

CHIEF RECORDS OFFICER GUIDELINES ON DOCUMENTING GOVERNMENT DECISIONS

Purpose

These guidelines assist government bodies in meeting their obligations under the *Information Management Act* (IMA) related to documenting their decisions.

Government bodies must refer to these guidelines and CRO Directive 01-2019 (Directive) in considering whether their practices are sufficient to meet the obligations under the IMA. The Chief Records Officer (CRO) may provide further guidance on documenting decisions of government bodies, as necessary or appropriate.

Application

These guidelines apply to all British Columbia government ministries and any government agencies designated as “government bodies” under the IMA.¹

Other government agencies not currently covered by the IMA may use these guidelines as a best-practice tool.

These guidelines do not limit any other statutory or legal requirements respecting the creation or maintenance of records of government body decisions, or any other government information.

Why Document Government Decisions?

- Supports openness and transparency
- Facilitates effective decision making
- Preserves corporate memory
- Supports employees in doing their jobs effectively and providing high-quality services to the public
- Supports accurate reporting of decisions to stakeholders, including other government bodies and the public
- Contributes to the Province’s historical record for future generations

Background

Section 19 (1.1) of the IMA requires that government bodies have an appropriate system in place for creating and maintaining government information that is an adequate record of their decisions.²

The Directive sets out the components of an appropriate system for creating and maintaining government information, and what constitutes an adequate record. These guidelines expand on the Directive. Together, the Directive and these guidelines provide a principle-based framework that government bodies are to operationalize in a manner suitable to their respective mandates. Government bodies should ensure that they can demonstrate compliance with the IMA, the Directive and these guidelines.

¹ http://www.bclaws.ca/civix/document/id/loo102/loo102/109_2016

² Section 19 (1) of the IMA also stipulates that the head of each government body is responsible for ensuring that an appropriate system is in place within their organization for managing and securing government information. This directive does not provide information or advice about the appropriate system for managing and securing government information.

All government bodies are expected to have the appropriate combination of people, processes and technology in place to ensure that government information is created, held, transferred, archived and disposed of in accordance with the IMA. This includes adequate records of decisions.

The head of a government body must consider these guidelines and the Directive in ensuring that they have an appropriate system in place.

As part of good government and accountable public administration, government has policies, processes and procedures in place to support the appropriate creation and maintenance of government information in accordance with the IMA.

[The Government Records Service \(GRS\)](#) within the Corporate Information and Records Management Office (CIRMO) is available to assist government bodies in meeting their information management obligations, including those related to adequately documenting their decisions.

Getting Started

Identifying and Documenting Decisions

Step 1: Ascertain whether the decision needs to be documented under the IMA (Appendix A)

Step 2: Determine whether the current practice will result in an adequate record of the decision (Appendix B)

Ensuring an Appropriate System is in Place

Consider whether the prescribed elements of an “appropriate system” are in place within the government body (Appendix C)

Addressing Identified Gaps

If necessary, conduct a gap analysis and identify remedial actions

Identifying Decisions that Should Be Documented

Government bodies do not have to create and keep records of every decision made by every employee. Government bodies need to identify which decisions are to be documented by applying their judgement, in the context of their specific mandates and with consideration to the purpose and intent of the IMA, the Directive and these guidelines, and other obligations that may exist in law and policy respecting documenting decisions.

To help determine if a decision is required to be documented under the IMA, refer to the attached decision flowchart in Appendix A and to these guidelines.

A government body should document a decision where a record would serve one or more of the following purposes:

- Informing the government body or others about the evolution of the government body’s programs, policies or enactments;
- Protecting the legal or financial rights or obligations of the government body, the Crown, or any person, group of persons, government or organization that is directly and materially affected by the decision;
- Facilitating the government body’s accountability for its decisions, including through internal or external evaluation, audit or review.

Line of Business Decisions

In assessing which line-of-business decisions are to be adequately documented under the IMA, government bodies must bear the above purposes in mind. Government bodies also should document statutory decisions and decisions respecting a course of action that directly and materially affects a person, group of persons or organization.

Often, documenting decisions made by Senior Executive (i.e., Deputy Minister or equivalent, Assistant Deputy Minister or equivalent), members of the Executive Council, administrative tribunals or other quasi-judicial decision makers will meet the above purposes. There will, however, be circumstances where, in order to adequately document line-of-business decisions in light of the above purposes, a government body will document decisions made outside Senior Executive.

