



Guidelines on the Retention and Disposition of School Division Records

Administrative Procedure 5.140

5.0 Business Administration

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Table of Contents

Background	2
Introduction	3
Purpose	6
Definitions	7
Development of a Records Management Policy for Manitoba School Divisions/Districts	
Records Management Responsibility.....	8
Records Retention and Disposition Schedule	9
Archival Options.....	10
Records Management Procedures	11
Records Storage	11
Destruction of Records.....	11
Transferring Permanent Records to the Archives	11
Appendix I Records Retention And Disposition Schedule	13
School Board Records	14
School Division/District Records	15
Administration	15
Financial Management.....	17
Human Resources	18
Building and Properties.....	19
Transportation.....	19
School Administration Records.....	21
Student Records	23
Index.....	24
Appendix II Frequently Asked Questions	26

Background

During the 1980s, it became clear that a more systematic and proactive approach to the management of Manitoba school division/district records was necessary. In 1991, the Department of Education brought together representatives from the education community, the Provincial Archives of Manitoba and the Department to consider what assistance could be provided to local administrators. The School Division/District Records Committee included representatives from the Manitoba Association of School Trustees, Manitoba Association of School Superintendents, Manitoba Association of Principals, Manitoba Association of School Business Officials and Manitoba Teachers' Society.

After careful consideration, including a review of practices in other jurisdictions, the committee developed the *Guidelines on the Retention and Disposition of School Division/District Records (Guidelines)*. The Department of Education issued the *Guidelines* to all school divisions/districts early in 1993.

The 1990s brought important social, legislative and technological changes, which necessitated a review of the *Guidelines*. In the second edition of the *Guidelines*, a number of changes were made to the Records Retention and Disposition Schedule (Appendix 1) and a Frequently Asked Questions Section (Appendix II) was added. The most significant change in the second edition of the *Guidelines* was in the Student Records Section of the Records Retention and Disposition Schedule, which amended in order to reflect the new *Manitoba Pupil File Guidelines*. The *Manitoba Pupil File Guidelines* were designed to work in conjunction with the *Guidelines on the Retention and Disposition of School Division/School District Records* to assist school divisions/districts with the formulation of the 'pupil files' portion of their records management policy.

As the guidelines had not been reviewed significantly since June 2000, in late 2009 a committee made up of representatives from the Manitoba Teachers' Society (MTS), the Manitoba School Boards' Association (MSBA), Manitoba Association of School Business Officials (MASBO), the Manitoba Association of School Superintendents (MASS) and the Department of Education undertook a review of the *Guidelines* to ensure their relevancy and consistency. The working group engaged the Archives of Manitoba and the government's Information and Privacy Policy Secretariat (IPPS) regarding appropriate minimum record retention periods for essential documents. The most significant changes to the *Guidelines* can be found in the School Administration Records section of the Records Retention and Disposition Schedule, where a number of minimum retention periods were altered to better reflect current needs and practices.

Introduction

Manitoba school divisions/districts, like all public bodies, have important duties respecting records management and information access and privacy. These *Guidelines* will help school divisions/districts to fulfill their responsibilities.

There is greater concern today about the handling and protection of student information, as well as recognition of the rights of parents and the public to access general information about the administration of the school division/district. This is reflected in legislation. To meet their obligations under such legislation, educational administrators are required to manage their records in a responsible manner.

Remarkable advances in computer technologies now enable the storage, manipulation and transmission of information electronically. This provides administrative efficiencies. However, electronic records do not yet provide secure, long-term storage. This must be taken into account when planning for the retention of records that are kept permanently or for an extended period.

There are a number of statutes and regulations which school divisions/districts, and their officers and staff must comply with when dealing with records and when establishing policies and procedures for handling these files. These include:

The Public Schools Act (PSA)

Subsection 42.1 requires that every school board establish written procedures respecting the collection, storage, retrieval and use of information respecting pupils. Subsections 42.2 to 42.6, subsection 58.1, and clause 58.6(c) and clause 58.9(2)(c) of the *PSA* define the term “pupil file” and set out specific rules respecting access to pupil files by pupils and their parents and legal guardians. (See *Manitoba Pupil File Guidelines -Appendix I*)

The Education Administration Miscellaneous Provisions Regulation (Manitoba Regulation 468/88 under *The Education Administration Act*).

This Regulation describes some of the pupil information and records that school divisions/districts are required to keep. (See *Manitoba Pupil File Guidelines -Appendix I*)

The Freedom of Information and Protection of Privacy Act (FIPPA)

As of April 3, 2000, all school divisions/districts are “public bodies” falling under this Act. FIPPA contains provisions respecting the right of access to records in the custody or under the control of public bodies and sets out rules which must be followed by public bodies respecting the collection, use, protection, retention and disclosure of personal information. In particular, clause 3(b) of this Act requires that the transfer, storage or destruction of records be done in accordance with a statute or regulation of Manitoba or Canada, or a by-law or resolution of the school division/district.

