



InterPARES 2 Project

International Research on Permanent Authentic Records in Electronic Systems

Policy Cross-domain

Archival Legislation in Canada Provincial Government (Alberta)

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Records Management, Alberta; Legislation page¹

Government Organization Act²

Schedule 11, Section 14(2) of the Government Organization Act establishes the Lt. Gov. in Council as the officer competent to make regulations regarding the creation, handling, control, PRESERVATION, etc. of departments' (listed in Section 14 (1)) records.

- [14(2) The Lieutenant Governor in Council may make regulations
- (a) respecting the management of records in the custody or under the control of a department, including their creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation, destruction and their transfer to the Provincial Archives of Alberta;
 - (b) establishing or governing the establishment of programs for any matter referred to in clause (a), including interdepartmental structures for implementing the programs;
 - (c) defining and classifying records;
 - (d) respecting the departments, records or classes of records to which the regulations or any provisions of them apply. RSA 2000 cG-10 Sched. 11; RSA 2000 c16(Supp) s47; 2003 c42 s8

Schedule 11, Section 14 of the Government Organization Act identifies the government organizations that must comply with the records management program and provides for the enactment of regulations related to the program.]

¹ <http://www.im.gov.ab.ca/index.cfm?page=legislation.html>.

² <http://www.qp.gov.ab.ca/documents/acts/G10.cfm>.

Records Management Regulation³

Ministry Responsible: Government Services

Under the Government Organization Act, the Records Management Regulation defines terms, outlines the membership and roles of the Alberta Records Management Committee, assigns responsibility for the government program to the Minister of Government Services, assigns responsibility for the program within each department to the Deputy Head, and controls the scheduling and disposition of records.

Sections 6 - 11 Outlines procedures and responsibilities for [1] creating and maintaining records retention and disposition schedules and for [2] the archival appraisal, disposal, and destruction of records.

Alberta Evidence Act⁴

Ministry Responsible: Justice

This Act provides rules on the admissibility of records in court proceedings. Section 41.1 is concerned with the admissibility of electronic records. From the legislation's table of contents:

“Electronic Records

- 41.1 Definitions
- 41.2 Application
- 41.3 Authentication
- 41.4 Application of the best evidence rule
- 41.5 Presumption of integrity
- 41.6 Standards
- 41.7 Proof by affidavit
- 41.8 Cross-examination”

“41.6 For the purpose of determining under any rule of law whether an electronic record is admissible, evidence may be presented in respect of any standard, procedure, usage or practice on how electronic records are to be recorded or stored, having regard to the type of business or endeavour that used, recorded or stored the electronic record and the nature and purpose of the electronic record. 2001 cE-5.5 s33”

Electronic Transactions Act⁵

Ministry Responsible: Innovation and Science

This Act provides legal recognition of information and records in electronic form, allows for the provincial government to conduct business electronically, sets out conditions related to electronic signatures, and permits electronic activities related to contracts.

³ http://www.qp.gov.ab.ca/documents/regs/2001_224.cfm.

⁴ http://www.qp.gov.ab.ca/documents/Acts/A18.cfm?fm_isbn=0779727193.

⁵ <http://www.qp.gov.ab.ca/documents/acts/E05P5.cfm>.

Freedom of Information and Protection of Privacy Act⁶

Ministry Responsible: Government Services

The FOIP Act provides a framework for public access to records, and for the protection of privacy.

Section 1(1)(q) defines "record", section 38 requires reasonable security arrangements to protect personal information and section 53(1)(a) empowers the Information and Privacy Commissioner to conduct investigations in government organizations to ensure compliance with rules relating to the destruction of records set out in the Records Management Regulation.

Government Emergency Planning Regulation⁷

Ministry Responsible: Municipal Affairs

Under the Disaster Services Act, this regulation defines the responsibilities of departments in emergency situations. The Schedule, section 1(e), requires that all departments protect "assets, financial records and other records maintained by the department."