Common Corporate Decisions

Common functional areas where decisions are typically documented according to generally accepted policies and procedures include:

- Decisions related to preparing legislation;
- Decisions related to
 - strategic policies that define or change corporate direction, or
 - programs or initiatives to fulfill the government body mandate;
- Human resources (HR) decisions;
- Budget and other financial decisions; and
- Procurement decisions.

Adequate Records of Decisions

Government body employees must take reasonable steps to ensure that adequate records of decisions are created and maintained.

The Directive defines the elements of an “adequate record” of a government body’s decision. Adherence to common corporate practices will generally support alignment with requirements to adequately document decisions. Those practices are to be considered, along with the following guidance.

In general, a record of decision is adequate if it can reasonably be expected that someone not familiar with the decision could be reasonably informed about the following, as applicable:

- Who made the decision and under what authority;
- When the decision was made and, if appropriate, when it takes effect;
- Who is reasonably likely to be directly and materially affected by the decision and, where practicable, the way in which they are reasonably likely to be affected by the decision; and
- What are the basis for and context in which the decision was made, including, as applicable, any relevant legal, policy or factual information.

Contextual Information

An adequate record of any key decision must include the material contextual information that informed the decision.

This information can be in many formats and will vary significantly depending on the nature of the decision.

Contextual information may typically be found in the following formats:

- A decision briefing note
- An application form
- An entry in a case management system or a case file
- Other records (e.g., memos, letters, emails) containing advice, recommendations and/or options
- Records of verbal advice
- Treasury Board Staff and Legislative Counsel advice to Cabinet
- Legal opinions
- Appendices or attachments that could include such things as: medical information, education information, employment information, income information, or other program-specific information that supports accountability, protects the rights or obligations of affected parties, or is otherwise necessary to understand the decision

Not all of these factors will apply to every decision. For example, many decisions do not affect others, so it is not necessary to document who is reasonably likely to be affected or how. Government bodies are expected to carefully consider, in the circumstances of each case, what is required to adequately document a decision. In some cases, an adequate record of a decision may be a note in a case management system or case file; in others it may comprise copies of extensive studies.

It is also important to remember that a record is required to be “adequate”, not “perfect”.

In addition, it is not necessary for a single record to be created that contains all of the material contextual information. The amount and type of contextual information that is adequate will vary depending on the nature of the decision.

Adequate Records of Common Corporate Decisions

Statutory Decisions

Government bodies will generally have existing policies and guidance on documenting relevant statutory decisions. In general, an adequate record of a statutory decision should include a statement setting out the specific decision in the form of a directive, order, authorization or permit, confirmation of eligibility for a benefit or service, etc. Other material contextual information (such as the decision’s legal authority), and reasons for the decision, may be required.

Decisions Related to Preparing Legislation

Adequate records must be created during every step of preparing any enactment, including Bills, regulations and ministerial orders. This includes initial information gathering and analysis, developing a request for legislation, and the drafting process.

Before a government body’s policy initiative can proceed to a proposal for legislation and the drafting stage, a substantial amount of information must be gathered and assessed. Cabinet Operations provides detailed information on requirements for Cabinet decision documentation, and the Office of Legislative Counsel provides information on the preparation of drafting instructions. These requirements are to be complied with.

Decisions About Government Body Policies and Programs

Decisions that establish, change or terminate corporate direction, or programs or initiatives to fulfill the government body’s mandate, should be documented. Adequate records of decisions related to establishing, changing or terminating policies or programs must include a record of decision (e.g., any one or more of an approved decision note or a Cabinet or Treasury Board submission, as applicable).

HR Decisions

The BC Public Service Agency (BCPSA) maintains detailed guidance for ministries on documenting various HR decisions. This includes guidance on hiring, managing attendance, illness and injury, and taking disciplinary actions. Government bodies must comply with BCPSA guidance on documentation of HR-related decisions.

In the absence of similar policies, government bodies that are not subject to the *Public Service Act* may wish to use the BCPSA guidance as a model to determine what constitutes an adequate record of decisions related to HR matters.

Budgeting and Other Financial Decisions

The Core Policy and Procedures Manual (CPPM) Chapter 3: Planning, Budgeting and Reporting covers all aspects of government financial management, including documentation. Government bodies must comply with CPPM Chapter 3 in relation to documentation of financial management decisions.

