



<b>Policy Name:</b>	<b>RECORDS ADMINISTRATION AND RETENTION</b>		
<b>Policy #:</b>	AD 9.14	<b>Last Updated:</b>	2023-06-28
<b>Issued By:</b>	SUPPORT SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
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**RELATED POLICIES**

*AD 4.2 Personnel Records*

*AD 9.1 Authorized Use of Computing Environment and Electronic Communications*

*AD 9.3 CPIC*

*AD 9.12 PRIME*

*AD 9.18 Security and Confidentiality of Records and Information*

*AD 9.19 Information Technology (IT) Security*

**1. PURPOSE**

1.1. To ensure Surrey Police Service (SPS) applies consistent rules in compliance with legal requirements and BC *Provincial Policing Standards* regarding the retention and deletion of police Records.

**2. SCOPE**

2.1. This policy applies to all SPS Employees.

**3. POLICY**

3.1. This policy establishes guidelines for the retention and purging of administrative and operational Records held by SPS. Employees must follow these rules regarding record retention and deletion.

**Guidelines**

3.2. *Freedom of Information and Protection of Privacy Act*: section 31 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires a public body to retain an individual’s Personal

Information for at least one (1) year after being used so that the affected individual has a reasonable opportunity to obtain access to that Personal Information.

- 3.3. *Income Tax Act*: section 230(4) of the *Income Tax Act* requires that SPS financial Records and books of account be retained for six (6) years after the end of the last taxation year to which the Records relate. Therefore, financial Records or Records with tax implications must be retained for a minimum of seven (7) years. This includes charitable donations and fundraising information.
- 3.4. *Payroll Records*: Payroll Records must be maintained for a minimum of five (5) years after the employment terminates in accordance with the *Employment Standards Act*. These Records include the Employee's personal details, position information on wages, hours worked, benefits, and annual leave.
- 3.5. *Legal Records*: Legal and litigation Records should be maintained for a minimum of ten (10) years after the conclusion of the litigation or settlement of the matter. These include legal opinions, Records of fees and expenses, and cohort documents. Some Records, such as legal opinions, may have value for other legal issues and should therefore be retained longer for any future matters that may arise.
- 3.6. *Police Act Complaint Records*: These Records should be retained indefinitely.
- 3.7. *Historical Records*: Some Records may have historical or noteworthy value after their administrative value expires. These may include SPS policies, the organization and administrative history of the Department, significant changes concerning the issuing of clothing, equipment, or the opening of new buildings, Records that may have a general or continuing interest, major criminal cases which may be of interest in the future, and a specific individual transaction which established a legal status of any kind.
- 3.8. *Operational Requirements*: Some administrative Records may have an impact on the operation of SPS and would need to be retained for those purposes. These may include disaster plans, ERT Records, evacuation plans, job descriptions, and audits and inspections.
- 3.9. *Equipment, supplies, and Vehicles*: Records relating to the purchase and use of equipment, supplies and vehicles should be retained for the life of the equipment in question. After that time, the Records may have historical value and should be reviewed by an Information Management Section (IMS) Supervisor before being archived or deleted.
- 3.10. *Offences and Police Investigations*: Police investigative Records maintained in PRIME-BC Records management system and externally will be retained under PRIME-BC data retention policies. If, during the retention period calculated in accordance with PRIME-BC policy an individual whose role is determined to be of a negative nature, (including but not limited to: accused, suspect, defendant, person of interest, etc.), is also involved in another or other offence investigations, and their involvement is again of a negative nature, then the retention period for the initial and

subsequent investigations will extend until all retention periods have been completed involving that individual.

3.11. *General*: it is a general business practice to retain Records for a minimum of two (2) years if they do not have a statutory retention period requirement and are not needed for any other purpose. Administrative Records that do not fall within other guidelines set out in this policy should be reviewed after two (2) years to determine if it is necessary to retain them.

## 4. PROCEDURE

### Records Management

4.1. The classification of information and Records falls into four categories:

- i. Unclassified;
- ii. Protected A;
- iii. Protected B; and
- iv. Protected C.

#### Unclassified

4.2. Unclassified Records denote information that is of a routine nature and where there is no offence indicated. Unclassified Records hold non-sensitive information. This is information that, if released to the public, carries no injury to personal, industry, or government interests.

#### Protected A

4.3. A record that is Protected A means a classification of information to safeguard routine Records of low sensitivity that require protection above the level of unclassified information. Unauthorized disclosure could reasonably be expected to cause injury to an individual, a Member of SPS and/or the Surrey Police Board (SPB), or government.

