

Records Management Policy

- Purpose** To establish a framework of accountability for records management and retention that complies with Provincial and Federal regulatory and privacy related legislation.
- Definition** Records management is the systematic control of all records, regardless of media type, from their creation or receipt, through their processing, distribution, organization, storage and retrieval to their disposition.
(ARMA {Association of Records Managers and Administrators})
- Policy**
- Vancouver Community College has a lawful duty to maintain records in accordance with Federal and Provincial Government legislation, including the Freedom of Information and Protection of Privacy Act, the College & Institute Act, the Income Tax Act, Unemployment Insurance Act, B.C. Employment Standards Act, Canada Pension Plan, Document Disposal Act.
 - All College records have a defined retention period based on the legal or business requirement.
 - The records holder is responsible for ensuring that appropriate security measures are observed while managing and disposing of records. The Records Retention Schedule outlined within this policy provides the prescribed retention period for College records.
 - Records will be retained according to the Record Retention Classification below (see also Record Retention Classification Grid – Shared Drive J:\Records Retention\records retention Schedule by Dept. XXX.xls or records retention Schedule by subj XXX.xls.)
- Applies to** All VCC Employees

Record Retention Classification:

In Perpetuity: Records that are required for legislative or business purposes or to preserve the College's history are kept "in perpetuity". This category of records includes, but is not limited to, records of governance, audits, and events of historical interest to VCC.

Until expiry: Records that have a defined end date or conclusion, e.g. licenses, permits or guarantees that conclude on a specific date.

More than One Year, up to 10 years: Records identified under these categories are to be kept for the current fiscal year plus the number of years as classified below. For each retention period, records are kept to meet legislative, policy, or operational purposes.

Less than one year: Records that are kept for convenience, but have no lasting impact on the College or on decisions made by the College. These records include e-mail back ups.

Procedures

Refer to the Records Management Guide for detailed procedures relating to this policy (Shared Drive J:\Records Retention\RecordsManagementGuide.pdf.)

1. The activities of the Records and Information Management (RIM) Coordinator will include:
 - I. An annual evaluation of the overall RIM program;
 - II. An annual review of the records retention schedule and RIM program;
 - III. Providing ongoing assistance, support and advice to the college community relating to the RIM program.
2. A Records Retention Committee will oversee all aspects of the college's RIM program and review this policy at its next review date.

Storage of Records:

- a) Each office is responsible for establishing filing, storage, maintenance and security procedures.
- b) Should space be required for storing essential files, Building Services should be contacted.

Destruction of Files:

- a) All records that are destroyed must be documented.
- b) At all times the record holder is responsible for ensuring security of sensitive files.

References

Freedom of Information and Protection of Privacy Act
Employment Standards Act
Canadian Copyright Law
Workplace Compensation Board Act
Financial Information Act
The College and Institute Act

VCC Policy A.3.3 – Freedom of Information and Protection of Privacy Policy
VCC Policy B.5.1 – Sharing and Stewardship of Information Policy
VCC Policy B.5.2 – Appropriate and Responsible Use or Educational and Information Technology Policy
VCC Policy B.5.4 – Electronic Mail Policy
VCC Policy B.6.1 – Archives Policy

Appendices

A – VCC Records Retention Schedule – Shared Drive J:\Records Retention\ records retention Schedule by Dept. XXX.xls or records retention Schedule by subj XXX.xls.

B – VCC Records Management Guide – Shared Drive J:\Records Retention\RecordsManagementGuide.pdf

C – VCC Records Management Glossary – *see VCC Records Management Guide* – Shared Drive J:\Records Retention\RecordsManagementGuide.pdf

D –Summary of Legal Requirements for Records Retention – linked on the web.

Definitions

Refer to the glossary of terms in *VCC Records Management Guide* - Shared Drive J:\Records Retention\RecordsManagementGuide.pdf

Review Date

January 1, 2008.

Appendix D - VCC Records Retention Schedule Summary of Legal Requirements for Records Retention

FIPPA Act http://www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm

Section 31 of British Columbia's *Freedom of Information and Protection of Privacy Act* states

Retention of Personal Information

31 If an individual's personal information

- (a) is in the custody or under the control of a public body, and
- (b) is used by or on behalf of the public body to make a decision that directly affects the individual,

the public body must ensure that the personal information is retained for at least one year after being used so that the affected individual has a reasonable opportunity to obtain access to that personal information.