Government bodies not subject to CPPM will generally have their own financial policies that address documentation. They may use CPPM Chapter 3 as a model to determine what constitutes an adequate record of decisions related to budgeting and financial decisions.

Procurement Decisions

Government bodies regularly make decisions regarding various types of procurement, including goods purchasing, contractor services and information management/information technology procurement. CPPM Chapter 6 covers all aspects of government procurement and states that ministries are responsible for “planning, managing and fully documenting the process to acquire goods, services and construction.” Government bodies must comply with CPPM Chapter 6 in relation to documentation of procurement-related decisions.

Government bodies not subject to CPPM will generally have their own procurement policies that address documentation but may also use CPPM Chapter 6 as a model to determine what constitutes an adequate record of decisions related to procurements.

Appropriate System for Creating and Maintaining Records of Decisions

The IMA requires each government body to ensure that an “appropriate system” is in place for creating and maintaining records of decisions.

The Directive defines the elements of an appropriate system for creating and maintaining government information that is an adequate record of a government body’s decisions. An appropriate system must include the components discussed below. To help determine if you have an appropriate system for creating and maintaining decisions, refer to the following guidance and to the flowchart in Appendix C.

Many aspects of an appropriate system are already addressed under the corporate information management framework, which comprises information management legislation (including the IMA, FOIPPA and their regulations), ministerial orders and ministerial or CRO directives, and, for ministries, CPPM Chapter 12: Information Management and Information Technology Management. The entirety of this information management framework should be considered when creating and administering an appropriate system consistent with the Directive and these guidelines.

What Is an “Appropriate System”?

An “appropriate system” for documenting government decisions is about more than technology. It includes policies, processes, roles, responsibilities and controls necessary to ensuring that adequate records of decision are created and maintained.

Defined Roles and Responsibilities

The CRO has a statutory mandate under the IMA to provide leadership, direction and oversight, and to promote effective information management across government bodies. GRS is the central organization responsible for records management, including developing policies, guidelines, standards and training to assist government bodies in identifying appropriate information schedules, establishing recordkeeping systems, and ensuring records are preserved and accessible as required and appropriate.

Section 19 (1.1) of the IMA stipulates that the head of each government body is responsible for ensuring that an appropriate system is in place within their organization for creating and maintaining, in accordance with applicable CRO directives or guidelines, government information that is an adequate record of that government body's decisions.

To support the overarching governance structure for an “appropriate system”, government bodies should clearly define roles and responsibilities for information management within their respective organizations. This can include designating staff to champion and promote information management within their program areas. Such staff should be at a sufficiently senior level and have relevant knowledge and skills. They should also have clear authority, and clear, committed and ongoing Senior Executive support, respecting all aspects of information management (including documentation of decisions).

However, it is also important to recognize that employees at all levels actively manage government information in the course of their daily work. Accountabilities should be clearly articulated to assist government bodies in meeting their business goals and to ensure that legal obligations are met. All program area staff should have a clear understanding of their roles and responsibilities for documenting decisions.

Some decision making is formally or informally delegated. Some examples of formal delegations of decision making include:

- delegations to government body expense authorities;
- persons delegated any of the director’s powers, duties or functions of a Minister or official under an act. (Some laws require these delegations to be in writing.)

Some responsibilities will be established more informally, such as through job descriptions, training, policies or procedures, or even through system design and workflows.

For example, a government body employee may be responsible for preparing a briefing note for decision by a Senior Executive about a significant public policy matter. They may have the delegated authority to make a decision about an individual’s eligibility for a program, service or benefit. The same employee may be entitled to make spending decisions up to a certain dollar amount, and may be accountable for making and keeping records related to HR matters for their direct reports. No matter how the accountability is delegated or assigned, the government body’s policies, procedures and training should make it apparent to each employee what their accountabilities are with respect to creating and maintaining adequate records of government decisions.

Documented Policies and Procedures

As noted earlier, a robust high-level information management framework already exists for ministries. This corporate framework comprises information management legislation such as the IMA, associated regulations, CRO directives, as well as CPPM Chapter 12. Non-ministry government bodies may use the existing corporate framework as a foundation for their own policies and procedures.

