



# 2005/2006

**Operational  
Case File  
Records  
(Authority  
No.  
2005/2006)**

**Documents  
des dossiers  
cas  
d'exploitation  
(Autorisation  
n° 2005/2006)**

**Records Disposition  
Authority No. 2005/006**

**Autorisation de disposer des  
documents n° 2005/006**

issued to

délivrée aux

**Government Institutions subject to the  
*Library and Archives of Canada Act***

**institutions fédérales assujetties à la  
*Loi sur la Bibliothèque et  
les Archives du Canada***

**for**

**pour**

**Operational Case File Records**

**les documents des dossiers cas  
d'exploitation**

The Librarian and Archivist of Canada, pursuant to subsections 12(1) and 13(1) of the *Library and Archives of Canada Act*, is of the opinion that all operational case file records which meet the archival criteria described in Section C of the attached Appendix - Terms and Conditions are of historic or archival importance. The Librarian and Archivist of Canada, therefore, requires their transfer to the care and control of Library and Archives Canada in accordance with the Terms and Conditions of this Authority, and consents to the disposal of all other operational case file records, when institutions subject to the Act decide that these records have no remaining operational or legal value, and upon expiry of the retention periods established for them within federal government institutions.

Conformément aux paragraphes 12(1) et 13(1) de la *Loi sur la Bibliothèque et les Archives du Canada*, le Bibliothécaire et Archiviste du Canada estime que tous les documents des dossiers cas d'exploitation qui rencontrent les critères archivistiques décrits dans la section C de l'Annexe - modalités de transfert ont une importance historique or archivistique. Le Bibliothécaire et Archiviste du Canada demande donc leur transfert sous la garde et le contrôle de Bibliothèque et Archives Canada conformément aux modalités de transfert de cette Autorisation, et consent à disposer de tous les autres documents des dossiers cas d'exploitation lorsque les institutions assujetties à la loi décideront que ces documents ne possèdent plus de valeur administrative ou juridique, et à l'expiration des délais de conservation qu'elles leur auront assignés.

Appendix: Terms and Conditions for the Transfer of Archival Operational Case File Records

Annexe : Modalités de transfert des documents archivistiques des dossiers cas d'exploitation

Original signed by / Original signé par

**Ian E. Wilson**

**Librarian and Archivist of Canada / Bibliothécaire et Archiviste du Canada**

20061218

**Date**

## APPENDIX I

### TERMS AND CONDITIONS for the Transfer of Archival Operational Case File Records of government institutions subject to the *Library and Archives of Canada Act*

#### A. SCOPE OF THE AUTHORITY AND DEFINITIONS

- Multi-Institutional Records Disposition Authority (MIDA) No. 2005/006 **applies to all** government institutions subject to the *Library and Archives of Canada Act* and, with the few exclusions below, covers all operational case file records in all media, in all locations, created or acquired by a government institution as part of its business activities.
- MIDA No. 2005/006 **applies only** to those records in operational files that meet all three criteria that define and limit what a case file is for the purpose of this Authority, contained in Section A of this MIDA.
- MIDA No. 2005/006 **does not apply** to common administrative records.
- MIDA No. 2005/006 **does not apply** to operational case file records created anterior to 1946.
- Operational case file records **excluded** from the scope of MIDA No. 2005/006, and covered by other MIDAs, are:
  - Institutional records in the Office of a Minister (see MIDA No. 96/021);
  - Records of Deputy Heads of government institutions (see MIDA No. 96/022);
  - Records related to Electronic Imaging Systems (see MIDA No. 96/023),
  - Posters from Poster-Creating Areas (see MIDA No. 96/024);
  - Audio-Visual Records (see MIDA No. 2001/004); and
  - Transitory records (see Authority for the Destruction of Transitory Records).
- Operational case file records **excluded** from the scope of MIDA No. 2005/006 are those records that are already covered by an active and valid institution-specific Disposition Authority (ISDA).
- Operational files that contain a mix of transactional and subject-based records, i.e. records that meet the case file criteria contained in Section A are mixed with records that do not meet the criteria within the same file, are **excluded** from the scope of this MIDA No. 2005/006. *Institutions should refer to the Application Guide to this MIDA (available on LAC Web site at [www.collectionscanada.ca](http://www.collectionscanada.ca)) for further instruction with regard to these files*

## Definitions:

“*Case file*” means a file folder or file container, regardless of media, within which are gathered records that document a single type, or series of repetitive transaction(s). The transaction documented within the case file is normally prescribed by a procedure for processing a specific transaction or series of transactions on a repetitive basis. For greater certainty, these terms and conditions provide criteria that define and limit what are case file records below.

