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## PURPOSE

### ***The Education Act section 171 (1) 38 states that a board may:***

*“Institute a program of records management that will, subject to the regulations in respect of pupil records,*

- i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and*
- ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use; R.S.O. 1990, c. E.2, s. 171 (1), par. 38.*

*The Model School Board Classification and Retention Scheme is designed to help school boards comply with this provision of the Education Act and to meet its legal obligations with respect to records. It is intended as a framework for school boards/authorities that require an organization-wide records and information management program to enable them to efficiently and effectively manage their information resources.”*

*This Model Classification and Retention Scheme is supported by the following documents:*

- This guideline which describes how the scheme should be used by school boards/authorities*
- A Table of Laws of Canada and Ontario with Records Retention Requirements for School Boards/Authorities*
- A Table of Legal Citations of Laws of Canada and Ontario with Records Retention Requirements for School Boards/Authorities*

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## Background

The model scheme includes recommended retention periods which are based on legal retention periods, best practices for records management, and operational needs. Normally, schedule retention periods reflect the minimum amount of time the records need to be kept to satisfy the requirements.

Schools boards/authorities will need to adapt the schedule to meet their local needs. This includes establishing an internal review and approval process for recommended retention periods to ensure the recommended retention satisfies school board/authority operational and litigation needs.

Schemes and schedules are “living” or “evergreen” documents and can not be considered “complete” at any point. Updates and revisions to both the nature of records retained and the retention periods applied to them continuously evolve. School boards/authorities need to ensure that their program is routinely reviewed and revised to accommodate these updates.

The Tables of Laws and Citations with Retention Requirements for School Boards/Authorities are current of September 2008. School boards/authorities with existing records management schemes and schedules programs may wish to review the tables to ensure that their program adheres to current legal retention requirements.

The School Board/Authority Model Classification and Retention Schedule for School Board/Authority Records and Information

## Classification

The model scheme is based on a functional classification methodology where records and information are classified in accordance with the functions and activities they support within the organization. Records and information are classified into eleven primary functional categories, as follows:

| Function | Description                         |
|----------|-------------------------------------|
| ADM      | Administration                      |
| COM      | Communications and Public Relations |
| FAC      | Facilities Management               |
| FIN      | Finance                             |
| GOV      | Governance and Policy               |
| HUM      | Human Resources                     |
| ICT      | Information and Computer Technology |
| LEG      | Legal                               |
| PDD      | Program Development and Design      |
| RPL      | Research and Planning               |
| STU      | Student                             |





## Records Series

Like records with like retention periods are grouped together and grouped by the “function” they support in the organization. Records may support more than one function, and records series can be adjusted to other functions to support cultural considerations. The important thing is that staff know what records series the record belongs to and where they are classified. Scope notes describe what records are included in the records series. School boards/authorities may also choose to adjust records series to reflect cultural considerations.

## Retention

- **Responsible Department Retention** - Each records series includes a recommended department to be responsible for managing the official record to ensure that responsibility for retaining the information is assigned. The department manager or superintendent is responsible for ensuring that the department meets its records obligations. In most cases, the responsible department will be the department that originates the record; however this should be determined by the local school board/authority.
- **Recommended Active Retention** - Recommends a period in which the information should be managed in the active office or desk area. This is generally based on the frequency with which the information is likely to be accessed, and the goal is to minimize the amount of record storage space required in the primary work area. As a general rule, if the records in a series are referred to more than once per month per linear foot, then they are considered to be active. If not, you may wish to consider moving them to an inactive storage area.
- **Recommended In-Active Retention** - Recommends a period in which recorded information may be moved to a designated storage area until the end of its retention period. Inactive retention includes near-line or off-line storage (see glossary). Records accessed less frequently than once per month per linear foot may be classed as inactive and moved to an inactive storage area. It important to note that inactive storage areas must be areas that allow for the protection and preservation of records, and must thus be free of the risk of mould or water damage.
- **Retention of Official Record** - The total retention period (active and inactive) for the official record.

