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**Alberta Records Management Committee (ARMC)**

**ARMC Circular: 2015-002**

**Topic: Justice Lawyers' Records and FOIP Requests**

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**Background**

Alberta Justice and Solicitor General (Justice) provides legal services to departments through several different service delivery models. In some models, Justice lawyers are physically located with the client department.

In 2006, the Alberta Records Management Committee (ARMC) reviewed how records created or collected were being retained and disposed by Justice lawyers who were co-located with the client departments. ARMC communicated that Justice is responsible for the retention and disposition of all records created by Justice lawyers, regardless of physical location, and recommended that the Justice Civil Litigation Records Schedule (1982/223-A2) be applied. (See Circular 2015-001)

**FOIP Requests**

Any records prepared by Justice that are given to the department (i.e. a legal opinion as requested by a program area) will be dealt with by department FOIP offices in consultation with Justice lawyers. That is, records created by Justice lawyers that are in the custody of client departments are included in the department's records searches.

In September of 2013, Justice, Legal Services Division communicated that the records of those lawyers physically located with the client are in the exclusive custody and control of Justice. They are not to be searched by the client departments in response to a client department's FOIP request.

In responding to a FOIP request, client departments will no longer be permitted to review their Justice lawyers' legal services files for responsive records.

**Conclusion**

For clarification, further details or assistance on the contents of this circular, please contact Heather Innes, Justice Representative, Alberta Records Management Committee, at [heather.innes@gov.ab.ca](mailto:heather.innes@gov.ab.ca) or 780-422-5839 or Joanne Gardiner, Manager FOIP Services, Service Alberta, at [joanne.gardiner@gov.ab.ca](mailto:joanne.gardiner@gov.ab.ca) or 780-422-7326.

*Original Signed by:*

*Cathryn Landreth*

*April 25, 2015*

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Chair

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Date