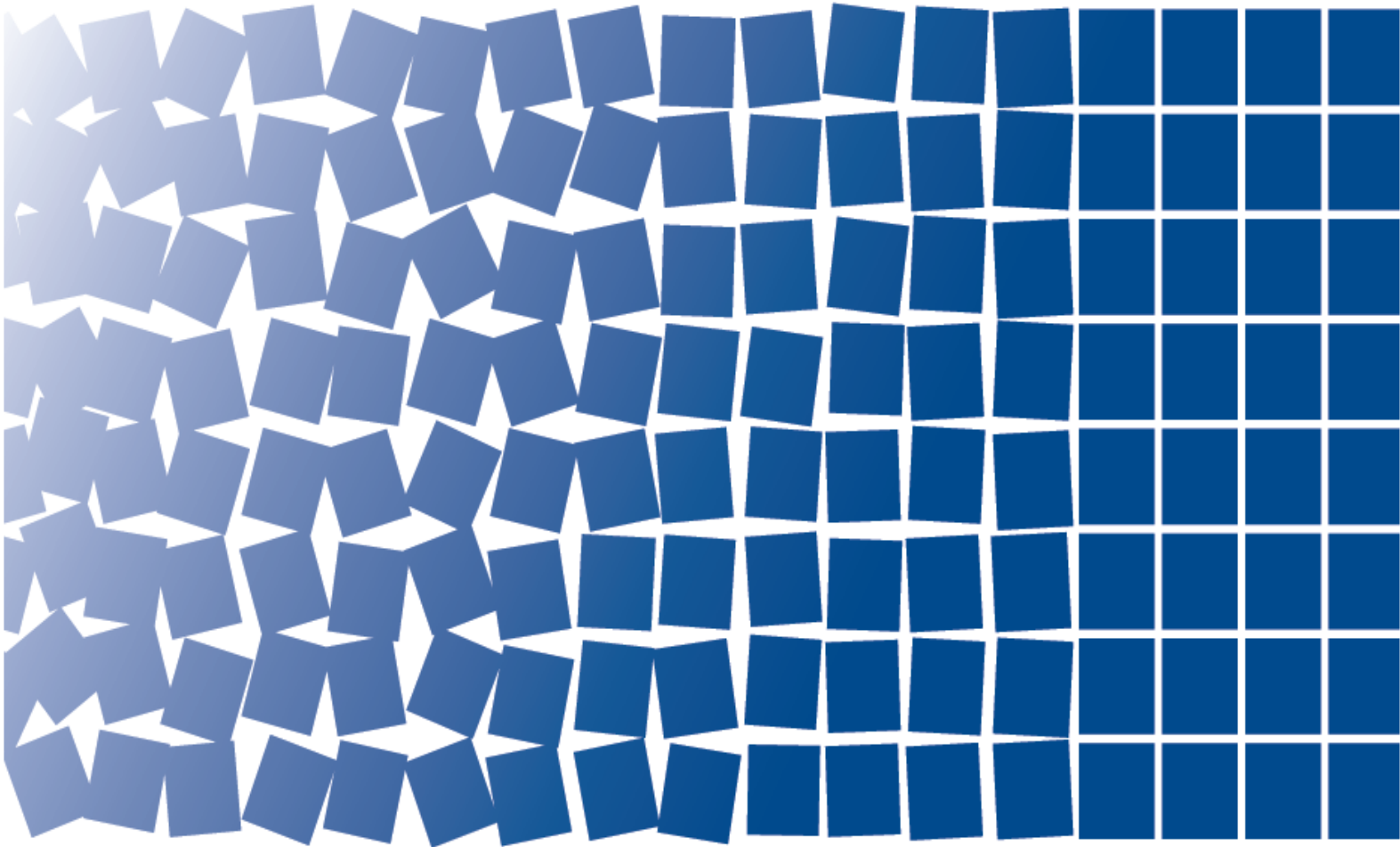


BARRISTER AND SOLICITOR SERVICES OPERATIONAL RECORDS CLASSIFICATION SYSTEM



GOVERNMENT RECORDS SERVICE

INFORMATION SCHEDULE APPROVAL

Title: *Barrister and Solicitor Services Operational Records Classification System (ORCS) – replaces sections 1 and 2 of Legal Services ORCS*

Ministry of Justice
Legal Services Branch

Scope of Schedule:

The *Barrister and Solicitor Services (BSSE) ORCS* covers operational records of the Legal Services Branch that relate to the provision of barrister and solicitor services. These services include the regulation and conduct of litigation for or against the government or a ministry, and the provision of advice to the Lieutenant Governor, Cabinet, and public bodies on matters of law. The *ORCS* also covers a separate service assigned to the Attorney General under the *Escheat Act* (RSBC 1996, c. 120), and a number of operational support services.

The *BSSE ORCS* fully supersedes sections 1 and 2 of the *Legal Services ORCS*, and records classified under those sections will be retroactively reclassified. Although no section 3 of the *Legal Services ORCS* was ever completed and approved, the section number was originally set aside to cover records of barrister and solicitor services with respect to aboriginal law, and the *BSSE ORCS* will cover those records as well.

The *BSSE ORCS* will not, however, cover operational records relating to the provision of legislative counsel services. These will continue to be covered under section 4 of the *Legal Services ORCS*. Similarly, records relating to non-adversarial dispute resolution in the justice system will continue to be covered under section 5 of the *Legal Services ORCS*.

The retention periods specified in this schedule meet all operational, fiscal, legal, and audit requirements. For more information, see the attached schedule.

Earliest date of records covered by this schedule: 1871 – ongoing

The government body endorses this schedule and its implementation.

Signature on file (2018-12-11)

Assistant Deputy Attorney General, Legal Services Branch
Name: James Harvey

Date

The Information Management Advisory Committee recommends this schedule for approval.



Susan Laidlaw, Chair

20 Mar 2019

Date

APPROVED BY THE CHIEF RECORDS OFFICER:



Joel Fairbairn

21 Mar 2019

Date

The attached schedule was developed in consultation with staff and managers who conduct the operational functions in the creating agency. It has also been reviewed by appropriate Government Records Service staff to ensure it meets scheduling and appraisal standards, and reflects sound recordkeeping practices.

Schedule Developer: David Coppard

Endorsed by Government Records Service.

