

UNIVERSITY OF MANITOBA PROCEDURE

Procedure:	RECORDS HOLDS
Parent Policy:	Records Management Policy
Effective Date:	June 23, 2015
Revised Date:	
Review Date:	June 23, 2025
Approving Body:	Vice-President (Administration)
Authority:	Records Management Policy
Responsible Executive Officer:	Vice-President (Administration)
Delegate:	
Contact:	Access and Privacy Officer
Application:	All Supervisors

Part I Reason for Procedure

- 1.1 These Procedures are to provide information describing the types of Holds on the destruction of Records that can occur at the University, and to provide staff with instructions as to their responsibility in the handling and retention of Records that are subject to a Hold on destruction.

Part II Procedural Content

2.1 Definitions

- (a) **Access Hold** means an order to cease destruction and preserve all Records, regardless of form, related to an ongoing Access to Information request under *The Freedom of Information and Protection of Privacy Act* (FIPPA).
- (b) **Access to Information** means the viewing or copying of a Record held in the custody or under the control of a public body or trustee.

- (c) **Business Hold** means an order to cease destruction and preserve all Records, regardless of form, related to a business project or activity that takes priority over regular Record's disposition requirements. Examples include, but are not limited to: a Hold on Records currently required for an internal or external audit; temporary Holds on retention timeframes to evaluate legislative or regulatory changes in requirements; Records related to a project or event that has had a significant time change or extension.
- (d) **Disposition Date** means the date at the end of the Record's retention period when the Record becomes eligible for its final action. This could include destruction or permanent retention.
- (e) **Legal Hold** means an order to cease destruction and preserve all Records, regardless of form, related to the nature or subject of litigation that may be reasonably anticipated.
- (f) **Record or Recorded Information** means a Record of information in any form, including information that is written, photographed, recorded or stored in any manner, on any storage medium, or by any means, including by graphic, electronic or mechanical means, in the custody or under the control of the University of Manitoba.
- (g) **Records Authority Schedule (RAS)** refers to a document that identifies a series or group of records, establishes the period for which they must be retained and provides the authority for the final disposition of the records, which will result in either the destruction of the records or their transfer to the appropriate archives. Records Authority Schedules provide a high level inventory of the records held by the University of Manitoba.
- (h) **Transitory Records** are Records which are required for a limited time to complete a routine action, are used in the preparation of a subsequent Record, or are retained as information or convenience copies by offices or individuals who do not have primary responsibility for them. Transitory Records will have no further value or usefulness beyond an immediate transaction; or will be only be required for a short time after a transaction, until they are made obsolete by an updated version of a Record or by a subsequent transaction, or decision. Transitory Records can be created in any media.
- (i) **Unit Liaison** means a University staff member who has been appointed to represent their office or unit in matters relating to FIPPA, PHIA and Records Management.

2.2 Notification of a Legal Hold on Records

- (a) If litigation is imminent, or reasonably anticipated, the Office of Legal Counsel and the Access and Privacy Office will determine the nature and

location of Records that may be related to the matter, and subject to a Hold on destruction. They will then jointly notify the affected University Offices of the requirement to Hold destruction on specific Records until further notice. Notification will be sent to the Unit Liaison for the affected University Offices. Instructions provided to the University Offices will detail the nature and/or date range of the impacted Records. Transitory Records relating to the issue at hand are also included in the Hold on destruction.

- (b) It is the responsibility of the Unit Liaison to ensure that the information is communicated throughout their faculty/department/office to all impacted staff, and that all Records subject to the Legal Hold are located, clearly identified and no Requisitions to Destroy Records are submitted for the impacted Records.

2.3 Notification of an Access Hold on Records

- (a) In the event of the receipt of an Access to Information request, the Access and Privacy Office will contact the Unit Liaison for the affected University Offices and notify them of the pending Access to Information request. At this time, they will also instruct the University Office that any Record relating to the request must be placed on Access Hold until the conclusion of the request and any potential related investigation or appeal. Transitory Records relating to the issue at hand are also included in the Hold on destruction.
- (b) It is the responsibility of the Unit Liaison to ensure that the information is communicated throughout their faculty/department/office to all impacted staff, and that all Records subject to the Access Hold are located, clearly identified and no Requisitions to Destroy Records are submitted for impacted Records.