“*Case File Records*” There are **three key criteria** that define and limit which types of records are considered “*case file records*” for the purpose of this Authority. Case file records often (but not necessarily) use pre-established identification codes linking the record to the particular item, object, entity, person, event, or thing for which a transaction is carried out and documented within the content of the record. These codes are alphabetic or numeric in nature and rarely change over time.

However, for the purpose of applying and interpreting this Authority, a file is deemed to be case files only if it contains, and is limited to, records that meet all three of the following case file record criteria:

- 1) Case file records are those that document a single type, or series, of repetitive transaction(s) within a business process relating continuously to a particular item, object, entity, person, event, or thing.
- 2) Case file records are those that contain replicated documentation in standardized formats and structures including (but not restricted to) forms, orders, *pro forma* letters and memos, contracts, invoices, vouchers, receipts, spreadsheets, announcements, bulletins, reports, and payments.
- 3) Case file records are those that document transactions that have a definite beginning and an end within the same case file regardless of the size of the file or number of records within the file.

***N.B. — Operational files containing records that do not meet all three of the criteria above, that define and limit what case file records are, are not covered by MIDA No. 2005/006.***

“*Common Administrative Records*” Records (including case file records) created, collected or received by a federal government institution to support and document broad internal administrative functions and activities common to or shared by all federal government institutions (for example, financial and human resources management).

“*Operational Records*” — Records (including case file records) created, collected, or received by a federal government institution to support and document business functions, programmes, processes, transactions, services and all other activities uniquely or

specifically assigned to that particular institution by legislation, regulation, or policy.

“*Transaction*” means the smallest measurable unit of work carried out as part of a business process in support of a higher activity within the context of a specific business mandate.

“*Transactional record*” means a record that documents the smallest measurable unit of work carried out as part of a business process in support of a higher activity within the context of a specific business mandate. Institutions, according to the context of their specific business mandate, will determine what are the smallest units of work they need to document as part of a business process.

## B. OBLIGATIONS RELATING TO ARCHIVAL RECORDS

- Government institutions, as a condition for using and applying this MIDA No. 2005/006 and at the moment of applying this Authority, **shall thereby agree** to all other terms and conditions of the Authority including the identification and transfer of archival records to the care and control of Library and Archives Canada (LAC).
- Government institutions **shall convey** the provisions of this MIDA to all those responsible for its application in order to ensure the integrity of its application.
- Government institutions **shall protect** records deemed to have archival value from damage, deterioration, or loss prior to their transfer to the care and control of LAC.
- Government institutions **shall establish** record retention periods for records based on their operational and legal requirements prior to applying MIDA No. 2005/006.
- Government institutions **shall contact** the archivist at LAC to confirm the archival selection and transfer arrangements of records prior to segregating all archival records from the non-archival records.
- Government institutions **shall physically segregate** all archival records from the non-archival records and prepare them for transfer according to media specific requirements established by LAC, prior to their transfer to the care and control of LAC or to their placement in dormant storage in a LAC Regional Service Centre.
- Government institutions **shall transfer** all archival records selected according to the archival criteria set out in Section C to the care and control of LAC, and may dispose of all other operational case file records covered by this MIDA No. 2005/006, after their record retention periods have expired. The government institution shall inform LAC of any changes in the record retention periods for archival records.
- Government institutions, that control archival records which are duplicated in more than one medium within a single institution, **shall inform** LAC of the most complete record and identify the medium of the record before it is transferred to its care and control.

- Government institutions **shall notify** LAC **prior to applying** this MIDA No. 2005/006 if their archival records are shared with other government institutions.

