

GOVERNMENT RECORDS SERVICE GUIDE

MANAGING MINISTER'S OFFICE RECORDS

Overview

Records of British Columbia's cabinet ministers and their staff are a valuable public asset. They provide documentation of government policies and programs and are an important part of government's historical record.

Like other government offices, those of ministers are subject to statutory and policy requirements regarding records management, freedom of information, and privacy. They are also subject to the government-wide directive on appropriate use of information and information technology resources ("[Appropriate Use Policy](#)"). Employees further must adhere to their Oath and to the Standards of Conduct.

There typically are three categories of records within a minister's office:

- **Personal Records** that relate to the private life and personal interests of the minister and staff.
- **Member of Legislative Assembly (MLA) Records**, which are the political and constituency records generated by ministers in their capacity as members of the Legislative Assembly.

Personal and MLA records should be managed separately from government records, in order to protect privacy and avoid having to separate them later on (an incoming minister and staff would not usually have access to the personal and MLA records of their predecessors).

- **Government Records** that are created or received by ministers and their staff as ministers of the Crown. These include both official and transitory records and are subject to the *Information Management Act* and the *Freedom of Information and Protection of Privacy Act*.

Official Records

Given the level of responsibility of a minister's office, official records of the office must be maintained, including records documenting substantive activities, decisions and decision making processes of the office. In broad terms, official records include the master or file copies of records documenting the performance of a minister's office functions or the running and administration of the office itself.

Minister's office records now are increasingly digital (e.g. electronic messages and documents) and are maintained in many locations by multiple responsible bodies. Records typically are received from many offices, acted upon by the minister's office, and then routed to other offices for action and/or retention.

While practices may vary somewhat among offices, the following are best practices:

- **For most records received by or sent from a minister's office, the Office of Primary Responsibility (OPR) is the deputy minister's office** (i.e. with such exceptions as listed below, most records are sent to the deputy minister's office for retention, when no longer needed by the minister's office).

The deputy minister's office is able to provide continuity and appropriate public service administration of the records of successive ministers. In some cases,



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certain minister's office records are best maintained along with other related records within the appropriate functional area.

- **Cabinet records go to Cabinet Operations.**
- **Expense records go to the Ministry of Finance.**
- **Other types of records** (e.g. approved decision notes) may go to the **relevant ministry program area OPR** for the subject matter.

Recordkeeping Requirements for Official Records

Since ministers' office records are maintained by a variety of responsibility centres, it is important to establish documentation on which types of records are routed where. Best practice is to maintain this documentation within the deputy minister's office.

Appendix A provides an overview of the basic routing and documentation requirements, which are:

- **Identify the offices responsible for maintaining official records received from the minister's office.** See the records' location and types list at the end of Appendix A for an example of an easy way to track designated responsibility centres for various types of records.
- **Ensure that offices identified as responsibility centres are aware of their role.** Offices receiving the master "file copies" of minister's office records need to be aware that they are responsible for maintaining the records for the required length of time, in a secure, accessible manner. (Under current information schedules, official records of minister's offices must be retained at least 10 years). See the Records Management Resources section below for sources of information on appropriate recordkeeping systems and practices.
- **When a freedom of information (FOI) request or litigation search occurs, use the above documentation to provide relevant information about where the requested records are held.**

Transitory Records

Transitory records are records of temporary usefulness that are needed for only a limited period of time in order to complete a routine action or prepare an ongoing record. These records do *not* have ongoing value for supporting or documenting the work of the minister's office, and therefore do *not* need to be maintained as part of the official records of the office.

Note that it is the content and use of a record that determines its value, not its form (e.g. an email may be transitory or official.)

For guidance on identifying transitory records see the [Transitory Records Guide](#). See **Appendix B** below for scenarios regarding transitory and official records of minister's offices.



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The December 2015 David Loukidelis Report (*Implementing Investigation Report F15-03*) outlines considerations relevant to the identification of transitory records.

“1. Is the function or activity for which the record was produced and used significant?”

