

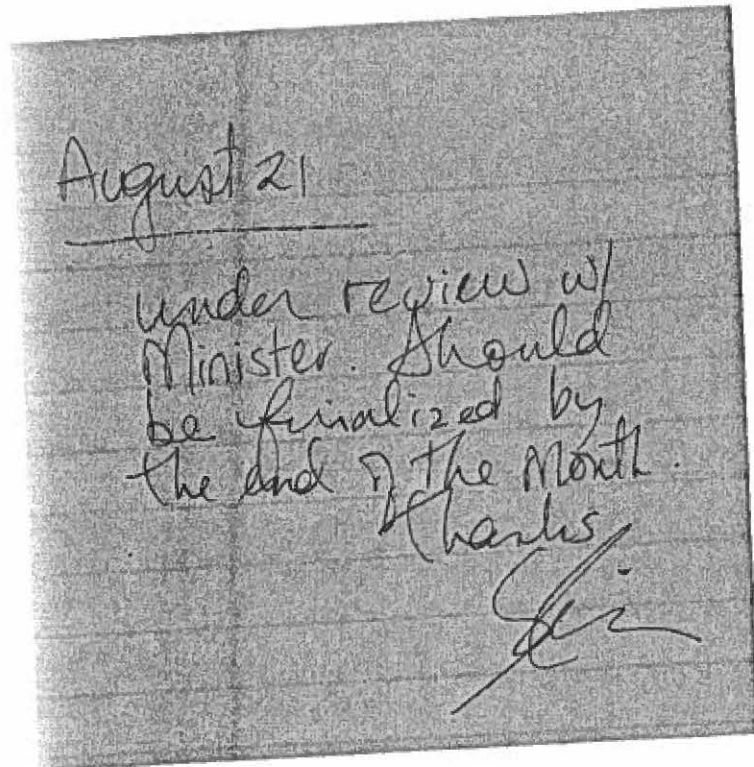
DTD. Copy

June 28, 2017

Betty,

Re: Questions related to Duty to Document

1. Is Minister Bennett aware?
Yes
2. Is the approach satisfactory from her perspective?
Yes
3. Should an Information Note be submitted to the PO?
Ellen believes a note is started. She will revisit with the Minister and finalize a note for the PO.



August 21
Under review w/
Minister. Should
be finalized by
the end of the month.
Charles
Eli



Government of Newfoundland and Labrador
Office of the Chief Information Officer

Nina,
① → Is Mr Bennett aware?
② → Is this approach satisfactory, from her perspective
③ → Should an Info Note be submitted to PO?

MEMO

Cabinet Secretariat RECEIVED	
Date:	June 9, 2017
Doc #	CoR 2017-1242-01
File #	_____
Action(s):	_____

DATE: June 8, 2017

TO: Elizabeth Day
Clerk of the Executive Council (Acting)

FROM: Ellen MacDonald

SUBJECT: DUTY TO DOCUMENT IMPLEMENTATION - UPDATE

The following recommendations were made by the Access to Information and Protection of Privacy (ATIPPA) Review Committee in March 2015 in relation to the duty to document:

Recommendation #79: The Government take the necessary steps to impose a duty to document, and that the proper legislation to express that duty would be the *Management of Information Act*, not the *ATIPPA*.

Recommendation #80: Implementation and operation of this new section of the *Management of Information Act* be subject to such monitoring or audit and report to the House of Assembly by the OIPC as the commissioner considers appropriate.

The legislated duty to document is a significant undertaking that is not implemented in any other Canadian jurisdiction. British Columbia enacted duty to document legislation on March 17, 2017.

The Office of the Chief Information Officer (OCIO) appreciates the importance of this recommendation and is continuing its work to implement this duty, which includes research, consultation, as well as understanding the cost and required resources to implement this across in excess of 150 departments, agencies, boards and commissions.

In Newfoundland and Labrador, the Management of Information Act (MOIA) already had an existing requirement for the head of a public body to develop, implement and maintain a record management system for the creation, classification, and retention ... of government records. (Section 6(1))

Work completed to date includes a jurisdictional review of provinces, the federal government and some international jurisdictions to see what's in place and how it is

implemented; drafted policy instruments in support of possible legislative change; consultations with IM Directors on a possible approach; proceeding with improving IM practices in Government and will focus on the legislative change some time in the future.

The OCIO defines, supports and measures IM program development for public bodies under the *MOIA*. As public bodies are at varying levels of IM maturity, the OCIO will continue to support progress in IM program development. This will involve finalizing the Information Management Assessment Tool (IMSAT) program and the development of a self-reporting mechanism for public bodies.

Upcoming initiatives to improve IM which will help with eventual implementation of the duty to document include:

- Enhance practices around records creation: communication and training on several new IM advisories focus on Executive Records, Meeting Records, Program Administration and Note to File.
- Consolidation of the transitory records policy framework and implementation of a cross-government training initiative.
- Consolidation of email policy framework and investigation of the Capstone approach for managing the email of senior officials.
- Continuing improvements to the Corporate Records and Information Management Standard (CRIMS) which supports the identification of the Office of Primary responsibility for corporate records.



ELLEN MacDONALD
Chief Information Officer

cc: Nina Goudie

May 5, 2017

March 17, 2017

Bern,

Re: Duty to Document

The OCIO advised that a presentation was provided to Ministers Bennett and Coady in August/September 2016 timeframe.

Julie Moore suggested that Ellen provide a presentation to you at your convenience.

Draft documents attached:

- OCIO - Jurisdictional scan, circa 2015
- OCIO - Proposed legislative language to accommodate Duty to Document
- OCIO - Draft Guideline – Implementing the Requirement to Create Government Records
- OCIO - Draft Directive – Creation of Government Records

Also attached is an excerpt from ATIPP Review document (Executive Summary) regarding Information Management and a copy of the GNL Implementation Table for ATIPP Act recommendations.

Please advise how you would like to proceed.

Thanks.

-Nina

Betty

How would you like to proceed?

Thanks.

Lina

May 10/17
Nina

my initial thought is that Ellen should seek direction from Minister Bennett re. how to proceed

I attended (I assume the same one) a presentation on this issue in 2015

I believe so I don't think a presentation to me would be necessary at this time.

Your thoughts on this approach are welcomed Betty

May 10, 2017

on hold per Minister

Mon, fwd on
improving practices
forms etc

Ellen had discussion
w/ PC