

This Act is current to June 26, 2019

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

## INFORMATION MANAGEMENT ACT

### [SBC 2015] CHAPTER 27

*Assented to May 28, 2015*

#### *Contents*

#### **Part 1 — Interpretation and Application**

1 Definitions

#### **Part 2 — Chief Records Officer**

##### **Division 1 — Designation and Mandate of Chief Records Officer**

2 Minister may designate chief records officer

3 Mandate of chief records officer

##### **Division 2 — Powers of Chief Records Officer**

4 Approval of information schedules

5 Approved information schedules must be published

6 Directives and guidelines

7 Repealed

8 Chief records officer may access information

8.1 Annual report of chief records officer must be provided to minister

#### **Part 3 — Managing Government Information**

9 Not in force

10 When information schedule applies

11 When no information schedule applies

#### **Part 4 — Archives**

12 Digital archives established

13 Information must be digitized before archiving

14 Archiving government information

15 Copies of archived records admissible in court

#### **Part 5 — Court Information**

16 Court information schedules

17 When no court information schedule applies

18 Archiving court information

#### **Part 6 — General Provisions**

19 Responsibility of head of government body

20 Section 5 of *Offence Act*

21 Application to Supreme Court for return of information

22 Power to make regulations

#### Part 7 — Transitional Provisions, Repeal and Consequential and Related Amendments

23 Not in force

24 Transition — records schedules under *Document Disposal Act*

25 Transition — removal of person or body from list of government bodies

26 Repeal

27- Consequential and Related Amendments

57

58 Commencement

## Part 1 — Interpretation and Application

### Definitions

1 In this Act:

"**archive**" means to transfer information from a government body or court to the digital archives or museum archives of government;

"**court**" means the Court of Appeal, Supreme Court or Provincial Court;

"**court information**" means recorded information held by a court that is

(a) filed in a court proceeding, or

(b) about a court proceeding,

but does not include

(c) information stored in or recorded on a judicial administration record, or

(d) information relating to matters of court administration assigned to the Attorney General or government by law;

"**court information schedule**" means a court information schedule approved under section 16 [*court information schedules*];

"**digital archives**" means the digital archives established by section 12 [*digital archives established*];

"**digitize**" means to record in digital form information originally recorded in non-digital form;

"**dispose**" means to destroy, or render impracticable to decipher, recorded information;

**"government agency"** means an association, board, commission, corporation or other body, whether incorporated or unincorporated, if

- (a) the body is an agent of the government,
- (b) in the case of a corporation with issued voting shares, the government owns, directly or indirectly, more than 50% of the issued voting shares of the corporation, or
- (c) a majority of the members of the body or of its board of directors or board of management are one or both of the following:
  - (i) appointed by the Lieutenant Governor in Council, by a minister or by an Act;
  - (ii) ministers or public officers acting as ministers or public officers;

**"government body"** means

- (a) a ministry of the government of British Columbia, or
- (b) a government agency designated as a government body by regulation,

but does not include

- (c) a person who is a member or officer of the Legislative Assembly, in the exercise of his or her functions as a member or officer of the Legislative Assembly, or
- (d) a court;

**"government information"** means recorded information created or received by a government body in connection with government business, including

- (a) information that must be held by the government body by law,
- (b) information that documents a decision by a government body respecting a course of action that directly affects a person or the operations of the government body,
- (c) information that documents or supports the government body's organization, policies, procedures, transactions or operations,
- (d) information created or received by a government body that has archival value, and

information relating to matters of court administration  
(e) assigned to the Attorney General or government by law,

but does not include

- (f) constituency information held in the office of a minister,
- (g) court information, or
- (h) information stored in or recorded on a judicial administration record;

**"head"**, in relation to a government body, means whichever of the following applies:

- (a) if the government body is a ministry or office of the government of British Columbia, the member of the Executive Council who presides over that ministry or office;
- (b) if the government body is a government agency designated as a government body by regulation, the person designated as the head of that government body in that regulation;

**"hold"** includes

- (a) to place the information in the custody of a volunteer or a person retained under a contract with the government body or court if the government body or court retains control of the information, and
- (b) in relation to court information, to place the court information in the custody of a government body charged with the custody of court information on behalf of the court;

**"information schedule"** means an information schedule approved under section 4 [*approval of information schedules*];

**"judicial administration record"** has the same meaning as in the *Freedom of Information and Protection of Privacy Act*;

**"museum archives of government"** has the same meaning as in the *Museum Act*;

**"publish"** means to make generally available to the public, and includes posting on the internet;

**"transfer"**, in relation to information, does not include disclosing information if the original body continues to hold the information.