The significance of the function or activity that the final document supports and of which it is a part is key to determining the retention and preservation of any government record (always assuming, of course, that this is limited to a government function or activity, not a personal matter). However, it is not the goal of a transitory records identification process to determine the relative significance of the function or activity that is being documented. That is the objective of the records management process after the records are captured into the system, with retention and disposition being driven by that analysis. Officials therefore should not need to consider the significance of the function and activity when identifying what is transitory. For example, the activity of routine maintenance of a government building is generally considered less significant than development of new legislation. Yet, because that process is a government activity, some evidence of that activity needs to be captured, with records management schedules determining whether and how long records documenting these activities are retained.

2. Is the record significant in relation to the transaction or activity for which it was created and used in support?”

If all functions and activities are essentially equal for the purpose of identifying transitory records the next step would be to analyze the relative significance of the document in terms of its contribution to or participation in the function or activity. For practical purposes, it is assumed that, if it is necessary to create or receive a record to further or complete the transaction or activity, the record is significant enough for the limited purposes of a transitory records policy. The real question revolves around the quality, the value, of the record or information in relation to the function and activity.

3. Does the information, in relation to other captured (or to be captured) records, best document the function or activity it was created or used to support?”

This question helps delineate the boundaries of both the scope and content of a transitory records policy. Regardless of the function or activity, and assuming that the record was created and used for a purpose, it is simply a matter of determining whether it provides unique, or the most effective, evidence of a function or activity. This would mean that information that is irrelevant to a particular activity, or that duplicates information better held elsewhere, is transitory. On the other hand, even if the record, in its format or content, is of poor quality, it should not be considered transitory if it is the only record.”



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It is good practice for all offices to regularly dispose of transitory records as soon as their value ends. This makes it easier to identify and manage the official records. Transitory records can and should be disposed of as soon as they no longer are of value to the individual holding them (e.g. deleted from the individual's email account), with one important exception:

- ***If the minister's office receives a freedom of information or litigation search request, all relevant records must be provided - whether transitory or not. Transitory records that are subject to such requests must be retained pending completion of the applicable FOI response process and review period or the applicable litigation activities (contact Information Access Operations and Legal Services Branch, respectively, for guidance on particular cases).***

Freedom of Information and Protection of Privacy

Government records within a minister's office are subject to the *Freedom of Information and Protection of Privacy Act*, and must be searched in response to an FOI request. Designated FOI contacts for ministers' offices are located within the deputy ministers' office. Ministers' offices are also subject to government-wide privacy policies.

See the following handouts:

- Clarifying and Interpreting an FOI Request
- Conducting and Documenting a Search for Records
- FOI Requests Without Responsive Records
- The Escalation Process for FOI Requests
- The 10 Privacy Principles
- Privacy Glossary and Resources

