Managing Ministers’ Office Records
Updated: January 2017

Introduction
Reliable records are needed by Cabinet ministers to carry out their responsibilities effectively. Records provide important evidence of actions taken and decisions made, and allow government to account for its actions. Ultimately, these records will form part of Manitoba's archival heritage.

Under *The Archives and Recordkeeping Act*, the Archives of Manitoba is responsible for central records management policy, guidance and processes. Ministers’ offices, like all other government offices, are responsible for use of the policies and processes to ensure that records are effectively created and managed.

The purpose of this guidance is to assist ministers and their staff with the management of Ministers’ Office Records. It is intended to help ministers’ offices understand their recordkeeping obligations and avoid two serious risks:

- failure to fully document the actions of the office; and
- loss of records due to a failure in recordkeeping processes or from unauthorized destruction.

Records in Ministers’ Offices
Two distinct categories of records are found in ministers’ offices:

1. Personal, Constituency and Party (Caucus) Records
Records compiled as part of the minister’s constituency, political party (caucus), or personal activities are *not government records* under *The Archives and Recordkeeping Act*, and the requirements and obligations for managing Minister’s Office Records do not apply. These personal records should be kept separately from the Minister’s Office Records, and may be removed from the office as the minister sees fit. If the minister wishes, they may be donated to the Archives of Manitoba by private agreement. Information on *donating private records* can be found on the Archives of Manitoba website.

All other records in ministers’ offices belong to the second category, ‘Ministers’ Office Records’, which are the focus of this guidance.
2. Ministers’ Office Records
These include all records made or received in the course of carrying out portfolio responsibilities and in the minister’s role as a member of Cabinet. Ministers’ Office Records, whether in paper, electronic or any other form are government records subject to The Archives and Recordkeeping Act.

The term “Minister’s Office” includes all of the following positions:
- Ministers of the Crown (including the Premier)
- Assistants to the ministers (including Executive, Legislative, and Special Assistants)
- Ministers’ office staff

It is important to note that there is no separate category of ‘political records’ that falls outside the scope of the Ministers’ Office Records. Records created by Special Assistants or other political staff when carrying out activities of the minister’s office are government records, and must be managed as part of the Ministers’ Office Records.

Ministers’ Office Records typically include:
- Records of the activities of the minister relating to departmental operations, policy development and delivery, intergovernmental relations, stakeholder relations and other activities of the government.
- All correspondence sent and received by the minister’s office about departmental business.
- Records pertaining to the minister’s involvement in Cabinet or any of its committees.
- Records relating to public communications and issues management activities.
- Records relating to administrative functions such as human resources, financial management, ministerial travel and expenses.

Recordkeeping Requirements
This section outlines the principal obligations and requirements for creating and managing Ministers’ Office Records.

Ministers’ offices must be aware of and in compliance with recordkeeping legislation, policies and standards. They should ensure that all staff understand the requirements, that appropriate responsibility is assigned and that records management activities are monitored.

Creating records
It is expected that ministers’ offices will create full and accurate records of all actions, decisions, communications and other activities related to the official business of the office. This is often referred to as the “duty to document.” Full documentation is needed for continuity and effective government administration.
It also enables government to account for its actions – not just to the public under freedom of information laws, but also to the legislature, auditors, public inquiries and the Courts.

**Filing and maintaining records**

Ministers’ Office Records should be captured (filed) in an organized file system that protects the integrity and accessibility of the records over time.

Ministers responsible for more than one department or for additional portfolios (such as the Minister Responsible for the Status of Women) should identify and maintain these distinct records separately.

Any changes to the practices or systems used for filing and maintaining these high risk and high value records should be discussed with the Archives prior to implementation.

**Managing paper and electronic records**

Ministers’ offices should be aware that the creation of records in multiple formats (paper and electronic) using separate applications (paper-based file systems, email services and correspondence tracking systems) presents special recordkeeping challenges. Regardless of format, the complete records of each activity or issue, and of the office’s ongoing activities as a whole, need to be managed comprehensively to ensure that the full record is kept and remains accessible for as long as required.

Since the tracking system used by ministers’ offices (AIMS) may contain records that are not duplicated in a paper file system, as well as descriptive and tracking information needed to understand and access ministers’ records, these electronic records are an essential part of the Ministers’ Office Records and must be managed accordingly.