Common Types of Government Body Recordkeeping Systems

- Structured Local Area Network (LAN) with the Administrative Records Classification System (ARCS) and Operational Records Classification Systems (ORCS) applied, as appropriate
- Enterprise Document and Records Management System (EDRMS)
 - EDRMS Content Manager (formerly TRIM) is the government standard
- Line of business applications (e.g., case management systems)
- Hardcopy (paper) filing systems

Each government body knows its own lines of business best and is therefore best placed to develop organization-specific policies and procedures regarding an appropriate system for creating and maintaining information.

Government bodies create records for many different legislated, policy and operational reasons. Government bodies should consider identifying what policies, procedures, training and awareness activities, and compliance and monitoring tools are already in place with respect to documenting their decisions. This will enable them to determine if gaps exist or changes to their existing approach are needed. When changes are required, the government body is best placed to develop its own specific policies and procedures to establish and operate an appropriate system for creating and maintaining information, including adequate records of decisions.

Appropriate Recordkeeping Systems

Government information must be created and maintained in accordance with corporate records management policy and standards. This applies to the creation and maintenance of adequate records of decisions.

An appropriate recordkeeping system should:

- contain logical, organized naming conventions that can be followed by all staff;
- ensure the preservation and accessibility of records over time;
- protect against accidental or unauthorized access, alteration, copying, movement or deletion;
- minimize duplicate storage of records; and
- permit the retention requirements of information schedules to be applied accurately and efficiently.

Information schedules describe and classify government information and specify how long information must be kept. They are approved by the CRO under the IMA³ and set out the final disposition of a record (i.e., whether it will ultimately be transferred, archived or destroyed). By law, if no information schedule applies, the information must be held until the CRO approves an information schedule or the information's transfer, archiving, or disposal. If a government body does not have an approved information schedule, it should document internal policies and procedures for ensuring information is retained as appropriate in light of the nature and content of the information.

Training and Awareness

All employees need to have a clear understanding of their responsibilities related to creating and maintaining government information, including records of decisions. At a minimum, ministries must ensure employees take mandatory information management training (e.g., IM 117: Information Management: Managing government information, privacy, access to information and security). CIRMO has also prepared materials for all government bodies to support them in complying with their obligations respecting creating and maintaining government information that is an adequate record of government body decisions. There may be also be government body- or sector-specific training appropriate to some roles and responsibilities. This includes the appendices to this directive, training, and more.

³ Any "record schedule" approved by the Legislative Assembly under the *Document Disposal Act* between 1936 and 2016 is continued under the IMA.

Compliance Monitoring

Government bodies should proactively monitor and assess their activities, practices and processes to ensure that they are meeting expectations respecting the creation and maintenance of government information. This includes the creation and maintenance of adequate records of decision. This will help ensure their organizational needs are met and that the government body is compliant with the Directive, these guidelines, and applicable policy and law.

CIRMO's Information Management Practice Review Program works with ministries to facilitate self-assessments of their information management practices, including the obligations in the IMA respecting documenting government decisions. CIRMO will also conduct practice reviews to assess the maturity of the information practices implemented by ministries to foster the continuous improvement of those practices. Other public bodies subject to the IMA may wish to use this tool to monitor and assess their own activities.