Additional Resources

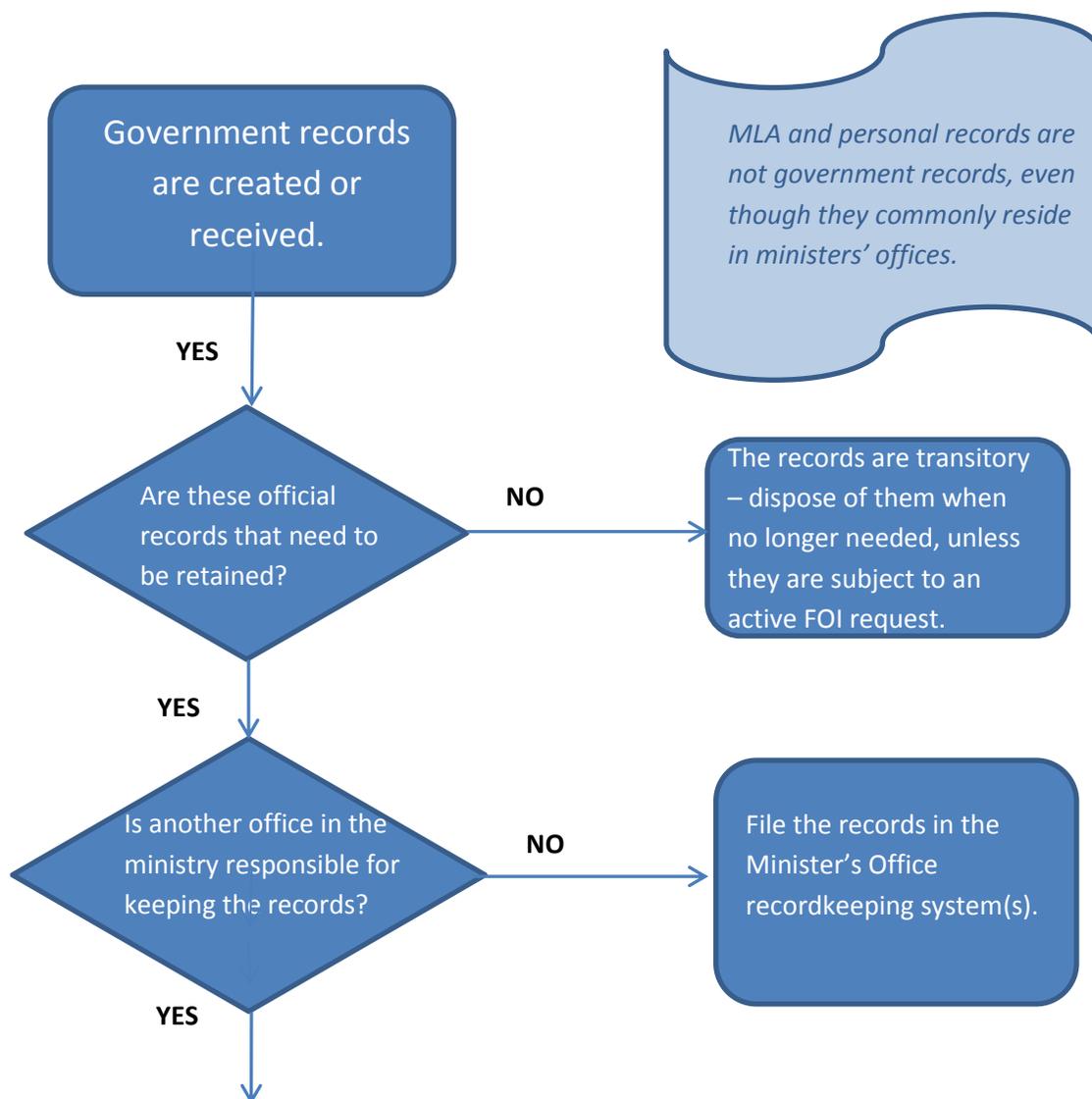
Staff responsible for managing minister's office records will find a wide variety of guides, tools and contacts (e.g. Ministry Records Officers) on Government's records management [website](#).

Note also that in support of implementation of the December 2015 Loukidelis Report recommendations to improve government records management and FOI processes, new training has been provided and will continue to be enhanced and updated, and new policy documentation is under development.



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APPENDIX A: MINISTERS’ OFFICE RECORDS PROCESSES



MLA and personal records are not government records, even though they commonly reside in ministers’ offices.

The records are transitory – dispose of them when no longer needed, unless they are subject to an active FOI request.

File the records in the Minister’s Office recordkeeping system(s).

Send records to the office identified as the responsibility centre, and maintain a record of their location. Example *(note that offices and locations vary among ministries)*:

TYPE OF RECORD	OFFICE	LOCATION
Cabinet submission drafts	Deputy Minister’s Office	LAN (Local Area Network)
FOI request files	Corporate Services	TRIM (Total Records & Information Management System)
Minister’s calendar	Minister’s Office	Outlook (current month); LAN (previous months)
Minister’s speeches	Govt. Communications & Public Engagement	LAN

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APPENDIX B: Scenarios Regarding Transitory and Official Records

The following scenarios are illustrative of the variety of functions performed by a minister’s office (MO) and the types of records the office receives and creates. These scenarios assume that many of the official records for a minister’s office will typically be sent for filing and retention by the deputy minister’s office (DMO) or other appropriate responsibility centre. Under this practice, residual copies remaining in the minister’s office are transitory and may be disposed of when no longer needed.

Scenario 1 – Speeches and Presentations

The minister has been asked to speak about a new ministry initiative at a conference at UNBC. The MO works with the ministry program area on the speech/presentation.