Personal information as defined by the FOIPOP Act refers to recorded information about an identifiable individual including-

- Name, address or telephone number
- Race, ethnic origin or religious or political beliefs or associations
- Age, sex, sexual orientation, marital status or family status
- Any identifying number or symbol
- Fingerprints, blood type or inheritable characteristics
- Medical history/educational, financial, criminal or employment history
- Educational, financial, criminal, or employment history
- Personal views or opinions, except if they are about someone else;
- Anyone else's opinions about that individual.

Section 32 refers to the use of personal information

32 A public body must ensure that personal information in its custody or under its control is used only

- (a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose (see section 34),
- (b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or
- (c) for a purpose for which that information may be disclosed to that public body under sections 33 to 36.

Disclosure of personal information

33 A public body must ensure that personal information in its custody or under its control is disclosed only as permitted under section 33.1 or 33.2.

Disclosure for research or statistical purposes

35 A public body may disclose personal information or may cause personal information in its custody or under its control to be disclosed for a research purpose, including statistical research, only if

- (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the commissioner,
 - (a.1) the information is disclosed on condition that it not be used for the purpose of contacting a person to participate in the research,
 - (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest,
 - (c) the head of the public body concerned has approved conditions relating to the following:
 - (i) security and confidentiality;
 - (ii) the removal or destruction of individual identifiers at the earliest reasonable time;
 - (iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body, and
 - (d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

Canada Occupational Health and Safety Regulations Part 15 - Hazardous Occurrence Investigation, Recording and Reporting (excerpts)

<http://www.hrsdc.gc.ca/asp/gateway.asp?hr=/en/lp/lo/fll/part2/cohsregs/part15.shtml&hs=oxs>

15.11 Every employer shall keep a copy of

- (a) each report submitted pursuant to section 15.9 [an accident involving a motor vehicle on a public road that is investigated by a police authority] or subsection

15.10(1) [accidents, occupational diseases and other hazardous occurrences of which the employer is aware affecting any employee in the course of employment during the 12 month period ending on December 31 of the preceding year] for a period of 10 years following the submission of the report to the health and safety officer or the Minister; and

(b) the record or report referred to in subsection 15.6(1), 15.7(1) or 15.8(1) for a period of 10 years following the hazardous occurrence. (see excerpts from the Act below)

15.6 (1) Records

The employer shall, within 72 hours after a hazardous occurrence referred to in paragraph 15.5(f) or (g), record in writing

- (a) a description of the hazardous occurrence and the date, time and location of the occurrence;
- (b) the causes of the occurrence; and
- (c) the corrective measures taken or the reason for not taking corrective measures.

15.7 (1) Minor Injury Records

Every employer shall keep a record of each minor injury of which the employer is aware that affects any employee in the course of employment.

(2) A record kept pursuant to subsection (1) shall contain

- (a) the date, time and location of the occurrence that resulted in the minor injury;
- (b) the name of the employee affected;
- (c) a brief description of the minor injury; and
- (d) the causes of the minor injury.

15.8 (1) Written Reports

The employer shall make a report in writing, without delay, in the form set out in Schedule I to this Part setting out the information required by that form, including the results of the investigation referred to in paragraph 15.4(1)(a), where that investigation discloses that the hazardous occurrence resulted in any one of the following circumstances:

- (a) a disabling injury to an employee;
- (b) an electric shock, toxic atmosphere or oxygen deficient atmosphere that caused an employee to lose consciousness;
- (c) the implementation of rescue, revival or other similar emergency procedures; or
- (d) a fire or an explosion.

Workers Compensation Act, R.S.B.C. 1996, c. 492, in the Occupational Health And Safety Regulation (B.C. Reg. 296/97) in section 4.14(3) requires that an annual record of emergency drills must be kept

Workers Compensation Act, R.S.B.C. 1996, c. 492 in the Occupational Health And Safety Regulation (B.C. Reg. 296/97) in section 3.19(3), first aid records must be kept for at least 3 years

Workers Compensation Act, R.S.B.C. 1996, c. 492:

- section 125 requires an employer to establish a joint health and safety committee: (a) in each workplace where 20 or more workers of the employer are regularly employed, and (b) in any other workplace for which a joint committee is required by order;
- section 137, after each joint committee meeting, the committee must prepare a report of the meeting and provide a copy to the employer, including, in section 137(2)(b), requiring the employer to retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate;
- section 138 requires the employer to post and keep posted:
 - (a) the names and work locations of the joint committee members,
 - (b) the reports of the 3 most recent joint committee meetings, and
 - (c) copies of any applicable orders under this Division for the preceding 12 months.