Furthermore, with respect to personal information, subsection 40(1) of *FIPPA* requires that a school board establish and comply with a written policy concerning retention and destruction of personal information. Subsection 40(2) of this Act states that the policy “require that personal information be retained for a reasonable period of time so that the individual the information is about has a reasonable opportunity to obtain access to it”. (See *Manitoba Pupil File Guidelines – Appendix II*)

The Personal Health Information Act (PHIA)

School divisions/districts have been trustees, within the definition of public body, falling under this Act since December 11, 1997. *PHIA* contains provisions respecting the right of access by an individual to his or her own personal health information held by a trustee, and sets out rules which must be followed by trustees respecting the collection, use, protection, retention and disclosure of personal health information.

Section 17 of *PHIA* requires that a school board establish a written policy concerning the retention and destruction of personal health information, that it comply with the policy and any regulations respecting destruction under *PHIA* and that personal health information be destroyed in a manner that protects the privacy of the individual it is about. The *Personal Health Information Regulation* contains requirements respecting the security of personal health information. (See *Manitoba Pupil File Guidelines -Appendix III*)

NOTE: All provincial legislation and regulations can be found on the Government of Manitoba website at www.gov.mb.ca/laws/statutes/index/php.

Youth Criminal Justice Act (Canada) (YCJA)

The *YCJA* sets out rules which govern access to, and disclosure, retention and destruction of records relating to young offenders where those records are held by the courts, police, Manitoba government departments, social agencies and schools. Young offender records must be dealt with in accordance with the *YCJA*, even if they are part of a pupil file or of some other file or record. Manitoba statutes such as *The Public Schools Act*, *The Education Administration Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* do not apply to young offender records. (See *Manitoba Pupil File Guidelines -Appendix IV*)

NOTE: The Youth Criminal Justice Act can be found on the Government of Canada website at <http://laws.justice.gc.ca/en/showdoc/cs/Y-1.5///en?page=1>

Purpose

These *Guidelines* are designed to assist officials of Manitoba school divisions/districts to manage their records and information. It is hoped that the *Guidelines* will assist in the formulation of a records management policy for each school division/district, including a records retention and disposition schedule.

The implementation of modern records management will help to make school divisions/districts more efficient and better able to discharge their responsibilities in this regard.

Specifically, the *Guidelines* have been prepared to:

- establish minimum retention periods for records based on legal, administrative and financial requirements, recognizing that a school division/district may wish to keep certain records for a longer period of time;
- ensure that records of permanent value are identified and moved into an archival environment, when their office retention period is finished;
- encourage the systematic and controlled destruction of records after expiry of retention periods.

Definitions

Archives

An agency responsible for the protection of permanent records no longer required for operational purposes. Records are maintained in environmentally sound storage conditions, serviced by knowledgeable staff, and made available to the public under access conditions determined by provincial legislation or school division/district policy.

Disposition

Records disposition is either:

- destruction of records, or
- transfer of records to an archives.

This occurs after the expiry of the retention period stipulated in the records management policy.

Electronic data

Information stored, manipulated, created or received in the desktop environment, including e-mail and other files created using desktop applications and stored in network servers, computer hard drives or removable storage media. Records listed in the schedule could be in electronic form. Since magnetic tape is designed primarily for short to medium-term storage and disks are susceptible to physical damage, special provisions must be made for electronic records which have been designated as permanent, including regular migration, refreshing, and security backup. School divisions/districts should consult with their information technology specialist(s) to determine appropriate data management procedures.

Minimum Retention

The time period recommended in the *Guidelines* for the retention of school division/district records, before the records are either destroyed or transferred to an archives for permanent preservation. **Note:** School divisions/districts may decide to retain records longer than the minimum retention period time to accommodate local preference or need.

Permanent Records

Records which have been identified as having enduring value. They may be of permanent significance to the school division/district because of their legal, fiscal or administrative value. They may also be of historical or cultural importance to a wide range of people, including former students and teachers, local historians, academics, and genealogists.

Records

Any kind of recorded information created or received by school divisions/districts, regardless of physical format or characteristics. Includes administrative files as well as student records and covers both paper and electronic records. Working copies of documents are records, as well as the original or official documents.

Development of a Records Management Policy for Manitoba School Divisions/Districts

Manitoba school divisions/districts are responsible for the records and information in their custody and control. School divisions/districts need to formulate policies and develop procedures to control, protect, and systematically dispose of records in their offices and schools. They also should be able to provide access to their records in a timely manner, in accordance with legislation. Adopting a modern records management system will enable school divisions/districts to look after their records properly and in a cost-effective manner.