Signature on file (2018-10-03)

Alexander Wright, Chief Archivist
Date

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

BARRISTER AND SOLICITOR SERVICES

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

TABLE OF CONTENTS

USEFUL INFORMATION

SECTION 1 29900 - 29999 BARRISTER AND SOLICITOR SERVICES

SYSTEMS SECTION

USEFUL INFORMATION

Key to Information Schedule Codes and Acronyms:

Information Schedule titles:	ARCS = <i>Administrative Records Classification System</i> ORCS = <i>Operational Records Classification System</i>
Office information:	OPR = Office of Primary Responsibility
Records life cycle:	A = Active SA = Semi-active FD = Final Disposition
Active and semi-active period codes:	CY = Calendar Year FY = Fiscal Year NA = Not Applicable SO = Superseded or Obsolete w = week m = month y = year
Final disposition categories:	DE = Destruction FR = Full Retention SR = Selective Retention OD = Other Disposition NA = Not Applicable
Special flags:	FOI = Freedom of Information/Protection of Privacy PIB = Personal Information Bank VR = Vital Records

The following links provide additional resources for managing your information:

- [ARCS and ORCS User Guide.](#)
- [Special schedules for records that are not covered by ARCS and ORCS.](#)
- [Legislation, policies, and standards for managing records in the BC Government.](#)
- [Tips, guides, and FAQs on related topics.](#)
- [Records Officer contact information.](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

SECTION 1

BARRISTER AND SOLICITOR SERVICES

PRIMARY NUMBERS

29900 – 29999

Section 1 covers records relating to barrister and solicitor services that the Attorney General provides to the Lieutenant Governor, Cabinet and public bodies in accordance with duties and powers assigned to the office in the [Attorney General Act \(RSBC 1996, c. 22\)](#). These services include the regulation and conduct of litigation for or against the government or a ministry, and the provision of advice on matters of law; they do not include legislative counsel services, such as drafting of legislation or regulations, reviewing the authority for proposed regulations and orders in council before they are enacted, or providing registry and repository services. This section furthermore covers records relating to the fulfilment of responsibilities assigned to the Attorney General under the [Escheat Act \(RSBC 1996, c. 120\)](#) and the provision of operational support, such as coordinating the appointment of outside counsel and experts, routing service of process documentation received by government, and developing and providing access to collections of research material.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

SECTION 1 TABLE OF CONTENTS BARRISTER AND SOLICITOR SERVICES

29900 - 29999

29900	LEGAL SUPPORT SERVICES
29910	ADVICE
29920	LITIGATION
29930	PROCESSING APPLICATIONS FOR ESCHEATED PROPERTY

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900 LEGAL SUPPORT SERVICES

Records not shown elsewhere in this section that relate generally to the provision of operational services. These include the following:

- developing policies, procedures, and guidelines;
- coordinating the appointment of outside counsel and other experts to provide legal advice and services, and administering the resulting contracts and agreements;
- routing and tracking service of process documentation received by government;
- providing access to topical research material.

For accounts payable, see [ARCS secondary 925-20](#).

For accounts receivable, see [ARCS secondary 935-20](#).

For conference and event files, see [ARCS secondary 220-20](#).

For executive services, such as the preparation of briefing notes and correspondence for ministers, deputy ministers, assistant deputy ministers, and equivalent positions, as well as the management of issues of executive concern, see [ARCS primary 280](#).

For general inquiries, meaning inquiries from the public and other ministries that don't involve requests for legal advice, see [ARCS secondary 320-30](#).

For general reference material, see [ARCS secondary 358-20](#).

For inter-ministerial, inter-governmental, and international committees, see [ARCS secondary 200-20](#).

For the negotiation or management of service level agreements (SLAs), see [ARCS secondary 146](#).

For summary reports and statistics not covered elsewhere, see [ARCS 440-20](#)

For system descriptions, see the Systems Section.

The ministry OPR is Legal Services Branch unless otherwise noted below. See specific secondaries for OPR retention schedules.

29900	LEGAL SUPPORT SERVICES	A	SA	FD
	All non-OPR offices will retain these records for:	SO	nil	DE
-00	Policy - final (covers final policies, procedures, standards, and guidelines pertaining to the functions and activities documented in this ORCS)	SO	5y	FR
	SO: when the policy is replaced or becomes irrelevant			
	FR: The government archives will fully retain final versions of operational policy documentation because these provide significant evidence of the governance of the functions and programs covered by this ORCS.			

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900	LEGAL SUPPORT SERVICES	A	SA	FD
	NOTE: For records of policy development, see secondary 29900-03.			
-01	General	CY+1y	nil	DE
	NOTE: Throughout this section, this secondary covers miscellaneous records that relate to the primary but do not document decisions and actions, and do not relate to activities covered by specific classifications.			
-03	Policy - development files (covers the development of policies, procedures, standards, and guidelines pertaining to the functions and activities documented in this <i>ORCS</i>) (includes correspondence, drafts and working materials)	SO+5y	nil	DE
	SO: when the policy is approved or work is abandoned			
	DE: Policy development files may be destroyed because final policies are fully retained under secondary 29900-00.			
-05	Ethnohistorical research reports - final (includes final version of each significant revision of an ethnohistorical research report or equivalent, provided it was created for general reference purposes)	SO	nil	FR
	SO: when report is superseded by a significant revision, or when the ministry ceases to produce these reports			
	FR: The government archives will fully retain final versions of ethnohistorical research reports and equivalents as these records summarize the history, culture, and traditional land uses of different Indigenous peoples.			
	NOTE: Records of original research that is undertaken to support a lawyer in carrying out a specific litigation or advice activity, including reports that could be described as ethnohistorical research reports or equivalents, should be classified under the appropriate secondary for litigation or advice: see primary 29920 for litigation, and primary 29910 for advice.			
	NOTE: For records relating to the development of reports classified under this secondary, see secondary 29900-07.			