Workers Compensation Act, R.S.B.C. 1996, c. 492 in the Occupational Health And Safety Regulation (B.C. Reg. 296/97) in section 5.59(3), records confirming an investigation that an exposure to a hazardous substance may have occurred must be made available to workers, and maintained by the employer for a minimum of 10 years

Social Service Tax Act, R.S.B.C. 1996, c. 431 in the Social Service Tax Act Regulations (B.C. Reg. 84/58) in sections 5.14-15 requiring records to be retained for 7 years and standards of record-keeping required.

In Canadian (federal legislation), the ***Excise Tax Act, [R.S., 1985, c. E-15]***:

General

<http://laws.justice.gc.ca/en/E-15/271539.html>

- general requirement to maintain books and records for 6 years until the expiration of six years from the end of the calendar year in respect of which those records and books of account are kept or until written permission for their prior disposal is given by the Minister. (s. 98(2)) and to make such records available for inspection by government (s. 98(3));
- offence to destroy records and making false entries, punishable by summary conviction (\$100 minimum fine and double the amount of taxes to be paid or \$1,000 maximum fine and double the amount of taxes to be paid or; default of fine payment makes person liable to minimum of 3 months in prison to a maximum of 1 year in prison (s. 102);
- Excise Tax Act, [R.S., 1985, c. E-15] as amended by 1998, c. 19, section 275 by amending section 2(1) in definitions of “document” and “record” in the Income Tax Amendments Act, 1997;

Goods and Services Tax

<http://laws.justice.gc.ca/en/e-15/271918.html>

- ***Excise Tax Act, [R.S., 1985, c. E-15]*** as amended by 1998, c. 19, section 281 by amending section 123(1) in definitions “record” in the Income Tax Amendments Act, 1997;
- if required to keep records under the Act, required to keep proper records and books until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed (s. 286(1) and (3)) and permit earlier records disposal if Minister agrees in writing (s. 286(6));
- ***Excise Tax Act, [R.S., 1985, c. E-15]*** as amended by 1998, c. 19, section 282 by amending section 286 by adding a (3) requiring persons who keep records electronically to retain them in an electronically readable format until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed in the Income Tax Amendments Act, 1997
- as prescribed by section 286(1) of the Excise Tax Act, [R.S., 1985, c. E-15] amended, GST/GST Memorandum 15.1, General Requirements for Books and Records (Revised June 2005) provides guidelines regarding keeping books and records (available at: <http://www.cra->

- arc.gc.ca/E/pub/gm/15-1/15-1-e.pdf);
- as prescribed by section 286(1) of the Excise Tax Act, [R.S., 1985, c. E-15] amended, GST/GST Memorandum 15.2, Computerized Records (Revised June 2005) provides guidelines regarding keeping electronic records (available at: <http://www.cra-arc.gc.ca/E/pub/gm/15-2/15-2-e.pdf>);

In Canadian (federal legislation), the *Income Tax Act*, [R.S.C. 1985, c. 1 (5th Supp.)]:

- required to keep proper records and books until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed (s. 230(4));
- *Income Tax Act*, [R.S.C. 1985, c. 1 (5th Supp.)] as amended by 1998, c. 19, section 227 by amending section 230 by adding (4.1) requiring persons who keep records electronically to retain them in an electronically readable format until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed in the *Income Tax Amendments Act, 1997*;
- permit earlier records disposal if Minister agrees in writing (s. 230(8));
- Income Tax Regulations, [C.R.C., c. 945] under the *Income Tax Act*, [R.S.C. 1985, c. 1 (5th Supp.)] in **Regulation Part 5800** (as amended by regulations made on October 13, 1982 (Canada Gazette Part II SOR/82-879)) for corporations 2 years retention requirement;
- as prescribed by **section 230 of the Income Tax Act**, [R.S.C. 1985, c. 1 (5th Supp.)] as amended, Information Circular IC78-10R4 (June 2005) Books and Records Retention/Destruction provides guidelines regarding records retention and destruction (IC78-10R4 applies to the *Income Tax Act*, *Employment Insurance Act* and *Canada Pension Plan*); (IC78-10R4 available at: <http://www.cra-arc.gc.ca/E/pub/tp/ic78-10r4/ic78-10r4-e.pdf>);
- as prescribed by **section 230 of the Income Tax Act**, [R.S.C. 1985, c. 1 (5th Supp.)] as amended, Information Circular IC05-1 (June 2005) Electronic Record Keeping provides guidelines keeping records electronically (IC05-1 applies to the *Income Tax Act*, *Employment Insurance Act* and *Canada Pension Plan*) (IC05-1 available at <http://www.cra-arc.gc.ca/E/pub/tp/ic05-1/ic05-1-05e.pdf>).

