

**LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA
POLICY MANUAL**

SECTION	Members' Policies
POLICY	7335 – Member Records

Objective To outline processes for managing and safeguarding records created or received by Members of the Legislative Assembly.

Application This policy applies to Members of the Legislative Assembly, employees of a Member, and employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66).

Authority Policies affecting Members of the Legislative Assembly are approved by the Legislative Assembly Management Committee, as per *Policy 1000 – Legislative Assembly Policy Framework*.

Key Definitions **“business record”** means a record that is required for the Legislative Assembly to fulfil its financial and legal responsibilities, including, but not limited to, records that contain information about accounting, payroll, goods and services purchased with public funds, and spending, contracts, agreements, or leases;

“constituent record” means a record or collection of records documenting constituency case work;

“Member record” means a record created or received by a Member of the Legislative Assembly in the course of the Member’s legislative, caucus, constituency office, personal or political party activities;

“ministerial record” means a record created or received by a Member of the Executive Council or their staff in relation to Cabinet or ministry business activities;

“personal information” means recorded information about an identifiable individual other than business contact information (i.e., name, position or title, business phone number, and business email address collected or used to enable the individual at a place of business to be contacted);

1. General .01 This policy does not apply to ministerial records, records created while conducting work on behalf of the Executive Council, or records in the custody of a caucus.

2. Member Responsibilities .01 A Member is responsible for managing records they create or collect as a Member of the Legislative Assembly. A Member’s responsibility with respect to these records includes:

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- a) ensuring records are stored in secure locations (digital or physical), with reasonable security arrangements to protect against risks such as unauthorized access, use, disclosure, disposal, or accidental damage;
- b) keeping records related to their parliamentary and constituency work separate from ministerial records;
- c) maintaining an organized recordkeeping system with logical naming conventions to ensure records are appropriately identified and accessible if transferred to the Legislative Assembly Administration;
- d) safeguarding all personal information contained in records; and
- e) retaining business records in accordance with this policy.

.02 When a Member ceases to be a Member, they must:

- a) transfer any business records to the Legislative Assembly Administration that are required by the Administration that are not already in its possession; and
- b) complete a *Member Record Decision Form* detailing whether electronic records stored in their Legislative Assembly-provided accounts and physical records, will be transferred to an incoming Member, donated for archival purposes, retained personally by the Member, or destroyed,

in accordance with the timelines prescribed in this policy.

.03 A Member is encouraged to seek advice on safeguarding best practices from the Information Technology Department and refer to the *Members' Privacy Guide*. Should a Member personally retain any Member record after they cease to be a Member, the Member is solely responsible for the safeguarding of information and destruction of the record.

.04 A Member is responsible for complying with applicable laws related to records management (e.g., *Freedom of Information and Protection of Privacy Act* (R.S.B.C. 1996, c. 165), *Income Tax Act* (Canada), *Employment Standards Act* (R.S.B.C. 1996, c. 113), *Employment Insurance Act* (Canada)).

**3. Legislative Assembly
Administration
Responsibilities**

.01 When a department of the Legislative Assembly Administration receives records under this policy, the department must ensure the records are organized and identifies the name of the Member and date the records were created. A department director must:

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- a) ensure records are stored in a secure location with digital and physical security controls to protect against unauthorized collection, use, disclosure, disposal, and accidental damage;
- b) facilitate archival, transfer, or disposition requests by a Member under this policy;
- c) make records available for review as part of an audit;
- d) retain records in compliance with applicable laws;
- e) maintain department procedures for reviewing records for disposition annually; and
- f) ensure disposal of a Member record at the end of the record's retention period.

.02 The Legislative Assembly Administration must develop guidance and clearly communicate to a Member what business records are required by the Administration.

4. Business Records

.01 A Member must provide all business records that the Legislative Assembly Administration requires to offer services on behalf of the Member throughout the normal course of business (e.g., expense claims, employee payroll information).

.02 A Member may provide a digitized copy of a record and retain the original physical record provided that the digitized copy is exact and significant details are not obscured. Original financial records must be retained by a Member for audit purposes until the audit for the fiscal year of the record (April 1 to March 31) is complete, after which, an original financial record may be destroyed at a Member's discretion provided the record has been electronically shared with the Legislative Assembly Administration in an appropriate format (i.e., an exact copy of the record with all significant details clearly readable and not obscured).

.03 A Member must maintain records related to active legal matters, contracts, leases or other binding agreements authorized by the Member until the legal matter, contract, lease, or other binding agreement is terminated or expires and the limitation period to bring an associated claim against a party has expired.

.04 Financial Services must retain and safeguard financial records received from a Member for a period of 6 years from the end of the last fiscal year to which they relate.

