Recordkeeping Fact Sheet

The Fine Art of Destruction: Weeding Out Transitory Records

I know I need to keep some things. But the rest of the stuff...?

How often have you wondered whether you should keep or discard a record after you’ve finished using it? Over the course of a workday, you create and receive a wide assortment of records while carrying out your work activities. For some records, it’s obvious that they should be filed and saved because they are needed to support business operations, provide evidence of transactions, compliance, decisions, fulfil legislative requirements or account for the activities of government. But for others, it’s not always so clear.

Some of the records you create or receive are really only of temporary usefulness, and will have no further value beyond an immediate and minor transaction or the preparation of a subsequent record. Keeping these transitory records beyond their time of usefulness clutters offices and computer systems, costs money, and makes it difficult to locate important information quickly when needed.

So what can I do about it?

The Archives and Recordkeeping Act, 2006 requires all public records be disposed of by following the conditions set out in approved records schedules. Public records, as defined in the Act, are records made or received by a public body (e.g. minister, ministry, or designated agency, board, commission) in carrying out its activities, but do not include minister’s constituency records or published works. Virtually everything that you document as a result of your work, whether by computer, handheld device, audio or video recorder or on paper is a public record requiring a records schedule to authorize its disposal.

The Common Records Series for Transitory Records of The Government of Ontario empowers you to destroy transitory records immediately when no longer required as stipulated in the schedule. The records schedule:

- Describes and provides examples of different types of transitory records;
- Authorizes every government employee to routinely destroy the transitory records they create, receive or are otherwise responsible for;
• Applies to records in all media (i.e. electronic, paper and other formats);

When dealing with transitory records, practising “read and delete,” and making good use of your recycling bin and secure document destruction services (i.e. confidential shredding bins) are the keys to managing information effectively.

**But I don’t want to get rid of something valuable! How do I know what’s transitory?**

Start with the common records schedule for transitory records. Think about the types of records you create and receive daily in the course of your work and how they fit into the categories described in the schedule. In addition, you can answer the questions in the decision diagram at the end of this Fact Sheet to help you decide.

Here are a few additional things to keep in mind:

**Annotated copies:** If an information copy has been annotated to reflect significant input or acted on and used for other program purposes, then it’s no longer just a transitory information copy. It is a new record, with additional information. The record should be saved and scheduled with other records related to the same activity or program.

**Committee/project team records:** Transitory records can quickly accumulate in committee or project team settings when responsibility for maintaining the project or committee records is not determined at the very beginning. Committees and project teams should appoint a secretary to keep a complete and comprehensive set of records -- minutes, reports, and other records received or produced by the committee or project. This makes good business sense, and also means that information copies distributed to members and other parties may be safely discarded as transitory. Ongoing access to the records can be provided directly by the secretary by, for example, posting the records to shared directories on area computer networks.

**Personal (non-work related) records, publications and blank forms:** Conventionally grouped together with transitory records, these materials are not considered public records under the *Archives and Recordkeeping Act, 2006* and do not need to be scheduled. Personal (non-work related) records should be kept to a minimum and must be maintained separately from government records, but as your personal property, they may be disposed of as you see fit.

Before throwing out old copies of Ontario government publications follow the Government Publications Directive and ensure that sufficient copies have been deposited in government libraries (e.g. ministry library, Legislative Library or Archives of Ontario Library) and with ServiceOntario Publications. Unnecessary extra copies of government publications, unwanted non-government publications, as well as obsolete,
unusable blank forms (those **not** used to record information) may be disposed of at the
discretion of the office to which they belong.

**Sounds good so far. But how do I deal with electronic records?**

Treat electronic records (email, word processing documents, spreadsheets, digital
photos, etc.) just as you would paper records: if they fall under one of the categories of
transitory records, delete them as soon as you’ve finished with them as directed by the
common records schedule for transitory records. If they don’t, save them into your
workgroup’s directory or records/document management system for future use where
they will be scheduled with other program records related to the same activity or
program.

When IT staff tell you to “clean out” old files and email messages, it means you’ve fallen
behind in managing the transitory records you’re responsible for. Don’t wait for the IT
staff to prompt you. Ensure that you regularly scan for transitory records and delete as
you go.

**What if I have the same record in both electronic and paper formats?**

Format is not what determines whether a record is transitory, rather it’s whether the
record is only temporarily useful because the information is captured in a subsequent
record or is insignificant in documenting government activities beyond an immediate or
minor transaction.