A records management policy authorizes the destruction of records once they are no longer required for administrative, legal or financial purposes. It also identifies records of enduring value and ensures that they are protected while in operational use and transferred to an archival facility as soon as feasible. Responsibility for ensuring that the policy and procedures are carried out should be the assigned task of a senior school division/district official.

The widespread use of electronic information systems has made the application of systematic controls and protective measures even more critical to the survival and accessibility of information.

A records management policy should:

- 1) assign responsibility for records management to a senior official;
- 2) clearly state policies and procedures to control access and disclosure, protection and disposition of all records in the custody or under the control of the school division/district;
- 3) comply with all statutory and regulatory records management obligations;
- 4) include a schedule establishing retention periods and dispositions for all records in the school division/district;
- 5) designate an archives for the permanent records of the school division/district;
- 6) be adopted by the Board of Trustees of the school division/district by means of a formal resolution or by-law.

Records Management Responsibility

A senior person in the school division/district should be responsible for the implementation of the records management policy, including developing appropriate procedures. This person must be able to assign staff to this activity. In many school divisions/districts, the secretary-treasurer may be the appropriate person to take on this responsibility.

Records Management Responsibility (continued)

The senior person should appoint a records manager who will be responsible for ensuring that the procedures are followed by all staff of the school division/district. The records manager should have appropriate knowledge and experience, or be given appropriate records management training.

Duties of the records manager:

- ensure that records are disposed of in accordance with the retention periods and disposition actions in the records schedule;
- maintain control logs showing the disposition of all records;
- establish procedures for transferring permanent records to the designated archives;
- notify school division/district staff of the records management procedures and assist them in arranging for the orderly retention and disposal of records.

Note: Combining the duties of records manager and access and privacy coordinator under *The Freedom of Information and Protection of Privacy Act* may prove beneficial.

Records Retention and Disposition Schedule

The schedule in Appendix 1 provides minimum retention periods and dispositions for records commonly held by Manitoba school divisions/districts.

Some school divisions/districts may adopt the recommended retention periods. Others may decide to keep certain records longer than recommended, before destruction or archiving.

Records should **never** be destroyed sooner than recommended in the schedule in Appendix 1 because the school division/district may require this information for administrative, financial or legal purposes.

Records designated as archival in the schedule in Appendix 1 should **never** be destroyed.

The records management policy approved by the school board should include a schedule similar to that in Appendix 1, but it may be tailored as required for records held by the individual school division/district. The schedule should list records held by the school division/district and specify retention periods and dispositions.

Archival Options

There are three options for the permanent storage of the archival records of Manitoba school divisions/districts.

1) **Archives of Manitoba**

The Archives of Manitoba provides records management and archival services for the Manitoba Government and its agencies. It also preserves significant records of individuals and organizations in the private sector.

The Archives' legislation enables school divisions/districts to transfer their permanent records to its custody and it currently holds many school records.

Contact: Archives of Manitoba
130 – 200 Vaughan Street
Winnipeg, Manitoba R3C 1T5
Telephone: 204-945-3971
Toll Free: 1-800-617-3588
Fax: 204 - 948-2008
Email: archives@gov.mb.ca
Website: www.gov.mb.ca/chc/archives/

2) **Local Archives**

Some community archives are able to provide proper storage conditions and servicing of archival records. If there is a community archives nearby, this option has the benefit of keeping the records close to the school division/district.

To determine which archives meet minimum standards, contact:

Association for Manitoba Archives
403 – 225 Vaughan Street
Box 26005, Maryland P.O.
Winnipeg, Manitoba R3G 3R3
Telephone: 204-942-3491
Fax: 204-942-3492
Email: ama1@mts.net
Website: www.mbarchives.mb.ca

3) **In-House Archives**

Some school divisions/districts may wish to establish their own archives. Careful analysis of all costs associated with operating an archives which meets minimum standards (security, accessibility and proper storage) should be undertaken. For assistance in preparing an analysis, contact the Archives of Manitoba or the Association for Manitoba Archives.

Records Management Procedures

Records Storage

- Records should be stored in a clean, dry place with adequate security for the type of information they contain. Records should not be put in areas where they might be subject to water damage, mould or infestation.

Destruction of Records

- Records should be destroyed as soon as possible after the approved retention periods have lapsed. In most cases, this should be undertaken as an annual procedure. Although the disposition of some records could be delayed occasionally because of negligible accumulation, the normal implementation of the schedule should not be deferred until records become a pressing storage problem.
- Paper records should be destroyed under controlled and confidential conditions by shredding.
- Employees should follow proper procedures for managing and disposing of electronic documents created or received in the desktop environment, including e-mail and other files created using desktop applications and stored in network servers, computer hard drives or removable storage media.
- A log of records destroyed that meets the requirements of subsection 17(4) of *PHIA* must be kept for the destruction of records that contain personal health information. For all other records, school division/district policies and procedures should specify that a log of records destroyed be maintained. The log should include a description of the records, the date range and amount of records, and the date, method and person responsible for destruction.

