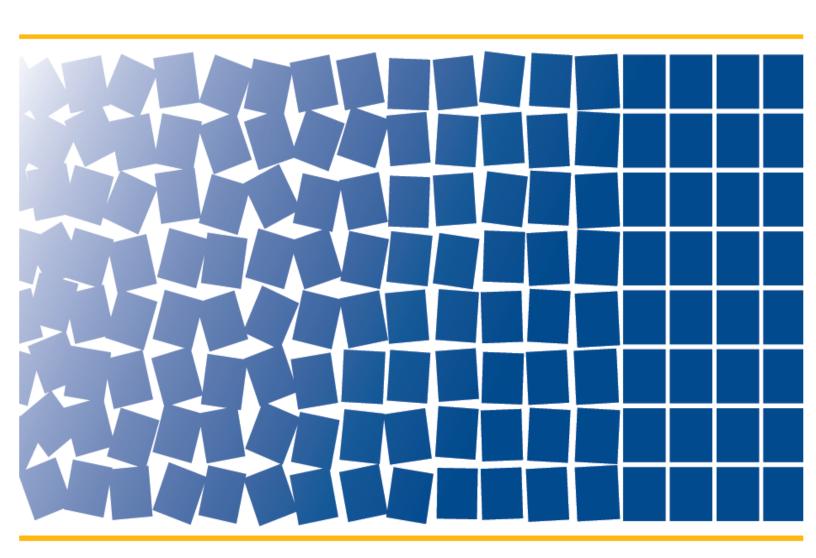
COURT OF APPEAL OPERATIONAL RECORDS CLASSIFICATION SYSTEM





Schedule No: 158561

INFORMATION SCHEDULE APPROVAL

Title: Court of Appeal Operational Records Classification System (ORCS)

Superior Courts Judiciary

British Columbia Court of Appeal

Scope of Schedule:

The Court of Appeal ORCS establishes a classification system and retention and disposition authority for records relating to appeals brought to the British Columbia Court of Appeal. The British Columbia Court of Appeal has been in existence since 1910 and hears appeals from the Supreme Court of British Columbia, from the Provincial Court on some criminal matters, and reviews and appeals from some administrative boards and tribunals.

The schedule covers records created and received by the Court of Appeal Registry. It does not cover records created or received by the judiciary (e.g., bench books).

The retention periods specified in this schedule meet all operational, fiscal, legal, and audit requirements.

This schedule supersedes Court of Appeal primaries in the Court Services ORCS (schedule 100152).

For more information, see the attached schedule.

Earliest date of	records cove	red hy this	schedule:	1908
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The British Columbia Court of Appeal endorses this scl	nedule and its implementation.	The attached schedule was developed in consultation with staff and managers who conduct the
Signed authorization authority on file	2019-03-20	operational functions in the creating
Timothy R Outerbridge, Registrar	Date	agency. It has also been reviewed by the Appellate Court Records Officer to ensure it meets scheduling and
STATUTORY APPROVALS		appraisal standards, and reflects sound recordkeeping practices.
Signed authorization authority on file	2019-03-20	Schedule Developer: Maxwell Otte
Chief Justice Robert James Bauman	Date	
Signed authorization authority on file	2019-04-17	
Richard Fyfe, Deputy Attorney General	Date	_

USEFUL INFORMATION

Key to Information Schedule Codes and Acronyms:

Information Schedule titles:	ARCS = Administrative Records Classification System ORCS = Operational Records Classification System
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.

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

SECTION 1

COURT OF APPEAL

PRIMARY NUMBERS

80000 - 80199

Section 1 covers records relating to cases appealed to the British Columbia Court of Appeal, constituted by the *Court of Appeal Act* (RSBC 1996, c.77). This includes records relating to appeals of most decisions made in the Supreme Court, appeals of decisions made in the Provincial Court on some criminal matters, and appeals of some decisions made by British Columbia administrative boards and tribunals, as well as some decisions made under provincial and federal statutes.

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

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80000 - 80199

80000 COURT OF APPEAL - GENERAL

80100 APPEAL CASE FILES

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

80000 COURT OF APPEAL - GENERAL

Records not shown elsewhere in this section that relate generally to cases appealed to the British Columbia Court of Appeal. This primary covers the development of policies and procedures, case management and tracking, and statistical analysis and reporting.