Office procedures for creating, filing and tracking both paper and electronic records should be established to ensure that all records of each activity or issue are maintained together or persistently linked so that they can be accessed and viewed as a whole, and to enable the full set of records to be retained and disposed of as required by the records schedules for Ministers’ Office Records. Since ministers’ offices have common recordkeeping requirements, use of standardized procedures is recommended.

**Retention and disposal of records**

Records schedules are the mechanism used in the Manitoba government to identify the records of each function or business activity and to authorize retention and disposal. They establish policy for how long and under what conditions the records must be kept and whether, at the end of the retention period, the records may be destroyed or must be retained permanently as archival records.

The following records schedules apply to records in ministers’ offices:

- **Ministers’ Office Records** - Each minister’s office has a records schedule for the Minister’s Office Records, usually called ‘Minister’s Office Files’, which covers the records of the minister’s departmental responsibility. If a minister is responsible for more than one department, there will be a separate records schedule for
each. All records schedules for Ministers’ Office Records set out the same mandatory provisions for retention and disposal of the records. These schedules do not permit destruction of the records: the final disposition of all Ministers’ Office Records is transfer to Archives.

- **Ministerial Portfolios** - Where a minister has responsibility for one or more additional portfolios (ex: Status of Women) there will be a separate records schedule for each. Records schedules for ministerial portfolios set out the same mandatory provisions for retention and disposal of the records. Like the schedules for Ministers’ Office Records, the Portfolio schedules do not permit destruction of the records: the final disposition is transfer to Archives.

- **Transitory records** - Each office has a records schedule for transitory paper records, usually called ‘Non-Filed Office Paper’, which authorizes immediate destruction of the records. For transitory electronic records there is a government-wide General Records Schedule (GRS 0001) which authorizes deletion. Copies of cabinet packages which are distributed to ministers prior to Cabinet meetings are also a type of transitory record which should be destroyed using Executive Council’s records schedule for ‘Cabinet Records – Convenience Copies’ (EC 0049A). For more information on transitory records see Destruction of Records, below.

**Transferring Records**

Ministers’ offices should use the records schedules and follow Government Records Office procedures to transfer records due for storage or disposal. The established transfer process is designed to control and document authorized retention and disposal of the records.

**Destruction of Records**

In the Manitoba government, an approved records schedule is the sole authority for destroying records. It is an offense under *The Archives and Recordkeeping Act* for any person to alter, conceal, remove or destroy a record with intent to deprive government of the use of or access to the record.

**Transitory Records**

The only Ministers’ Office Records that are authorized to be destroyed are transitory records. Transitory records are government records that have short term use only and do not need to be filed. Ministers’ offices should be familiar with the Government Records Office guideline on Transitory Records which provides important advice on how to correctly identify these records. Destruction of transitory records should be done according to Government Records Office procedures. Office paper shredders should not be used in Ministers’ offices.

**Hold on destruction**

In exceptional circumstances, records normally due for authorized destruction, including transitory records, may
be needed for a legal proceeding, investigation or Freedom of Information and Protection of Privacy Act (FIPPA) request. A Hold on destruction may be placed and regular authorized destruction is not permitted until the Hold has been removed.

**Leaving Office**

When a minister leaves office (ex: retirement or cabinet shuffle) but there is no change of government administration, the Minister’s Office Records remain with the office so the mandate of the administration can continue to be fulfilled.

When ministers leave office as a result of a change of government following an election, there is a different protocol for managing Ministers’ Office Records. In Canada’s Westminster system of government, all records of Cabinet, its committees and ministers are considered to be privileged information of the government of the day, and therefore the succeeding administration does not normally have access to the records. Accordingly, in the Manitoba government the records schedules for Ministers’ Office Records provide for the paper records to be physically removed from the office and transferred immediately to the Archives. For electronic records in the AIMS system and other applications, arrangements will be made for the records to be retained, but protected from access by the incoming administration.

**Access to Ministers’ Office Records following a Change in Government**

**Access by incoming government**

When the information from Ministers’ Office Records of the previous administration is needed by the incoming government to deal with particular issues and for administrative continuity, new ministers are asked to consult with their deputy minister, who will prepare the necessary information from records in the deputy minister’s office and department program files. In exceptional circumstances where access to specific ministerial records is required, this may be requested through written application to the Clerk of the Executive Council.