Transferring Permanent Records to the Archives

- Permanent records should be moved into the archives designated in the records management policy as soon as possible for protection.
- Records that are damp, mouldy or dirty cannot be put directly into the archives. In extreme cases, they must be copied and the original destroyed.
- Box or bundle archival records and prepare any forms or lists required by the designated archival institution. It is essential to contact the archives before beginning the process to determine procedural requirements and to obtain custom boxes, forms, etc.

Transferring Permanent Records to the Archives (continued)

- Regularly review electronic records to ensure they are in an accessible electronic or paper format. Once the retention period for these records expires, transfer the record in paper or electronic format to the archives. The electronic record may be erased if the information has been converted to paper or microfilm reports.
- Copies of the lists of records transferred to the archives should be maintained by the records manager.

Appendix I

Records Retention and Disposition Schedule for Manitoba School Divisions/Districts Format

The main body of the Schedule identifies the records and provides the minimum retention periods and final disposition action. It is broken into four main components relating to the records of school boards, school division/district administrative offices, schools and students. Within the school division/district component, there are separate sections for administration, financial management, human resources, buildings and properties, and transportation.

The index to the Schedule is an alphabetical arrangement by name or content of the record descriptors found in the main body.

Records Categories

1	School Board Records.....	13
2	School Division/District Records.....	14
2.A	Administration	14
2.B	Financial Management.....	16
2.C	Human Resources.....	17
2.D	Building and Properties	18
2.E	Transportation	19
3	School Administration Records	20
4	Student Records	22

1 School Board Records

Item	Description of Record	Minimum Retention	Disposition
1.1	Agenda/notice of meetings of the school board	1 year	DESTROY
1.2	Bylaws	20 years	ARCHIVE
1.3	Legal opinions	7 years	ARCHIVE
1.4	Minutes – School Board approved including all records accepted as part of minutes	10 years	ARCHIVE
1.5	Resolutions (if not recorded in minutes)	20 years	ARCHIVE
1.6	List of Electors		
(i)	Original list of electors	4 years	ARCHIVE
(ii)	Copies of list of electors	4 years	DESTROY
1.7	Nomination Papers	Expiration of term	DESTROY
1.8	Election Records	1 year after election	DESTROY
1.9	Election Appeals	1 year after appeal order	DESTROY
1.10	Disclosure of assets and interests	6 years	DESTROY
1.11	Oath of Office for Trustees	Expiration of term	DESTROY
1.12	Trustee Working Files – includes working papers, notes, correspondence, and other documents related to school board matters	Expiration of term	DESTROY
1.13	Verbatim recordings of board proceedings , e.g., audio tape, videotape, or stenographer's notebook	4 months after transcription and/or approval of minutes of proceedings	DESTROY

2 School Division/District Records

2A Administration

Item	Description of Record	Minimum Retention	Disposition
2A.1	Administrative Policies, Procedures and Guidelines (including manuals)	Until superseded	DESTROY
2A.2	Archives/Records Management		
(i)	Records disposition documentation	10 years	DESTROY
(ii)	Inventory of non current or inactive records in storage	Until superseded	DESTROY
(iii)	Records transfer list for archival records	Ongoing	Maintained indefinitely at Div/ level
(iv)	Records on use of archival materials – log or register of researchers	5 years	DESTROY
2A.3	Board of Reference Awards Note: copies are stored permanently in the Education school division/district formation files	7 years	DESTROY
2A.4	Office Files including correspondence, memos, reports, and other documents created or received by the school division/district except for records which are listed elsewhere on this schedule		
(i)	General administrative and operational records of no continuing fiscal, legal or administrative value	1 year	DESTROY
(ii)	Significant policy or decision-making records of fiscal, legal, administrative or historical value	7 years	ARCHIVE
2A.5	Electronic systems documents – records necessary for retrieval of information retained in machine readable format, including use guide; internal memoranda; system or subsystem definition, flowchart or outline; list of index or programs and codes; detailed program description and documentation; job control or work flow records; system specifications; file specifications; input and output specifications and test data	Until superseded	DESTROY