For briefing notes, see ARCS 280-20.

For committee files (including international and inter-provincial/federal), see *ARCS* secondary 200-20.

For information sharing and data sharing agreements, see <u>ARCS primary 146.</u> For reference material/topical files, see <u>ARCS secondary 358-20.</u> For Court of Appeal website management, see <u>ARCS primary 340.</u>

The OPR is the Court of Appeal Registry unless otherwise noted below. See specific secondaries for OPR retention schedules.

80000	COURT OF APPEAL - GENERAL			Α	SA	FD
	All n	on-OPR o	offices will retain these records for:	SO	nil	DE
	-00	Policy a (covers standard activities	SO	5у	FR	
		SO:	when the policy is replaced or becomes irrelevant			
		FR:	The government archives will fully retain final, approved versions of policies and procedures created by the British Columbia Court of Appeal. These records provide evidence of and information about the functions and activities of the Court of Appeal in the exercise of its jurisdiction as the highest court in British Columbia.			
		NOTE:	Examples of policy and procedures include practice directives issued by the Chief Justice, practice notes issued by the Registrar, and court policies on topics such as media accreditation and access.			
	-01	Genera	I	SO	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 topics that warrant specific classifications.			
	-20		anagement and tracking data data in the Web Court of Appeal Tracking System	SO+4y	16y	SR

Key to ARCS/ORCS Codes and Acronyms

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your Records Officer.

80000 COURT OF APPEAL - GENERAL

A SA FD

(WebCATS), court lists, and other records used to manage and track cases)

- SO: upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)
- 20y: The retention period is consistent with that of the court file and related records, for which this data serves as an index.
- SR: The government archives will selectively retain case management and tracking files. Data fields in WebCATS used to carry out case management and tracking activities (e.g., names of parties, court file number, result, and access restrictions) will be fully retained as government archives because these records act as the index for Court of Appeal records and provide summary information. In the case of physical indexes, the entire book/set will be fully retained. Other records, relating to routine scheduling and case management matters, may be destroyed because they document routine actions and/or are summarized in other records scheduled for full retention.

END OF PRIMARY

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

80100 APPEAL CASE FILES

Records relating to cases appealed to the British Columbia Court of Appeal.

The Court of Appeal is the highest court in British Columbia and is not a trial court, but a court of review where each side presents legal arguments on whether or not the ruling by the lower court is correct. The Court of Appeal hears appeals from the British Columbia Supreme Court, some decisions made in the Provincial Court, and some decisions made by British Columbia administrative tribunals including those reviewed by the BC Supreme Court (e.g., decisions from the BC Human Rights Tribunal).

A court file is created when the Court of Appeal Registry receives a notice of appeal or notice of application for leave to appeal. In addition to the court file, each Court of Appeal case produces at least some of the following material, created by the appellant and respondent, as required by the *Court of Appeal Rules* (BC Reg. 297/2001): appeal record, appeal books, books of authority, factums, condensed books, motion books, transcripts, and transcript extract books. Civil and criminal cases are interfiled in one numerical sequence in the Court of Appeal.

The final document created by the Court of Appeal, which ends litigation, is the final order which summarizes the judges' reasons for judgment. It is filed with all other Court of Appeal orders as required by the *Court of Appeal Rules* (BC Reg. 297/2001).

For operational policy, see secondary 80000-00. For reference material/topical files, see <u>ARCS secondary 358-20.</u>

The ministry OPR is the Court of Appeal Registry unless otherwise noted below. See specific secondaries for OPR retention schedules.

80100	APP	EAL CA	Α	SA	FD	
	All n	on-OPR	SO	nil	DE	
	-01	Gener	al	SO	nil	DE
	-20	(arranç (covers respon	ge by case number) s copies of published law cases that the appellant and ordent separately prepare and submit to the court in ort of their respective arguments) upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)	SO	nil	DE

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This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