Function/Process	Records are:
Event planning correspondence (email strings around choices of hotel, flights, government vehicle use)	<u>Transitory</u>
Official invitations and itinerary (e.g. purpose for minister’s attendance, background on the event, venue, dates)	<u>Official records</u> <ul style="list-style-type: none"> Retain records in MO or DMO. Any attachments need to be removed from calendar entry and filed separately.
Minister’s speech or presentation (e.g. text, audio-video)	<u>Official Records</u> <ul style="list-style-type: none"> Government Communications and Public Engagement (GCPE) retains the official record of the minister’s speech or presentation. Official copies of presentation material may be retained by the originating program area if they are of continuing value to that program. <u>Transitory</u> <ul style="list-style-type: none"> Residual copies may be retained by the MO or DMO for reference purposes until no longer useful.



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Scenario 2 – Travel Planning and Expenses

The minister is travelling to Ottawa to attend an annual meeting of Federal/Provincial/Territorial ministers.

Function/Process:	Records are:
Travel planning correspondence (Email strings relating to choice of flights, airport transports, car rentals, hotels etc.)	<u>Transitory</u>
Travel and meeting itineraries (e.g. purpose of trip, planned meetings, dates, venues, attendees)	<u>Official records</u> <ul style="list-style-type: none"> Retain records in either MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.
Invitation logged in Outlook calendar	<u>Official records</u> <ul style="list-style-type: none"> MO will print/pdf calendar each month. These records will be retained in MO or DMO.
Meeting-related records prepared by ministry (e.g. briefing notes, handouts, slides)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none"> Official records are retained in DMO and/or other appropriate responsibility centre. MO copies should be disposed of when no longer needed.
Meeting related records received before or at meeting (agenda, minutes, notes, content provided by other attendees)	<u>Official records</u> <ul style="list-style-type: none"> Retain records in either MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.
Travel expenses for Minister and accompanying staff (e.g. transportation and accommodation costs, per diem, receipts)	<u>Official records</u> <ul style="list-style-type: none"> Travel vouchers and receipts are sent to Ministry of Finance. Residual MO copies are transitory.
Presentations or speeches by Minister	See Speeches and Presentations scenario.



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Scenario 3 - House briefing materials

Ministry program areas have been asked to provide the Minister with material for the budget estimates debate in the House.

Function/Process	Records are:
Briefing materials and questions (e.g., hardcopy binders, documents attached in CLIFF)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none"> • Official records are retained in the DMO or other relevant responsibility centre. • Copies in MO should be disposed of when no longer useful.
Correspondence relating to direction on preparation of budget estimates	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none"> • Official records are retained in the DMO.

Scenario 4 - Non-Cabinet Committees/Meetings

The minister is attending a meeting with key stakeholders about progress to date on a ministry sponsored project.

Function/Process	Records are:
Meeting invitation in Outlook Calendar	<u>Official records</u> <ul style="list-style-type: none"> • The MO will print/pdf calendar each month for filing. • These records will be retained in the MO or DMO.
Meeting preparation (includes background/briefing materials and reports developed by the ministry, content prepared for meeting stakeholders)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none"> • Official records are retained in the DMO or other appropriate responsibility centre. • Minister's office copies should be disposed of when no longer useful.
Meeting records (includes agenda, records received from stakeholders, agenda, minutes, notes)	<u>Official records</u> <ul style="list-style-type: none"> • These records will be retained in the MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.



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Scenario 5 - Unfiled Minister's Office E-Mail

Due to volume, MO personnel have accumulated e-mail that has not been disposed of over time as clearly transitory or filed in other systems (e.g., TRIM).

Function/Process	Records are:
Accumulation of e-mail messages in Outlook folders	<p data-bbox="732 485 914 516"><u>Official records</u></p> <ul data-bbox="740 537 1321 995" style="list-style-type: none"><li data-bbox="740 537 1321 674">• MO retains these records until they have been either filed in another office system or transferred to the DMO (e.g. when the minister transfers to another portfolio).<li data-bbox="740 695 1321 905">• MO personnel should continue to dispose of transitory messages (per the Transitory Records Guide) consistent with policy direction, except those identified in FOI and litigation searches, and to remove or dispose of any MLA or personal messages.<li data-bbox="740 926 1321 995">• DMO will ultimately assume responsibility for these e-mail accumulations.