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900	LEGAL SUPPORT SERVICES	A	SA	FD
-07	Ethnohistorical research reports - development files (covers the development of ethnohistorical research reports or equivalents, provided they are created for general reference purposes) (includes correspondence, drafts and working materials) SO: when no longer required for reference purposes DE: These development files may be destroyed because final ethnohistorical research reports and equivalents are fully retained under secondary 29900-05.	SO	nil	DE
-10	Research collections (includes information copied and collected primarily to support general research and reference on legal matters, rather than to support a lawyer in carrying out a specific litigation or advice activity; examples of such records are copies of significant legal opinions, copies of documents that illustrate precedents, and copies of historical maps and similar material) SO: when no longer required for reference purposes NOTE: Original research that is created to support a lawyer in carrying out a specific litigation or advice activity should be classified under the appropriate secondary for litigation or advice, as should copies of material from the collection that the lawyer takes and uses as a basis for providing advice or to prepare a case: see primary 29920 for litigation, and primary 29910 for advice. NOTE: For records relating to developing and administering the collection, see secondary 29900-15.	SO	nil	DE
-15	Research collections - development and administration (covers records relating to developing and administering the research collection, including establishing general research and acquisition priorities, consulting clients, responding to research requests, creating and revising inventories and finding aids, and purging collection content) (includes correspondence, notes, tracking information, and the inventories and finding aids themselves) SO: when no longer required for reference purposes	SO	nil	DE
-20	Administration of contracts and retainers - general (arrange by contract or retainer) (covers the administration of the processes for engaging and	SO	7y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900	LEGAL SUPPORT SERVICES	A	SA	FD
	<p>continuing to engage the services of outside counsel or experts by means of retainer agreements and contracts, including processing the request for a retainer agreement, registering and tracking the approval of the agreement and subsequent amendments, and coordinating between the service provider's billing process and the ministry's payment processes, when the advice or litigation service will not involve representing a child, or otherwise relate to a government decision concerning the health, well-being, or safety of a child, as defined in secondary 29910-50 or secondary 29920-40) (includes approved retainer request forms, other required approvals, retainer letters, signed agreements and amendments, invoices and journal voucher memos, change requests, written approvals, status reports, payment and cost recovery tracking records, and all related correspondence)</p> <p>SO: when the retainer agreement or contract has expired or been terminated</p> <p>7y: The retention period is consistent with the period that is indicated in ARCS for records of the associated financial transactions.</p> <p>NOTE: When the advice or litigation is child-related and meets the criteria indicated above, see secondary 29900-25.</p> <p>NOTE: For records of operational decisions and actions that the responsible lawyer takes when selecting and appointing an outside counsel or expert, as well as records of operational decisions and actions that the lawyer takes in the course of managing and monitoring their work, use the case file secondary corresponding to the legal service that the lawyer appointed them to provide: see primary 29910 for advice, or primary 29920 for litigation. Examples of operational decisions and actions include the initial decision to seek the outside counsel or expert, the search for a suitable candidate, the selection of the preferred candidate, the decision to appoint, communication with the client about service provision, negotiation of amendments, the decision to end the appointment, and the evaluation of the services provided.</p>			
-25	<p>Administration of contracts and retainers - decision concerning the health, well-being, or safety of a child (arrange by contract or retainer) (covers the administration of the processes for engaging and</p>	SO	90y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900	LEGAL SUPPORT SERVICES	A	SA	FD
	<p>continuing to engage the services of outside counsel or experts by means of retainer agreements and contracts, including processing the request for a retainer agreement, registering and tracking the approval of the agreement and subsequent amendments, and coordinating between the service provider's billing process and the ministry's payment processes, when the advice or litigation service will involve representing a child, or otherwise relates to a government decision concerning the health, well-being, or safety of a child, as defined in secondary 29910-50 or secondary 29920-40) (includes approved retainer request forms, other required approvals, retainer letters, signed agreements and amendments, invoices and journal voucher memos, change requests, written approvals, status reports, payment and cost recovery tracking records, and all related correspondence)</p> <p>SO: when the retainer agreement or contract has expired or been terminated</p> <p>90y: The retention period is based on the life expectancy at birth of a British Columbian, and is intended to allow an individual their whole lifetime to hold government accountable for decisions it made that affected the individual's health, well-being, or safety while they were a child. This retention period also reflects the fact that the Limitation Act (SBC 2012, c. 13) may not apply to claims that arise from a decision documented in the associated advice file, or to a claim documented in the associated litigation file.</p> <p>NOTE: For records of operational decisions and actions that the responsible lawyer takes when selecting and appointing an outside counsel or expert, as well as records of operational decisions and actions that the lawyer takes in the course of managing and monitoring their work, use the case file secondary corresponding to the legal service that the lawyer appointed them to provide: see primary 29910 for advice, or primary 29920 for litigation. For a list of examples, see note under secondary 29900-20. Note also that historically, and with respect to child-related contracts and retainers only, the person responsible for administering the process could sometimes make operational decisions that are now the domain of the responsible lawyer only.</p> <p>NOTE: For administrative convenience, if a single file is opened in the name of a child or family and multiple agreements are added to it, the file may be</p>			

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29900	LEGAL SUPPORT SERVICES	A	SA	FD
	considered open until the last agreement on it has expired.			
-30	Service of process routing and tracking (covers the routing and tracking of service of process documentation from the point it is received by government to the point that a lawyer either accepts it for further action or provides written notice that no action will be taken) (includes tracking sheets, ledgers, logs, and spreadsheets) SO: when no longer required for reference purposes NOTE: The service of process documentation itself should not be classified using this secondary: if the responsible lawyer accepts the matter for further action, then the documentation should be classified as part of the applicable litigation file; if the responsible lawyer does not accept it for further action, or it was improperly served, see secondary 29920-50. NOTE: The tracking record that summarizes the organization's responses to all service of process over a given period should be considered the primary source of reference information concerning a lawyer's decision to take no action. Do not destroy this summary record without consulting the supervising barristers.	SO	nil	DE

END OF PRIMARY

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29910 ADVICE

Records relating to the process of advising government and ministries on legal matters in contexts other than litigation. The advice can relate to anything that government and ministries do or could be held accountable for. Some examples of the kinds of advice that may be requested or offered are as follows:

- interpretation of statutory and regulatory requirements, case law considerations, constitutional issues, and other matters of law with respect to current and proposed policies, programs, and events;
- identification and interpretation of legal issues that arise in relation to aboriginal and treaty rights recognized in the *Constitution Act, 1982*;
- direction on how to meet and enforce legal requirements with respect to activities that have a significant contractual component, such as service contracts and other kinds of agreements, real property acquisition and disposal, debt collection, and financing;
- translation of client operational needs and desired outcomes into requests for legislation and regulations.

Also included as advice is support and representation provided to government and ministries when they appear before tribunals, boards, and other bodies that carry out functions similar to a court, as well as support provided to inquests and inquiries carried out under the [Coroners Act \(SBC 2007, c. 15\)](#), the [Public Inquiry Act \(SBC 2007, c. 9\)](#), and preceding legislation.

NOTE: For direction on classifying administrative and operational records relating to the appointment of outside counsel or experts, see secondary 29900-20 and secondary 29900-25.

NOTE: Records classified under this primary are scheduled for destruction because legal advice is one input to the client's overall decision making process. The most comprehensive record and best evidence of how a significant issue arose, the factors that were considered, the decisions that resulted, and the impact of those decisions, is with the client.

NOTE: Several secondaries in this primary require the responsible lawyer to determine that certain conditions have been met before the retention period can be calculated. The responsible lawyer may sometimes determine that those conditions have not been met even after work ceases on the request, thereby leaving the records active. To ensure that such records are eventually closed and scheduled for final disposition, the OPR will need to retain its capacity to do the following: to capture information about each case of providing advice, including the name of the responsible lawyer and the matter that was addressed; to match the case to the records associated with it; to identify the lawyer currently responsible for those records even after years have passed; and, to track long-active records and prompt the responsible lawyer, at set intervals, to determine once again if the conditions have been met.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

For general reference material, see [ARCS secondary 358-20](#).

For judicial review of a decision made under the [Administrative Tribunals Act \(SBC 2004, c. 45\)](#), see primary 29920.

For systems descriptions, see the Systems Section.

The ministry OPR is Legal Services Branch unless otherwise noted below. See specific secondaries for OPR retention schedules.

