

**Government of Newfoundland and Labrador
Information Management System and Duty to Document Update**

Information Management System

- The Government of Newfoundland and Labrador (GNL) has an extensive Information Management (IM) System which applies to all public bodies falling under the Management of Information Act (MOIA).
- The MOIA places responsibility for an IM program with the head of the public body. But the IM policy framework has developed a system of responsibility that includes application to all GNL staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and others working on behalf of government.
- IM management itself involves a thorough understanding of the underlying concept of managing information. Managing information relies on the lifecycle of a record including: collect, create/receive, organize/store, use/share, and archive/dispose. To build this capacity, the Office of the Chief Information Officer (OCIO) has developed a conceptual foundation called the Guide to IM for Public Bodies. It provides a one-stop document to be used by public bodies to develop their IM programs and includes the following elements:
 - Core IM Foundation – Governance, Accountability and Organization, Vision, Mission, and Guiding Principles, IM Legal and Regulatory Framework and developing an IM Program Plan;
 - IM Program Components – IM Policy Instruments, IM Performance Measurement, Education and Awareness materials for IM practitioners and employees, Physical Records Storage and Information Protection;
 - IM Tools – Records and Information Inventory, Classification Plan Development and Implementation, Disposal of Records, and Records Imaging Services.

This foundational Guide provides the background needed to create and manage an effective IM practice in a public body in keeping with GNL's IM System.

- The IM Legislative/Policy Framework consists of:
 - Legislation – 2 Acts - the MOIA, and peripherally the Access to Information and Protection of Privacy Act (ATIPPA), 2015;
 - Policies – 2 policies;
 - Directives – 3 directives;
 - Standards – 3 standards;
 - Guidelines – 4 guidelines;
 - For Your Information (FYI) notes – 15 FYIs;
 - Frequently Asked Question notes – 9 FAQs;
 - Quick Reference guides – 4 Quick Reference Guides; and
 - Templates – 9 templates.

This sizeable suite of legislation, policies and processes provide the tools needed to ensure that IM in GNL is consistent, well managed and effective.

- The IM System is supported by the OCIO which provides corporate-wide services to public bodies including:
 - IM Advisory Services - policy/procedural advice, one-on-one IM implementation support, HPRM/TRIM support and guidance;
 - Training & Awareness – specific IM training opportunities, supports IM Community, works with the Centre for Learning and Development to support on-line PAccess courses, supports the Human Resource Secretariat’s Orientation for IM;
 - Capacity Supports – assessment tools, capacity building toolkit, current public bodies listing;
 - Government Records Committee – cross departmental committee which establishes records retention schedules/periods; and
 - Government Records Lifecycle Management & Provincial Records Centre – guidance on the appropriate disposal (archive/dispose) of government records, stores semi-active GNL records not stored in other facilities (e.g. Iron Mountain, etc.).
- In addition, the OCIO manages the following IM support groups:
 - IM Directors Forum – brings together all IM Directors (approximately 17) across GNL departments several times per year to discuss emerging issues/changes to the IM system;
 - IM Community - which meets quarterly to bring together IM staff across all public bodies (approximately 200) to engage in IM topics and awareness activities; and
 - Trim Administrators Group – which meets quarterly and brings together GNL departmental TRIM administrators (approximately 50) for awareness/learning activities related to HPRM.
- Taken together, the IM Foundation, Legislative/Policy Framework, OCIO Corporate Services, and OCIO IM support groups, GNL’s full IM System is extensive and sufficient to support an appropriate IM practice across its public bodies.

Duty to Document

- The March 2, 2015 Access to Information and Protection of Privacy Act (ATIPPA) Statutory Review Committee report made a recommendation that GNL implement a duty to document (DTD).
- The OCIO completed an analysis and based on the following findings recommended delaying implementation until a future date:
 - ATIPPA, 2015 Implementation – departments, and subsequently the Office of the Information and Privacy Commissioner (OIPC) identified difficulty in meeting the requirements of the new legislation, it was felt that a delay in implanting the DTD would allow more time for adjustment to the new Act and it was clearly noted that good IM practice leads to better ATIPPA outcomes;
 - Resources – departments were struggling with sufficient staff to manage the ATIPPA implementation, many of the same staff support the IM program in public bodies –

- implementing both the ATIPPA and DTD at the same time was felt to be an unsuccessful approach;
- Capacity Development – departments, facing their ongoing IM pressures (data management volumes, changing technologies, supporting multiple roles (e.g. policy), workforce reductions, etc.) were struggling to build good IM programs and needed both an assessment of their current IM capacity and time in order to build their IM programs to a sufficient point for the DTD implementation;
 - Jurisdictional Review – as of 2015, no Provinces had implemented the DTD; on April 1, 2019 British Columbia passed its new Information Management Act required department heads to ensure an appropriate system is in place to manage and secure government information (like the MOIA) and which includes a requirement to ensure creating and maintaining “government information that is an adequate record of that government body’s decisions” – this is managed by an internal government office – the Chief Records Officer, non-compliance is not identified in the Act, but a reference is made to the Offence Act;
 - Financial – an assessment identified that to ensure a sufficient line of business review of records, the cost would be over \$4 million;
 - Penalties – the OCIO identified that significant review of the impacts of non-compliance would need to be discussed with human resource, policing (if criminal) and potential union representatives; and
 - Existing MOIA – the existing MOIA requires that heads of public bodies ensure they have a system in place to ensure ‘creation’ of records, it was felt that building capacity to support this legislative requirement could serve a similar purpose, particularly since there was no jurisdictional consensus on what a DTD could entail.
- Since making this recommendation, the OCIO has been working with public bodies to:
 - Complete and provide recommendations to departments related to their IM capacity;
 - Update the IM Policy framework and tools to heighten advice around creation of records; and
 - Deliver training and awareness that provides a focus and understanding of the creation of records.

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