## Part 2 — Chief Records Officer

### Division 1 — Designation and Mandate of Chief Records Officer

#### Minister may designate chief records officer

- 2 (1) The minister may designate, with or without conditions, a person appointed under the *Public Service Act* as chief records officer.
- (2) The chief records officer may delegate, with or without conditions, any or all of his or her powers and duties under this Act to a person or class of persons.
- (3) A delegation under subsection (2) must be in writing and may include any terms or conditions the chief records officer considers advisable.
- (4) A condition under this section may incorporate by reference a policy, procedure or standard relating to information, as amended from time to time before or after the appointment or delegation.

#### Mandate of chief records officer

- 3 The mandate of the chief records officer is
  - (a) to promote the preservation of valuable government information for current and future use,
  - (b) to approve information schedules governing the holding, transferring, archiving and disposal of government information,
  - (c) to manage the digital archives and promote its availability to the public,
  - (d) to promote effective information management by government bodies, and
  - (e) to examine, evaluate and report on the management of government information by government bodies and to make recommendations considered advisable.

### Division 2 — Powers of Chief Records Officer

#### Approval of information schedules

- 4 (1) The chief records officer may approve an information schedule applying to a class of government information if the chief records officer is satisfied that

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the information schedule is consistent with his or her mandate, set out in section 3, and

- (a)
- (b) the information schedule provides, with as much specificity as practicable, for the disposal of all information required to be disposed of by law and for the holding of all information required to be held by law.

- (2) An information schedule is not an enactment.
- (3) If more than one information schedule applies to government information, the information schedule most recently approved prevails in the event of a conflict.
- (4) The minister may establish an information management advisory committee to advise the chief records officer in relation to the approval of information schedules.

**Approved information schedules must be published**

- 5 The chief records officer must publish all approved information schedules.

**Directives and guidelines**

- 6 (1) The chief records officer may issue directives and guidelines to a government body in relation to a matter under this Act, including, without limitation, the following:
  - (a) the digitizing and archiving of government information;
  - (b) the effective management of information by the government body;
  - (c) the creation of records respecting the government information referred to in section 19 (1.1) [responsibility of head of government body], including, without limitation, directives and guidelines respecting the types of records that constitute an adequate record of a government body's decisions.
- (2) The minister may designate a person appointed under the *Public Service Act* as a person who must approve a directive, guideline or class of directives or guidelines issued under this section.

**Repealed**

- 7 [Repealed 2017-7-3.]

**Chief records officer may access information**

The chief records officer may do the following:

**8**

- (a) access information, including personal information, held by a government body;
- (b) require from an officer or employee of a government body information and explanations necessary for the chief records officer to carry out his or her mandate.

### **Annual report of chief records officer must be provided to minister**

**8.1** The chief records officer must provide to the minister an annual report on the carrying out of the chief records officer's mandate, and the minister must lay the report before the Legislative Assembly as soon as possible.

## **Part 3 — Managing Government Information**

### **Not in force**

**9** [Not in force.]

### **When information schedule applies**

- 10** (1) Government information to which an information schedule applies must be held, transferred, archived or disposed of in accordance with the information schedule.
- (2) Despite subsection (1), information may be transferred between 2 government bodies whether or not an information schedule applies to or addresses that transfer.

### **When no information schedule applies**

- 11** (1) If no information schedule applies to government information, the government information must be held until
- (a) the chief records officer approves an information schedule applying to the government information, or
  - (b) the chief records officer approves the transfer, archiving or disposal of the government information.
- (2) The chief records officer must publish an approval under subsection (1) (b).
- (3) Despite subsections (1) and (2), if another enactment or a court order requires that a government body hold or dispose of government information, that enactment or court order prevails in the event of a conflict.

## Part 4 — Archives

### Digital archives established

- 12 (1) The digital archives is established.
- (2) The chief records officer is responsible for managing, securing and preserving the digital archives.
- (3) The chief records officer may enter into contracts for, or otherwise provide for, the carrying out of any activity or service relating to the management, security and preservation of the digital archives.

### Information must be digitized before archiving

- 13 (1) Government information in non-digital form must be digitized before it is archived.
- (2) The chief records officer may exempt government information or a class of government information from the application of subsection (1).