#### Protected B

4.4. A record that is Protected B means a classification of information to safeguard particularly sensitive information that requires more stringent protection measures than Protected A. Unauthorized disclosure could reasonably be expected to cause serious injury to an individual, a Member of SPS and/or SPB, or government.

4.5. Information that is Protected B usually requires third-party notification. That is, the information is not to be further disseminated, disclosed to court, reclassified, reproduced, stored on an investigative file, or used in whole or in part, without the expressed consent of the originator of the record.

#### Protected C

4.6. A record that is Protected C means a classification of information to safeguard extremely sensitive information when there is a need for special, stringent safeguards. Unauthorized disclosure could

reasonably be expected to cause extremely grave injury to an individual, a Member of SPS and/or SPB, or government.

- 4.7. Electronic Records classified Protected C must be stored on a computer system that is not connected to other Records and systems, and not accessible by the internet or cloud-based server. Hard copy Protected C Records must be stored in a separate locked cabinet or safe under the control of the Superintendent Investigative Services Bureau or delegate. Access to Protected C Records must be restricted to Employees on a need-to-know basis.

#### **Re-classification of Records**

- 4.8. An Employee wanting to have a record classified or re-classified will notify the Officer in Charge or Manager of the Office of Primary Responsibility (OPR) for the record to have it classified or re-classified.
- 4.9. If the classification is no longer required, the record may be returned to unclassified status, after being approved by the OIC or Manager of the OPR.
- 4.10. Information or Records supplied to SPS by other agencies shall receive the classification assigned to it by the originator.

#### **Responsibility of Records**

- 4.11. The Information Management Section (IMS) Manager or delegate is responsible for all PRIME-BC and Operational retention/deletion of Records. The Records Manager or delegate is responsible for all other record storage, retention, and deletion.

#### **Case File**

- 4.12. When one record is attached or cross-referenced to another or grouped together to form a file or dossier, the retention period for the Case File is determined by the longest period scheduled in the group, file or dossier.

#### **Disposal of Non-Electronic Records**

- 4.13. The method of deletion of non-electronic Records (e.g., paper documents, CDs, DVDs, etc.) shall be by means of shredding. Non-electronic Records will not be disposed of by sale of waste or salvage, until after being shredded.

#### **Retention Periods**

- 4.14. Except where otherwise indicated, the retention period is indicated in calendar years. What is indicated is a period of years which can be applied at any month of the year. Records may be retained for a longer period than shown in the schedules, if operationally required, or as federal and provincial laws direct.
- i. The length of time each type of non-electronic record must be retained in the active Records area before transfer to dormant storage will depend on storage area available.

- ii. When non-electronic Records are moved from the Records Section into dormant storage, the person moving the files will list the date, number of files moved, location moved to and their signature on the removal form, which will be kept at the end of the remaining files, for reference.

#### **Operational Records Retention-Deletion Schedule**

4.15. The categories of operational Records are:

- i. criminal offences and other federal offences;
- ii. provincial offences;
- iii. Surrey By-Laws; and
- iv. miscellaneous police calls for service.

4.16. Criminal offences, other federal offences, and provincial offences and other miscellaneous police calls for service Records in PRIME-BC are retained under PRIME-BC policy.

4.17. Surrey By-Law file Records are retained for two (2) years after disposition of the file (e.g., court case concluded).

#### **Application**

4.18. The record retention and deletion schedules for criminal and provincial offences are governed by PRIME-BC policy which is found in the automated index to the Operational Reporting System (ORS).

#### **Automated Deletion of Electronic Operational Records**

4.19. A Purge List, which is arranged by occurrence number, is produced periodically by PRIME-BC and forwarded to SPS for deletion of PRIME-BC Records.

4.20. The Purge List is intended to assist SPS in maintaining its Records. However, SPS is responsible for maintenance of its Records, which includes maintaining PRIME-BC standards on all files, and the deletion of associated non-electronic Records when the computer record is deleted.

4.21. The system generated deletion of Records is based on:

- i. minimum retention period of the ORS code used to classify the record, or six (6) months after the expiration of an accused's sentence, whichever is longer; and
- ii. date the record was concluded.

NOTE: the deletion date for any file can be found by viewing the Occurrence Retrieval Screen.

4.22. If it is necessary to retain a record beyond the system generated record deletion date, SPS will override the date in the record deletion field.