Item	Description of Record	Minimum Retention	Disposition
2A.6	School Division/District Administrative Reports – Planning and implementation reports as required by Education or for school division/district initiated programs	5 years	DESTROY
2A.7	School Administrative Reports	5 years	DESTROY
2A.8	Curriculum Documents	Until superseded	DESTROY
2A.9	Grant Records		
(i)	Supporting documentation and reports for grants that have been awarded	7 years	DESTROY
(ii)	Supporting documentation for grant applications that have been rejected	1 year	DESTROY
2A.10	Insurance records		
(i)	Policies	Term plus 1 year	DESTROY
(ii)	Claims including Workers Compensation Board claims for staff	3 years after resolution	DESTROY
(iii)	Reports of theft, arson, vandalism, property damage or similar occurrences	7 years	DESTROY
2A.11	Accident Reports i.e., students, staff and vehicles (but not including school buses)	7 years	DESTROY
2A.12	Litigation Records		
(i)	Routine	7 years after settlement, judgement, discontinuance or dismissal or 7 years after any minor involved attains age of majority	DESTROY
(ii)	Significant, i.e., precedent setting	7 years	ARCHIVE
2A.13	Safety Records – fire, health, boiler, playground, etc. including inspection records	3 years or until superseded	DESTROY
2A.14	Workplace, Safety & Health Records		
(i)	Workplace Hazardous Materials Information System (WHMIS)	30 years	DESTROY

(ii)	All other records including training materials	As per legislative requirements	DESTROY
2B Financial Management			
Item	Description of Record	Minimum Retention	Disposition
2B.1	Accounts payable/receivable including requisitions, purchase orders, invoices, receipts and other source documents	7 years	DESTROY
2B.2	Agreements i.e., purchasing/leasing, service and maintenance	Term plus 1 year	DESTROY
2B.3	Bank statements and cancelled cheques	7 years	DESTROY
2B.4	Budgets		
(i)	Approved Budget	7 years	DESTROY
(ii)	Final Working Papers	2 years	DESTROY
2B.5	Debentures/Mortgages	Term plus 1 year	DESTROY
2B.6	Deposit Books	7 years	DESTROY
2B.7	Financial Statements		
(i)	Monthly	1 year	DESTROY
(ii)	Annual Statement	10 years	ARCHIVE
(iii)	Annual Report of the Auditor	10 years	ARCHIVE
2B.8	Investment Records	Term plus 1 year	DESTROY
2B.9	Journals and Source Documents	10 years	DESTROY (cashbooks or journals predating 1967 to be transferred to Archives)
2B.10	Ledgers		
(i)	General	10 years	DESTROY
(ii)	Subledgers	10 years	DESTROY
2B.11	Loans and Cancelled Notes	Term plus 1 year	DESTROY
2B.12	Tenders and Quotes	3 years	DESTROY

2C Human Resources			
Item	Description of Record	Minimum Retention	Disposition
2C.1	Payroll Deductions including garnishments, assignments, and attachments of employee salaries	7 years after superseding form is filed, or authorization expires or employment is terminated	DESTROY
2C.2	Leaves – records of employee requests for and/or authorization given to employees to use sick, vacation, personal or other leave	7 years	DESTROY
2C.3	Payroll administration records (includes T-4's, TD-1's, Record of Employment)	7 years	DESTROY
2C.4	Payroll registers	55 years	DESTROY
2C.5	Arbitration Awards and Documentation	10 years	DESTROY
2C.6	Collective Agreements	10 years	ARCHIVE
2C.7	Grievance Records	7 years after final decision	DESTROY
2C.8	Applications for Employment, Competition and Hiring Records		
(i)	Solicited – Includes applications of unsuccessful candidates, competition records and other supporting documents	2 years	DESTROY
(ii)	Unsolicited	1 year	DESTROY
2C.9	Personnel Administration (includes policy and procedures records, policy manual)	2 years or until superseded	DESTROY
2C.10	Personnel Files i.e., application form, contract, evaluation report	7 years after termination	DESTROY

2D Building and Properties			
Item	Description of Record	Minimum Retention	Disposition
2D.1	Capital Construction File , including but not limited to bids, construction agreements, tender documents, specifications, contracts, performance guarantees, inspection reports, and environmental impact statements	Life of building plus 1 year	DESTROY
2D.2	Certificate of Title	While applicable	Surrender as requested
2D.3	Engineering Reports	While applicable	DESTROY
2D.4	Maintenance, repair, equipment installation records , including but not limited to request for service, work order, record of work done, and summary or log of service performed	3 years	DESTROY
2D.5	Plans, maps, designs, and surveys for buildings or other facilities owned by the school division/district	Life of building/facility plus 1 year	DESTROY
2D.6	Photographs	Life of building/facility plus 1 year	ARCHIVE*
2D.7	Property Inventory covering vehicles, machinery and equipment	6 years after replacement, sale, or discontinuance of use of all property listed	DESTROY

* Archives will make decisions, in conjunction with the school division/district, on selection of images for permanent retention.

