

ARMC Circular #: 2018-001

Topic: *Inadvertent Destruction of Records*

(This Circular rescinds Circular # 2012-001)

Background

Under current legislation, the definition of a record is outlined in section 1(q) of the *Freedom of Information and Protection of Privacy Act*:

“record” means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;

According to the Records Management Regulation, section 10(4):
records may be disposed of only in accordance with the approved records retention and disposition schedule.

Circumstances may occur which result in records being inadvertently destroyed. Natural disasters, human errors and equipment failures can all result in records being accidentally destroyed outside of approved records retention and disposition schedule processes.

Purpose

This process details the necessary response when records are inadvertently destroyed outside of approved records retention and disposition schedule processes. This process is required to ensure that incidents in which inadvertent destruction of records occur are properly investigated, documented and communicated.

This process must be followed, regardless of the number of records affected, or the format in which the inadvertently destroyed records were managed.

Section 4(2) of the Records Management Regulation establishes the authority for this process:

For the purpose of providing details for the operation of the records management program, the Minister may establish, maintain and promote policies, standards and procedures for the creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction of records in the custody or under the control of departments and for their transfer to the Provincial Archives of Alberta.

Process

Please note that for the purposes of this document, the title “senior records officer (SRO)” refers to both SROs and to the appropriate information management contact in departments without a SRO.

Time is of the essence when it is discovered that records may have been inadvertently destroyed. In order to respond appropriately when records may have been inadvertently destroyed, the following steps need to be completed:

Action	Area Responsible
<ul style="list-style-type: none"> • Confirm records are missing. 	<ul style="list-style-type: none"> • Business/Program Area
<ul style="list-style-type: none"> • Investigate missing records. <ul style="list-style-type: none"> ○ May include, but is not limited to, physical searches, review and verification of paperwork, and auditing of electronic records management systems and business applications. 	<ul style="list-style-type: none"> • Business/Program Area
<ul style="list-style-type: none"> • Determine if the missing records were inadvertently destroyed. <ul style="list-style-type: none"> ○ If it is confirmed that the missing records were not inadvertently destroyed, the investigation to locate the missing records must resume. It is recommended that the business/program area contact the assigned SRO for assistance in performing the Unaccounted for File and Boxes Process (for physical records) or leveraging appropriate technical support processes (for electronic records). • If the missing records were inadvertently destroyed outside of approved records retention and disposition schedule processes, the business/program area must immediately communicate the incident to the SRO(s) responsible for the records. <ul style="list-style-type: none"> ○ If the inadvertent destruction occurs within an enterprise storage solution (including enterprise applications), the incident must immediately be communicated to the vice chair of the Alberta Records Management Committee (ARMC). ○ If personal information was inadvertently destroyed, the business/program area must immediately contact their Freedom of Information and Protection of Privacy Coordinator. 	<ul style="list-style-type: none"> • Business/Program Area
<ul style="list-style-type: none"> • Investigate incident. <ul style="list-style-type: none"> ○ The assigned SRO(s) and business/program area staff will perform an investigation into the incident to determine what occurred, including incident causes and specifics of the destroyed records (such as the format of the records, what the records pertain to, date range of the records, etc.). 	<ul style="list-style-type: none"> • Business/Program Area • SRO(s)
<ul style="list-style-type: none"> • Document incident. <ul style="list-style-type: none"> ○ The incident, including its causes and effects, must be described in detail. ○ Inventories of the inadvertently destroyed records must be obtained. If there is no inventory, the assigned SRO(s) will work with the business/program area to capture descriptive information about the records. ○ Identify the number of records and their associated records retention and disposition schedules. • Documentation should be retained by the business/program area as evidence of the inadvertent destruction, and as an explanation for why the destroyed records are unavailable. 	<ul style="list-style-type: none"> • Business/Program Area • SRO(s)

Action	Area Responsible
<ul style="list-style-type: none"> • Notify ARMC <ul style="list-style-type: none"> ○ The assigned SRO(s) will forward the incident report to the ARMC Secretary (sa.armcsecretariat@gov.ab.ca). 	<ul style="list-style-type: none"> • SRO(s)
<ul style="list-style-type: none"> • Receive report. <ul style="list-style-type: none"> ○ If the ARMC identifies gaps within the report, the ARMC Secretary will request clarification from the reporting business/program area. ○ If there are no issues or gaps within the report, the ARMC Secretary will escalate the report to the rest of the ARMC. 	<ul style="list-style-type: none"> • ARMC Secretary
<ul style="list-style-type: none"> • Develop prevention strategies. <ul style="list-style-type: none"> ○ Using the information gathered from the incident report, the assigned SRO(s), along with the business/program area and the ARMC, will identify possible policy and/or procedural changes to remediate/prevent similar incidents. 	<ul style="list-style-type: none"> • Business/Program Area • SRO(s) • ARMC
<ul style="list-style-type: none"> • Communicate incident to the Deputy Minister of Service Alberta clearly and immediately. <ul style="list-style-type: none"> ○ When records within an enterprise storage solution are inadvertently destroyed, the ARMC will communicate the details of the inadvertent destruction to the deputy head of the department responsible for enterprise records (information) management guidance (Deputy Minister of Service Alberta). ○ In the event that inadvertently destroyed records affect areas beyond the reporting business/program area, the ARMC will prepare communications packages for the appropriate deputy heads (contingent on feedback from the Deputy Minister of Service Alberta). 	<ul style="list-style-type: none"> • ARMC
<ul style="list-style-type: none"> • Evaluate incident. <ul style="list-style-type: none"> ○ Deputy Minister of Service Alberta will review the incident package provided by the ARMC. ○ The Deputy Minister will decide the appropriate avenue and options for communicating the incident to impacted departments. 	<ul style="list-style-type: none"> • Deputy Minister of Service Alberta
<ul style="list-style-type: none"> • The ARMC must be notified whether or not the Deputy Minister of Service Alberta communicated the incident to all affected departments. 	<ul style="list-style-type: none"> • Deputy Minister of Service Alberta