Contact Information

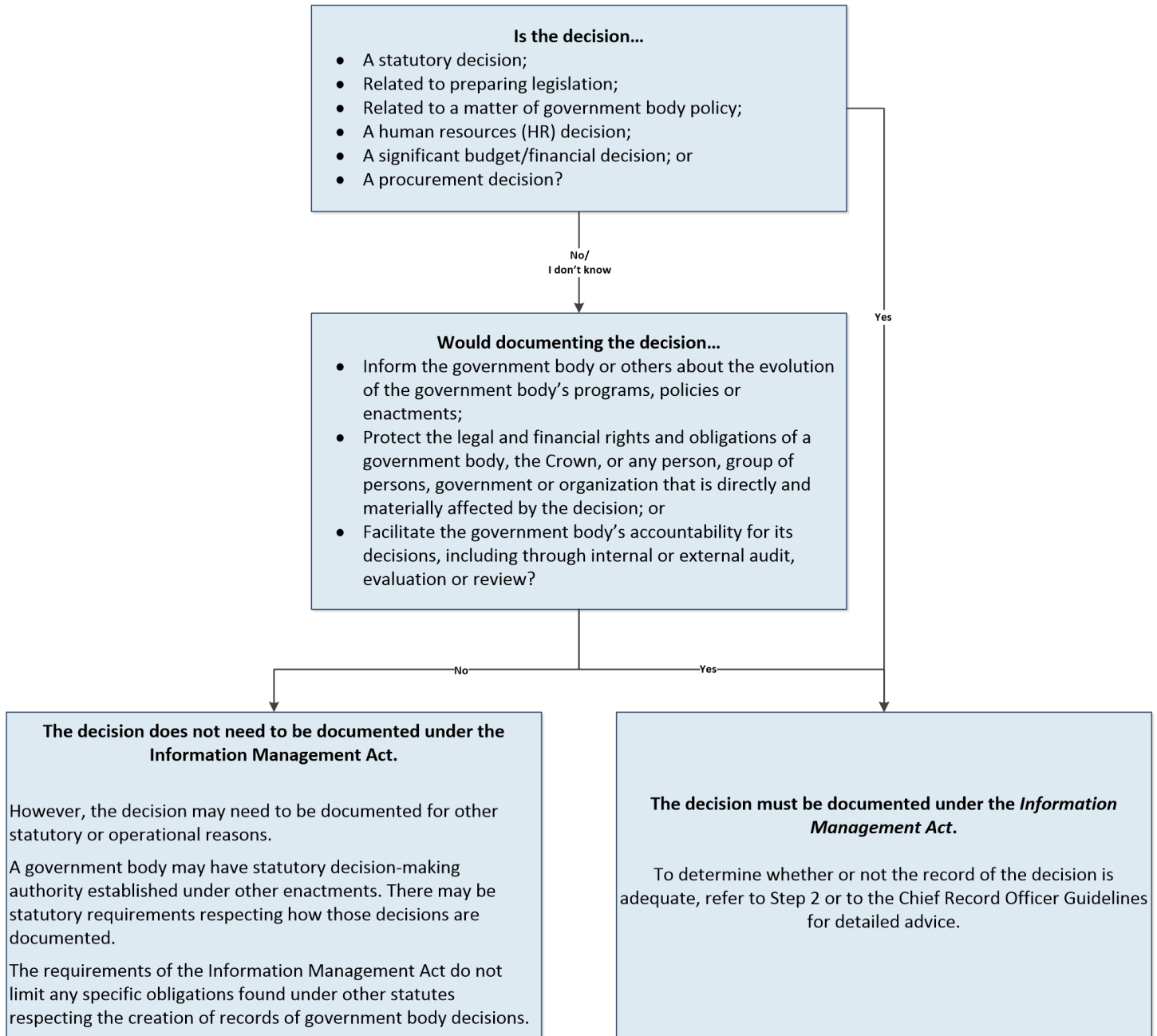
Government Records Service

Corporate Information and Records Management Office
Ministry of Citizens' Services