4.23. When the PRIME-BC record is deleted, the corresponding non-electronic record maintained by SPS must be deleted.

**Youth Criminal Justice Act (YCJA) Retention & Non-Disclosure**

4.24. The IMS Manager is responsible for Young Person Records.

4.25. Section 122 of the YCJA provides exceptions to access and disclosure of a Young Person's record. A person who is required or authorized to be given access to a record under section 119, 120, 123, or 124 of the YCJA may be given any information contained in the record and may be given a copy of any part of the record.

4.26. When a formal action is taken against a Young Person (aged 12-17 years at the time of the offence) under the YCJA by way of:

- i. warning, caution or referral;
- ii. extrajudicial sanctions; or
- iii. charges;

the YCJA assumes jurisdiction over Personal Information respecting the Young Person. Personal Information is defined as including any personal information that ties the Young Person to an offence.

4.27. To comply with section 119(2) of the YCJA, the following time limits for nondisclosure must be followed:

(a) if an extrajudicial sanction is used to deal with the Young Person, the period ending two (2) years after the Young Person consents to be subject to the sanction in accordance with paragraph 10(2)(c);

(b) if the Young Person is acquitted of the offence otherwise than by reason of a verdict of not criminally responsible on account of mental disorder, the period ending two (2) months after the expiry of the time allowed for the taking of an appeal or, if an appeal is taken, the period ending three (3) months after all proceedings in respect of the appeal have been completed;

(c) if the charge against the Young Person is dismissed for any reason other than acquittal, the charge is withdrawn, or the Young Person is found guilty of the offence and a reprimand is given, the period ending two (2) months after the dismissal, withdrawal, or finding of guilt;

(d) if the charge against the Young Person is stayed, with no proceedings being taken against the Young Person for a period of one (1) year, at the end of that period;

(d.1) if an order referred to in subsection 14(2) or 20(2) is made against a Young Person, the period ending six (6) months after the expiry of the order;

(e) if the Young Person is found guilty of the offence and the youth sentence is an absolute discharge, the period ending one (1) year after the Young Person is found guilty;

(f) if the Young Person is found guilty of the offence and the youth sentence is a conditional discharge, the period ending three (3) years after the Young Person is found guilty;

(g) subject to paragraphs (i) and (j) and subsection 119(9), if the Young Person is found guilty of the offence and it is a summary conviction offence, the period ending three (3) years after the youth sentence imposed in respect of the offence has been completed;

(h) subject to paragraphs (i) and (j) and subsection 119(9), if the Young Person is found guilty of the offence and it is an indictable offence, the period ending five (5) years after the youth sentence imposed in respect of the offence has been completed;

(i) subject to subsection 119(9), if, during the period calculated in accordance with paragraph (g) or (h), the Young Person is found guilty of an offence punishable on summary conviction committed when he or she was a Young Person, the latest of

- (i) the period calculated in accordance with paragraph (g) or (h), as the case may be, and
- (ii) the period ending three (3) years after the youth sentence imposed for that offence has been completed; and

(j) subject to subsection (9), if, during the period calculated in accordance with paragraph (g) or (h), the Young Person is found guilty of an indictable offence committed when he or she was a Young Person, the period ending five (5) years after the sentence imposed for that indictable offence has been completed.

4.28. Prohibition orders made under an Act of Parliament or the legislature of a province, including any order made under section 51, shall not be taken into account in determining any period referred to in section 119(2) of the YCJA.

4.29. Even when Records have been deleted, after the described time limits all non-electronic Records respecting a Young Person (where the Young Person is connected to a charge against them) will be non-disclosable and must be stamped “non-disclosure”, including local indices relating to these files. These files must not be disclosed to any person, except by court order.

#### **Diary Date Control of YCJA Records**

4.30. All non-disclosure files will be diary dated and controlled by the Reader(s), and will include CPIC charged persons entries, the fingerprint C-216 Records log, and court dispositions.

#### **Business Administration Records**

4.31. SPS Business Administration Records are non-operational Records associated to each bureau. The detailed retention schedules for each category are found in Appendix C under the following headings:

A. Chief’s Office and Executive

- i. Legal Services (including the Freedom of Information and Protection of Privacy Unit and the Policy Management Unit;
  - ii. Equity Diversity Inclusion and Human Rights;
  - iii. Communications Services;
  - iv. Financial Services;
  - v. Strategic Performance & Business Intelligence; and
  - vi. Police of Jurisdiction Transition Project.
- B. Support Services
- i. Professional Standards;
  - ii. Facilities, Fleet & Equipment;
  - iii. Human Resources / Employee Services/ Recruiting;
  - iv. Information & Records Management;
  - v. Information Technology; and
  - vi. Training.
- C. Investigative Services
- i. Analytical Support;
  - ii. Major Crime;
  - iii. Special Investigations; and
  - iv. Proactive Enforcement.
- D. Community Policing
- i. Operational Communications Centre;
  - ii. Cellblock Services;
  - iii. Road Safety;
  - iv. District Support; and
  - v. Community Partnerships.