29910	ADVICE	A	SA	FD
	All non-OPR offices will retain these records for:	SO	nil	DE
-01	General	CY+1y	nil	DE
-20	Advice - general (covers advice that doesn't clearly meet the criteria for classification under any other secondary in this primary) (includes correspondence, notes, reports, and other records created for the purpose of, or used as a basis for, providing the advice) SO: when the responsible lawyer determines that the request for advice has concluded, and that government is unlikely to need the records to provide consistent advice on related matters 10y: The retention period corresponds to the minimum period recommended by the Law Society of British Columbia for records relating to a limited number of legal matters, including conveyances and other binding arrangements with respect to real property, while exceeding the six-year retention period it recommends for records concerning most other matters. NOTE: Records of advice provided specifically to support litigation should be classified as part of the record of that litigation, using the appropriate secondary under primary 29920.	SO	10y	DE
-30	Advice - aboriginal and treaty rights (covers advice that addresses aboriginal and treaty rights recognized in the <i>Constitution Act, 1982</i> , including advice on aboriginal rights and title, and advice that directly contributes to the negotiation, development, interpretation, and enforcement of a treaty with Indigenous peoples) (includes correspondence, notes, reports, and other records created for the purpose of, or used as a basis for, providing the advice; with respect to treaties, also includes the agreement in principle, the final agreement, and supporting documentation)	SO	10y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29910	ADVICE	A	SA	FD
	<p>SO: when the responsible lawyer determines that the request for advice has concluded, and that government is unlikely to need the records to provide consistent advice on related matters, including potential claims with respect to aboriginal rights and title (see explanatory note)</p> <p>10y: See corresponding note under secondary 29910-20.</p> <p>NOTE: Given that there is no time limit for making a claim with respect to aboriginal rights and title, and a test of a claim may draw on information going back as far as European contact or the assertion of European sovereignty in 1846, there may be many circumstances in which the responsible lawyer determines that government will need records classified under this secondary to provide consistent advice on related matters. Until the responsible lawyer determines that this is no longer the case, the records will remain active and the retention period will not be calculated.</p>			
-40	<p>Advice - contracts and non-treaty agreements</p> <p>(covers advice that directly and substantively contributes to the negotiation, development, interpretation or enforcement of a contract, agreement, and other legally binding promise to which the government is a party, provided the advice does not meet the criteria for classification under either secondary 29910-30 or secondary 29910-50)</p> <p>(includes correspondence, notes, reports, and other records created for the purpose of, or used as a basis for, providing the advice)</p> <p>SO: for contracts and agreements that are not finalized, when the responsible lawyer determines that the process has been abandoned; for those that are finalized, when the responsible lawyer determines that both of the following conditions have been met:</p> <ul style="list-style-type: none"> the main terms of the contract or agreement have either expired or been fulfilled or terminated, or are likely to have expired or been fulfilled or terminated, based on the information available to the responsible lawyer; and, government is unlikely to need the records to provide consistent advice, to protect itself from liability, to fulfil obligations that may extend beyond the contract term, or to enforce claims that may 	SO	10y	DE

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29910	ADVICE	A	SA	FD
	extend beyond the contract term, such as those indicated in non-expiring clauses			
10y:	See corresponding note under secondary 29910-20, while also noting the additional determinations the lawyer needs to make specifically with respect to records of contracts and non-treaty agreements before the retention period can be calculated.			
NOTE:	Records of advice that simply communicates routine information about the terms and conditions of the contract or agreement should be classified as general advice under secondary 29910-20, unless it would be administratively burdensome to separate them from the more substantive records in the file.			
-50	Advice - decision concerning the health, well-being, or safety of a child (covers advice that is intended to guide government in making a decision that has significant potential to affect a child's physical or mental health, well-being, or safety; also includes advice that is intended to guide government in accounting for past decisions that would have met the same criteria) (includes correspondence, notes, reports, and other records created for the purpose of, or used as a basis for, providing the advice)	SO	90y	DE
SO:	when the responsible lawyer determines that the request for advice has concluded			
90y:	The retention period is based on the life expectancy at birth of a British Columbian, and is intended to allow an individual their whole lifetime to hold government accountable for decisions it made that affected the individual's health, well-being, or safety while they were a child. This retention period also reflects the fact that the Limitation Act (SBC 2012, c. 13) may not apply to claims that arise from these decisions.			
NOTE:	The following are examples of cases that would typically meet the criteria indicated in the secondary: a decision on how to respond to an allegation that government action or inaction made a child vulnerable to sexual or physical abuse; a decision to take a child into care; a decision about whether to seek the decertification of a teacher whose behaviour has put a child's safety at risk; a decision about whether a child has the mental capacity to make			

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29910	ADVICE	A	SA	FD
	decisions; a decision about whether a child is eligible to receive a service that could significantly impact their health or well being, such as funding for certain developmental interventions; and, a decision about whether and how to advocate on behalf of a child, such as decision about intervening in the adoption of a child in care.			
-55	Advice - decision concerning allegations of certain kinds of assault upon an adult (covers advice that is intended to guide government in making a decision with respect to an allegation that an act or omission on its part resulted in either the sexual assault of an adult, or the assault or battery of an adult that occurred while the adult was in an intimate or dependent relationship with a person who performed, contributed to, consented to, or acquiesced in the assault or battery) (includes correspondence, notes, reports, and other records created for the purpose of, or used as a basis for, providing the advice) SO: when the responsible lawyer determines that the request for advice has concluded 71y: The retention period is based on the life expectancy at birth of a British Columbian, and is intended to allow an individual their whole lifetime to hold government accountable for acts or omissions that may have resulted in the kinds of assault described. It is calculated as 90 years less 19 years to account for the fact that the records exclusively concern individuals who were the age of majority or older for the period covered by the allegation. This retention period also reflects the fact that the Limitation Act (SBC 2012, c. 13) does not apply to claims that may arise from these decisions. NOTE: If the person who is alleged to have been assaulted was a child for part of the period covered by the allegation, or if any part of the records in the file would otherwise meet the criteria for classification under secondary 29910-50, then classify it under that secondary.	SO	71y	DE
-60	Advice - legislative drafting (covers advice that directly and substantively contributes to the development and fulfilment of a request to legislative counsel to draft new or amended legislation and regulations, regardless of whether the legislation or regulation ever came	SO	15y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29910	ADVICE	A	SA	FD
	into force) (includes correspondence, notes, reports, drafting instructions, and other records created for the purpose of, or used as a basis for, providing the advice)			
	SO: for legislation that comes into force, when the legislative or regulatory provision the advice relates to is either repealed or changed to the point that government is unlikely to need the records to provide consistent advice; for draft legislation that has not come into force, when the responsible lawyer determines that the process has been abandoned			
	15y: For legislation that came into force, the retention period ensures that records will be available for reference in the event that government is called upon to account for decisions it took when the legislation was in effect; for legislation or regulations that have not come into force, it allows a reasonable period of time for the process to be restarted. The retention period is also consistent with the 15 year ultimate limitation period that the Limitation Act (SBC 2012, c. 13) places on launching a court proceeding with respect to a claim.			
	NOTE: Records of advice that simply communicates basic information about when legislation is or is not required, or how the legislative drafting process works, should be classified as general advice under secondary 29910-20, unless it would be administratively burdensome to separate these records from the more substantive records in the file.			

END OF PRIMARY

29920 LITIGATION

Records relating to the process of commencing court proceedings to have legal rights determined and enforced, and the execution of processes relating to those proceedings through to completion. Litigation usually begins when the Attorney General receives a service of process notification, such as a notice of civil claim, a petition, or a constitutional question act notice. If, however, government or ministries are initiating court proceedings themselves, litigation begins when the Attorney General submits a service of process notification to the court.