Email: GRS@gov.bc.ca

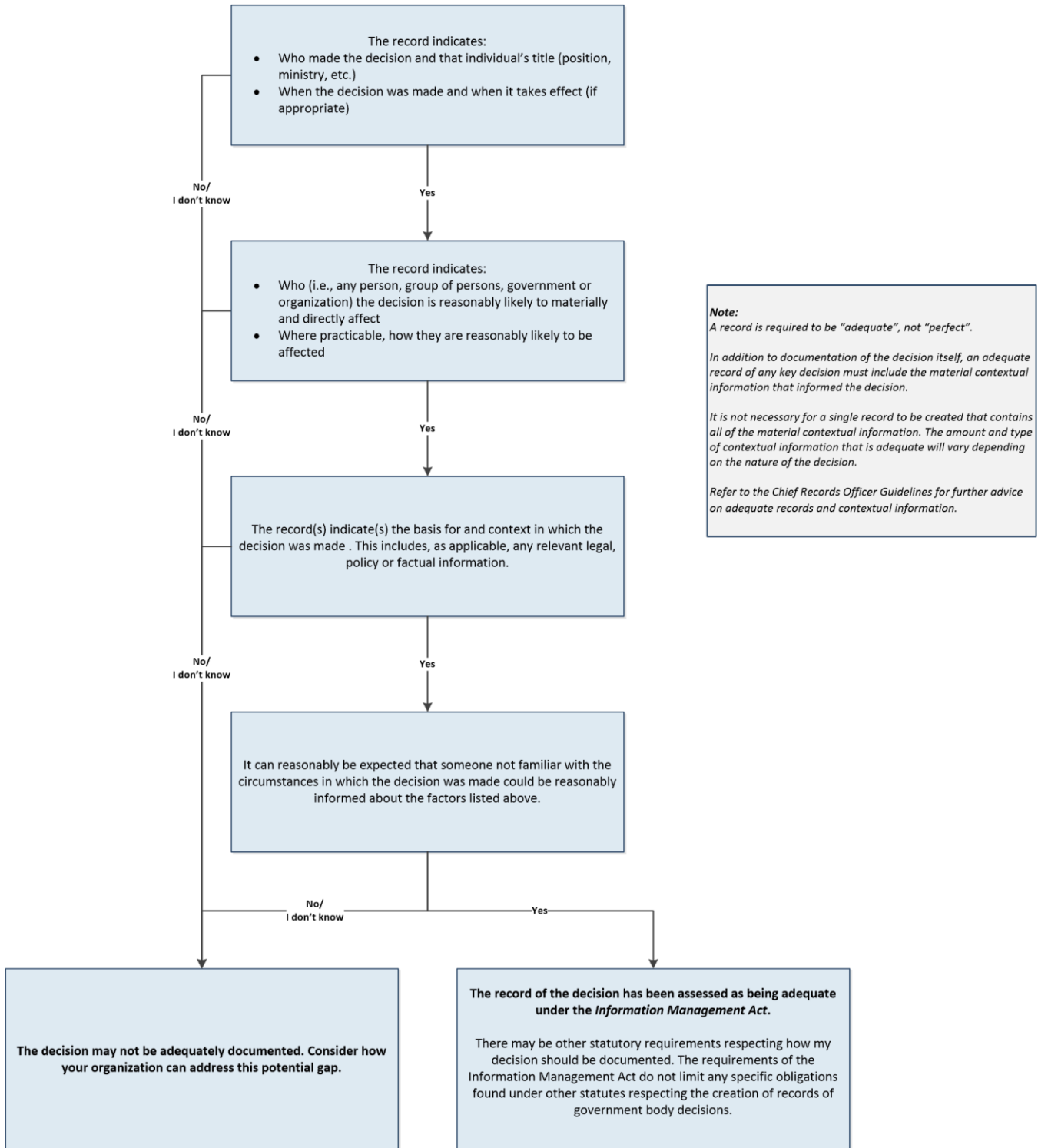
Identifying and Documenting Decisions

STEP 1: Does a Decision Need to Be Documented Under the *Information Management Act*?

