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The Appraisal of Government Records: a Comparison of Legislations, Strategies, Goals, Processes and Tools Between Two Levels of Government. The Federal and the Québec Provincial Government

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Appraisal is an essential function of contemporary archival science, the principal purpose of which is to separate the wheat from the chaff. I will consider two different perspectives on the identification and selection of institutional records of archival value - the respective approaches of the Government of Quebec and of the Canadian federal government. These two approaches differ in terms of the tools used, and in the timing of their application vis-à-vis interventions within the source institutions. My talk will focus on the principle of respect des fonds as a reliable and appropriate methodology for appraising the archival value of the records of government institutions.

Theory and process of appraisal in contemporary organizations

Appraisal is an essential function of contemporary archival science whose principal impact is to separate the wheat from the chaff. Appraisal also constitutes one of the essential characteristics of the archival discipline, differentiating it from the other information sciences and from information management. Archivists have the training, competencies and experience necessary to determine the “right of life or death” of documentary holdings.

As numerous well-respected archivists have demonstrated, several challenges distinguish the processes of analysis and selection from the enormous quantity of records produced by contemporary organizations. These important challenges are of several types. They relate to the concepts, methodologies and tools, the identification of sets of records which can be the subject of appraisal, the phases of the life cycle; and finally, the legislative context of laws, policies and regulations which frames the appraisal process and to which any government institution must conform¹.

However, methodological and empirical benchmark guidelines do exist. Faced with the mountains of information produced annually by contemporary organizations - both public and private - from the outset, all agree on the absolute need for appraisal (analysis and selection)². Moreover, the practice of item-by-item triage does not rest on any practical basis and is impractical for large contemporary organizations which produce masses of information.

We are persuaded of the absolute need to approach the appraisal of institutional records from the perspective of the archival fonds, that is, by implementing the principle of *respect des fonds*³. This approach seems a reliable and appropriate methodology to use to analyze and select sets of records of Canadian and Québécois government institutions. But are this principle and its implementation for the appraisal of contemporary records still relevant and applicable in an environment of government institution interdependence?

Over the past few years, the BAnQ has set up a renewal project with the goal of developing concrete solutions for managing and pre-

1. Par exemple, selon la Loi sur la Bibliothèque et les Archives du Canada, aucune institution fédérale ne peut détruire des documents sans l'autorisation du Bibliothécaire et Archiviste du Canada; cependant, cette loi reste muette quant aux sanctions pouvant être exercées afin de faire respecter cet élément de la législation. Ce qui est tout différent de la Loi québécoise sur les archives qui prévoit des sanctions contre les contrevenants.

2. «L'art raffiné de la destruction», Discours de Ian E. Wilson, archiviste national du Canada dans le cadre d'un Colloque et séance de formation d'une journée sur la réforme de la *Loi sur l'accès à l'information*: Ottawa (Ontario), le 1er mai 2000. <http://www.collectionscanada.gc.ca/gestion-information/001/007001-3004-f.html>.

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servicing both paper and digital records. To do this, the government of Quebec has designed a government Reference Framework for integrated records management (*Cadre de référence gouvernemental en gestion intégrée des documents*, or CRGGID) to manage the both record types from the moment of creation⁴.

Methodological approaches of the two levels of governments

Background

Canada is a parliamentary democracy composed of ten provinces, three self-administering territories and a central federal government responsible for providing overall public policy cohesion and for delivering specific public programs and services across Canada.

The appraisal of the institutional records of governments is a complex task particularly because of the great number of producing institutions, the diversity of the functions assumed by these institutions and the impact of shared departments/agencies responsibilities. This is why we will consider two different perspectives on the identification and selection of institutional records - the government of the province of Quebec and the Canadian federal government. These differ in the nature of the tools used and in the timing of intervention in the client institutions.