2E Transportation

Item	Description of Record	Minimum Retention	Disposition
2E.1	School Bus Accident Reports	7 years	DESTROY
2E.2	Pupil Transportation System Reports		
(i)	Education System Reviews	Until superseded	DESTROY
(ii)	School Division/District Self-Evaluation Reviews	10 years	DESTROY
2E.3	School Bus Fleet Records		
(i)	School bus purchases and disposal records	1 year after disposition of bus or expiry of agreement	DESTROY
(ii)	School bus lease agreements	1 year after disposition of bus or expiry of agreement	DESTROY
(iii)	Contract school bus service agreements	1 year after disposition of bus or expiry of agreement	DESTROY
2E.4	Ridership training and school bus evacuation records	2 years	DESTROY
2E.5	School bus ridership list or pupil transportation eligibility record for common carriers and contract buses, including names of students for each route	2 years	DESTROY
2E.6	School bus route schedule or diagram, including location and times of stops	2 years	DESTROY
2E.7	Transportation report – providing information for each trip, by each bus	2 years	DESTROY
2E.8	Vehicle inspection, repair and maintenance record, including gasoline and oil consumption	1 year after disposition of bus	DESTROY

3 School Administration Records

Item	Description of Record	Minimum Retention	Disposition
3.1	Accident Reports not including school buses Note: for copies sent to school division/district office see 2A.11	3 years	DESTROY
3.2	Office Files including correspondence, memos, reports, and other documents created or received by the school (except for records which are listed elsewhere on this schedule)		
(i)	General administrative and operational records of no continuing fiscal, legal or administrative value	1 year	DESTROY
(ii)	Significant policy or decision-making records of fiscal, legal, administrative or historical value	3 years	DESTROY
3.3	Crisis Response/Emergency Plan	3 years after superseded	DESTROY
3.4	Minutes , i.e., staff, department, administrative, workplace safety and health. May also include copies of PAC and student council meetings	3 years	DESTROY
3.5	School Based Personnel Files	Term of employment	Transferred to Human Resources
3.6	School Generated Funds - Accounts and Records	7 years	DESTROY
3.7	School Administrative Reports , e.g. annual reports of the principal on enrollments, staffing, curriculum, facilities, school plan, etc.	5 years	DESTROY
3.8	School Policies/Regulations	Until superseded	DESTROY

Item	Description of Record	Minimum Retention	Disposition
3.9	Master timetable , noting courses offered, teacher course allocations, enrollments	5 years	DESTROY
3.10	School Curriculum		
(i)	School Initiated Courses	3 years	DESTROY
(ii)	Student Initiated Projects	3 years	DESTROY
(iii)	Course Catalogues	5 years	DESTROY
3.11	Course Records		
(i)	Teachers' grade records, test scores and marking sheets	1 year	DESTROY
(ii)	Examination paper, mastercopy	1 year	DESTROY
(iii)	Examination answer papers	1 year	DESTROY
3.12	Locally Marked Provincial Standards Tests		
(i)	Exam Administration Records	5 years	DESTROY
(ii)	Student Answer Sheets and Exam Booklets	5 years	DESTROY
(iii)	Scoring Documentation	5 years	DESTROY
(iv)	Education Reports including Needs Assessment Survey and Audit Report	5 years	DESTROY

Note: School Yearbooks should be held in school, school division/district libraries

4 Student Records

Item	Description of Record	Minimum Retention	Disposition
4.1	Academic Records – Grade 9 to 12 (Student Marks)	30 years	DESTROY
4.2	Enrollment files include:		
(i)	Daily attendance	10 years (registers up to 1967 to be transferred to Archives)	DESTROY
(ii)	Annual enrollment (September)	7 years (registers up to 1967 to be transferred to Archives)	DESTROY
(iii)	Monthly enrollment reports	7 years (registers up to 1967 to be transferred to Archives)	DESTROY
4.3	Pupil Files (Refer to the <i>Manitoba Pupil File Guidelines</i> for further information.) <u>Note</u> : School principals are required to forward a pupil's pupil file when the pupil transfers to another school.		
(i)	Cumulative file component (Transferable – Refer to the <i>Manitoba Pupil File Guidelines</i> for further information.)	10 years after student ceases to attend a school operated by the board if the pupil file has not been transferred to another school.	DESTROY
(ii)	Pupil support file component (Transferable – Refer to the <i>Manitoba Pupil File Guidelines</i> for further information.)	10 years after student ceases to attend a school operated by the board if the pupil file has not been transferred to another school.	DESTROY

(iii)	Young offender file component (Not transferable – Refer to the <i>Manitoba Pupil File Guidelines</i> for further information.)	Retained until information is no longer required for the purpose for which it was established or until student transfers out of the school.	DESTROY (immediately)
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Index

A

Academic Records	23
Accident Reports, Division/District	16
Accident Reports, Schools	21
Accident Reports, School Bus	20
Accounts payable/receivable	17
Administrative Office Files	15
Administrative Policies, Procedures and Guidelines	15
Agenda/notice of meetings, School Board	14
Agreements	17
Applications for Employment	18
Arbitration Awards	18
Archives/Records Management	15

B

Bank statements and cancelled cheques	17
Board of Reference Awards	15
Board proceedings	14
Budgets	17
Building Plans/Maps/Designs/Surveys	19
Bylaws	14