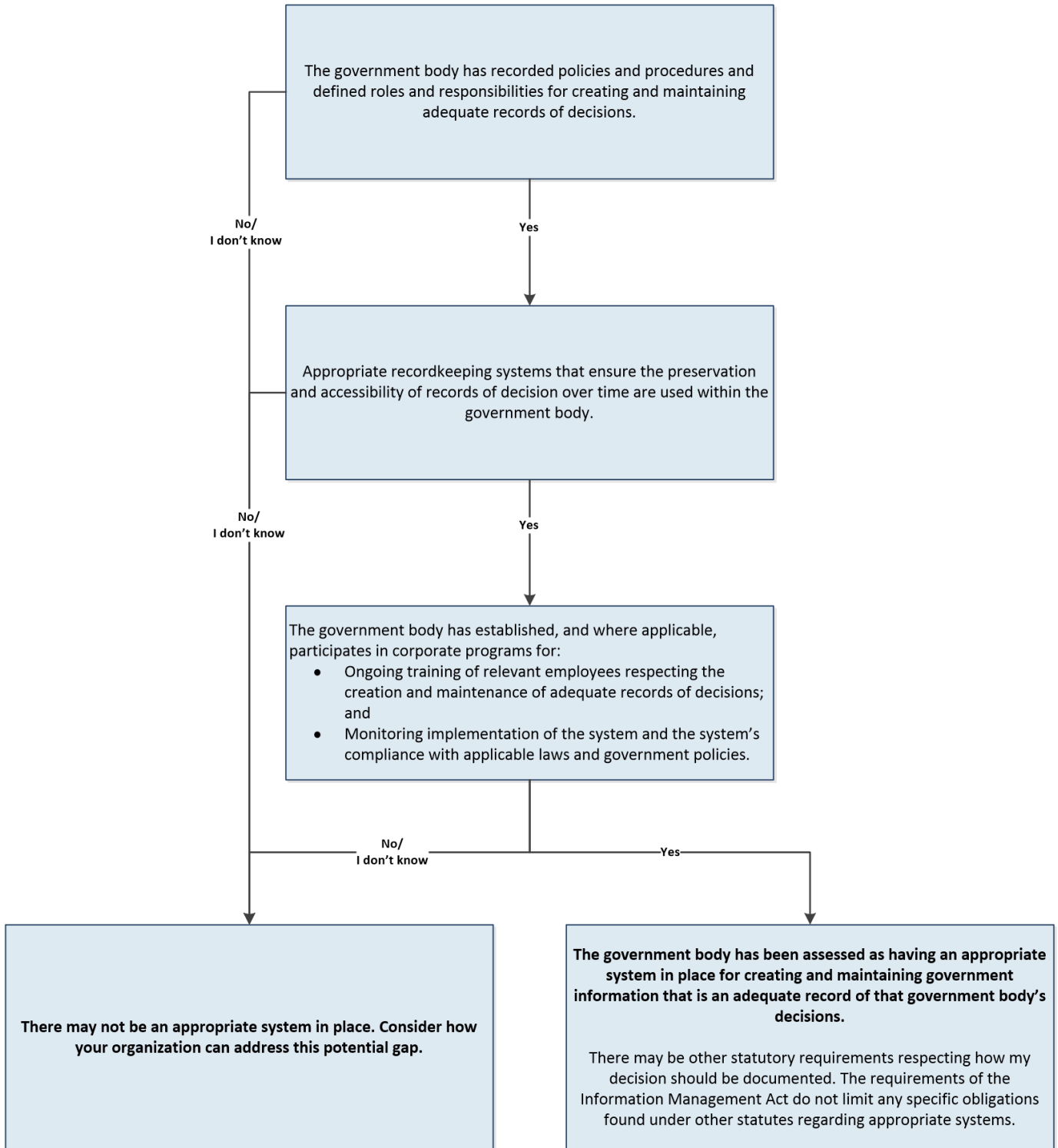


Identifying and Documenting Decisions

STEP 2: Is the Record of a Decision Adequate Under the Information Management Act?



Is there an Appropriate System in Place?



Appendix D: Additional Resources

- **Core Policy and Procedures Manual (CPPM)** combines government-wide financial policy, management policy and financial administration procedures into a single online resource: <https://www2.gov.bc.ca/gov/content/governments/policies-for-government/core-policy>
- **The Managing Government Information Policy** sets out ministry obligations for managing government information, specifically as they relate to IMA requirements: <https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/government-records>
- **The Records and Information Management Manual (RIMM)** provides guidance to support ministries in all aspects of managing, protecting, and accessing government information, including data and records: <https://www2.gov.bc.ca/gov/content/governments/services-for-government/policies-procedures/government-records/rim-manual>
- **The Appropriate Use Policy** establishes the policy requirements that all government employees must follow when accessing and managing government information and using information technology resources: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/policies-procedures/appropriate-use-policy/appropriate_use_policy.pdf
- **IM 117: Information Management: Managing government information, privacy, access to information and security** is a mandatory online course for all government employees available through the BC Public Service Learning Centre.
- **ARCS and ORCS User Guide 2018 (Version 3.0)**: https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/records-management/arcs_orcs_user_guide.pdf
- **ARCS**: <https://www2.gov.bc.ca/gov/content/governments/services-for-government/information-management-technology/records-management/information-schedules/arcs>
- **ORCS**: <https://www2.gov.bc.ca/gov/content/governments/services-for-government/information-management-technology/records-management/information-schedules/orcs>
- **Information Schedules**: <https://www2.gov.bc.ca/gov/content/governments/services-for-government/information-management-technology/records-management/information-schedules>
- **A Guide to Legislation and the Legislative Process in British Columbia – Part 1: The Legislative Process**: https://www.crownpub.bc.ca/Content/documents/1-LegislativeProcess_August2013.pdf
- **Hiring Documentation (BC Public Service Agency)**: <https://www2.gov.bc.ca/gov/content/careers-myhr/hiring-managers/process/documentation>