Litigation may end when the dispute is settled or court proceedings are otherwise discontinued, or it may end with a judgement in court and the conclusion of all appeals. However, when a settlement or judgement imposes a discrete requirement, such as the payment of a certain sum, litigation may not end until this requirement has been fulfilled or otherwise discharged.

Examples of records that should be scheduled as part of a litigation case file are as follows:

- correspondence, memoranda, background materials, lawyer's notes, transcripts, instructions and authorizations;
- documents prepared for or submitted at a court proceeding, such as pleadings and affidavits, as well as copies of court documents;
- research and analytical material used to prepare the case, provided the lawyer does not consider the documents to be the property of the client or another party;
- records of advice concerning a case, including advice solicited from both government lawyers and outside experts;
- records that document a government lawyer's appointment of outside counsel and experts, including any decision to fund the service on the basis of an indemnity, and the direction and oversight provided to appointees;
- data concerning time and resources spent on a case, including summary reports created for management and oversight purposes, but excluding reports created specifically for billing and cost recovery purposes.

Records concerning government's routine response to service of process when the lawyer decides to take no action are also covered under this primary.

NOTE: For direction on classifying administrative and operational records relating to the appointment of outside counsel or experts, see secondary 29900-20 and secondary 29900-25.

NOTE: Records classified under this primary, other than records of cases that address aboriginal and treaty rights recognized in the *Constitution Act, 1982*, are scheduled for destruction at the end of their retention periods as precedent-setting cases will be adequately documented in the orders and reasons for judgement of the BC

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

Supreme Court, and in the civil case files of the BC Court of Appeal; the latter include the case files themselves, appeal books, factums, and transcripts in addition to orders and judgements. These records are all scheduled for full retention in the *Court Services ORCS* (schedule 100152).

For priority setting and routine tracking of court outcomes, see [ARCS 400-20](#)

For general reference material, see [ARCS secondary 358-20](#).

For system descriptions, see the Systems Section.

The ministry OPR is Legal Services Branch unless otherwise noted below. See specific secondaries for OPR retention schedules.

29920	LITIGATION	A	SA	FD
	All non-OPR offices will retain these records for:	SO	nil	DE
-01	General	CY+1y	nil	DE
-20	Case files - general (covers all cases of litigation that don't meet the criteria for classification under any other secondary in this primary)	SO	21y	DE
	SO: when the responsible lawyer determines that the litigation, including the fulfilment of any discrete requirements imposed as the result of a settlement or judgement, has ended			
	21y: This retention period includes the maximum 19 years that would be required for a minor associated with a case to reach the age of majority and have their claim thereby "discovered" under the Limitation Act (SBC 2012, c. 13) , plus the basic two years the Act provides to launch a proceeding in respect of a claim once it has been discovered.			
	DE: See explanatory note in primary description concerning the scheduling of litigation records for destruction.			
	NOTE: Most kinds of civil and constitutional and administrative litigation would be classified under this secondary, including tax matters, family maintenance, small claims, and Rowbotham cases.			
-30	Case files - aboriginal and treaty rights (covers cases that address aboriginal and treaty rights recognized in the Constitution Act, 1982 , including matters of aboriginal rights and title as defined in case law)	SO	10y	FR
	SO: when the responsible lawyer determines that the			

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29920	LITIGATION	A	SA	FD
	records have no further reference value with respect to the matters addressed in the case (see explanatory note)			
10y:	The retention period corresponds to the ten-year minimum retention period recommended by the Law Society of British Columbia for records relating to conveyances and other binding arrangements with respect to real property, while exceeding the six year retention period it recommends for records of litigation.			
FR:	The government archives will fully retain these records as they document the basis for positions that government has taken in court with respect to aboriginal and treaty rights. Records documenting the basis for these positions are particularly significant because government's relationship with Indigenous peoples is evolving, and so is the law. For each case, government must consider the history of the relationship, the current circumstances, and the impact that any precedent could have on the relationship and on the law itself.			
NOTE:	Given that there is no time limit for making a claim with respect to aboriginal rights and title, and a test of a claim may draw on information going back as far as European contact or the assertion of European sovereignty in 1846, every position the government has taken with respect to aboriginal rights and title may have a bearing on future claims, even if the state of law has changed significantly in the interim. For this reason, the responsible lawyer may routinely find that records of litigation that addresses aboriginal and treaty rights has ongoing reference value to the Government of British Columbia, sometimes for decades and possibly for as long as aboriginal and treaty rights are recognized in the <i>Constitution Act</i> . Until the responsible lawyer determines that the reference value has expired, the records will remain active and the retention period will not be calculated.			
-40	Case files - decision concerning the health, well-being, or safety of a child (covers litigation that directly addresses a claim that government action or inaction with respect to a child has significantly affected, or has significant potential to affect, a child's physical or mental health, well-being, or safety, as well as litigation in which a lawyer provided by government is	SO	90y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29920	LITIGATION	A	SA	FD
	<p>directly representing the interests of a child) (includes, but is not limited to, records of the following kinds of litigation: litigation in which government is alleged to have made a decision that left a child vulnerable to sexual or physical abuse; litigation in which a parent or guardian challenges a government decision to take a child into care; litigation in which a party challenges a government decision concerning whether or not to fund or provide a service that has significant potential to affect a child's health, well-being, or safety, such as funding for certain developmental interventions; and litigation in which a lawyer appointed by government represents a child in care in court)</p> <p>SO: when the responsible lawyer determines that the litigation, including the fulfilment of any discrete requirements imposed as the result of a settlement or judgement, has ended</p> <p>90y: The retention period is based on the life expectancy at birth of a British Columbian, and is intended to allow an individual their whole lifetime to hold government accountable for decisions it made that affected the individual's health, well-being, or safety while they were a child. This retention period also reflects the fact that the Limitation Act (SBC 2012, c. 13) may not apply to these claims.</p> <p>DE: See explanatory note in primary description concerning the scheduling of litigation records for destruction.</p>			
-45	<p>Case files - decision concerning allegations of certain kinds of assault upon an adult (covers litigation that directly addresses a claim that an act or omission on the part of government resulted in either the sexual assault of an adult, or the assault or battery of an adult that occurred while the adult was in an intimate or dependent relationship with a person who performed, contributed to, consented to, or acquiesced in the assault or battery)</p> <p>SO: when the responsible lawyer determines that the litigation, including the fulfilment of any discrete requirements imposed as the result of a settlement or judgement, has ended</p> <p>71y: The retention period is based on the life expectancy at birth of a British Columbian, and is intended to allow an individual their whole lifetime to hold government accountable for acts or omissions that</p>	SO	71y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29920	LITIGATION	A	SA	FD
	<p>may have resulted in the kinds of assault described. It is calculated as 90 years less 19 years to account for the fact that the records exclusively concern individuals who were the age of majority or older for the period covered by the allegation. This retention period also reflects the fact that the Limitation Act (SBC 2012, c. 13) does not apply to these kinds of claims.</p> <p>NOTE: If the person who is alleged to have been assaulted was a child for part of the period covered by the allegation, or if any part of the records in the file would otherwise meet the criteria for classification under secondary 29920-40, then classify it under that secondary.</p>			
-50	<p>Service of process - no action responses</p> <p>(covers the process of responding to service of process in cases where the government lawyer decides to take no action, or determines that no decision is required because documents presented as service of process were improperly served)</p> <p>(includes the documents provided as service of process, the formal response from the lawyer acknowledging receipt and indicating that no action will be taken, and related internal and external correspondence)</p> <p>NOTE: For routing and tracking of service of process documentation, see secondary 29900-30.</p> <p>NOTE: If the responsible lawyer accepts service of process for further action, the related documentation should be classified as part of the applicable litigation file.</p>	CY+5y	nil	DE