Various approaches and methodologies are advocated by the two levels of government selected. For each of these two levels of government, a central agency is responsible for the acquisition of, preservation of, and provision of continued access to the historical record of all government departments and agencies. For Quebec, this organization is the Bibliothèque et Archives nationales du Québec (BAnQ); for Canada, Library and Archives Canada / Bibliothèque et Archives Canada (LAC/BAC) plays this role. These two heritage institutions are the fruit of relatively recent fusions of national library and public records functions: 2004 for LAC/BAC and 2006 for the BAnQ.

The government of Quebec

In Quebec, the cornerstone of records and archives management is inescapably the *Loi sur les archives (Archives Act)*⁵, which came into force in 1983. Associated with a policy on the management of active records, this legislation aims to ensure the management of public records from their creation until disposition (disposal or permanent preservation). The *Archives Act* applies to the entire public and parapublic sector of the government of Québec. Not only must provincial ministries and agencies conform to this legislation⁵, but also provincial and local courts of justice, health networks and social services institutions as well as the municipal and education sectors⁶.

In the *Archives Act*, the principal requirement is the obligation for all public and parapublic organizations to establish retention schedules⁷ which must be approved by the BAnQ (formerly the Archives nationales du Québec) before any record may be disposed of. This records management tool defines the active and semi-active phases and specifies which inactive records must be permanently pre-

NAHUET, Robert, La selezione dei dati governativi: confronto fra due livelli di governo di legislazioni, strategie, obiettivi, processi e strumenti. Il governo federale e quello provinciale del Québec. Atlanti, Vol. 18, Trieste 2008, pp. 235-240.

La selezione è funzione essenziale della scienza archivistica contemporanea, il cui scopo principale è quello di separare il grano dalla pula. Prenderò in considerazione due diverse prospettive per l'identificazione e la selezione di documenti istituzionali di rilevanza archivistica - i rispettivi approcci del Governo del Québec e del Governo federale canadese. Questi due approcci differiscono in termini di strumenti utilizzati e nella tempistica di intervento presso gli enti produttori. La mia relazione si focalizzerà sul principio di provenienza come rilevante ed appropriata metodologia per la selezione del valore archivistico dei documenti delle istituzioni governative.

4. «Son but est de répondre aux exigences d'affaires, de preuves légales, de repérage, de protection des renseignements personnels ou confidentiels, et ce, dans un contexte où des documents papier et numériques doivent être intégrés au même dossier.», Archives nationales du Québec, *Cadre de référence gouvernemental en gestion intégrée des documents*, Version 1.1. Publié 2004-09-01. http://www.banq.qc.ca/documents/services/archivistique_ged/crggid/CRGGID.pdf.

5. Son impact est grand car cette législation définit ainsi le terme «archives»: l'ensemble des documents, quelle que soit leur date ou leur nature, produits ou reçus par une personne ou un organisme pour ses besoins ou l'exercice de ses activités et conservés pour leur valeur d'information générale dans LOI SUR LES ARCHIVES, L.R.Q., chapitre A-21.1; à voir sous <http://www2.publicationsduquebec.gouv.qc.ca/home.php#>.

6. On trouvera à l'Annexe 1, les différentes catégories d'organismes publics qui ont l'obligation de respecter cette loi et leurs responsabilités respectives.

7. Selon l'Article 7 - «Tout organisme public doit établir et tenir à jour un calendrier de conservation qui détermine les périodes d'utilisation et les supports de conservation de ses documents actifs et semi-actifs et qui indique quels documents inactifs sont conservés de manière permanente et lesquels sont éliminés.» Outre des politiques concernant respectivement la gestion des documents actifs, semi-actifs et inactifs, la Loi sur les archives fait appel à divers règlements, notamment en ce qui touche la confection, le versement, le dépôt et l'élimination des archives publiques. A-21.1.r.1 Règlement sur le calendrier de conservation, le versement, le dépôt et l'élimination des archives publiques; voir sous: <http://www2.publicationsduquebec.gouv.qc.ca/home.php#>.

served and which may be eliminated.

According to the *Archives Act*, centralized public organizations, in particular provincial ministries and agencies, must transfer their records for permanent preservation to BANQ; institutions within the health and social services networks, as well as municipal and education sectors must manage their historical records themselves.

