establish, maintain, and promote the enterprise policies, standards, and procedures for the creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation, and destruction of records in the custody and/or under the control of a Government of Alberta department or departments.

Application

This guideline applies to all departments defined under section 14 of Schedule 11 of the *Government Organization Act* and agencies, boards, and commissions as defined in schedule 1 of the Freedom of Information and Protection of Privacy Regulation.

Agencies, boards, and commissions that are not contained within schedule 1 of the Freedom of Information and Protection of Privacy Regulation are encouraged to align with this guideline.

Guideline Description

This guideline is designed to assist GoA staff with identifying whether a record is official or transitory. GoA staff includes, but is not limited to, employees, contractors, volunteers, appointees, interns, and students working with a public body.

Whether a record is official or transitory impacts the information management requirements and obligations to which the record is subject—including who is authorized to dispose of the record. Regardless of whether a record is official or transitory, all records must be managed in accordance with government information management policy instruments (e.g., relevant records retention and disposition schedule).

For information on the disposition of transitory records, refer to the Retention and Disposition of Official and Transitory Records Guideline.

> **NOTE:** If there is any doubt about the determination of a record, do not treat it as transitory. Contact a supervisor and/or the appropriate records management contact for clarification where necessary.

Guideline Specification

The identification of records as official or transitory is determined by the content of the record, the context in which the record exists (i.e., regulatory requirements, the information management lifecycle stage of the record, etc.), and its business value.

Because the content and/or context of a record can change throughout its lifecycle, it is important to recognize that a record may not be static—a transitory record can become an

official record in some contexts. Business areas must establish and maintain processes to ensure that records are managed appropriately if they change from transitory to official or vice versa.

Records in the Government of Alberta
What is a record?
As per the *Freedom of Information and Protection of Privacy Act*: "record" means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

All records in the custody and/or under the control of the GoA must be determined to be official or transitory. The format and/or age of a record does not determine whether it is official or transitory —the determination must be made based on content, context, and business value.

As a means of enabling the efficient and consistent identification of official and transitory records, business areas should keep track of the records they create and the closure criteria in the relevant records retention and disposition schedules. If there is any doubt about the determination of a record, do not treat it as transitory. Contact a supervisor and/or the appropriate records management contact for clarification where necessary.

NOTE: All records, whether official or transitory, are:
- subject to the privacy and access requirements of the *Freedom of Information and Protection of Privacy Act;* and/or
- potentially responsive to active (or reasonably anticipated) litigation.

Identifying Transitory Records
As per the [Transitory Records Schedule](#), **transitory records** contain information in any format that is of temporary or limited usefulness. Transitory records may be used in the preparation of more complete records such as those that document actions, recommendations, opinions, decisions, approvals, or in the creation and modification of policy instruments. However, transitory records are not relied on as evidence of government activities, events or transactions or to understand the delivery of programs or services as these are defining characteristics of official records.

Determining if a record is transitory depends on individual assessment of the value, content and/or context of the record;
Questions that should be considered when evaluating a potential transitory record include (but are not limited to):
- Does the record capture a decision or approval?
- Does the record capture evidence of a government decision and/or transaction?
- Is the record temporary? Was it created or received for a minor and/or immediate informational purpose (i.e., announcements, an email recognizing a colleague's contributions to a project, etc.)?
- Was the record created or used solely in the process of creating a subsequent record (e.g., audio and video recordings of meetings that have been fully transcribed)?
- Is the record a preliminary version or draft?
   - Is the draft of temporary or limited use in the preparation of a more complete record (e.g., incomplete drafts not intended for use or reference)?

- o Is the record a proofing draft (e.g., a draft project proposal is in the early stages of development) provided for informational purposes (e.g., in preparation for a meeting)?
  - o **NOTE:** Not all drafts are transitory (i.e., draft legislation, legal documents, etc). If there is any doubt about the determination of a record, do not treat it as transitory. Contact a supervisor and/or the appropriate records management contact for clarification where necessary.
- Is the record being used for personal reference purposes (i.e., a convenience copy of a draft, a copy of a published policy instrument that has been highlighted, etc.)?
- Is the record kept for easy access to the information it contains as opposed to its intrinsic or evidentiary value?
- Is the record an exact copy where nothing has been added, changed, or deleted?
- Is the record intended for collecting or storing information, but was not used, has been used and erased, and/or has become obsolete (e.g., old letterhead)?
  - o **NOTE:** outdated blank forms, cheques and/or tickets have special procedures for disposition. Contact Transfers, Storage and Disposition (TSD) for additional guidance.
- Is the record solicited or unsolicited material received or collected for information or reference purposes only (i.e., course listings, press clippings, external publications, etc.)?

