



Records Management Bulletin

Records management advice prepared for GNWT employees
by the Records Management Unit of Public Works and Services



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Ownership of Records

Who Owns My Records?

What would you say if a records coordinator asked you if you had any records in your office? Would you point to the files in your filing cabinet, or would you tell him or her that all you have are your “personal files” or your “working papers”?

In fact, most of the records that you have at your desk belong to your employer. Any record that you create or receive while doing your job is a public record unless you have a contract or agreement that says otherwise. All public records must be managed as part of your department or agency’s records management program.

What is a Public Record?

“Public record” is the official term for a government-owned record. A public record is anything that you . . .

- Write down
- Type
- Record
- Receive
- Save

. . . while doing your job. Records can be stored on paper, on film, on video or audiotape, on computers, and in other media. These records must be included in your department’s records management program.

When GNWT employees think of public records, they often think just about the files that end up in their department’s filing system. However, the filing system is only part of the picture. Public records are found in other places as well. Working files that you keep at your desk are public records. Even work-related records that are kept in a place outside of the office, like your home, are public records.

In some cases, public records may be found in the private and not-for-profit sectors. This can happen when the GNWT contracts out for a service. Some contracts state that the GNWT owns any records that the contractor creates.

What is not a Public Record?

Almost every record found in a government office belongs to the GNWT. However, there are a few exceptions:

- A Minister's constituency and political records do not belong to the GNWT.
- Judicial and court records do not belong to the GNWT.
- Your record of your dealings with the GNWT as your employer is not a GNWT record. For example, your copy of a leave request and your copy of your performance evaluation belong to you.

These records should not be included in your department's records management program. However, in some cases the *Archives Act* or the *Access to Information and Protection of Privacy Act* may apply to them.

You Can't Take it With You

The *Archives Act* states that,

“No government body shall, except with the written authority of the Public Records Committee or as authorized by the regulations, destroy any public record over which it has control or relinquish its control over any such record to a non-government body.” (s. 9)



And that,

“Every person who unlawfully damages or mutilates a public record or, except as authorized by this Act or the regulations, destroys a public record or removes or withholds a public record from a government body or the Archives, is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding one year or to both.” (s. 10)

In other words, employees do not own the work that they do for the GNWT. They cannot keep or throw away public records as they please. Instead, public records must be managed according to GNWT standards and practices.

When you leave your job, the records that you worked on must be left behind. This rule applies to records in any medium, including electronic files and e-mail. Ideally, the records would already be part of your department's records management program.

Looking After Public Records

Departments have many tools for managing public records. Some of the tools that your department may have include:

- File lists.
- Procedures for handling paper and electronic records.
- Records disposition authorities. For example:
 - The GNWT Administrative Records Classification Systems (GNWT ARCS)
 - Operational Records Classification Systems (ORCS)
 - The Transitory Records Schedule
 - The Voice Mail Schedule
 - The Electronic Mail Schedule
- Access rights and restrictions for confidential records.
- Tracking and control systems.
- Advice and training.

For more information about ownership of records or your department's records management program, contact your department's Records Coordinator.

You can also call the Records Management Unit at 920-3009 or 873-7627.