Health Information Act⁸

Ministry Responsible: Health and Wellness

This Act governs the collection, use and disclosure of health information, how health information must be handled and protected, and the right of the public to access health records in the custody or under control of health care providers defined under the Act, including the Ministry of Health and Wellness. The Act does not apply to health records retained by other ministries.

Historical Resources Act⁹

Ministry Responsible: Community Development

Section 9H of the Historical Resources Act identifies the responsibilities of the Provincial Archives of Alberta (Community Development) for the acquisition and preservation of government records and identifies the Provincial Archives of Alberta as the official repository for government records of enduring value.

⁶ <http://foip.gov.ab.ca/legislation/act/index.cfm>.

⁷ http://www.qp.gov.ab.ca/documents/REGS/2000_062.CFM.

⁸ http://www.assembly.ab.ca/HIARReview/Health_Information_Act.pdf.

⁹ <http://www.qp.gov.ab.ca/Documents/acts/H09.CFM>.

Alberta Policies and Standards¹⁰

Administrative Records Disposition Authority (ARDA)¹¹

Published: 1986. Last revised: March 2004.

ARDA is the cross-government records retention and disposition schedule for administrative records that are common to most ministries. Produced by the Information Management Branch, Government and Program Support Services, Alberta Government Services.

This publication, the product of a cooperative effort between the Records Management Branch (Public Work, Supply and Services), the Provincial Archives of Alberta, and the Public Records Officers' Advisory Council, was approved as a disposition schedule by the Public Records Committee (a.k.a. Alberta Records Management Committee) in 1986, has been amended several times, is under review and will be replaced.

ARMC - Circulars¹² (Formerly SRO Circulars)

Published: 1995 to date.

These circulars communicate policies and instructions from the Alberta Records Management Committee to Senior Records Officers.

Digital Preservation Resources Guide¹³

Published: April 2004.

This resources guide was prepared to assist the Government of Alberta in developing a strategic corporate approach to the preservation of digital information. The annotated list of Web sites, prepared by John MacDonald, “attempts to provide a cross section of the kinds of sources one can expect to find that touch on various aspects of digital preservation.” Each significant site dealing with digital preservation is marked with an asterisk (*).

Electronic Information Management (EIM) Functional Requirements Resources Guide

Published: July 2003.

This guide lists resources that are being used by the Government of Alberta in developing its functional requirements. Included are resources that mostly specify the functional requirements of a software system or application. The guide is classified by subject and includes three categories: (1) Core Resources, (2) XML, and (3) Portal Web sites for searching for more information on the topic.

¹⁰ <http://www.im.gov.ab.ca/index.cfm?page=policies/index.html>.

¹¹ <http://www.im.gov.ab.ca/publications/pdf/ARDA.pdf>.

¹² http://www.im.gov.ab.ca/public/sro_circulars.htm.

¹³ <http://www.im.gov.ab.ca/publications/pdf/DigitalPreservationResGuide.pdf>.

Guide to Managing Electronic Mail in the Government of Alberta¹⁴

Published: December 2002. Last revised: March 2004

This new guide brings together existing policies and legislation that govern the management of e-mail in the Government of Alberta and describes guidelines and practices that should be established at the ministry level. It also provides tips to help employees manage their e-mail more effectively. The focus is developed in this publication that electronic mail messages need to be managed as records in order for the government agencies to be compliant with the regulatory environment (which includes the provincial archival legislation, i.e. Historical Resources Act).

ISO 15489 Fact Sheet¹⁵

Published: October 2003

The Alberta Records Management Committee has endorsed the International Standard on Records Management as a code of best practice. A Fact Sheet has been published to guide ministries.

Managing Records in Ministers' Offices¹⁶

Published: April 2001. Last revised: March 2004.

This publication describes the types of Cabinet Ministers' records, the operational requirements for managing them, and best practices for dealing with them when Ministers change portfolio or leave office.

AND/OR

Regulatory compliance and the preservation of historically valuable records are among the rationale. This publication includes rationale for proper records management, theoretical explication (i.e. "What is a record?"), and normative guidelines (i.e. "What to do when a Minister Changes Portfolios or leaves Political Office").

