

Creating Records

To Create or Not Create a Record ... That is the Question.

All of the Records Management Bulletins to date have given you help on how to manage your records. But have you ever thought about why you create records in the first place? Have you ever wondered if you should create a record or not? Have you ever grumbled about how the files are not complete, or do not give you the information you need?

This bulletin will look at why we create records, and when you should create a record.

So, why do we create records anyway?

People have been creating records for a very long time. Before writing was invented, people drew pictures on rock walls and in caves to record their hunts or commemorate major events. Later, the Phoenicians and other cultures invented writing as a way to manage inventories and keep track of sales. As writing evolved, it was used to write down the stories, histories, and religious texts that form the foundations of civilizations. By writing things down, early cultures found that they could pass information on to future generations.

So, the purpose of making records is memory. Records help us remember what has happened and communicate that information accurately in the future.

Yes, but, how do I know if I should create a record or not?

Ask yourself the question, “What information do I need to show what has been done, how we planned to do things, how we did it, and what results have been achieved?”

You need records to show:

- That money was paid out or received properly.
- That you had contact with employees, colleagues, clients, vendors, consultants, or the public,
- That you made decisions, and how you reached those decisions.
- That you gave advice or recommendations to someone.
- That you followed laws and regulations,
- That you followed procedures and guidelines.
- That you provided or received a good or service.
- That you attended meetings, seminars, or other sessions.
- That you conducted reviews, audits, or evaluations.



For more information, see Bulletin
2, What is a Record?

- That you developed or implemented plans, proposals, or programs.
- That you developed legislation, regulations, policies, procedures, standards, or guidelines.
- That you obtained information and acted on it.
- How you conducted the business of the Government.

When do I create records?

Many government programs have procedures that require you to create records as part of the process. Follow those procedures. Many government scandals (not to mention Auditor General audits) are caused by the fact that procedures were not followed, the correct documentation was not created, and decisions were not documented.



As a rule, records should be made as soon after the event as possible. The longer you wait to make a record, the less reliable your record becomes. As time goes by, your memory of what happened becomes clouded.

Records should be created in the “normal and ordinary course of business.” This means that you should be making records as a regular part of doing your job.

If you fail to make records soon after the event or as a regular part of your business, your records will not be complete or reliable. This becomes a problem when:

- You need the records to make decisions or account for your actions.
- If there is a lawsuit. Incomplete or unreliable records may not stand up to scrutiny in court.
- If there is an audit. Incomplete or unreliable records raise questions about how programs were run and how money was spent.

How do the courts view records?

When it comes to presenting evidence, the Courts generally prefer oral testimony to the written word. Records are viewed as hearsay, and can only be admitted if they are proven to be trustworthy. To be considered trustworthy, it must be proven that the records were:

“made contemporaneously by someone having a personal knowledge of the matters then being recorded and under a duty to make the entry or record.”*

What this means is that in order to be considered as evidence in court when:

- The record was made at the time of the event or within a reasonable time after the event.
- The record was made in the usual and ordinary course of business.

* As quoted in, *Records Retention: Law and Practice*, Toronto (Thomson Carswell), 2003 Release 2, p. 6-1.

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- The person who made the record had personal knowledge of the event or personally observed the event.
 - The person who made the record had a business duty to create the record or handle the record.
 - The records document an act, transaction, occurrence, or event.
 - The person who created the record had no motive to misrepresent events.

The Courts review evidence and apply the hearsay rules on a case-by-case basis. The above criteria are general guidelines, but may not apply in any one particular case.

For more information, contact your department's records coordinator, or contact the Records Management Unit at 920-3009 or 873-7446