C

Capital Construction File	19
Certificate of Title	19
Collective Agreements	18
Course Records	22
Crisis Response Plan	21
Cumulative File Component	23
Curriculum Documents	16

D

Debentures/Mortgages	17
Deposit Books	17

Disclosure of assets and interests	14
Division/District Administrative Reports	15

E

Election Appeals	14
Election Records	14
Electors List	14
Electronic systems documents	15
Emergency Plan	21
Engineering Reports	19
Enrollment Files	23
Equipment Records	19

F

Financial Statements	17
----------------------	----

G

Grant Records	16
Grievance Records	18

H

Hiring Records	18
----------------	----

I

Insurance Records	16
Investment Records	17
Inventory, Property	19

J

Journals	17
----------	----

L

Leaves	18
Ledgers	17
Legal Opinions	14
List of Electors	14

Litigation Records	16
Loans and Cancelled Notes	17

M

Maintenance/Repair/Equipment	
Installation	19
Marks – Student (S1-S4)	23
Master timetable	21
Minutes – School Board	14
Minutes – School Level	21

N

Nomination Papers - Trustees	14
------------------------------	----

O

Oath of Office for Trustees	14
Office Files – School	21
Office Files – School Division/District	15

P

Payroll Administration Records	18
Payroll Deductions	18
Payroll Registers	18
Personnel Administration	18
Personnel Files	18
Photographs	19
Policy Records	15
Property Inventory	19
Provincial Standards Tests	
- Locally Marked	22
Pupil Files	23
Pupil Support File Component	23
Pupil Transportation System Reports	20

R

Records archival use	15
Records disposition	15
Records inventory	15
Records transfer list	15
Resolutions	14

Ridership Training	20
--------------------	----

S

Safety Records	16
School Accident Reports	21
School Generated Funds – Accounts and	
Records	21
School Administrative Reports	14,21
School Based Personnel Files	21
School Bus Accident Reports	20
School Bus Evacuation Records	20
School Bus Fleet Records	20
School Bus Ridership List	20
School Bus Route Schedule or Diagram	20
School Bus Vehicle Inspection/ Repair/Maintenance	20
School Curriculum	21
School Office Files	21
School Policies/Regulations	21
Student Records	23

T

Tenders and Quotes	17
Tests - Locally Marked Provincial	
Standards	22
Transportation Report	20
Trustee Working Files	14

W

Workers Compensation Board	16
Workplace Safety and Health Records	16

Y

Young Offender File Component	23
-------------------------------	----

Appendix II

Frequently Asked Questions

1. ***Will the Manitoba Pupil File Guidelines and the Guidelines on the Retention and Disposition of School Division/District Records be legislated to ensure consistency amongst school boards?***

The provisions of these two documents reflect the requirements of *FIPPA* and *PHIA* as well as certain related provisions under the *PSA*. The documents themselves are not legislated. School boards that choose not to follow these guidelines may find that they are in breach of these statutes, and may have to answer to the Ombudsman or the courts regarding deviations from the *Guidelines* if complaints are lodged or an investigation is undertaken.

2. ***Can a school division/district decide to archive records that the Guidelines on the Retention and Disposition of School Division/District Records recommend be destroyed and vice-versa?***

School board records management policies and procedures may provide for the archiving of records that the *Guidelines* recommend be destroyed, with the exception of the young offender file component of a pupil file. The *YOA* contains specific provisions respecting destruction of the young offender component of a pupil file once it is no longer required for the purpose for which it was received, which must be complied with.

School boards are advised against destroying records that are identified as records which are to be archived in the *Guidelines*. Before making any such decisions, school boards will want to carefully assess the importance of the record series and any legal, administrative and historical requirements or considerations.

3. ***Why are there so many different minimum retention periods in the Guidelines on the Retention and Disposition of School Division/District Records? Can school boards deviate from the retention periods specified in The Records Guidelines?***

A committee comprised of representatives of all levels of education stakeholders with the assistance of staff from the Provincial Archives and the Department developed the *Guidelines*. In determining retention periods, they undertook a careful analysis of the information in each type of record and the use of the information (legal, fiscal, administrative, education, etc.) resulting in retention periods of varying lengths of time.

If a school division/district increases or decreases the retention period in its local policy, it will have to be prepared to explain and support the policy if, for example, a complaint is lodged or an investigation is undertaken under *FIPPA* or *PHIA*, etc. The *Guidelines* will help school boards set records management policies and procedures that meet the requirements of the applicable legislation.

Note that the *YOA* contains specific requirements as to when the young offender component of a pupil file must be destroyed. Subsections 40(1) and 40(2) of *FIPPA* require that a school board establish and comply with a written policy concerning retention of personal information and that the policy require that personal information be retained for a reasonable period of time so that the individual the information is about has a reasonable opportunity to obtain access to it.

