

Professional Geoscientists Ontario

Records Management Policy

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1.0 PGO FRAMEWORK

The Professional Geoscientists Act, 2000 received Royal Assent on June 23, 2000 and established the Professional Geoscientists Ontario (PGO). PGO, also referred to as the “Association”, governs the practice of professional geoscience in Ontario and reports to the Minister of Northern Development and Mines. The legislation protects the public and investors by establishing a regulated association of geoscientists with the power to admit only qualified persons, to encourage continuing professional competence, to discipline members for professional misconduct, and to prevent unqualified individuals from practicing.

PGO establishes and administers registration requirements, conducts complaint reviews and a discipline process, establishes professional practice standards and enforces professional practice and title provisions in the Act. To facilitate and support the PGO mandate, proper records management is deemed essential to the satisfactory operation of the Association.

2.1 INTRODUCTION AND PURPOSE

Accurate and reliable business records are required to support the PGO’s business decision-making, comply with applicable legal and regulatory requirements, maintain fiscal responsibility and provide evidence and information in litigation, government investigations and external audits. Responsible records management requires that business records

1. be retained for as long as legally, operationally or historically necessary;
2. be maintained in such a way that enables them to be found and accessed by authorized users, when needed;
3. can be processed, read and used when found;
4. can be interpreted within the context of the Association’s business/operations;
5. be accurate and can be trusted;
6. be properly safeguarded, particularly if they contain confidential and/or personal information;
7. be preserved if they are required in connection with actual or reasonably foreseeable litigation, government investigation or external audit; and
8. be destroyed at the appropriate time in the regular course of business, based on standardized processes.

The purpose of this policy is to establish a governance framework as well as certain requirements for the responsible management of business records throughout their records lifecycle by

1. establishing and allocating responsibilities for records management and ensuring that the PGO’s CEO is provided with sufficient information to allow for effective oversight of records management;
2. providing assistance to employees in identifying business records and ensuring that they receive adequate training about this policy and the PGO’s commitment to sound records management practices;
3. establishing guidance and/or requirements for retention periods for business records based on legal, fiscal, and defined business requirements and ensuring that records are destroyed at the appropriate time using standardized processes; and

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4. ensuring that business records which may be relevant to ongoing or reasonably foreseeable litigation, government investigation or external audit are promptly identified and safeguarded from routine destruction or disposition processes.

3.0 SCOPE AND APPLICATION

This policy applies to the PGO and all of its statutory and standing committees and any other committees and sub-committees. It also applies to all business/association records belonging to or used by the PGO, regardless of their location or the formats or media in which they are held.

4.0 BUSINESS RECORDS

4.1 Definition of a Business Record

A business record is recorded information in any medium that

- documents the Association's business activities, rights, obligations or responsibilities; and/or
- was created, received, distributed or maintained by the Association in compliance with a legal or regulatory obligation,

irrespective of whether such records are located on Association premises or at any offsite location (including storage facilities, off-site computers or storage devices, laptops or personal digital assistants.)

Business records have ongoing value and are critical assets of the Association. They provide evidence of:

- Association functions and association decisions;
- Association policies and procedures;
- Association operations; or
- Association internal or external transactions.

Imaged and electronic documents are acceptable as Business Records and may fulfill evidentiary requirements if created and maintained according to acceptable standards and legal requirements.

4.2 Responsibility for Records Management

The CEO is responsible for the oversight of records management within PGO.

PGO staff, Councilors and Committee members are expected to be familiar with the records management framework as set out herein and are responsible, through their individual roles and

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responsibilities, for contributing to the maintenance of an effective records management framework.

4.3 Ownership for Records Management

The PGO owns all records, including business records, created, received or maintained by or on behalf of the Association, unless it is clear that the sender has retained ownership. All PGO records are to be treated as an Association resource, not as the property of any Councilor, officer, employee or other person working for or on behalf of the Association.

4.4 Employees

Even though individual employees do not own business records, they, nevertheless, have responsibilities for good records management. Every employee who creates, receives or maintains business records shall

- keep accurate and complete business records and not make any entry, alteration, falsification or omission with the intent of obscuring or disguising the true nature of a transaction in the company's records or in order to impede, obstruct or influence a pending or threatened internal or external (including government) investigation;
- follow the specific requirements of the Association when making decisions about whether to classify information as a business record or a non-business record
- maintain business records in his/her custody or control until either it is appropriate to transfer them to offsite or secondary storage or s/he is authorized to dispose of them pursuant to the applicable retention schedule.
- abide by all hold directives requiring the suspension of the destruction or other processing of business records as a result of current or reasonably foreseeable litigation, government investigation or external audit. A hold directive is a communication issued as a result of current or reasonably foreseeable litigation, government investigation, external audit or other such matter that suspends the normal disposition and processing or destruction of business records.
- ensure any business records in his/her custody or control are not removed from company premises, or other authorized locations such as telecommuter home offices, unless such removal has been authorized in connection with the conduct of Association business and unless any confidential or personal information contained therein is safeguarded in an appropriate fashion
- return business records promptly when the purpose for which the business records were removed from Association premises or other authorized locations has ended
- return all business records to the Association upon termination of his/her employment or contractual relationship with the Association; and
- follow all applicable records management standards or other guidelines.