80100	APPEAL CASE FILES				SA	FD
		DE:	Books of authority may be destroyed because the legal argument of the appellant and respondent (i.e., the factum) is fully retained under secondary 80100-40 and the case law is published and publicly available elsewhere.			
	-25	(arrang (covers by the ((include authorit hearing	nsed books and transcript extract books e by case number) records compiled by counsel to be used as reference Court of Appeal during the oral hearing) es copies and excerpts from evidence, exhibits, ties, transcripts, and other documents essential to the that have been assembled by counsel for the ience of the Court)	SO	nil	DE
		SO:	conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)			
		DE:	Condensed books and transcript extract books may be destroyed because they consist of copies and excerpts of records found elsewhere in the appeal case file that are fully retained by the government archives.			
	-30	(arrang (include proceed informa	Court digital audio recordings and minute sheets (arrange by case number) (includes audio, and other, recordings of Court of Appeal proceedings and minute sheets ("clerks' notes"), which include information about the parties and counsel appearing, the start and stop times, and the disposition of the hearing)		15y	FR
		SO:	upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)			
		20y:	The total retention period allows the Court of Appeal to respond to access requests from judges, lawyers, and other interested parties. Requests are rarely received for files older than twenty years.			
		FR:	The government archives will fully retain court digital audio recordings and minute sheets because of their evidential value. The <i>Evidence Act</i> (RSBC 1996, c. 124) establishes the audio recording as the official record of the proceeding. These records also			

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80100	APPEAL CASE FILES			SA	FD
		possess significant informational value about cases heard by the Court of Appeal and possess intrinsic research value as primary evidence.			
	-35	Court files (arrange by case number) (covers records relating to the process of commencing an appeal of a lower court decision through to completion) (includes affidavits, correspondence between parties, notice of appeal, notices of motion, orders, exhibits, and post-sentence reports)	SO+10y	10y	FR
		SO: upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)			
		20y: The total retention period allows the Court of Appeal to respond to access requests from judges, lawyers, and other interested parties. Requests are rarely received for files older than twenty years.			
		FR: The government archives will fully retain court files because they provide information about decisions that set legal precedent, concern cases of general public interest, and are of research value into particular cases, development of case law, and the history of the development of the British Columbia legal system. Moreover, these records provide evidence of and information about the activities of the Court of Appeal in the exercise of its jurisdiction as the highest appellate court in British Columbia.	}		
	-40	Factums, transcripts, appeal records, and appeal books (arrange by case number)	SO+4y	16y	FR
		(covers records prepared by the appellant and/or the respondent that are used to argue and decide the appeal) (includes factums (legal arguments of the appellant and respondent), appeal books (documents which are relevant to the appeal, specifically documents relevant to the errors allegedly made by the lower court: exhibits, affidavits, orders, judgments, and notices of appeal), appeal records (key documents about the previous court proceeding: copies of the initiating documents, order and reasons for judgment of the lower court or tribunal, as well as the notice of appeal), and transcripts of lower courts proceedings)			
		SO: upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the			

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

80100	APPEAL CASE FILES				SA	FD
			conclusion of the Supreme Court of Canada proceeding (if appealed)			
		20y:	The total retention period allows the Court of Appeal to respond to access requests from judges, lawyers, and other interested parties. Requests are rarely received for files older than twenty years.			
		FR:	The government archives will fully retain factums, transcripts, appeal records, and appeal books because of their evidential and informational value. These records provide evidence of the legal arguments made by the appellant and respondent and provide information about decisions that set legal precedent.			
	-45	Final o		SO+4y	16y	FR
		•	e by case number)			
		Appeal after the appeal	records relating to the official decision of the Court of which is prepared, generally by the successful party, e Court has given its decision in chambers or after an hearing)			
		(include Appeal)	es order books kept by the Registrar for the Court of			
		SO:	upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the conclusion of the Supreme Court of Canada proceeding (if appealed)			
		20y:	The total retention period allows the Court of Appeal to respond to access requests from judges, lawyers, and other interested parties. Requests are rarely received for files older than twenty years.			
		FR:	The government archives will fully retain final orders because, as the formal expression of the court's decisions, they frequently establish legal precedent and provide evidence of Court of Appeal decisions.			
	-50	Reasons for judgment (arrange by case number) (covers records relating to the reasoning forming the basis of the court's decision) (includes oral and reserved reasons for judgment)		SO+4y	16y	FR
		SO:	upon conclusion of the case, and either the expiry of statutory limitations on appeals or upon the			

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80100	APPEAL CA	PPEAL CASE FILES		SA	FD
		conclusion of the Supreme Court of Canada proceeding (if appealed)			
	20y:	The total retention period allows the Court of Appeal to respond to frequent access requests from judges, lawyers, and other interested parties. Requests are rarely received for files older than twenty years.			
	FR:	The government archives will fully retain reasons for judgment because they provide information about decisions that set legal precedent, concern cases of general public interest, and are of research value into particular cases, development of case law, and the history of the development of the British Columbia legal system.			

