

---

# A Practitioner's Guide to the Information Management Act

---

Frequently Asked  
Questions about  
the Act



# Table of Contents

---

Introduction .....	1
Purpose and Coverage of the Act .....	1
Information Schedules .....	3
Role and Mandate of the Chief Records Officer (CRO) .....	4
Responsibilities of the Head of a Government Body .....	5
Implementation and Implication of Requirements .....	7
Digital Archives .....	8
Courts and Court Information.....	9
Contact Information.....	10

# Introduction

---

The *Information Management Act* (IMA) came into force by Order in Council on May 10, 2016. On this date, the IMA replaced the 1936 *Document Disposal Act* (DDA) as government's primary information management law.

The IMA maintains the status of records retention and disposal schedules approved under the DDA while:

- Modernizing information management practices going forward;
- Streamlining approval and oversight processes under a Chief Records Officer; and
- Establishing the foundation for government's transition to digital information management and archiving.

## Purpose and Coverage of the Act

---

### 1. What does the IMA do?

The IMA modernizes and streamlines information management across government by:

1. Transitioning government to the digital storage and management of information;
2. Establishing a Digital Archives and requiring the archiving of information in digital form (subject to reasonable exceptions); and
3. Establishing a Chief Records Officer to approve information retention schedules, manage the Digital Archives and promote effective information management across government.

In short, the IMA provides a legislative framework for modern, digital information practices, which, over time, will increase worker productivity, reduce costs for taxpayers, enable timelier services to citizens, and improve access to information.

### 2. What does the IMA cover?

The IMA applies to "government information" and "court information" (See section on "Courts and Court Information").

Government information is information that is created or received by a government body in connection with government business. It includes information that:

- Must be held by law;
- Documents a decision respecting a course of action that directly affects a person or the operations of a government body;

- Documents or supports a government body's organization, policies, procedures, transactions or operations,
- Has archival value; or
- Relates to matters of court administration assigned to the Attorney General or government by law.

Government information does not include constituency information held in the office of a minister.

### 3. Who is covered by the IMA?

The IMA applies to the following bodies:

- All government ministries;
- Courts, in a limited way (see section on “Courts and Court Information”); and
- Government agencies that have been designated a “government body” by regulation (See question 4, below).

### 4. What government agencies are covered by the IMA (i.e., are designated “government bodies”)?

A government agency is defined in the IMA as an association, board, commission, corporation or other body that meets one or more of the following criteria:

- (a) The body is an agent of the government,
- (b) The body is a corporation with issued voting shares and the government owns, directly or indirectly, more than 50% of the issued voting shares of the corporation, or
- (c) A majority of the members of the body or of its board of directors or board of management are one or both of the following:
  - (i) appointed by the Lieutenant Governor in Council, by a minister or by an Act;
  - (ii) ministers or public officers acting as ministers or public officers.

While the definition of government agency in the IMA is quite broad, not all agencies that meet this definition will be designated “government bodies” and subject to the Act. For the initial roll-out of the IMA, only those agencies that met both of the following criteria have been designated “government bodies”:

1. The agency met the definition of “government agency” in the IMA; and
2. The agency was covered by the DDA (e.g., it has records that were governed by a records retention schedule approved under the DDA).

These criteria will ensure appropriate continuity of records retention schedules established under the DDA while government transitions to more modern and digital information practices.

In the future, government may add additional government agencies to the coverage of the IMA by regulation, after appropriate consultation and review.

A complete list of the agencies that are currently designated as “government bodies”, and covered by the IMA is attached as **Appendix A**.

## Information Schedules

---

### 5. What is an information schedule?

An information schedule is similar to a records schedule under the former *Document Disposal Act* (DDA). It specifies how long certain information must be retained and what its final disposition will be. Most information is eventually disposed of after a specified period of time but some information is designated for archiving (permanent preservation) or transfer to another entity outside of government.

An information schedule must be approved and published by the Chief Records Officer (see the section on the Role and Mandate of the Chief Records Officer).

Another type of information schedule is a “court information schedule”. These schedules govern the appropriate retention and disposal of court information and are approved by the Deputy Attorney General and the Chief Judge or Justice of a court (see the section on Courts and Court Information).