In order to help public organizations create their own retention schedules, BANQ has established master retention guidelines (*Recueils des délais minimaux* or *Guides de gestion*) which establish legal retention periods for government records.

To accomplish this, the BANQ called upon managers and other professionals directly concerned in these organizations, as well as archivists, analysts and historians⁸. In this manner, the development of the retention schedules and especially of the master retention guidelines was enriched by the expertise of knowledgeable professionals. In this process, one can detect the development of a particularly Quebecois approach to archival science which intends to reconcile the perspective of records management and a more traditional approach based on the principle of provenance or *respect des fonds*. And we understand that the basis of this new approach is the attempt to reconcile the requirement for efficient and effective management of organizations and of their records with the long-term perspective which takes into consideration research needs⁹.

An analysis of the master retention guidelines for common administrative records (*Recueil des délais de conservation des documents communs des ministères et organismes gouvernementaux*) applicable to all departments and agencies¹⁰ highlights the fact that this records management tool adopts an interdepartmental perspective while recognizing departments' autonomy with respect to their specific activities¹¹. This records management tool establishes retention periods for the records, by distinguishing the official record from its copies¹²; and identifies the organizational entity responsible for the official record. Consequently, if a set of records is identified as having long-term value, only the records produced by the responsible entity will then be transferred to BANQ for permanent preservation.

A study of the various components of these master guidelines for administrative records helps us to identify two types of entity responsible for the official record: 1) a central or specific organization for with horizontal responsibility for a particular activity across the whole of government; 2) cases where responsibilities are shared between a central agency and departments and agencies; or, quite simply, shared among ministries and agencies¹³.

The simple fact of developing and disseminating the master retention guidelines for common administrative records, begun in 1988, demonstrates the desire of the government of Quebec to manage the growth of records production from the outset and to provide departments and agencies with tools to adequately manage their records throughout the lifecycle. It should be noted that this instrument for appraisal and selection applies exclusively to the mass of records produced by administrative functions common to departments and agencies, and by no means to the records created under the core mission and specific mandate and functions of an individual

8. Archives nationales du Québec, *Recueil des délais de conservation des documents communs des ministères et organismes gouvernementaux*. Décembre 1988, version révisée. Introduction, p. II. http://www.banq.qc.ca/documents/services/archivistique_ged/RecueilDelaisMO_1988-12.pdf.

9. Jacques Ducharme, «Préface» à Michel Champagne et Denys Chouinard, *Le traitement d'un fonds d'archives : ses documents historiques*. La Pocatière, Documentor, 1987, p. 3.

10. Archives nationales du Québec, *Recueil de délais de conservation des documents communs des ministères et organismes gouvernementaux. Décembre 1988* (version révisée). http://www.banq.qc.ca/documents/services/archivistique_ged/RecueilDelaisMO_1988-12.pdf.

11. La création d'un ministère ou organisme gouvernemental relève de la volonté du parlement (Assemblée nationale au Québec) de constituer un organisme qui sera responsable d'un mandat au sein de l'ensemble de l'administration publique québécoise. Tout organisme public a besoin de ces fonctions administratives communes afin de soutenir les activités spécifiques à son mandat particulier, que ce soit les ressources financières, humaines, matérielles ou la gestion de l'information.

12. Les ANQ distinguent ainsi le dossier principal du dossier secondaire: Dossier principal: «Un dossier qui contient l'information la plus complète sur un sujet donné.» C'est en fait le dossier 'officiel' ou le dossier 'maitre' de l'organisme. Le détenteur du dossier principal est habituellement l'unité administrative 'mandataire'.