END OF PRIMARY

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This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

COURT OF APPEAL

OPERATIONAL RECORDS CLASSIFICATION SYSTEM (ORCS)

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WEB COURT OF APPEAL TRACKING SYSTEM (WebCATS)	14

Key to ARCS/ORCS Codes and Acronyms

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

SYSTEMS SECTION: COMMON SYSTEM NOTES

Retention Schedules for the Systems

The data on the systems is classified under appropriate secondaries in the *ORCS* and in the *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.

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your Records Officer.

DIGITAL AUDIO RECORDING SYSTEM (DARS)

SYSTEM OVERVIEW

Creating Agency

Superior Courts Judiciary British Columbia Court of Appeal

Purpose

The Digital Audio Recording System (DARS) records the digital audio of court proceedings.

Information Content

DARS contains the digital audio of court proceedings, along with typed minute sheets/logsheets associated with them.

Inputs, Processes, and Outputs

Proceedings in the Court of Appeal are recorded by DARS. In addition to the recording, court clerks can synchronize their notes (called minute sheets) with the recording, by using WebCATS as the vehicle for taking and storing the minute sheets. Clerks can place a time-stamp (linked to the audio) in the minute sheet to enable access and discovery.

The digital recording product used is called "For the Record" (FTR) and audio is captured in a proprietary file format. The Court of Appeal accesses DARS recordings through the Web Court of Appeal Tracking System (WebCATS).

Historical Note

DARS has been operating in the Court of Appeal since 2006. Prior to the creation of DARS, proceedings were captured and stored in analogue form (cassettes and manual notes).

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

DIGITAL AUDIO RECORDING SYSTEM (DARS)

Classification of Records that Relate to the System

Schedule Code	Secondary No.	Secondary Title	Retention A	Sched SA	lule FD
Data in the	System 80100-30	Court digital audio recordings and minute sheets	SO+5y	15y	FR
Inputs CAPP	80100-30	Court digital audio recordings and minute sheets	SO+5y	15y	FR
Outputs			•	Ţ	
CAPP Other Rela	80100-30 ted Records	Court digital audio recordings and minute sheets	SO+5y	15y	FR
ARCS ARCS	6820-05 see appropriate	Back-up data INFORMATION TECHNOLOGY	SO	nil	DE
Section 6 102902	secondaries	Transitory Electronic Data Processing (EDP) Records	SO	nil	DE

Schedule Code Key: ARCS = Administrative Records Classification System, schedule 100001

CAPP = Court of Appeal, schedule 158561

END OF OVERVIEW

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

WEB COURT OF APPEAL TRACKING SYSTEM (WebCATS) SYSTEM OVERVIEW

Creating Agency

Superior Courts Judiciary British Columbia Court of Appeal

Purpose

The Web Court of Appeal Tracking System (WebCATS) is a web-based tracking, scheduling and case management system.

Information Content

WebCATS is a standard case-tracking system with screens for initiating information (case profile), party information, filings, and court and chambers appearances. In addition, there is a rota, or sitting schedule, which is the basis for several other features, including the scheduling and appearance screens.

WebCATS also has a statistical component which is used to monitor the completion of cases.

Inputs, Processes, and Outputs

Case information is populated in WebCATS by registry staff. Staff also upload material that has to be circulated to the judges two or three weeks in advance of the hearings.

WebCATS also integrates with the Digital Audio Recording System (DARS). Court clerks can synchronize their notes (minute sheets) with the DARS recording by using WebCATS as the vehicle for taking the minutes: noting the progress of the hearing such as indicating the names of the speakers, when the court breaks for lunch, and any orders or directions given by the court.