END OF PRIMARY

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29930 PROCESSING APPLICATIONS FOR ESCHEATED PROPERTY

Records relating to the processing of applications for the revesting or transfer of land, water system properties, and other property that the Attorney General took ownership of under the [Escheat Act \(RSBC 1996, c. 120\)](#) and equivalent preceding legislation. The Act outlines a variety of reasons that a person or persons could present to the Attorney General to support such an application. The process begins when the Attorney General receives an application and ends, if successful, when the minister signs an order approving the revesting or transfer. If unsuccessful, it ends with the rejection or abandonment of the application.

Records include the application and supporting documentation, lawyer's notes and other records of the review process, and correspondence; in the case of successful applications, the records also include a copy of the ministerial order. The indemnity included with the application protects government from liability in the event that another party alleges, at some future date, that the property was revested or transferred to the party named in the ministerial order on the basis of a fraudulent or otherwise inaccurate application.

For general reference material, see [ARCS secondary 358-20](#).
For system descriptions, see the Systems Section.

The ministry OPR is Legal Services Branch unless otherwise noted below. See specific secondaries for OPR retention schedules.

29930	PROCESSING APPLICATIONS FOR ESCHEATED PROPERTY	A	SA	FD
	All non-OPR offices will retain these records for:	SO	nil	DE
-01	General	CY+2y	nil	DE
-20	Applications - no ministerial order (covers applications that have not resulted in a ministerial order for the revesting or transfer of any portion of the property concerned, whether because the application was incomplete, or for any other reason)	SO	4y	DE
	SO: when the responsible lawyer determines that the application has been abandoned			
	4y: The retention period allows a reasonable amount of time for applications that appear to have been abandoned to be brought forward again.			
-25	Applications - assets other than high value assets or land or a water system property (covers applications that resulted in a ministerial order for the revesting or transfer of property, provided the property had a likely value of less than \$30,000 at the time it was revested or transferred, and did not include any portion of, or interest in,	SO	4y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29930	PROCESSING APPLICATIONS FOR ESCHEATED PROPERTY	A	SA	FD
	land or a water system property)			
	SO: when a ministerial order revesting or transferring the property is issued			
	4y: The retention period reflects the fact that the majority of these applications involve used vehicles that were registered under the name of a company, and then vested in government when the company dissolved. The sole shareholder in the company, or one shareholder with the consent of the other, typically applies to have the vehicle put under their own name. As these cases are straightforward, and the value of the assets is relatively low, there is little reason to retain these records for more than a few years beyond the basic two-years that the Limitation Act (SBC 2012, c. 13) provides to launch a proceeding in respect of a claim once it has been discovered.			
-30	Applications - high value assets other than land or a water system property (covers applications that resulted in a ministerial order for the revesting or transfer of property, provided the property had a likely value of more than \$30,000 at the time it was revested or transferred, and did not include any portion of, or interest in, land or a water system property)	SO+1y	20y	DE
	SO: when a ministerial order revesting or transferring the property is issued			
	21y: The retention period corresponds to the retention period indicated in secondary 29920-20 for litigation case files, and reflects the higher risk of subsequent litigation with respect to high value assets. The 21-year period ensures that the records and the indemnity provided by the party named in the ministerial order will remain available to government to protect itself from liability for the maximum 19 years that would be required for a minor that had a connection to the revested or transferred property to reach the age of majority and have their claim thereby "discovered" under the Limitation Act (SBC 2012, c. 13) , plus the basic two years the Act provides to launch a proceeding in respect of a claim once it has been discovered.			
-35	Applications - land or a water system property (covers applications that resulted in a ministerial order for the revesting or transfer of any portion of, or interest in, land or a	SO	10y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

29930	PROCESSING APPLICATIONS FOR ESCHEATED PROPERTY	A	SA	FD
--------------	---	----------	-----------	-----------

water system property)

SO: when the responsible lawyer determines that both of the following statements are true: that a claim that relates to aboriginal and treaty rights recognized in the *Constitution Act, 1982*, is unlikely to be made with respect to the property, or that the records themselves would have little relevance to such a claim (see explanatory note); and, that the indemnity provided by the party named in the ministerial order is unlikely to be required to protect government from liability

10y: The retention period corresponds to the minimum period recommended by the Law Society of British Columbia for records relating to real property conveyances.

NOTE: Given that there is no time limit for making a claim with respect to aboriginal rights and title, and a test of a claim may draw on information going back as far as European contact or the assertion of European sovereignty in 1846, the responsible lawyer may routinely find that a claim is reasonably likely to be made with respect to the property at some point in the future. Until the responsible lawyer determines that this is no longer the case, the records will remain active and the retention period will not be calculated.

END OF PRIMARY

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

BARRISTER AND SOLICITOR SERVICES

OPERATIONAL RECORDS CLASSIFICATION SYSTEM (ORCS)

SYSTEMS SECTION TABLE OF CONTENTS

<u>SECTION AND TITLE</u>	<u>PAGE NO.</u>
COMMON SYSTEM NOTES	2
CONTRACTS, APPOINTMENTS, AND RETAINERS (CARS)	4
KNOWLEDGE MANAGEMENT SYSTEM (KMS)	3
LEGAL FILES	8
SUMMATION	11

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

SYSTEM SECTION: COMMON SYSTEM NOTES

Retention Schedules for the Systems

The data on the systems is classified under appropriate secondaries in the *ORCS* and in *Administrative Records Classification System (ARCS)*, as indicated in the following descriptions. The systems themselves are all scheduled as follows:

Active	SO:	The system becomes superseded and obsolete when all data has been migrated to another system or documented elsewhere, or when all applicable retention schedules for the data have expired; see relevant classifications.
Semi-Active	nil:	There is no semi-active retention period assigned to systems.
Final Disposition	DE:	Each system will be destroyed when all data has been migrated to another system performing the same function, schedules covering the data have elapsed, or the data has been preserved elsewhere. For data retention details, see the applicable system overview.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

SIMPLE SYSTEMS LIST

This table provides a comprehensive list of simple information systems that contain data covered by this ORCS, but which do not warrant detailed systems overviews. Please note that simple web sites are classified under [ARCS secondary 340-30](#) and are not mentioned here.

