



PURPOSE

Ontario school boards and authorities, like any other sector today, are struggling with huge volumes of paper and find themselves thinking more and more of electronic archiving and storage for records and documents. This guideline is intended to help direct and inform school boards/authorities in their decision making regarding electronic versus paper records

Overview

As more and more business is transacted and stored electronically, and imaging systems are installed to convert paper files to electronic form, the question arises about whether or not there is a need to print or maintain paper once the content is scanned. Retention periods, typically applied in the past to paper records, must now be applied to electronic records.

The issue does not have a quick resolution, nor is one statement necessarily applicable to all records. Consideration must be given to:

- the laws under which the school boards/authorities operate;
- laws which surround the types of records that are created and maintained;
- specific guidance from industry specialists (such as psychologists and health care professionals); and
- the policies and procedures implemented by the school board/authority and schools to manage the records and the systems used to create and store them.

Legislative Considerations

From the perspective of the school boards/authorities, several pieces of legislation apply:

- The Evidence Act for Ontario, which determines whether or not electronic records are admissible in court, defines what is required to prove the integrity of a record. It also references standards which may be used to determine admissibility. The Evidence Act can be found at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e23_e.htm.
- The Electronic Commerce Act of 2000 defines the requirements for using electronic records in place of paper and provides guidance on where and how electronic records can replace paper. The Electronic Commerce Act can be found at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_00e17_e.htm.



Definitions

1. (1) In this Act,

“electronic” includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and “electronically” has a corresponding meaning (“électronique”, “par voie électronique”);

“electronic agent” means a computer program or any other electronic means used to initiate an act or to respond to electronic documents or acts, in whole or in part, without review by an individual at the time of the response or act (“agent électronique”);

“electronic signature” means electronic information that a person creates or adopts in order to sign a document and that is in, attached to or associated with the document (“signature électronique”);

“public body” means

- (a) any ministry, agency, board, commission or other body of the Government of Ontario,
- (b) a municipality or its local board, or
- (c) an entity that is designated as a public body by a regulation made under clause 32(a) (“organisme public”) 2000, c. 17, s. 1 (1).

In addition to these broad pieces of legislation, other laws and industry guidelines also impact the decision to retain electronic records in place of paper.

The Ministry of Education has issued its Instructions for the Use of Computerized Enrolment Registers for Elementary and Secondary Schools for the 2007–2008 year. In it, the guidelines state that:

School boards are no longer required to seek ministry approval to use computerized enrolment-recording systems instead of the ministry’s registers. When board staff are satisfied that their computerized enrolment-recording system meets ministry requirements, their schools are no longer required to use the enrolment registers issued by the ministry. Ministry staff are available to provide advice during the board’s implementation of a computerized system. However, school boards remain responsible for ensuring that their computerized enrolment-recording systems provide accurate data and satisfy all ministry requirements. These records must also be retained for the required length of time for ministry audit purposes.

(see “Retention of Pupil Enrolment Records” on page 2).

The Ontario Student Record Guideline adds another piece of complexity to the review in its requirement to maintain paper copies of records in the file for such records as report cards, despite their being created electronically for ease of use:

3.2 Report Cards: 3.2.1.4 Electronic format

School boards may use an electronic format of the Provincial Report Card, Grades 1–8, to facilitate completion and use. However, a completed Provincial Report Card, Grades 1–8, or an exact copy of the report card, must be filed in the OSR as a hard copy.



The same principle applies to the Ontario Student Transcript:

3.3 The Ontario Student Transcript (OST)

The requirements for the OST are outlined in the Ontario Student Transcript (OST): Manual, 1999. Beginning with the 1999–2000 school year, the OST will be a cumulative and continuous record of a student's successful completion of Grade 9 and 10 courses, successful and unsuccessful attempts at completing Grade 11 and 12 courses and Ontario Academic Courses, and completion of other diploma requirements. The OST is part of the OSR. When it is maintained as a hard copy, it should be filed in the OSR folder. When it is maintained electronically, a hard copy must be produced and maintained in accordance with the Ontario Student Transcript (OST): Manual, 1999. For a sample of the OST form, see appendix C to this guideline.

Based on these requirements, it is necessary to assess whether or not all the records to be maintained in the OSR must be in hard copy. On the basis of this initial review, it would appear that that is the case. Therefore, even if electronic versions of records are acceptable to meet other requirements, such as the Evidence Act or electronic transactions acts, the Ministry guidelines for certain types of records may preclude reliance on electronic versions.

The Personal Health Information Protection Act, S.O. 2004, requires that health information custodians who use electronic means to collect, use, modify, disclose, retain or dispose of personal health information to complete with the prescribed requirements. See Ontario Regulation made under the PHIPA, 329/04.

Supporting Standards

Two key standards provide guidance for school boards on microfilm and imaging and on electronic records. Developed by the Canadian General Standards Board, these standards, explain how school boards can set up their policies, procedures, and related systems to meet the need for integrity, reliability, and trustworthiness. While designed to specifically support evidentiary requirements, the practices outlined in the standards support an electronic record-keeping framework within the school board in terms of good practice.



Summary

Unfortunately, the answer to the question of whether electronic records can replace paper is not a simple one and may vary depending on the specific records. Electronic records are legal. The question of whether they can replace paper will depend on review of the various pieces of legislation for which the records must be maintained.

Where electronic records can be maintained in place of paper, clearly defined policies and procedure should be in place.

To determine whether or not paper is required, several actions must be taken:

1. Establish electronic records policies and procedures, based on the CGSB standard “Electronic Records as Documentary Evidence.”
2. Determine which records are currently a priority to convert to or maintain electronically.
3. Identify the legislation and/or guidelines which govern the creation and management of the records.
4. Determine whether or not there is a requirement to maintain a paper copy, and why.
5. Discuss the risk of not maintaining a paper copy with business owners, Records and Information Managers, Legal, and Information Technology staff..