Managing Web Content¹⁷

Published: February 2004. Last revised: March 2004.

This guide provides management principles and strategies for managing Web content in the Government of Alberta throughout its life-cycle - from planning, creation and production, ongoing maintenance, through to retention and disposition. It discusses how to evaluate the usability of Web content and identifies the accountability and responsibility of involved professionals. The guide provides information and insight into the business of managing Web content.

¹⁴ <http://www.im.gov.ab.ca/publications/pdf/ManagingEmailGuide.pdf>.

¹⁵ <http://www.im.gov.ab.ca/publications/pdf/ISO15489.pdf>.

¹⁶ <http://www.im.gov.ab.ca/publications/pdf/MinistersRecordsGuide.pdf>.

¹⁷ <http://www.im.gov.ab.ca/publications/pdf/ManagingWebContentGuide.pdf>.

Metadata Resources Guide¹⁸

Published: July 2003.

This guide was developed to assist government staff in understanding metadata and in developing standards and management practices.

Table of Contents:

1. Introduction
2. Recommended Introductory Resources
3. Additional Background
4. International Metadata Initiatives and Frameworks
5. Metadata Functionalities
6. Common Metadata Schemas
7. Domain or Sector Specific Metadata
8. Encoding Formats
9. Metadata Tools
10. Keeping Up-to-Date

Official and Transitory Records: A Guide for Government of Alberta Employees¹⁹

Published: October 2002. Last revised: March 2004.

This guide explains how to differentiate between official records that should be retained in filing systems and transitory records that can be disposed of after use. It also provides guidance on the proper disposal of transitory records. In addition, this guide reminds the reader that electronic records are records as well, and certain parts of the guide deal with electronic records particularly.

Records Management Competency Profiles²⁰

Published: March 2004.

This publication outlines the competencies and skills required of records management professionals in the Government of Alberta.

Records Scheduling and Disposition in the Government of Alberta

Published: November 1996. Last revised: Chapters 1 and 2, January 2002.

This publication outlines the recommended methodology for developing records retention and disposition schedules as well as guidelines and procedures for disposing of records.

¹⁸ <http://www.im.gov.ab.ca/publications/pdf/MetadataResGuide.pdf>

¹⁹ <http://www.im.gov.ab.ca/publications/pdf/OfficialTransitoryRecordsGuide.pdf>

²⁰ <http://www.im.gov.ab.ca/publications/pdf/RecordsMgmtCompetencyProfiles.pdf>

Records Scheduling System (RSS) Release 3.0 User Manual²¹

Published: May 2003. Last revised: April 2004.

The Records Scheduling System is a Web based application that enables Alberta government ministries to develop and amend records retention and disposition schedules and to submit them for approval. This manual provides guidance to ministry staff on how to use the system.

Transitory Records Retention and Disposition Schedule²²

Published: June 2003.

This schedule is the cross-government records retention and disposition schedule for transitory records. *Official and Transitory Records: A Guide for Government of Alberta Employees²³* is the authoritative instrument regarding official and transitory records. The above publication was created to make the Transitory Records Schedule consistent with the Official and Transitory Records Guide.

Vital Records Resources Guide²⁴

Published: April 2003.

This guide provides references to internet and print resources on vital records. Its purpose is to assist the government records management community in developing a Vital Records Program in their organizations.

Web Content Management Resources Guide²⁵

Published: October 2003.

This guide provides resources from other jurisdictions that are of assistance to the Government of Alberta in developing Web content management guidance.

²¹ <http://www.im.gov.ab.ca/publications/pdf/RSSManual.pdf>.

²² <http://www.im.gov.ab.ca/publications/pdf/TransitoryRecordsSchedule.pdf>.

²³ <http://www.im.gov.ab.ca/publications/pdf/OfficialTransitoryRecordsGuide.pdf>.

²⁴ <http://www.im.gov.ab.ca/publications/pdf/VitalRecordsResGuide.pdf>.

²⁵ <http://www.im.gov.ab.ca/publications/pdf/WebContentResGuide.pdf>.