#### **SPS Email**

- 4.32. Users should only delete non-business/ personal emails. Business emails should be saved (in a format where the content cannot be modified) and moved to SharePoint where the email will be then treated as a Record. Email deletions from SharePoint will then be performed as part of Records deletion.
- 4.33. Employees must not delete email to hide a violation of any SPS policy. Further, email must not be deleted when there is an active investigation or litigation where that email may be relevant.
- 4.34. Email should be retained and backed up in accordance with the applicable policies, including but not limited to AD 9.1 *Authorized Use of Computing Environment and Electronic Communications*.
- 4.35. Unless otherwise indicated, for the purposes of backup and retention, email should be considered Law Enforcement information.



## **APPENDIX A: DEFINITIONS**

“Computing environment” means any electronic information, information system, application, device (including PCs, laptops, mobile devices, and telephones) or other computing technology that is connected to the SPS’s IT systems (including cloud-based services and mobile services).

“Confidential Information” includes information related to individuals such as Social Insurance Number, banking information, personal information (date of birth, gender, family status), Human Resources Records, criminal investigations, criminal Records, payroll Records, etc. This information is typically not available from alternate sources.

“Employee” means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

“FOIPPA” means the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.

“IMS” means Information Management Section.

“IPU” means Information and Privacy Unit.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“ORS” means PRIME-BC Operational Records System.

“Personal Information” means recorded information about an identifiable individual other than contact information.

“Personnel Records” means those Records maintained on each individual employed by SPS which contain personal information concerning the Employee’s age, length of service, amount and type of training, education, compensation level, and other personal pertinent information.

“PRIME-BC” means the Police Records Information Management Environment – British Columbia which connects law enforcement agencies in BC with a single provincial Records management system.

“Records” means electronic data or hard copy information created, received, and maintained as evidence or information regarding operational, investigative, and administrative files, correspondence, documents, books or other papers, maps, plans, photographs, or any other documentary material regardless of physical form or characteristics.

“SPS” means Surrey Police Service.

“Supervisor” means a Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“YCJA” means *Youth Criminal Justice Act*, S.C. 2002, c. 1

“YCJA Record” means a record under the YCJA that begins with a Report to Crown Counsel and includes all data forwarded to Crown Counsel to prepare for prosecution, and includes:

- i. PRIME-BC Report to Crown Counsel;
- ii. Fingerprints and photographs, including mugshot photographs;
- iii. Statements;
- iv. Criminal Records;
- v. CPIC entries relating to charges or convictions;
- vi. Warrants or Summonses or other Appearance documents;
- vii. Other supporting data;
- viii. That portion of the index card indicating charges or convictions;
- ix. Traffic tickets; and
- x. Data entered on an automated system.

Note: a YCJA Record does not include investigative or administrative reports which are not forwarded to Crown Counsel:

- i. Dispatch tickets (e.g., CAD data);
- ii. Occurrence and follow-up reports;
- iii. Motor Vehicle Collision reports;
- iv. Records not required for Court purposes; and
- v. Administrative files relating to file maintenance.

“Young Person” means a person who is or, in the absence of evidence to the contrary, appears to be twelve (12) years old or older, but less than eighteen (18) years old and, if the context requires, includes any person who is charged under the YCJA with having committed an offence while they were a Young Person or who is found guilty of an offence under the YCJA.

## **APPENDIX B: REFERENCES**

*BC Provincial Policing Standards Addendum 1 - Interim Continuation of Policing Standards Established by the Former British Columbia Police Commission, s. E3.1.9*

*Criminal Code, R.S.C. 1985, c. C-46*

*Employment Standards Act, R.S.B.C. 1996, c. 113*

*Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165*

*Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.)*

*Police Act, R.S.B.C. 1996, c. 367*

*Youth Criminal Justice Act, S.C. 2002, c. 1*

**APPENDIX C: SPS RECORDS CLASSIFICATION & RETENTION SCHEDULE**

**(Attachment)**

Final version under development.