### 6. What will happen to existing records schedules that were approved under the *Document Disposal Act* (DDA)?

Section 24 of the IMA maintains the current status of records schedules approved under the DDA by deeming them to be information schedules or court information schedules approved under the IMA. As such, records schedules approved under the DDA will continue to apply to the information they cover unless or until they are replaced with an information schedule or court information schedule under the IMA.

One of the benefits of the IMA for ministries and government bodies is that they will be able to take advantage of new streamlined approval processes should they need to update old record schedules or have new ones created.

## 7. How can my organization get a new or revised information schedule under the IMA?

For information on how to get a new or updated information schedule, government bodies should contact their [records officer or broader public sector client relations specialist](#) in the Government Records Service at 250-387-3387.

# Role and Mandate of the Chief Records Officer (CRO)

---

## 8. Who is the Chief Records Officer (CRO)?

Section 2 of the IMA permits the Minister responsible for the Act to designate a person appointed under the *Public Service Act* as Chief Records Officer.

On December 16, 2015, the Minister designated Cheryl Wenezenki-Yolland as the province's first Chief Records Officer (CRO).

## 9. What is the CRO's mandate?

Section 3 of the IMA sets out the CRO's mandate. It includes:

- Promoting the preservation of valuable government information for current and future use;
- Approving information schedules that govern the holding, transferring, archiving and disposal of government information;
- Managing the digital archives and promoting its availability to the public; and
- Promoting effective information management by government bodies.

## 10. What are the powers and responsibilities of the CRO?

The CRO has a number of powers and responsibilities in the IMA. Specifically the CRO:

- May approve Information schedules governing the retention of government information (Section 4);
- Must publish approved information schedules (Section 5);
- May issue directives relating to the digitizing and archiving of government information (Section 6);
- May request information from a government body respecting its management of government information (Section 7);

- May, if requested by a government body for the purposes of the Act, access information held by the government body, including personal information (Section 8);
- May provide an exemption to the requirement to digitize information (Section 9);
- May, in cases where no information schedule applies, approve the transfer, archiving or disposal of government information and publish the approval (Section 11);
- Must manage, secure and preserve the digital archives (Section 12);
- May provide an exemption to the requirement to digitize information before it is archived (Section 13);
- May approve the transfer of government information recorded in non-digital form to the museum archives of government (Section 14); and
- May certify records held in the digital archives as a true copy for the purpose of admitting them into evidence (Section 15);

## 11. Has the CRO issued any directives under section 6 of the IMA?

The CRO has issued a directive to all government bodies respecting the archiving of government information. The directive has two parts:

1. It requires government bodies to continue to hold any digital information that is scheduled to be archived until such time as the Digital Archives, established under section 12 of the IMA, are operational.
2. It also provides an exemption from the requirement to digitize information before it is archived and permits the transfer of this non-digital information to the Royal BC Museum.

When the Digital Archives are ready to receive information, the CRO will consult with government bodies and provide further direction on timing, permitted formats and other requirements.

# Responsibilities of the Head of a Government Body

---

## 12. Who is the Head of a Government Body?

For government ministries, the head is the Minister (which in practice, and as authorized by the *Interpretation Act*, is delegated to the Deputy Minister).

For other government bodies, the head is the individual designated as the head of the government body by regulation. A complete list of the agencies designated as “government bodies” and their heads is attached as **Appendix A**.

### 13. What are the responsibilities of the head of a government body?

Section 19 of the IMA sets out the responsibilities the head of a government body has under the IMA. They include:

- Ensuring that an appropriate system is in place within the government body to manage and secure government information;
- Responding to requests for information from the CRO respecting the government body's management of government information; and
- Ensuring that no government information held by the government body is disposed of, except as permitted by an information schedule or with the approval of the CRO.

In addition, the head of a government body must take reasonable steps to ensure that the government body complies with:

- Directives issued by the CRO respecting the digitizing and archiving of government information;
- The requirement to hold, transfer, archive and dispose of government information in accordance with information schedules; and
- Requirements to digitize information (once those requirements come into effect).

With the exception of the requirement to digitize information – which has not come into force yet (See section on Implementation and Implications of Requirements), these are not new responsibilities for heads of government bodies. For the most part, these responsibilities have long existed in policy and practice and are simply being formalized by the IMA.

### 14. What is meant by an “appropriate system”?

Section 19 of the IMA requires the head of a government body to ensure that an “appropriate system” is in place within the government body to manage and secure government information.