Systems and web sites that warrant more detailed descriptions are not included in this list; see the Systems Section table of contents.

System Title	System Overview	Retention Schedule		
		A	SA	FD
Knowledge Management System (KMS)	<p>KMS is a content database in Sharepoint that serves as a shared repository for copies of records that have general operational reference value for barristers and solicitors. Content consists of copies of significant legal opinions and documentation on legal precedents, including pleadings and submissions. Lawyers and their staff choose which content to upload, with the primary restrictions as follows:</p> <ul style="list-style-type: none">• documents must consist of copies rather than originals;• documents must be final versions rather than drafts. <p>The database is full-text searchable and contains basic metadata such as author, creation date, and the name of the unit that contributed it.</p>			
Data:	29900-10 Research collections	SO	nil	DE

END OF SIMPLE SYSTEMS LIST

CONTRACTS, APPOINTMENTS, AND RETAINERS (CARS)

SYSTEM OVERVIEW

Creating Agency

Ministry of Attorney General
Legal Services Branch

Purpose

Business Operations and Ministry Corporate Management Services staff use the CARS system to help them administer appointment agreements and legal retainers for outside counsel and experts, and contracts for legal services. They use the information in the system to process invoices for payment, recover the costs from client ministries, and track the status of agreements, including amendments and information about the firm and resource availability.

Information Content

The system is an MS Access front-end database that is connected to an SQL backend database. It contains details of appointment agreements, such as the reason for the agreement, its status, the amount committed, start and end dates, contact information for providers and clients, and other information required for billing and invoicing. It furthermore contains a running record of amounts billed, disbursed, and/or recovered for each agreement.

Inputs, Processes, and Outputs

Once a need to hire outside counsel or experts has been identified, the appointment process begins with the completion of a request form under the authority of a government lawyer. The form identifies the client, outlines the kind of appointment required, and states the reasons for it. Since the service provider's fees are usually cost recovered, the client may be asked to pre-approve costs up to a maximum amount, and this amount is recorded in the system as well. Internal Legal Services Branch approvals up to the Assistant Deputy Attorney General level may also be required in some circumstances.

Information from the request form and the approvals, once complete, is copied into the system. The outside counsel or expert is generally selected from a list of prequalified service providers, and the system is used to generate an agreement that outlines the terms of the retainer. The selected provider then indicates their consent to the terms by signing and returning the document.

When the agreement has been finalized, the responsible lawyer in Legal Services Branch will approve invoices received from the service provider and notify corporate staff. Corporate staff then record the amounts invoiced in the system and use it and the associated billing information to prepare payments and arrange for cost recovery actions.

Expenses and disbursements, as well as amounts identified for cost recovery, are recorded on an ongoing basis in the system. The system keeps track of when the total amounts disbursed are nearing the maximum previously identified by the client. The system can be used to create summary reports showing total amounts disbursed by agreement or client for general tracking and oversight purposes.

Historical Notes:

Until 2017, administrative staff using the system sometimes carried out a decision-making role when the appointment concerned child related matters. Legacy records of those decisions remain in the

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

system, and would meet the definition of advice or litigation activities under secondary 29910-50 or secondary 29920-40. These records are no longer added to the system, as the decision-making role in appointments has been reserved exclusively to lawyers since 2017. Also in 2017, the system was changed to enable full electronic workflow. It now includes both a web-based access module and a dedicated repository for electronic documents that are generated or received in the course of processing invoice and retainer documentation. The core functions of the system remain the same.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

CONTRACT, APPOINTMENTS, AND RETAINERS SYSTEM**Classification of Records that Relate to the System**

Schedule Code	Secondary No.	Secondary Title	Retention A	Schedule SA	FD
Data in the System					
189834	29900-20	Administration of contracts and retainers - general	SO	7y	DE
189834	29900-25	Administration of contracts and retainers - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
Inputs					
189834	29900-20	Administration of contracts and retainers - general	SO	7y	DE
189834	29900-25	Administration of contracts and retainers - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
Outputs					
189834	29900-20	Administration of contracts and retainers - general	SO	7y	DE
189834	29900-25	Administration of contracts and retainers - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
ARCS	440-20	Reports and statistics (not covered elsewhere)	CY+1y	nil	DE
100001	925-20	Accounts payable files	FY+1y	6y	DE
100001	935-20	Accounts receivable files	FY+1y	6y	DE
100001	1050-9	Financial transaction batches	FY+1y	6y	DE
Other Related Records					
ARCS	6820-05	Back-up data	SO	nil	DE
ARCS Section 6	see appropriate secondaries	INFORMATION TECHNOLOGY			

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

102902	Transitory Electronic Data Processing (EDP) Records	SO	nil	DE
--------	--	----	-----	----

Schedule Code Key: *ARCS = Administrative Records Classification System*, schedule 100001
BSSE = Barrister and Solicitor Services ORCS, schedule 189834

END OF OVERVIEW

LEGAL FILES

SYSTEM OVERVIEW

Creating Agency

Ministry of Attorney General
Legal Services Branch

Purpose

Legal Files is a case management tool that lawyers and associated staff use to track their expenses and the time they have spent on a case, in order to facilitate cost recovery from clients. A case in this context can involve litigation, advice, or the provision of some other legal service. The system can also serve as a short or long-term repository for the records of a case.

Information Content

Each "legal file" in the system will typically contain basic profile information, including the case's unique identifying number, its title, an ORCS classification code, information about the responsible lawyer, and contact and other information about the client. It will also contain information about how much time was spent on the case, by whom, and at what rate, and about expenses and amounts disbursed. The system may also contain electronic documents that were created or received in the course of conducting litigation or providing advice, such as emails, task lists, and notes.

While litigation case files are generally well defined, the responsible lawyer can exercise judgement in determining the bounds of a given advice file. A series of somewhat related requests for advice may produce several small "legal files" or one large "legal file", depending on how broadly the lawyer defines the request. Furthermore, there can be general purpose "legal files" that are used to record multiple unrelated one-time or minor requests for advice that happen over an extended period. These files have no defined close date, and new requests for advice are regularly added.

Inputs, Processes, and Outputs

Lawyers and legal staff record the time they spend on the case and their expenses in the system. Administrative staff use this information to calculate the amounts to be billed to clients, and to track and report on the amounts billed and cost recovered. The billing itself is handled using administrative systems that are not part of Legal Files. In the small number of cases where legal services are not charged to a client, the time spent is recorded purely for management and oversight purposes.

Records of advice and litigation started to be scanned into the system in 2002, when Legal Files was implemented. Its use as a repository for electronic records varies from unit to unit and lawyer to lawyer. Only the civil litigation unit retains the complete records of a case in the system, and it does this as a matter of policy. Evidentiary material is not retained in the system, but lists of evidence generated from Summation may be imported. The system also has the capacity to generate standard letters and court documents, and these become part of the case file as well.