## Duplicates/Copies

In some cases, more than one department may need or use the records and information and for operational efficiency a department may choose to retain a copy or duplicate of the same record even if they are not responsible for maintaining the official record. The recommended retention of duplicate records recognizes that on occasions other departments will need to keep copies but sets a short term retention period of those copies to minimize duplication and maximize efficiencies. These duplicates or copies are subject to legal discovery and/or Freedom of Information Requests and should be minimized as much as possible. They must be controlled to reduce storage and handling costs and to support the integrity of a systematic records retention program.



## Value of Recorded Information

Records series are assessed and assigned a recommended value as follows:

- **Vital Record** - Identifies records that are necessary to resume or continue operations and to recreate the company's legal and financial position in the event of a disaster.
- **Personal Information Bank (PIB)** - Identifies records that contain personal information and that should be included in a personal information bank listing in accordance with the Municipal Freedom of Information and Protection of Privacy Act.
- **Subject to Archival Selection** - Identifies records that may preserve history and may be of value for inclusion in archives. Where school boards do not have an official archive, consideration should be given to maintaining the records permanently.
- **Include in OSR** - Identifies records that may be included in the Ontario Student Record in accordance with the Ministry of Education OSR guideline and the applicable board procedure.

## Reference

Notes provide a further explanation about the retention where necessary; for example, when the retention is based on an event, the event is explained for the records series, i.e., the event date is the date the record was created.

## Legal Citation

Citations are included for the key Acts of Parliament, Statutory Instruments and any regulations deemed relevant to determining the retention periods for particular groups of records. The citation is cross-referenced to the School Board/Authority Table of Legal Retention Citations.

## Understanding Retention Periods

The model classification scheme is based on best practice for managing records in school boards/authorities and emerging practices in the records management community. Where retention periods are defined in law, these are generally referenced and applied.

Where a retention period is not defined in law, a recommended retention period is applied which in many cases is based on an operating requirement and the record can be disposed of once the requirement has been satisfied. School boards/authorities must assess both the value of the record to their organization and the recommended retention period before adopting it for their organization.

To determine whether and how long records series should be maintained, the organization should consider the operational needs, costs, benefits, and risks involved. Retention decisions should be based on sound business practices and should allow for as much flexibility as possible within the existing legal, practical, and ethical constraints.



## Understanding Limitations

A limitation is a period contained in law which specifies the period of time during which an individual or organization may sue or be sued after an event. Limitations are not retention periods, but are a legal consideration that must be part of the retention-setting process, particularly in the absence of a legally defined retention period. Identifying the relevant limitations is important because these define the scope and time frame of risk for the organization. Records retention under a litigation strategy would involve retaining records and information for the period set out in a Statute of Limitation, which may be longer than an operational need or legal retention. However, under the Limitations Act of Ontario, the start of the limitation period commences when the wronged party knows, or ought to know with reasonable diligence, the facts that underpin the cause of action. This makes it very difficult, if not impossible, to set a retention period based on a limitation.

To retain everything forever in the event of litigation is contrary to records and information management principles and defeats the objectives of a records management program. Organizations must balance the risk of litigation with the cost of managing, storing, and accessing records and information.

## Legal Citations that Impact School Board/Authority Records and Information

Table I includes a list of key laws of Ontario and Canada that contain a prescribed retention or limitation period for school board/authority records.

Table II includes the specific section of the Act that references the prescribed retention or limitation period and includes the prescribed retention period for the record.

This document is useful for as a cross-reference for school boards with existing records management programs to ensure that their program adheres to current retention requirements.

## Subject Listing

This is a list of subjects for records that school boards/authorities manage and the record series that each subject has been aligned with. This document is useful for cross-referencing records to records series and to help school boards/authorities develop departmental file plans.

## Guideline for Determining What Records Need to be Retained

This document provides guidance on what constitutes a record and what records and information that school boards/authorities must retain.

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## Summary

The Model Classification and Retention Scheme has been developed to help school boards initiate a records management program or to update their existing program. School boards/authorities must adapt the model scheme and schedule to suit their school board's/authority's cultural, operational, and legal needs. The school board/authority scheme should be approved by the school board/authority, school board/authority legal counsel, and school board/authority auditor prior to implementation.

Updates and revisions to both the nature of records retained and the retention periods applied to them continuously evolve and school boards/authorities need to ensure that their scheme and schedule is routinely reviewed and revised.

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