13. «Le premier ministre, les ministres titulaires de ministère, les ministres d'État et les ministres délégués constituent le Conseil exécutif ou Conseil des ministres. Principal organe décisionnel du gouvernement, le Conseil exécutif assume la direction du gouvernement, la définition des orientations de l'activité gouvernementale, la mise en application des lois et l'adoption des règlements qui en découlent ainsi que l'administration de l'État. Il constitue, avec le lieutenant-gouverneur, le gouvernement du Québec. (...) Afin d'accroître ses efforts de planification et de coordination et d'améliorer l'efficacité et la cohérence de l'action gouvernementale, le Conseil des ministres s'est doté de comités ministériels, dont le Conseil du trésor et le Comité de législation. À ces derniers s'ajoutent trois comités ministériels permanents, qui sont principalement voués à une mission de coordination de l'action gouvernementale, notamment celle des ministres dans leurs secteurs d'activité respectifs. Il s'agit du Comité ministériel du développement social, le Comité ministériel de la prospérité économique et du développement durable et le Comité ministériel de la citoyenneté et de la culture». <http://www.gouv.qc.ca/portail/quebec/pgs/commun/portrait/politique/institutionspolitiques/?lang=fr>.

organization. This role falls to the retention schedules developed by each department and agency individually.

The government of Canada

According to the *Library and Archives of Canada Act* (LAC Act), LAC's role is to "serve as the continuing memory of the government of Canada and its institutions" and to "facilitate the management of information by government institutions"¹⁴. More concretely, LAC preserves records which provide evidence of the way in which the Canadian government has done business: developing policies, taking decisions, deliberating issues, and interacted with Canadian citizens¹⁵. However, the responsibility of LAC in managing active records is restricted to the provision of advice to federal institutions.

Within federal public administration, organizations have clearly defined fields of specialization or specific responsibilities¹⁶. For example, LAC has the responsibility to permanently preserve and ensure continued access to records produced by departments and agencies. In contrast, some other responsibilities or functions may be shared among federal organizations. For example, LAC has a certain autonomy related to recordkeeping for departments and agencies. This function is shared with the Treasury Board Secretariat which has overall responsibility for information management policy for the Canadian federal government.

In the field of transportation in Canada, several institutions share responsibility. For example, the Minister of Transport administers and manages transportation policy and regulation in the main department (Transport Canada), but the investigation of transportation accidents is the responsibility of the Transportation Safety Board. Public hearings about transportation safety and other regulations are the responsibility of the Canadian Transportation Agency; fleet management of the Canadian Coast Guard is the responsibility of the Department of Fisheries and Oceans; and the supervision of Canadian air-space is the responsibility of a not-for-profit quasi-government agency called NAV Canada¹⁷.

For the identification, analysis and selection of records from the masses of records produced by federal government institutions, the methodology rests on macro-appraisal: an overall analysis of the functions of government institutions, followed by analysis of each entity individually.

Traditionally, this macro-appraisal occurs at the end of the active/semi-active phase as an inescapable mandatory step before the transfer of records to LAC. The Recordkeeping Regime¹⁸ advocated by LAC will allow intervention in the active phase¹⁹.

At the moment, the method and timing of LAC's intervention in departments and agencies differ from the approach adopted by the government of Quebec.

In order to identify and select the records for permanent preservation and to destroy those which do not have any further administrative, financial or legal utility, LAC has developed Records Disposition Authorities (RDAs)²⁰. These Authorities have a quasi-legal character, insofar as they constitute a signed agreement between a

14. Loi sur la Bibliothèque et les Archives du Canada, Préambule d) et article 7d) <http://laws.justice.gc.ca/fr/ShowFullDoc/cs/L-77/1/fr>.

15. BAC, *Méthodologie d'évaluation: macro-évaluation et analyse fonctionnelle. Partie A: concepts et théorie*. <http://www.collectionscanada.gc.ca/gouvernement/007/007007-1035-f.htm>.

16. L'administration publique se voit essentiellement confier des responsabilités ou fonctions par un corps élu de représentants: le Parlement; celui-ci émet des lois, des règlements et des politiques. Pour accomplir ces fonctions, le gouvernement créé des institutions (ministères, organismes, conseils et bureaux) dont chacune possède des mandats de compétence précis. Certains de ces mandats sont exclusifs à une institution donnée alors que d'autres sont partagés entre différentes institutions. BAC, *Méthodologie d'évaluation: macro-évaluation et analyse fonctionnelle. Partie A: concepts et théorie*. <http://www.collectionscanada.gc.ca/gouvernement/007/007007-1035-f.html>.