### Archiving government information

- 14 (1) Government information that is scheduled to be archived under an information schedule must be transferred to the digital archives if the information is recorded in digital form.
- (2) The chief records officer may approve the transfer of government information recorded in non-digital form to the museum archives of government.
- (3) For certainty, subsection (1) does not apply to records in the museum archives of government.
- (4) The chief records officer may enter into an agreement with a government body regarding confidentiality of government information transferred to the digital archives.
- (5) Solicitor-client privilege of government information is not affected by a transfer to the digital archives under this section.

### Copies of archived records admissible in court

- 15 A copy of a record held in the digital archives that is certified as a true copy under the chief records officer's signature
- (a) is admissible in evidence without proof of the official character of the person appearing to have signed the copy, and



- (b) has, in the absence of evidence to the contrary, the same evidentiary value as the original would have if it were proved in the ordinary way.

## Part 5 — Court Information

### Court information schedules

- 16 (1) The Deputy Attorney General and the chief judge or chief justice of a court may approve a court information schedule applying to a class of court information if they are satisfied that the court information schedule
- (a) is consistent with the effective administration of justice and the independence of the court,
  - (b) promotes the preservation of valuable court information for current and future use,
  - (c) promotes effective information management by the court, and
  - (d) provides, with as much specificity as practicable, for the disposal of all court information required to be disposed of by law and for the holding of all court information required to be held by law.
- (2) Court information to which a court information schedule applies must be held, transferred, archived or disposed of in accordance with the court information schedule.
- (3) A court information schedule is not an enactment.
- (4) If more than one court information schedule applies to court information, the court information schedule most recently approved prevails in the event of a conflict.
- (5) The Deputy Attorney General must publish all approved court information schedules.
- (6) For the purpose of advising the Deputy Attorney General and, if requested, the chief judge or chief justice on court information schedules, the chief records officer is deemed to be a member of any advisory committee established under section 4 (4) [*information management advisory committee*].

### When no court information schedule applies

- If no court information schedule applies to court information, the
- 17 (1) court information must be held by a court until the Deputy Attorney General and the chief judge or chief justice of the court
- (a) approve a court information schedule applying to the court information, or
  - (b) approve the transfer, archiving or disposal of the court information.
- (2) The Deputy Attorney General must publish an approval under subsection (1) (b).
- (3) Despite subsections (1) and (2), if another enactment or a court order requires that a court hold or dispose of court information, that enactment or court order prevails in the event of a conflict.

### Archiving court information

- 18 (1) Court information that is scheduled to be archived under a court information schedule may be transferred
- (a) to the digital archives if the court information is recorded in digital form consistent with directives issued under section 6 [*directives and guidelines*] in relation to the form of archived information, or
  - (b) to the Royal British Columbia Museum established under the *Museum Act*.
- (2) The chief judge or chief justice of a court may transfer a judicial administration record of the court
- (a) to the digital archives if the judicial administration record is in digital form consistent with directives issued under section 6 [*directives and guidelines*] in relation to the form of archived information, or
  - (b) to the Royal British Columbia Museum established under the *Museum Act*.
- (3) The chief judge or chief justice of a court may enter into an agreement with the chief records officer or the Royal British Columbia Museum regarding the management, security, preservation and, where applicable, confidentiality of court information or judicial administration records of the court archived under this section.

## Part 6 — General Provisions

### Responsibility of head of government body

- 19 (1) The head of a government body is responsible for ensuring that an appropriate system is in place within the government body for managing and securing government information.
- (1.1) Without limiting subsection (1), the head of a government body is responsible for ensuring that an appropriate system is in place within the government body for creating and maintaining, in accordance with applicable directives or guidelines issued under section 6 (1) [directives and guidelines], government information that is an adequate record of that government body's decisions.
- (2) The head of a government body must take reasonable steps to ensure that the government body
- (a) complies with directives issued under section 6 (1), and
- (b) is guided by guidelines issued under that section.
- (3) [Repealed 2017-7-5.]
- (4) The head of a government body must take reasonable steps to ensure that the government body complies with the following:
- (a) [Not in force.]
- (b) section 10 *[when information schedule applies]*;
- (c) section 13 *[information must be digitized before archiving]*.
- (5) Despite subsection (4) (b), the head of a government body must ensure that no government information held by the government body is disposed of, except in accordance with an information schedule or an approval by the chief records officer under section 11 (1) (b) *[when no information schedule applies]*.