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4.5 PGO Councilors and Committee Members

The requirements of Section 4.4 apply to PGO Council and Committee members in its intent to maintain comprehensive, accurate and reliable business records of the Association. It is expected that Councilors and Committee members will deposit with the CEO relevant business records on a regular basis, as outlined in the Terms of Reference for each Committee and Council. Any other business records should be deposited with the CEO at least annually and upon completing their respective terms on Council or Committee if such correspondence has not been delivered to the CEO during the normal course of PGO activities.

5.0 RECORDS STORAGE AND RETENTION

5.1. Records Retention

All business records shall be retained and promptly destroyed in the ordinary course of business according to the periods outlined below. In order to minimize the inventory of PGO Business Records and the costs associated with their maintenance, retention periods shall be as short as the Association's legal, fiscal and business requirements permit. With respect to legal requirements, if a law or regulation requires that a business record be kept for a specific period of time, the Association will retain the business record for a minimum of the time period indicated, unless Council or the CEO directs otherwise.

If a law or regulation requires that the business record be retained but does not specify a retention period, and no retention period is specified herein, the Association will retain the business record for a minimum period of three years. As needed, the CEO will consult with the Association's legal counsel, external auditors, relevant regulatory and/or governmental agencies with respect to retention requirements.

Fiscal retention requirements are those that relate to the financial transactions of the Association and are commonly required for audit or tax purposes. If the fiscal requirements dictate a longer retention period than the period dictated by the legal requirements, the longer period will be applied.

Business requirements and considerations are defined as the period of time during which the Association relies upon a record to perform one of its functions. Records preserved under business requirements are those needed to carry on the daily business of the Association. If the business requirements dictate a longer retention period than the period dictated by either the fiscal or legal requirements, the longer period will be applied.

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5.2 General Records Retention periods

Retention periods vary depending on the classification of records. The applicable retention periods are as follows:

Legal records

Active for the life of the litigation or claim, including appeal periods, to closure of the litigation or claim, plus 7 years

External Financial Audit

Retain for 7 years from the date the record is created. After 7 years, the records may be destroyed when they are no longer needed for operational, tax, audit or legal purposes.

Finance and Accounting

Retain for 7 years from the date the record is created

Banking

Retain for 7 years from the date the record is created

Regulatory Compliance

. Retain for 7 years from the date the record is created. After 7 years, the records may be destroyed when they are no longer needed for operational, tax, audit or legal purposes.

Corporate Governance & Insurance

Retain for life of the policies, standards, operating guidelines plus 5 years. All others retain for 3 years beyond the life of the respective documents.

Association Reports, Correspondence, Applications, Appeals, and Meeting Minutes

Retain for 7 years from the date the record is created. After 7 years, the records may be destroyed when they are no longer needed for operational, tax, audit or legal purposes.

Communication and Training

Retain for a period of two years as needed

Human Resources – Employment Compensation, Documentation and Administration

Retain for 7 years from the date the record is created

Human Resources – Employee Records

Retain for the duration of employment plus 7 years after termination/departure from employment

Data Management

Retain during the active life of the database plus 7 years following the database being superseded, discontinued or deleted

5.2.1 Member Records

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Student Record Retention

- retained for 3 years
- destroyed after 3 years of no activity

Applicant Record Retention

- applies to applicants who have paid registration fee
- retained for 7 years
- destroyed after 3 years with no activity (if a record is not touched after the first 2 years, it will be destroyed after 7 years)

Member Record Retention

- destroyed after 7 years since last activity

Access to Records

- *PGO needs to develop a brief access to records process*

5.3 Electronic Records Retention

To be admissible as evidence, business records retained in electronic format require a method of storage that provides reliable assurance as to the integrity and authenticity of the information contained within the document. To this end, the information within electronic business records shall be stored in a manner where the information remains complete and unaltered after creation apart from any changes that arise in the normal course of communication, storage and display of the document. Where an electronic document is sent or received, information that identifies its origin and destination and the date and time when it was sent or received shall be retained.

5.4 Imaged Document Retention

Where a document is created, sent or received in written form and then imaged, the electronic document shall be retained in a format which (i) is the same as that in which the written document was created, sent or received; or (ii) accurately represents the information contained in the written document. Additionally, the information in the electronic document shall be accessible for subsequent reference by any person entitled to have access to or require the production of the written document.

5.5 Preservation of Records upon Notice of Litigation, Government Investigation or External Audit

Any employee who receives or is in possession of information of actual or reasonably foreseeable litigation, government investigation or external audit shall inform the CEO of its receipt. The CEO shall determine whether external Legal Counsel should be engaged or consulted. Thereafter such

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records may not be destroyed, regardless of their otherwise applicable retention period, until such time as it is clearly determined that the records are no longer required.

5.6 Records Storage

Records which are sensitive in nature such as employee records are to be stored in a secure location with limited accessibility to identified persons such as the CEO and/or Registrar.

5.7 Access to Applicant Records

Applicants for Registration will, upon written request to the Registrar, receive access to their personal records which are included in the registration process and may request the return of original documents such as official transcripts. This request may be denied in cases where the access to records could reasonably be expected to interfere with the administration or enforcement of the Professional Geoscientists Act or it is impractical or impossible for the PGO to retrieve this information.

6.0 Records Destruction

Confidential documents containing personal and other secure information should be destroyed by a process using the NAID (National Association for Information Destruction) protocols.

7.0 Communication

Personal records retention and access to records policies will be posted on the PGO website. Application forms will reference this policy and direct individuals to the PGO website for current information.