Ask yourself, do I need both the electronic and paper record to fully document my work
activities? Does only one format tell the whole story? If a paper record is produced
from the electronic record, does the electronic format still serve an ongoing purpose
because of additional functionality, authenticity or other benefits derived from it? What
about in the reverse, if an electronic record is produced from a paper record (e.g.
scanned), does the same hold true?

If there is an ongoing business need to keep a record in more than one format for a set
period of time, all of the formats must be described in your ministry or agency’s records
schedule. One format may need to be kept longer than the other, or both for the same
length of time, as business or legislation dictates. If the records have permanent
historical value, this also lets the Archives preserve the format that will be most useful
and accessible in the future. If this isn’t the case, act as directed by the common
records schedule for transitory records.

**Is there anything else I should know about transitory records?**

The method you use to destroy transitory records must be appropriate to their level of
sensitivity and/or security classification. Recycling is suitable for non-sensitive
information, but transitory records that may contain personal information or other sensitive or confidential information must be disposed of in such a manner that the information cannot be reconstructed (i.e. secure document destruction or permanent deletion). When in doubt, treat it as sensitive.

Transitory records are public records (i.e. government records) and may have to be reviewed and disclosed in response to a formal request for information, even if you’ve kept them when you could have destroyed them. Wherever the requested information persists in a recorded format, it is considered a record subject to the Freedom of Information and Protection of Privacy Act (FIPPA) and legal discovery.

When a freedom of information access request is received, or during the course of a legal action or inquiry, any related transitory records must not be destroyed until the request or legal action has been processed and any appeal period has elapsed. You will be advised by your Freedom of Information Coordinator or Legal Services Branch when such requests are received and what actions are required.

Remember, a transitory record is of temporary usefulness as described in the common records schedule for transitory records. Therefore, it is not to be kept as a substitute for or supplement to the records that it duplicates or brings about, and certainly not for longer than these records. Otherwise, how is it “transitory”? By regularly destroying transitory records as authorized by the schedule, you’re not only weeding out what isn’t needed, and fulfilling an important recordkeeping responsibility, but also eliminating any future confusion about the records’ importance.

**What about public records that are not transitory?**

This fact sheet focuses more on the management of public records that are transitory than the management of public records with ongoing value.

Public records are subject to the Archives and Recordkeeping Act, 2006, the Freedom of Information and Protection of Privacy Act, and in some cases other program-specific legislation as well. Decisions about their retention, transfer or destruction are made through the records scheduling process.

To learn more about the Ontario government’s records scheduling program, go to the Archives of Ontario’s Recordkeeping Support Intranet site on MyOPS.
**Transitory Records Decision Diagram**

**Question 1:** Is the material (electronic, paper or other format) a PUBLICATION (record made available or will be made available to the public in multiple copies or locations) or a BLANK FORM (a form/stationery that has not been filled out with information)?

- **YES**
  - **Not a Public Record**
    - Dispose of as the owner sees fit

- **NO**
  - **Non-Work Related**
    - Private/personal record or Minister’s constituency records

**Question 2:** Does the record (electronic, paper or other format) document an activity of the Ontario government?

- **YES**
  - **It’s a Public Record**

- **NO**

**Question 3:** Does the public record have any of these characteristics?

- Needed only for a short time because it is,
  - used solely for the preparation of another record and not needed once the other record is completed.
  - a non-annotated duplicate kept by you strictly for short-term reference purposes and the master copy is filed in your office or filed by the originating office.
  - a duplicate that is unusable as a result of a failed output or duplication process.
  - a draft or working materials that have no further value once the final version of the document is produced.
  - solicited or unsolicited advertising/promotional materials not required to document or support a transaction or purchase?
  - created or received for minor or short-term informational purposes.

- **YES**
  - **Public Record that is transitory (Transitory Record)**
    - Refer to the Common Schedule for Transitory Records
      - Records of temporary usefulness;
      - Having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record;
      - Of such short-term value that they are not required to meet legal or fiscal obligations, initiate, sustain, evaluate or provide evidence of decision-making, administrative or operational activities.

- **NO**
  - **Public Record required to account for the activities of government**
    - Refer to the applicable records schedule series for your ministry or agency:
      - Required to meet legal or financial obligations;
      - Needed to initiate, sustain, evaluate or provide evidence of compliance, decision-making, administrative or operational activities;
      - Used to protect the rights of citizens and the government.