Further Information

For further details or clarification regarding this process, please contact the Information Management Branch at sa.informationmanagement@gov.ab.ca.

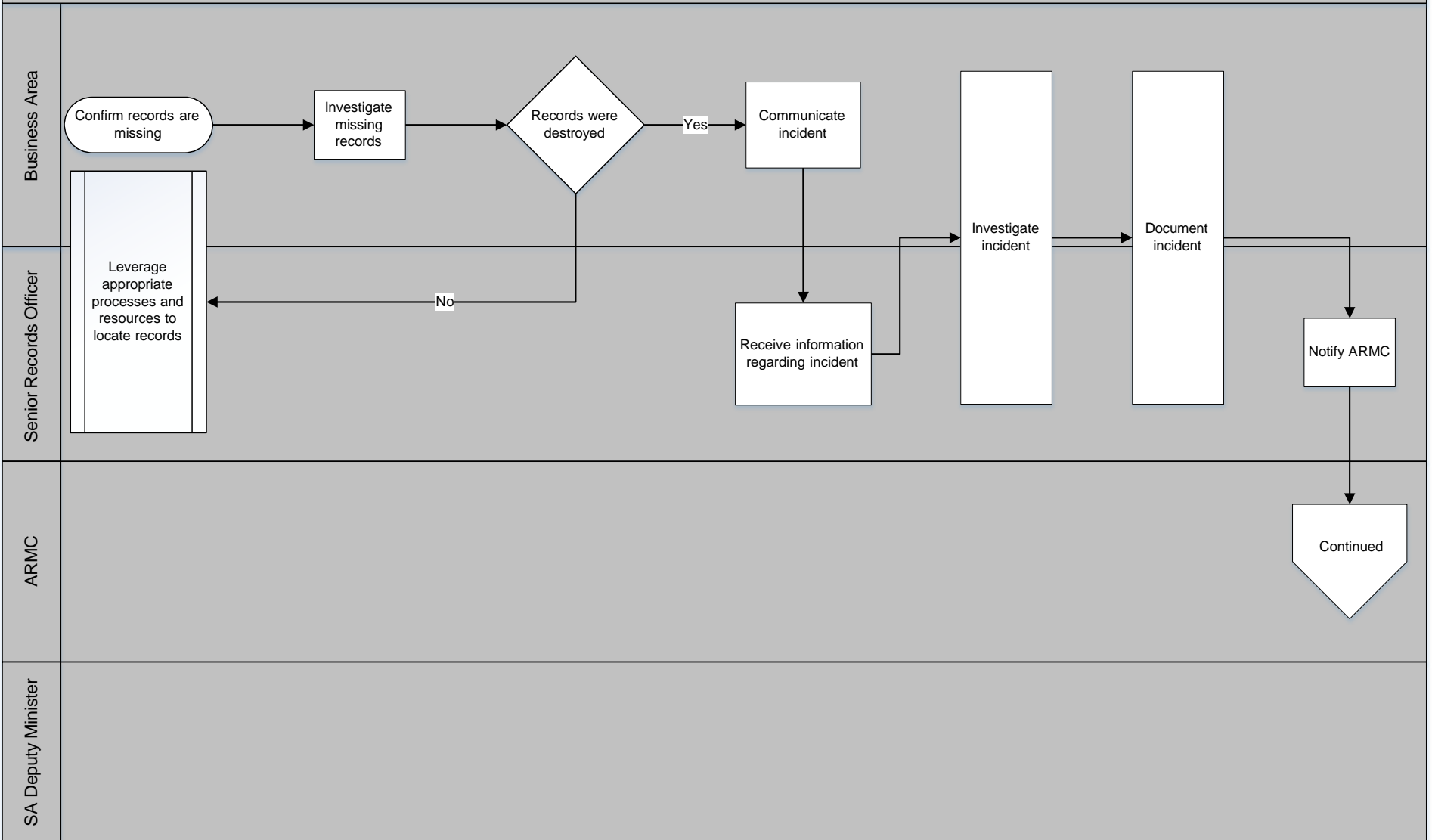
Original Signed by:

Chair

Date

Inadvertent Destruction of Records Process

March 2018



Inadvertent Destruction of Records Process (continued)

March 2018