Similarly, section 17 of *PHIA* requires that a school board establish a written policy concerning the retention and destruction of personal health information, that it comply with the policy and any regulation respecting destruction under *PHIA* and that personal health information be destroyed in a manner that protects the privacy of the individual it is about.

4. ***Who will determine what record series have “legal, fiscal or administrative value...or have historical or cultural importance”?***

Responsibility for deciding about the significance of information in a record and what criteria should be used in assessing records is a local decision which should be made based on school board records management directives, other applicable guidelines and legal requirements. School division/district records staff could consult with Provincial Archives staff, school division/district legal counsel and other subject experts for advice and guidance.

5. ***Can archival records that are transferred to the Provincial Archives be retrieved and/or otherwise accessed?***

Archival records transferred to the Provincial Archives cannot be removed from the custody of the Provincial Archives. Records such as minutes and by-laws can be viewed by the public at the Provincial Archives and copies can be made. Should the school division/district require copies of certain records, arrangements can be made with the Provincial Archives. School divisions/districts should contact Provincial Archives staff directly for further information.

The retrieval of, or access to, archival records that are transferred to local archival facilities would be subject to the conditions of the agreement between the archives and the school division/district.

6. ***What kind of documentation is required in the destruction of records logs?***

Primarily, the documentation in the destruction of records and archives logs reflects the value of the information. In most cases, all that is required is a good working description of the records with consideration given to the likelihood of access to the information being required in the future. Keep in mind that the destruction of records and archives logs can also be used as a tracking document to monitor and control the movement of records from active use to temporary storage to the actual destruction or archiving of the information.

Records managers can provide guidance on how detailed the descriptions of the records being destroyed or archived need to be. Quite often, staff with responsibility for maintenance of the files that comprise the record series will have the best idea of how much detail is needed. For example, general correspondence for the 1998 year from the accounting office that fits into the Office Files record series category might be described as: Accounting Office/General Correspondence (Jan 1 – Dec 31, 1998).

Note, however, that when destroying pupil files, the names of the pupils whose files are being destroyed should be listed individually. There should also be an indication as to which component of the file is being destroyed and whether it is the complete file or if only partial information is being destroyed as part of a routine culling of the file (e.g. cumulative file component, pupil support file component, or young offender file component).

With respect to personal health information, it should be noted that subsection 17(4) of *PHIA* requires that there be a record of “the individual whose personal health information is destroyed, the time period to which the information relates, the method of destruction and the person responsible for the destruction.” The school division/district destruction of records log respecting personal health information must contain this information. In addition, personal health information must be destroyed in a manner, which protects the privacy of the individual it is about (subsection 17(3) of *PHIA*).

Furthermore, the *YOA* contains specific requirements as to when the young offender file component of a pupil file must be destroyed.

7. ***Will school divisions/districts be required to generate, reference and maintain more numerous and comprehensive records and data than ever before?***

In general, school divisions/districts are not required to generate more numerous records or data because of *FIPPA* or *PHIA*. School divisions/districts, however, must now have records management policies and procedures in place to control access to and disclosure of, and to protect and systematically dispose of, the records they do have in their offices and schools.

Changes to records management practices may, however, be required to comply with some of the requirements in *FIPPA* and *PHIA*. For example, there are specific records which must be kept respecting the destruction of personal health information set out in subsection 17(4) of *PHIA*. The *Personal Health Information Regulation* contains requirements respecting the security of personal health information, which may require some changes to records management practices.

The records management policy approved by the school board should include a schedule similar to that in Appendix 1 of the *Guidelines*. The school division/district schedule should list only those records held by the school division/district and specify retention periods and dispositions.

8. ***Will the Public Schools Finance Board (PSFB) be allocating funding to support the construction, purchase and/or renovation of space to accommodate the storage of more numerous and better catalogued/referenced educational records and files?***

The PSFB has no special procedures or funding in place for capital requests related to file storage facilities. Archival storage facilities are required for records of “permanent” value only. There are 11 such record series identified within the *Guidelines*. These record series are not voluminous. School divisions/districts can access the services offered by the Provincial Archives of Manitoba for storage of permanent records. Non-permanent records can be stored in any facility that is not subject to water damage, mould or infestation and can provide adequate security for the type of information contained. It is imperative, however, that school divisions/districts know where records are stored.

9. ***Are school divisions/districts required to convert all electronic records to paper or microfilm format?***

No, school divisions/districts can make decisions about which electronic records are of such value that they will need to be converted to another medium. School division/district information technology staff or service providers should be able to provide advice and direction on the matter. For example, school divisions/districts that electronically record student marks will have to decide how long these records will be kept on the computer system and, once they are removed, how the school division/district will fulfil its obligation to retain student marks for the recommended 30 year period.