17. BAC, *Méthodologie d'évaluation: macro-évaluation et analyse fonctionnelle. Partie A: concepts et théorie*. <http://www.collectionscanada.gc.ca/gouvernement/007/007007-1035-f.html>.

18. De son côté, BAC est à mettre en place un nouveau régime en ce qui touche la gestion de l'information gouvernementale, mais dès sa phase de création. Le nouveau régime en Tenu des documents propose notamment la création de normes de documentation qui permettront ainsi d'identifier les documents d'affaires (business records) liés aux fonctions et activités essentielles d'une institution fédérale et assurer leur gestion tout au long de leur cycle de vie.

19. L'élaboration de normes documentaires pour les programmes, les services et les résultats gouvernementaux: Un cadre et un guide de développement pour les gestionnaires opérationnels et les spécialistes des sources d'information

<http://www.collectionscanada.gc.ca/gouvernement/001/007001-5000-e.html>.

20. Les Autorisations de disposer des documents ne remplacent pas ni n'évaluent les calendriers de conservation des institutions fédérales, en fait, elles les complètent. Car ces Autorisations sont des outils de gestion (évaluation et sélection des documents) qui n'interviennent qu'à la fin de la période active des documents, entre autres, lors du transfert des documents identifiés reconnus archivistiques vers BAC. Il y a deux grandes catégories d'Autorisations de disposer des documents: la première concerne les autorisations qui sont spécifiques à UNE institution fédérale en particulier; il s'agit alors d'une «Autorisation spécifique de disposer des documents». Par contre, des Autorisations peuvent s'appliquer à plusieurs institutions fédérales à la fois; il est alors question d'«Autorisation pluriinstitutionnelle de disposer des documents». Pour en savoir davantage sur les Autorisations pluriinstitutionnelles, on pourra consulter: <http://www.collectionscanada.gc.ca/gouvernement/007/007007-1008-f.html>. L'Annexe 1 présente la liste hiérarchique de mise en œuvre des Autorisations de disposer des documents.

NAHUET, Robert, Vrednotenje vladne dokumentacije: primerjava zakonodaje, strategije, ciljev, postopkov in orodij med zvezno vlado in vlodo province Quebec. Atlanti, Zv. 18, Trst 2008, str. 235-240.

Vrednotenje je prav gotovo zelo pomembna funkcija v arhivski znanosti, je postopek, ko se loči zrno od plev. Avtor ima v mislih dve različni perspektivi vrednotenja, ki slonita na istovetenju in izboru dokumentov določene institucije na eni strani in dokumentov arhivske vrednosti na drugi strani. To je tudi razvidno iz zasnove in določitve obeh vlad, tako v Quebecu kot v zvezni kanadski vladi. Oba pristopa se razlikujeta glede na orodje, s kateri se vrednotenje izvaja, obenem pa tudi glede na aplikativni čas. V prispevku avtor zato prikaže načela upoštevanja in vrednotenja fondov in prikazuje metodologijo arhivskega vrednotenja za vladne ustanove v Kanadi.

government department or agency and LAC for the transfer of records for permanent preservation. The basic rule is therefore to obtain the legal assent of LAC before carrying out any records destruction or transfer²¹.

The RDAs make it possible to distinguish between operational records (business records) and common administrative records. Recall that these Authorities are concerned, first of all with the functions and activities of a federal organization, and then with the records which provide evidence of these functions.

I mentioned previously that responsibilities can be shared among various institutions of the Canadian government within the same sector. To clarify these functions and activities in a shared environment, LAC implemented the concept of Office of Primary Interest, or, OPI. The OPI constitutes an administrative entity of government which has exclusive responsibility for policy development, decision-making, program and/or service delivery to Canadians under the terms of laws, regulations or mandates²².