### Section 5 of *Offence Act*

- 20 Section 5 of the *Offence Act* does not apply to this Act.

### Application to Supreme Court for return of information

- 21 (1) If government information is held without legal authority by a person other than a government body, the head of a government body required to hold the government information may apply to the Supreme Court for an order that the person return that government information to the government body.
- (2) This section does not limit any remedy otherwise available to a government body or other person by law.

### Power to make regulations

- 22 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) designating a government agency as a government body for the purposes of this Act;
  - (b) designating an individual in a government agency designated as a government body as the head of the government body for the purposes of this Act;
  - (c) subject to section 25 [*removal of body or person from list of government bodies*], removing a government agency, or a person or body that was formerly a government agency, from the list of government bodies for the purposes of this Act;
  - (d) prescribing fees payable by a person to the government for archival services in relation to the digital archives;
  - (e) despite section 5 (3) of the *Museum Act* [*museum may impose fees*], prescribing fees payable to the museum for archival services;
  - (f) defining any word or expression used but not defined in this Act;
  - (g) for any other purpose contemplated by this Act.

## Part 7 — Transitional Provisions, Repeal and Consequential and Related Amendments

### Not in force

- 23 [Not in force.]

### Transition — records schedules under *Document Disposal Act*

- 24 (1) If a records schedule approved under the *Document Disposal Act* before that Act is repealed applies to government information, the records schedule is deemed to be an information schedule approved under section 4 [*approval of information schedules*] of this Act, unless the chief records officer has approved an information schedule under this Act that replaces the records schedule approved under the *Document Disposal Act*.

- (2) If a records schedule approved under the *Document Disposal Act* before that Act is repealed applies to court information, the records schedule is deemed to be a court information schedule approved under section 16 [court information schedules] of this Act, unless the Deputy Attorney General and the chief judge or chief justice of the court have approved a court information schedule under this Act that replaces the records schedule approved under the *Document Disposal Act*.
- (3) Sections 5 [approved information schedules must be published] and 16 (5) [approved court information schedules must be published] do not apply to records schedules deemed to be approved information schedules or deemed to be approved court information schedules, as the case may be, under this section.

### **Transition — removal of person or body from list of government bodies**

- 25 (1) Before a person or body is removed from the list of government bodies under section 22 (2) (c) [power to make regulations], the chief records officer must approve an information schedule applying to government information that will no longer be held by any government body.
- (2) If a person or body that was formerly a government agency ceases to be a government agency, the person or body is deemed to remain a government body for the purposes of this Act until the person or body is removed under section 22 (2) (c) from the list of government bodies.
- (3) Subject to subsection (4), if a person or body is removed from the list of government bodies, this Act no longer applies to the person or body.
- (4) A person or body that was formerly a government body under this Act must continue to hold, transfer, archive or dispose of the recorded information in accordance with an information schedule prepared under subsection (1).

### **Repeal**

[Note: See Table of Legislative Changes for the status of sections 26 to 57.]

Section(s)	Affected Act
26	<i>Document Disposal Act</i>

### **Consequential and Related Amendments**

## CIMFP Exhibit P-04472

<b>Section(s)</b>	<b>Affected Act</b>
27	<i>Business Practices and Consumer Protection Authority Act</i>
28	<i>Child, Family and Community Service Act</i>
29	<i>Coastal Ferry Act</i>
30-31	<i>Community Living Authority Act</i>
32	<i>Community Services Interim Authorities Act</i>
33-34	<i>Destination BC Corp. Act</i>
35	<i>Election Act</i>
36	<i>Electronic Transactions Act</i>
37	<i>Emergency Health Services Act</i>
38-43	<i>Freedom of Information and Protection of Privacy Act</i>
44	<i>Heritage Conservation Act</i>
45	<i>Knowledge Network Corporation Act</i>
46	<i>Local Elections Campaign Financing Act</i>
47	<i>Motor Vehicle Act</i>
48-51	<i>Museum Act</i>
52	<i>Oil and Gas Activities Act</i>
53	<i>Recall and Initiative Act</i>
54	<i>Safety Authority Act</i>
55	<i>South Coast British Columbia Transportation Authority Act</i>
56	<i>Transportation Investment Act</i>
57	<i>Youth Justice Act</i>

**Commencement**

58 This Act comes into force by regulation of the Lieutenant Governor in Council.