An “appropriate system” is not defined, or clarified further in the Act. While the CRO may provide further clarity through policy or direction on what an appropriate system for managing and securing government information entails, there is significant flexibility for government bodies to determine what an “appropriate system” is.

While this may be interpreted as a requirement for an electronic records management system, there are different types of systems including those that are paper based. A smaller government body will likely require a much simpler system than a larger government body. And finally, an “appropriate system” is not just about technology. It also includes policies, processes, roles, responsibilities and controls necessary to ensure the appropriate management of information throughout its lifecycle.

Government bodies will need to ensure that they have the appropriate combination of people, processes and technology in place to ensure that government information is held, transferred, archived and disposed of in accordance with the IMA.

## Implementation and Implication of Requirements

---

### 15. Will all the requirements in the IMA apply to my organization immediately?

Most of the requirements in the IMA will apply to government bodies immediately. These include the requirement to hold, transfer, archive and dispose of information in accordance with an information schedule and the requirement to have an appropriate system in place for managing and storing information. While these requirements apply to government bodies immediately, they should not, for the most part, result in significant changes to a government body's operations and records management processes.

Section 9 of the IMA which requires government bodies to digitize information was not brought into effect when the Act was brought into force and, as such, will not immediately apply to government bodies.

The requirement to transfer information of archival value to the Digital Archives was brought into effect but government bodies will not be required to transfer their information to the Digital Archives until they are directed to do so by the CRO. Until that time, government bodies have been directed to hold their digital information of archival value. (See question 8, above, on Directives Issued by the CRO).

### 16. When will the digitization and digital archiving requirements in the IMA apply to my organization?

The IMA was designed to be implemented in three phases: starting with the streamlining of existing processes; and gradually moving towards the digital management and archiving of information.

**Phase 1** (effective immediately) will:

- Formalize existing responsibilities (such as the requirement to hold, transfer, archive and dispose of government information in accordance with information schedules); and
- Streamline the process for approving information schedules.

**Phase 2** (the timing of which is still to be determined), will:

- Operationalize the Digital Archives by requiring government bodies to transfer their digital information that is scheduled for archiving to the Digital Archives.

Phase 2 will be implemented incrementally and government bodies will not be required to transfer their information to the Digital Archives until directed to do so by the CRO. Until that time, government bodies have been directed to hold their digital information that is scheduled for archiving.

**Phase 3** (to be implemented in 2 - 3 years' time) will:

- Bring the digitization requirements (Section 9) into effect.

Phase 3 will be implemented by a second Order in Council and only after further consultation with government bodies.

## 17. What will my organization have to do when the digitization requirements are introduced?

Section 9 of the IMA requires that all government bodies store their information digitally unless they receive an exemption from the CRO. This requirement is not currently in effect, and is not expected to come into effect for at least two to three years. Furthermore, when it comes into effect, the requirement will be prospective and will only apply to information created or received after that date.

It is expected that the CRO will exempt general categories of information from the requirement — for example transitory information — and also provide for agency-specific exemptions, on a case-by-case basis.

Transitioning to digital information management is no small task. In recognition of this, government has committed to conducting further consultations and establishing reasonable exemptions before this requirement comes into effect. This will include consulting on any technical requirements and on the types of information that should be exempted from the requirement to digitize.

# Digital Archives

---

## 18. How does the IMA impact the archiving of information?

Section 12 of the IMA establishes the Digital Archives as government's primary archives going forward. While the museum archives (Royal BC Museum) will continue to operate, it will start to receive less and less archival information as information is created, stored and eventually archived digitally.

While the Digital Archives will not be operational right away; once it is, it will become the default archives for government. Section 14 of the IMA requires digital information of archival value to be transferred to the Digital Archives. In addition, section 13 of the IMA requires non-digital

information to be digitized before it is archived, unless the CRO exempts the information from the digitization requirement.

In the near term, non-digital information that is ready to be archived will be exempted from the digitization requirement and approved for transfer to the museum archives. Longer term, non-digital information will need to be digitized and transferred to the Digital Archives, subject to limited exemptions. Exempted categories of records will continue to be archived with the Museum.

## 19. What is the Digital Archives?

A Digital Archives is a technological and organizational infrastructure that provides long-term preservation and access for digital information that has historical or archival value. It will guarantee the authenticity and usefulness of digital information over time, preventing obsolescence and deterioration, while at the same time providing increased access to information for the public.