Judges use WebCATS to check their schedules and to see what cases they are assigned to. Their access also allows them to review individual files before the hearing. WebCATS also allows users to create documents and then store it as a filing. For instance, there are certain documents that are sent out with every new filing (e.g., the letter notifying the lower court judge that an appeal has been filed).

Historical Note

WebCATS was implemented in 2004. It replaced the previously existing DOS-based system, CATS (Court of Appeal Tracking System), which had been used for 20 years for scheduling, rota, and case-tracking functions. Historical data on appeals filed since 1985 was migrated to WebCATS.

This is an approved court information schedule, as defined by the <u>Information Management Act (SBC 2015, c. 27)</u>. For more information consult your <u>Records Officer</u>.

WEB COURT OF APPEAL TRACKING SYSTEM (WebCATS)

Classification of Records that Relate to the System

Schedule Code	Secondary No.	Secondary Title	Retention A	Sched SA	lule FD				
Data in the	System								
CAPP	80000-20	Case management and tracking data	SO+4y	16y	SR				
Inputs									
CAPP	80000-20	Case management and tracking data	SO+4y	16y	SR				
CAPP	80100-35	Court files	SO+10y	10y	FR				
CAPP	80100-40	Factums, transcripts, appeal records, and appeal books	SO+4y	16y	FR				
Outputs									
CAPP	80000-20	Case management and tracking data	SO+4y	16y	SR				
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

CAPP = Court of Appeal, schedule 158561

END OF OVERVIEW

Appendix A: Court of Appeal records - Concordance table

This table identifies the relationships between original (old) classifications from the Court of Appeal primaries of the *Court Services ORCS* (Schedule 100152) to the new classification structure in the *Court of Appeal ORCS* (Schedule 158561).

It is intended as a general guide for transition between the two ORCS. The new classifications and retentions are to be applied to all relevant digital and physical operational records, both in the office and in storage.

Old Court Services ORCS secondary #	Old Court Services ORCS Secondary Title	New Court of Appeal ORCS#	New Court of Appeal ORCS Secondary Title	New Retention	Notes (including original retention)
Various	Policy and procedures	80000-00	Policy and procedures	SO/5y/FR	No significant changes.
53200-20	Manual indexing systems and case summaries	80000-20	Case management and tracking data	SO+4y/16y /SR	Retention period increased from 10 to 20 years to mirror court file and books.
51200-35 52200-35	Books of authority	80100-20	Books of authority	SO/nil/DE	No significant changes.
N/A	N/A	80100-25	Condensed books and transcript extracts	SO/nil/DE	New secondary that did not exist in the <i>Court Services ORCS</i> . Condensed books and transcript extracts are destroyed upon conclusion of appeal and expiry of statutory limitations on appeals.
53500-20	Official reporter and court recorder records	80100-30	Court digital audio recordings and minute sheets	SO+5y/15y/ FR	Retention period has been increased by 15 years to mirror that of the relevant case file. Final disposition has been revised from selective retention to full retention.
51200-20 52200-20	Civil case files Criminal case files	80100-35	Court files	SO+10y/10y/ FR	Civil and criminal case files have been combined into one secondary. Retention period has been reduced to 20 years from 30 years (formerly SO+20y/10y/FR). The Court rarely receives requests for files older than 20 years.

Key to ARCS/ORCS Codes and Acronyms

2019/04/17 Schedule: 158561 CAPP ORCS APPENDIX A

Appendix A: Court of Appeal records - Concordance table

Old Court Services ORCS secondary #	Old Court Services ORCS Secondary Title	New Court of Appeal ORCS#	New Court of Appeal ORCS Secondary Title	New Retention	Notes (including original retention)
51200-30 52200-30	Factums, transcripts, and appeal books	80100-40	Factums, transcripts, appeal records, and appeal books	SO+4y/16y/ FR	Retention period has been reduced to 20 years from 30 years (formerly SO+20y/10y/FR). The Court rarely receives requests for files older than 20 years.
51200-40 52200-40	Final orders	80100-45	Final orders	SO+4y/16y/ FR	Retention increased from 10 years to 20 years to mirror the court file and books of relevant case.
51200-42 52200-42	Reasons for judgment	80100-50	Reasons for judgment	SO+4y/16y/ FR	Retention increased from 10 years to 20 years to mirror the court file and books of relevant case.

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