## C. SELECTION OF ARCHIVAL RECORDS

Those operational case file records that meet **any of the seven archival criteria** listed below are considered to have archival value and shall be transferred to the care and control of Library and Archives Canada according to Section D. Government institutions shall contact their portfolio archivist at LAC to confirm the archival selection and transfer arrangements prior to segregating all archival records from the non-archival records. The archivists at LAC will specify what "sufficient" volume of archival records shall be transferred from the institution's case file series.

### **Seven criteria for archival value:**

#### **1. Records which are crucial for the protection of individual and/or collective rights and document obligations of citizens**

*Specifically, the **archival records** are those that prove, grant, establish, and/or evidence the rights and obligations of citizens, and those that contain vital or essential information about citizens.*

These archival records **include only** the following:

- Civil status records pertaining to immigration status, Canadian citizenship, and status of Aboriginal Peoples
- Land registers
- Survey records for the Census of Population
- Taxation records consisting of the Taxpayer Master file and its successors.

#### **2. Records of judicial or quasi-judicial decisions**

*Specifically, the **archival records** are those that document any final decision made by the highest judicial or quasi-judicial level possible for a specific case.*

The archival records **include:**

- Records of decisions appealed to a superior court by a judicial or quasi-judicial body.

In addition, the **archival records** are:

- Records documenting decisions made by a federal board, review board, appeal board, administrative tribunal, court, or other independent entity, responsible for rendering judicial or quasi-judicial decisions **and** which are:
  - Records of decisions considered to be **precedent setting** at the time of decision, or
  - Records of decisions that have attained a **high media profile**.

(Examples of institutions considered to be judicial or quasi-judicial decision-making bodies include, but are not restricted to: Human Rights Tribunal, Canadian Cultural Property Export Review Board, National Parole Board, Occupational Health and Safety Board, Canadian Industrial Relations Board, Public Service Staff Relations Board, Immigration and Refugee Board, Pension Appeals Board)

### **3. Records that document decision-making by the Deputy Head (or equivalent), Minister, Cabinet, or the Prime Minister**

*Specifically, the **archival records** are those that document decisions that are approved by, or that document intervention at the level of, the Deputy Head (or equivalent), Minister, Cabinet, or the Prime Minister.*

These archival records include, but are **not restricted to**, the following:

- Records documenting approval of Major Crown Projects starting with approval in principle from Cabinet, and approval of economic development, investment requests, grants and/or projects based on partnership agreements with other levels of government and/or the private sector starting with approval by the Minister.
- Records documenting the intervention of the Deputy Minister, Minister, Cabinet, or Prime Minister in immigration cases.
- Records documenting recommendations made through normal procedures and overturned by the Deputy Minister (or equivalent), Minister, Cabinet, or Prime Minister. These cases may include decisions concerning the granting, approval, or rejection of requests for government assistance.
- Records documenting decisions made by the Deputy Minister (or equivalent), Minister, Cabinet, or Prime Minister which reverse, or alter, the normal course of business.

**4. Records that document federal responsibility in the areas of compensation and fiduciary obligations:**

*Specifically, the **archival records** are those that document a significant or unique type of compensation by the government and/or the exercise of its fiduciary obligations, where the government has accepted responsibility for care and/or compensation of an identifiable sector of society (based on a particular set of circumstances), which results in the provision of a specific type of settlement, benefit, or redress.*

Examples of such instances include, but are **not restricted to**, the following:

- Hepatitis C victims eligible for government compensation, either through the results of the Krever Inquiry or other government decisions
- Japanese Canadian Redress for their treatment during Second World War
- Chinese Canadian Head Tax compensation

**5. Records that document federal responsibility and claims by or against the Canadian government under any of its domestic treaties or bilateral and multilateral international treaty obligations**

*Specifically, the **archival records** are those that document a claim by or against the Canadian government under any of its domestic treaties, or bilateral and multilateral international treaty obligations; claims that challenge how government fulfills its treaty obligations; and/or, treaty claims that cause a change in the way government institutions conduct their business.*

These archival records include, but are **not restricted to**, the following:

- Land claims by first nations
- Challenges to hunting, fishing, and logging rights by native groups