# Courts and Court Information

---

## 20. What courts are covered by the IMA?

The IMA applies to the British Columbia Court of Appeal, Supreme Court and Provincial Court. These courts were covered by the DDA and will continue to be covered by the IMA in a manner that preserves their independence from government.

## 21. What is “court information”?

The IMA recognizes three types of court-related information:

1. “Court information”, or information related to court proceedings, which is held by a court and is covered by the Act in a limited way (Sections 16.1 to 16.3 set out the rules that apply to the management and retention of “court information”).
2. Court administration information, which is managed by the Ministry of Attorney General and is considered “government information” for the purposes of the Act. “Government information” is subject to all the requirements of the Act.
3. “Judicial administration records”, which are records that relate to a judge, master, or justice of the peace, and are entirely excluded from the coverage of the Act to preserve the independence of the judiciary (this is consistent with how these records are treated under the *Freedom of Information and Protection of Privacy Act*).

## 22. How are courts and court information covered by the IMA?

Part 5 of the IMA (sections 16 to 18) specifies how the Act applies to Courts and court information.

Court information must be held, transferred, archived and disposed of in accordance with a “court information schedule”. However, it is the Deputy Attorney General and the Chief Judge or Justice of a court that have the authority to approve court information schedules – not the CRO. The Deputy Attorney General is also responsible for publishing court information schedules.

In addition, court information and judicial administration records that have archival value may be transferred to the Digital Archives or the museum archives.

No other requirements in the IMA apply to Courts, court information or judicial administration records.

This approach recognizes the independence of courts from the executive arm of government and preserves the important role of the Deputy Attorney General in approving information schedules that govern the retention and disposition of court information.

## Contact Information

---

### 23. Who can I contact for further information?

For further information, or to request an information briefing, please contact:

Alexander Wright, A/Executive Director, Government Records Service at:

Alexander.Wright@gov.bc.ca

250 588-4057

# Appendix A: Government Bodies under the IMA

Government Body	Title of Head
1. Agricultural Land Commission	Chair
2. Board of Examiners for Local Government	Inspector of Municipalities
3. British Columbia Arts Council	Chair
4. British Columbia Emergency Health Services Authority	Chair of the Board of Directors
5. British Columbia Housing Management Commission	Chair
6. British Columbia Innovation Council	Chair
7. British Columbia Lottery Corporation	Chair of the Board of Directors
8. British Columbia Pavilion Corporation	Chair of the Board of Directors
9. British Columbia Securities Commission	Chair
10. British Columbia Transit Corporation	Chair of the Board of Directors
11. British Columbia Transportation Financing Authority	Chair of the Board of Directors
12. Building Code Appeal Board	Minster of Natural Gas Development and Minister Responsible for Housing
13. Columbia Power Corporation	Chair of the Board of Directors
14. Community Care and Assisted Living Appeal Board	Chair
15. Community Living BC	Chair of the Board
16. Credit Union Deposit Insurance Corporation	Chief Executive Officer
17. Destination BC Corporation	Chair
18. Environmental Appeal Board	Chair
19. Financial Institutions Commission	Chair
20. Financial Services Tribunal	Chair
21. First Peoples' Heritage, Language and Culture Council	Chair
22. Forensic Psychiatric Services Commission	Chair of the Board
23. Forest Appeals Commission	Chair
24. Forest Practices Board	Chair
25. Forestry Innovation Investment Ltd.	Chair of the Board
26. Health Professions Review Board	Chair
27. Hospital Appeal Board	Chair
28. Industry Training Appeal Board	Chair
29. Justice Institute of British Columbia	Chief Executive Officer
30. Knowledge Network Corporation	Chief Executive Officer
31. Medical Services Commission	Chair
32. Office of the Registrar of Mortgage Brokers	Registrar of Mortgage Brokers
33. Office of the Superintendent of Financial Institutions	Superintendent of Financial Institutions
34. Office of the Superintendent of Pensions	Superintendent of Pensions
35. Office of the Superintendent of Real Estate	Superintendent of Real Estate
36. Oil and Gas Appeal Tribunal	Chair
37. Oil and Gas Commission	Commissioner
38. Patient Care Quality Review boards (Each board)	Chair
39. Provincial Health Services Authority	Chief Executive Officer
40. Royal British Columbia Museum	Chair of the Board of Directors
41. Transportation Investment Corporation	Chair of the Board of Directors