2.4 Notification of a Business Hold on Records

- (a) In the event that a faculty/department/office identifies the need for a Business Hold on Records, they are responsible for notifying the Access and Privacy Office of the nature and expected duration of the Hold. They should clearly identify which record series and Records Authority Schedules are impacted, and provide information on other University Offices that may also have Records pertaining to the issue that will also require a Hold.
- (b) The Access and Privacy Office will then be responsible for evaluating the concern regarding the other University Offices, reviewing the Records Authority Schedules in use by the impacted other University Offices, and where it is deemed necessary, informing the Unit Liaison of the Hold and their responsibility to Hold Records subject to the Business Hold.

Transitory Records may be included in the Business Hold. Determining the extent to which the Hold is to be applied, and whether Transitory Records are subject to it is at the discretion of the Access and Privacy Office in consultation with the Records' creators.

- (c) If the University Office originating the Hold feels they need access to the Records of another University Office, the Access and Privacy Office will coordinate a formal request for access to the Records with the assistance of the originating University Office.
- (d) It is the responsibility of the Unit Liaison to ensure that the information is communicated throughout their faculty/department/office to all impacted staff, and that all Records subject to the Business Hold are located, clearly identified and no Requisitions to Destroy Records are submitted for impacted Records.

2.5 Removal of Holds

- (a) **Removal of a Legal Hold:** Once the litigation and any possibility of appeal has ended, the affected University Offices will be notified of the end of the Hold by the Office of Legal Counsel and the Access and Privacy Office. In the event that some of the impacted Records were used as key evidence, it will need to be reclassified as principle evidence, and as such managed under an alternate Records Authority Schedule with a new retention period and disposition date. The affected University Offices will be notified of any new requirements for the scheduling and retention of Records by the Office of Legal Counsel and the Access and Privacy Office at this time.
- (b) **Removal of an Access Hold:** The Access and Privacy Office will notify affected University Offices when they are able to remove the Hold on their Records and proceed with regular destruction.
- (c) **Removal of a Business Hold:** Upon the completion of the project or action that resulted in a Business Hold, the Unit Liaison for the initiating office must contact the Access and Privacy Office and notify them of the termination of the Hold. The Access and Privacy Office will notify any other affected University Offices, and make a record of the resolution date of the Hold.

2.6 Role and Responsibility of the Access and Privacy Office

The Access and Privacy Office shall maintain a centralized listing of all Record Holds, including the type of Hold, their start and completion dates, a description of the Records, the name of the requestor and the University Office making the request.

2.7 Destruction or Transfer of Records following a Hold

Upon the completion of a Hold, all records' retention periods should be reviewed under the applicable Records Authority Schedule for the impacted Records. If any Records have reached their disposition date, all normal procedures will apply.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the Vice-President (Administration) that a formal review of these Procedures is required.
- 3.2 The Access and Privacy Officer is responsible for the communication, administration and interpretation of these Procedures.
- 3.3 The Vice-President (Administration) is responsible for complying with these Procedures.

Part IV Review

- 4.1 Governing Document reviews shall be conducted every ten (10) years by the Vice-President (Administration). The next scheduled review date for these Procedures is June 23, 2025.
- 4.2 In the interim, these Procedures may be revised or repealed if:
 - (a) the Vice-President (Administration) or Approving Body deems it necessary or desirable to do so;
 - (b) these Procedures are no longer legislatively or statutorily compliant;
 - (c) these Procedures are now in conflict with another Governing Document; and/or
 - (d) the Parent Policy is revised or repealed.

Part V Effect on Previous Statements

- 5.1 These Procedures supersede all of the following:
 - (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and

- (b) all previous Administration Governing Documents on the subject matter contained herein.

Part VI Cross References

- 6.1 These Procedures should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
 - (a) [Records Management Policy](#)
 - (b) [Transitory Records Procedure](#)
 - (c) [Requisition to Destroy Records](#)
 - (d) [Access and Privacy Policy](#)