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.05 Human Resource Operations must retain and safeguard records related to a Member and a Member's employees for a period of 7 years after the date each record was created. Human Resource Operations will retain:

- a) employee payroll records;
- b) Member payroll records; and
- c) employee benefits records.

.06 Business records received by the Legislative Assembly Administration related to ongoing and active contractual or legal matters are maintained in accordance with applicable laws and policies and are disposed of once they are no longer required for legal or business purposes.

5. Constituent Records

.01 Any record a Member or their staff creates or collects in relation to a constituent is managed and retained at the Member's discretion.

When a constituent case is closed (e.g., the issue a constituent requested assistance with is now resolved) the Member should destroy records containing the constituent's personal information.

.02 A Member is responsible for protecting the privacy of all personal information and sensitive information they collect. When a Member ceases to be a Member, all case files will be slated for destruction by default. If the Member has active case files, they should contact the relevant constituents to provide consent for the Member to:

- a) send the records that the Member collected from a public body on behalf of the constituent to the constituent; or
- b) transfer the active case to the new Member who represents the constituent.

.03 If a Member wishes to transfer an active constituent case file (i.e., a case concerning a constituent that has not yet been resolved) to an incoming Member or transfer records collected from a public body on behalf of the constituent to the constituent, the Member must personally facilitate the transfer.

6. Transfer of Member Records to MLA Papers Archives

.01 At the Member's choice, any Member records that reflects the Member and their work (e.g., biographical information, emails, messages, photographs, information about a Member's constituency, copies of speeches, or records related to the advocacy work of a

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Member) may be donated to the Legislative Library for archival purposes. As part of a *Library Transfer Agreement*, the Member must identify which records they wish to donate. A Member may also designate all the contents in a Legislative Assembly-provided account for archive using the *Member Record Decision Form*.

.02 Donated records will be reviewed by the Legislative Library to determine archival value. Records of archival value will be permanently preserved as part of the MLA Papers Archives. Records that the Legislative Assembly deems to have no archival value will be destroyed in accordance with archival best practices and applicable laws.

.03 Records contained in the MLA Papers Archives are property of the Legislative Library and may be made available to the public as a historical record. Records containing personal information about a third party will be managed in accordance with archival best practice.

7. Employee Accounts

.01 As part of their responsibilities as an employer, a Member must collect and manage employment records outlined in the *Employment Standards Act* (R.S.B.C. 1996, c. 113) for their employees. Such records are not business records under this policy, unless specified in section 4.05, and are not received or managed by the Legislative Assembly Administration.

.02 Any records created by a Member's staff (e.g., emails related to the official duties of the Member, messages, documents in an employee's account), belong to the employer. As such, all records created by the employee may be accessible to the employer.

8. Access to Member Accounts

.01 All Legislative Assembly accounts created for a Member are temporary. A Member's access to their accounts and the records contained in those accounts will change when a Member ceases to be a Member.

.02 Should a Member's seat become vacant during a Parliament, the Member's accounts will be deactivated on the last business day of the month following the month in which the Member ceases to be a Member (i.e., if they vacate their seat May 10, access to their accounts will be deactivated by June 30).

.03 In the year of a provincial general election, a Member not seeking re-election will have their accounts deactivated on the last business day of the month of the final voting day (i.e., if the final voting day is

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October 15, the Member's accounts will be deactivated by October 31).

- .04 In the year of a provincial general election, a Member seeking re-election who is not re-elected will have their accounts deactivated on the last business day of the month following the month of the final voting day (i.e., if the final voting day is October 15, the Member's accounts will be deactivated by November 30). This additional month is provided for non-returning Members to organize their records.
- .05 The Information Technology Department will provide a Member with temporary login credentials to access employment records (e.g., T4s, pay stubs, and transition allowance). Access to the temporary account will continue for up to 15 months following the date a Member vacates their seat.
- .06 A Member must submit a *Member Record Decision Form* detailing what steps are to be taken with respect to the records. The form must be submitted within 4 months following the date their accounts are deactivated.
- .07 If the Legislative Assembly Administration has not received a signed *Member Record Decision Form* within the prescribed period, the Member's accounts and all records they contain will be destroyed.

9. Death of a Member

- .01 In the event a Member dies while in office and has not signed a *Member Record Decision Form*, the Legislative Assembly Administration will temporarily assume custody of the Member's records and accounts until the Speaker, in consultation with the Caucus Chair or the House Leader of the caucus and their designate(s) with which the Member is affiliated, if applicable, determines what measures will be taken with respect to the Member's records and accounts.

Contact	Questions regarding records in this policy may be directed to Client Services at ClientCare@leg.bc.ca .
Procedures	<i>Library Transfer Agreement</i> <i>Member Record Decision Form</i> <i>Members' Privacy Guide</i>

Approved and authorized by the Legislative Assembly Management Committee,
effective December 2, 2024.

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POLICY HISTORY

Version 1	December 2, 2024
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