Financial Information Act, R.S.B.C. 1996, c. 140 in section 2 requires that a corporation (organization) must prepare statements of financial information as specified by the Act;
http://www.qp.gov.bc.ca/statreg/stat/F/96140_01.htm#section2

Financial Information Act, R.S.B.C. 1996, c. 140 in the Financial Information Regulation (B.C Reg. 371/93) in:

- section 5 provides that the fee for a copy of the financial information provided under section 2 (6) of the Act is \$5

http://www.qp.gov.bc.ca/statreg/reg/F/371_93.htm#section5

- Schedule (Statements and Schedules of Financial Information)
http://www.qp.gov.bc.ca/statreg/reg/F/371_93.htm#schedule1
- in section 10(1) reasonable accommodation must be provided for any person who asks to examine
 - the Statement of Financial Information.
 - section 10(2) requires an organization to keep copies of the financial information available for examination or purchase for 3 years after the end of the year reported on;
 - section 10(3) if a person so requests, an
 - organization may provide information contained in the Statement of Financial Information, severed from the Statement and furnished free of charge or subject to the duplication fees prescribed under the Freedom of Information and Protection of Privacy Act, if those fees do not exceed the fee prescribed under section 5 of this regulation

College and Institute Act, R.S.B.C. 1996, in section 57 requires that an institution must, within 90 days after end of each fiscal year, submit its annual report to the minister
http://www.qp.gov.bc.ca/statreg/stat/C/96052_01.htm#section57

Employment Standards Act, R.S.B.C. 1996, c. 113, in section 28(2) requires that employers must retain specified payroll records and retain them for 2 years after the employment terminates (section 28(2) includes records relating to the payment of employees, including personal identifying information, date employment began and ended, wages/salaries/benefits paid and deductions made, hours worked and vacation taken).
http://www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm#section28

In Canadian (federal legislation), the *Employment Insurance Act*, [1996, c. 23] in:

- section 87(3) employers are required to maintain books and records for 6 years after the year for which they are kept, or until written permission for their prior disposal is given by the Minister;
- section 87(3.1) and (3.2) every employer who keeps electronic records shall retain them in an electronically readable format for the retention period referred to in subsection (3) (*Employment Insurance Act*, [1996, c. 23] as amended by 1998, c. 19, section 267 by adding sections 87(3.1) and (3.2) in the *Income Tax Amendments Act, 1997*);
- as prescribed by section 87 of the *Employment Insurance Act*, [1996, c. 23], as amended, Information Circular IC78-10R4 (June 2005) Books and Records Retention/Destruction provides guidelines regarding records retention and destruction (IC78-10R4 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan); (IC78-10R4 available at: <http://lois.justice.gc.ca/en/e-5.6/238697.html>)
- as prescribed by section 87 of the *Employment Insurance Act*, [1996, c. 23], as amended, Information Circular IC05-1 (June 2005) Electronic Record Keeping provides guidelines keeping records electronically (IC05-1 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (IC05-1 available at: <http://www.cra-arc.gc.ca/E/pub/tp/ic05-1/ic05-1-05e.pdf>)

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1. Policy Sponsor Director, Library & Learning Resources

2. Approvals:

President _____ Date: _____

Education Council Chair N/A _____ Date: _____

Operations Council Chair _____ Date: _____

Board Chair N/A _____ Date: _____

3. Amendments

President _____ Date: _____

Education Council Chair _____ Date: _____

Operations Council Chair _____ Date: _____

Board Chair _____ Date: _____

4. Review Date