**6. Records that document specific investigative activities under a federal jurisdiction**

*Specifically, the **archival records** are those that document investigative activities under a federal jurisdiction involving deliberative or intense efforts and resources beyond what is normally allocated to complete that business process, or that causes a change in the way government institutions conduct their business.*

These archival records include, but are **not restricted to**, the following

- High profile criminal investigations



- Investigations into threats against national security
- High profile cases involving ethical issues
- Investigations into accidents or situations that result in changes in the way government institutions conduct their business relating to public safety
- Investigations into accidents or incidents resulting in the death of a Canadian citizen, excluding common traffic investigations
- Indian Residential School investigation

**7. Records that document and/or are used for creative or research activities in the cultural, social and scientific domains**

*Specifically, the **archival records** are those that document:*

- a) Research and intellectual decision-making processes resulting in a nationally recognized contribution to the advancement of knowledge and excellence in the cultural, social and scientific domains;*
- b) Situations involving deliberative research efforts or resources beyond what is normally allocated to complete that business process;*
- c) Results or conclusions of research or other intellectual activities (including cultural, artistic and social endeavours) that have a significant impact on Canadians or a broad sector of society; or*
- d) Results of research, studies, or analyses that effect changes to the way government institutions conduct their business.*

These archival records include, but are **not restricted to**, the following:

- Records that document ground-breaking scientific or social science research that challenges existing theories or practices
- Records that document the approval of pharmaceutical drugs previously banned for human consumption
- Records that document research or survey analysis that causes a change in the way government conducts its business

#### D. TRANSFER OF ARCHIVAL RECORDS

Government institutions shall contact the archivist at LAC to confirm the archival selection and transfer arrangements of records prior to segregating the archival records from the non-archival records, and thereafter segregate them according to the archival criteria in Section C, and prepare them for transfer to the care and control of LAC according to the transfer specifications for various media as established by LAC. See [www.collectionscanada.ca](http://www.collectionscanada.ca) for the transfer requirements of textual and other media records, including electronic records.

Government institutions shall transfer archival records covered by MIDA No. 2005/006 **within one year** after the expiry of the records retention periods established for the records by institutions.

Government institutions shall ensure that a comprehensive “finding aid” accompanies each transfer of archival records. The finding aid is intended to provide intellectual access and physical control to the records, and may consist of a file listing or a keyword retrieval system, whichever is most suitable to the medium of the records being transferred. See [www.collectionscanada.ca](http://www.collectionscanada.ca) for finding aid specifications for textual and other media records, including electronic records.

Government institutions shall provide any information they hold regarding the application of the Access to Information and Privacy legislation to the archival records identified for transfer to LAC. Information on the ATIP status of the records accompanies each transfer of archival records. This information is intended to facilitate the determination of access to these records.

#### E. AUTHORIZATION TO DISPOSE OF RECORDS

All operational case file records created, collected, or maintained in any medium, by a federal institution in support of operational functions of the Government of Canada, that meet all three criteria that define and limit them as “case file records” as set out in Section A of this MIDA No. 2005/006, may be disposed of provided that the:

- Operational case file records do not meet any of the seven criteria for archival value set out in Section C
- Operational case file records are not anterior to 1946; and
- Retention periods for the operational case file records, established by the institutions according to their operational and legal requirements, have expired.

A strict application of the above definitions, exclusions, and archival criteria will ensure archival operational case file records are transferred to LAC and the appropriate disposition of all other operational case file records will occur.

**F. FURTHER INFORMATION**

For any further information, questions, or interpretation regarding this Multi-Institutional Disposition Authority (MIDA) No. 2005/006 and its terms and conditions, please contact Library and Archives Canada at 819-934-7519 or via e-mail at [Centre.Liaison.Centre@lac-bac.gc.ca](mailto:Centre.Liaison.Centre@lac-bac.gc.ca).

Also, note that an Application Guide has been created for this MIDA and is available on LAC Web site at <http://www.collectionscanada.ca>. The Application Guide provides additional information on the application of this MIDA and its relationship to all other MIDAs and Institutional Specific Disposition Authorities (ISDAs) issued by Library and Archives Canada.