In fact, the OPI is the place where the "official" archival records related to a specific activity are found. The OPI documents a function or a particular activity within the federal public administration in a holistic manner. And, for this reason these records should be permanently preserved.

CONCLUSION

As a conclusion, now let us review the similarities and differences between these approaches.

Common denominators:

- a single organization at each level of government is responsible for the creation, preservation and provision of access to the documentary heritage of the departments and agencies of these two levels of government;
- a global perspective which tries to include all federal institutions;
- a perspective based on the recognition of the specific character of each department and agency according to its mandate, mission and core functions;
- recognition of the need to reduce administrative records as far as possible;
- perspectives which take into account of all types of records, regardless of format;
- an attempt to reconcile (or at least to take into count) the requirements of good government information management and the research requirements for long-term preservation and access to the documentary heritage of government institutions; in other words, to be memory of these institutions and of their evolution within their respective civil society.

21. Deux éléments des articles 12 et 13 de la loi sur BCA sont importants: «12. (1) L'élimination ou l'aliénation des documents fédéraux ou ministériels, qu'il s'agisse ou non de biens de surplus, est subordonnée à l'autorisation écrite de l'administrateur général ou de la personne à qui il a délégué, par écrit, ce pouvoir». Alors que «13. (1) Le transfert, sous la garde ou la responsabilité de l'administrateur général, des documents fédéraux ou ministériels qui, à son avis, présentent un intérêt historique ou archivistique s'effectue selon les accords convenus à cet effet entre lui-même et le responsable des documents». <http://laws.justice.gc.ca/fr/ShowFullDoc/cs/L-7/1/fr>.

22. BAC, *Méthodologie d'évaluation: macro-évaluation et analyse fonctionnelle. Partie A: concepts et théorie*. <http://www.collectionscanada.gc.ca/gouvernement/007/007007-1035-f.html>.

Differences and specific elements

Quebec:

- an approach based primarily on retention schedules, therefore focused on records producers (departments and agencies and administrative units within them);
- consideration of records providing evidence of a particular activity;
- a records management regime which encompasses the entire information lifecycle;
- the *Archives Act* which covers not only departments and agencies but has made room for institutions in health and social services, for educational institutions, and for municipalities. However, these various categories of organizations have the responsibility to self-manage records for permanent preservation.

Canada:

- an approach based on the identification of functions and activities of federal institutions;
- identification of the organizational entity which discharge these responsibilities and is the recognized responsible entity i.e., the Office of Primary Interest;
- the intervention of LAC and its archivists traditionally takes place at the end of the active period of records;
- the verification of the extent to which the records of an organization document the functions of a particular entity adequately (validation of the preliminary archival assumption before transfer of the records).

From a more theoretical perspective, we are confronted with a new paradigm: the interdependence between government institutions where several may take part in the same activity while being responsible for a particular role.

The appraisal of the records of these government institutions must be done from a holistic perspective, where institutions take part in a process of collaboration within a governance structure. However, in other cases, where a government institution has sole responsibility for an activity or function, the approach based on the principle of the *respect des fonds* seems to us to still be relevant. After all, every organization has its particular legislation, a clear mandate, autonomy, and specific functions and activities all of which result in the production of related records. This will remain true even if the context becomes more complex since organizations do not evolve in silos.

SUMMARY

Appraisal is an essential function of contemporary archival science whose principal impact is to separate the wheat from the chaff. Appraisal also constitutes one of the essential characteristics of the archival discipline, differentiating it from the other information sciences and from information management. I will consider two different perspectives on the identification and selection of institutional records - the government of the province of Quebec and the Canadian federal government. These differ in the nature of the tools used and in the timing of intervention in the client institutions. An approach based on the principle of respect des fonds seems a reliable and appropriate methodology to use to analyze and select sets of records of government institutions. But are this principle and its implementation for the appraisal of contemporary records still relevant and applicable in an environment of government institution interdependence?