When the "legal file" is closed by any unit other than civil litigation, the electronic documents in the system are sometimes printed off, merged with the associated paper records, and managed exclusively as paper records from that point onwards. More commonly, however, they remain in the system after closing.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

LEGAL FILES

Classification of Records that Relate to the System

Schedule Code	Secondary No.	Secondary Title	Retention A	Schedule SA	FD
Data in the System					
189834	29910-20	Advice - general	SO	10y	DE
189834	29910-30	Advice - aboriginal and treaty rights	SO	10y	DE
189834	29910-40	Advice - contracts and non-treaty agreements	SO	10y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-55	Advice - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
189834	29910-60	Advice - legislative drafting	SO	15y	DE
189834	29920-20	Case files - general	SO	21y	DE
189834	29920-30	Case files - aboriginal and treaty rights	SO	10y	FR
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-45	Case files - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
189834	29930-20	Applications - no ministerial order	SO	4y	DE
189834	29930-25	Applications - assets other than high value assets or land or a water system property	SO	4y	DE
189834	29930-30	Applications - high value assets other than land or a water system property	SO+1y	20y	DE
189834	29930-35	Applications - land or a water system property	SO	10y	DE
Inputs					
189834	29910-20	Advice - general	SO	10y	DE
189834	29910-30	Advice - aboriginal and treaty rights	SO	10y	DE
189834	29910-40	Advice - contracts and non-treaty agreements	SO	10y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-55	Advice - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
189834	29910-60	Advice - legislative drafting	SO	15y	DE
189834	29920-20	Case files - general	SO	21y	DE
189834	29920-30	Case files - aboriginal and treaty rights	SO	10y	FR
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-45	Case files - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE

[Key to ARCS/ORCS Codes and Acronyms](#)

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

189834	29930-20	Applications - no ministerial order	SO	4y	DE
189834	29930-25	Applications - assets other than high value assets or land or a water system property	SO	4y	DE
189834	29930-30	Applications - high value assets other than land or a water system property	SO+1y	20y	DE
189834	29930-35	Applications - land or a water system property	SO	10y	DE

Outputs

189834	29910-20	Advice - general	SO	10y	DE
189834	29910-30	Advice - aboriginal and treaty rights	SO	10y	DE
189834	29910-40	Advice - contracts and non-treaty agreements	SO	10y	DE
189834	29910-50	Advice - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29910-55	Advice - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
189834	29910-60	Advice - legislative drafting	SO	15y	DE
189834	29920-20	Case files - general	SO	21y	DE
189834	29920-30	Case files - aboriginal and treaty rights	SO	10y	FR
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-45	Case files - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
189834	29930-20	Applications - no ministerial order	SO	4y	DE
189834	29930-25	Applications - assets other than high value assets or land or a water system property	SO	4y	DE
189834	29930-30	Applications - high value assets other than land or a water system property	SO+1y	20y	DE
189834	29930-35	Applications - land or a water system property	SO	10y	DE
100001	925-20	Accounts payable files	FY+1y	6y	DE
100001	935-20	Accounts receivable files	FY+1y	6y	DE
100001	1050-9	Financial transaction batches	FY+1y	6y	DE

Other Related Records

ARCS	6820-05	Back-up data	SO	nil	DE
ARCS	see appropriate	INFORMATION TECHNOLOGY			
Section 6	secondaries				
102902		Transitory Electronic Data Processing (EDP) Records	SO	nil	DE

Schedule Code Key: ARCS = *Administrative Records Classification System*, schedule 100001
BSSE = *Barrister and Solicitor Services ORCS*, schedule 189834

END OF OVERVIEW

[Key to ARCS/ORCS Codes and Acronyms](#)

SUMMATION

SYSTEM OVERVIEW

Creating Agency

Ministry of Attorney General
Legal Services Branch

Purpose

The system serves as a repository for both documentary material that qualifies as evidence for litigation purposes, and research material on issues relating to aboriginal law. In addition to functioning as a document viewer, the system has search, filtering, and data analysis and visualization features that make it useful for identifying connections and for preparing documentary material for court.

Information Content

The documentary material gathered as evidence consists primarily of copies of original client records, including correspondence, reports, notes and many other types of records, depending on the case. Some material may have been provided by opposing counsel. A high volume of diverse document types and formats may be present. The system may also contain search filter criteria, custom report criteria, and flags that the lawyer created in the course of analyzing, organizing, and preparing the material.

The system is also used as a repository for research material on issues relating to aboriginal law. This is material that was not provided as evidence, but was rather collected, copied, or created to support research in general. Much of it consists of copies of records obtained from public archives, as well as copies of maps and other reference material created elsewhere in government. The material is in the system to take advantage of its viewing, search and sorting capabilities with respect to the sheer volume of material, which is in excess of 100,000 documents.

Inputs, Processes, and Outputs

With respect to evidence, the client provides the records and they are then scanned or imported into the system. Some material may also be provided by opposing counsel. The government lawyers use the system to analyse the evidence and prepare the case for court. Throughout the process, the evidentiary material is considered to be the client's, and is subject to an implied undertaking on the part of the lawyers involved to use it only for the litigation, and not for any collateral purpose.

For this reason, government lawyers try to keep the evidence in Summation separate from the litigation file. The litigation file may nonetheless contain lists of documents that will be used as evidence, and copies of reports generated from Summation. Copies of certain documents provided as evidence may inadvertently find their way into the litigation file as attachments to email, while documents produced from the system and used in court will become part of the court record. When the litigation for which the client provided evidence has been completed or discontinued, the client's evidentiary material is either returned to the client or destroyed.

General research material in the system, conversely, is not bound to any particular case. A government lawyer may freely copy relevant documents and incorporate them into a litigation or advice case file. The master copy remains in Summation and available to be used for other purposes in the future.

OPERATIONAL RECORDS CLASSIFICATION SYSTEM

This is an approved information schedule, as defined by the [Information Management Act \(SBC 2015, c. 27\)](#). For more information consult your [Records Officer](#).

SUMMATION

Classification of Records that Relate to the System

Schedule Code	Secondary No.	Secondary Title	Retention A	Schedule SA	FD
Data in the System					
189834	29900-10	Research collections	SO	nil	DE
Inputs					
189834	29900-10	Research collections	SO	nil	DE
Outputs					
189834	29910-30	Advice - aboriginal and treaty rights	SO	10y	DE
189834	29920-20	Case files - general	SO	21y	DE
189834	29920-30	Case files - aboriginal and treaty rights	SO	10y	FR
189834	29920-40	Case files - decision concerning the health, well-being, or safety of a child	SO	90y	DE
189834	29920-45	Case files - decision concerning allegations of certain kinds of assault upon an adult	SO	71y	DE
Other Related Records					
ARCS	6820-05	Back-up data	SO	nil	DE
ARCS Section 6	see appropriate secondaries	INFORMATION TECHNOLOGY			
102902		Transitory Electronic Data Processing (EDP) Records	SO	nil	DE

Schedule Code Key: ARCS = *Administrative Records Classification System*, schedule 100001
BSSE = *Barrister and Solicitor Services ORCS*, schedule 189834

END OF OVERVIEW