Is it Official or Transitory ?

In some cases it may be challenging to identify whether records are official or transitory; appropriately identifying government records requires discernment. Careful review of the content and context of each record will enable GoA staff to appropriately determine if the records are official or transitory . Contact a supervisor and/or the appropriate records management contact for clarification where necessary.

Business areas understand the information they create and the context in which it is used; as such, they should establish internal processes for determining official and transitory records and communicate those processes to all business area staff to ensure alignment.

For additional information on identifying official and transitory records, refer to the Official and Transitory decision diagram. The diagram provides examples of records and emphasizes the conditions that qualify the records as official or transitory. It is important to note that if records are relied on as evidence of government activities or required to meet obligations, they are official and must be managed in alignment with relevant retention and disposition schedules.

For information on the disposition of transitory records, refer to the Retention and Disposition of Official and Transitory Records Guideline.

Managing Official Records

Any record that is not transitory must be managed as an official record.
Official records are relied upon to document actions, recommendations, opinions, decisions, approvals, or the creation of policy instruments and subsequent changes. Official records provide evidence of government activities, events, or transactions, and are needed to provide context about the delivery of programs.

Official records must be retained in official information management systems (i.e., SharePoint Online, 1GX, file rooms, enterprise content management systems, etc.) and managed in accordance with the government's information management policy instruments (e.g., records retention and disposition schedules).

Roles and Responsibilities

The following is a high-level overview of the primary responsibilities and/or business process contributions of government staff involved in the identification of official and/or transitory records. While the identification of records as official or transitory is ultimately the responsibility of the information controller, this determination may involve consultation with the following stakeholders:

- information controller
- information custodian
- records management contacts and applicable Senior Records Officers (SRO)
- Transfers, Storage and Disposition
- GoA staff

Information Controllers have the responsibility and decision making authority for assigned collections of information, including (but not limited to) regulating and administering use, disclosure, and/or disposition of information.

Information Custodians have the responsibility for maintaining and/or administering the systems and/or applications in which official records are managed without having responsibility for the information itself.

Records management contacts and applicable SROs are responsible for:

- providing advice and guidance regarding the identification and appropriate management of official and transitory records for their respective department(s).
- consulting with various business areas to facilitate activities necessary for records management including (but not limited to):
  - o collection, organization, storage, management, use and access;
  - o transfer, storage and/or disposition of records in any format (i.e., physical and electronic);
  - o litigation support activities; and
  - o interpretation and/or application of records retention and disposition schedules.

Transfers, Storage and Disposition is responsible for:

- Transitory Records Program
- dispositioning eligible transitory (e.g., transitory locked bins) and official records (e.g., boxed for disposition) that have met their retention period; and
- consulting with SROs and appropriate records management contacts as required (e.g., active litigation holds, FOIP access requests, relevance of active retention schedules, transfer of records' custody, etc.).

GoA Staff are responsible for:

- identifying whether records are official or transitory;
  - o This may require consultation with the information controller, SRO (where applicable) and/or the appropriate records management contact.
- routinely disposing of transitory records as soon as their business use has ended; and

- ensuring official records are managed in an official information management system (i.e., Sharepoint Online, 1GX, file rooms, etc.) as approved by the Information Controller.
- Maintaining awareness of active or reasonably anticipated litigation holds and/or FOIP requests that impact their business area.

Compliance

Non-compliance with this guideline could result in the loss of content; breach of confidentiality; breach of privileged information; significant impact to GoA's proprietary rights; damage to GoA's reputation; exposure of Albertans to harm; and/or incurrence of unnecessary costs (including, but not limited to, inability to respond appropriately to a claim in court).

Depending on the severity of non-compliance:
- either informal or formal requests and/or follow-ups may be made by Data and Content Management Division, Innovation, Privacy and Policy Division, Corporate Internal Audit Services, Cybersecurity, Office of the Information and Privacy Commissioner, Office of the Auditor General and/or Public Service Commission, and
- legislated disciplinary action (i.e., *Public Service Act*) may be taken.

Supporting Resources

- Retention and Disposition of Official and Transitory Records Guideline
- Information Controller and Information Custodian Directive
- Information Controller and Information Custodian Guideline
- Content Management Policy

Contact

For information management support, please contact IM Programs or GoA.InformationManagement@gov.ab.ca.