

GENERAL ADMINISTRATION MANUAL

VOLUME 2: HIGHWAYS AND PUBLIC WORKS POLICIES

TITLE: SECURITY OF PUBLIC RECORDS

EFFECTIVE: August 1, 1994

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1 SCOPE

1.1 Authority

This policy is issued under authority of Cabinet meeting #94-32 dated August 1, 1994.

1.2 Application

This policy applies to all departments, as defined in Policy 2.1.

1.3 Purpose and Principles

The purpose of this policy is to establish policies and procedures required for the management of government records from their creation or receipt to final disposition. The policy incorporates suitable safeguards to ensure that appropriate physical and internal security measures are maintained for all public records.

1.4 Definitions

**Public Record:** Public or government records are defined in the *Archives Act* as "all original documents, parchments, manuscripts, records, books, pamphlets, magazines, periodicals, maps, plans, photographs, letters, copies of letters, papers of all kinds or other documentary materials regardless of physical form or characteristic, deposited, on file or held with or in any department or agency of the Government of the Yukon or any municipal or other public office in the Yukon, and includes any such documentary materials that were formerly part of the records or files of any such department, agency or office.

**Territorial Archivist:** a public officer authorized to receive and grant discharges for all public records transferred to him/her under the *Archives Act* and thereafter responsible for the safekeeping of such records.

## 2 SECURITY CLASSIFICATIONS

Security classifications are assigned to public records of a sensitive nature to ensure that such records are managed in accordance with the policy and procedures contained in this directive.

Public records should not be classified Confidential merely to preserve government prestige or to protect policies, programmes or civil servants from public scrutiny or criticism. The principle of government accountability and the public right and need to know should be considered when making classification and declassification decisions. Excessive classification should be avoided as it will undermine the purpose and effectiveness of the system. Conversely, inadequate classification might compromise security.

### 2.1 Classes of Public Records

There are two classes of public records: Unclassified and Classified.

2.1.1 **Unclassified:** those records not classified confidential, exempted, or restricted; general records of this government's daily correspondence.

2.1.2 **Classified:** either Confidential, Exempted or Restricted

2.1.2.1 **Confidential:** Records that contain information on the unauthorized, improper or premature disclosure of which would not be in the public interest; or Records that contain information originated by another government or the private sector which they are not prepared to release.

2.1.2.2 **Exempted:** Records that contain information, the release of which would be contrary to law; or, Records that contain information, the release of which might violate the right of privacy of an individual.

2.1.2.3 **Restricted:** Records where limited internal access is essential. Also may be identified as being confidential or exempt to create Confidential/Restricted or Exempted/Restricted categories.

### **3 CLASSIFICATION OF RECORDS PROCEDURES**

Each department is responsible for assigning the appropriate classification to records of a sensitive nature generated in that department.

#### **3.1 Identification**

The security classification will be stamped in red ink on the file cover to identify the status of the record.

Where there is a mix of confidential and unclassified material for a particular file, a separate file may be created for the classified material. This file will be identified by the addition of a symbol to the file number, and cross referenced, each file to each file, on the inside cover, e.g., 1234-567 for unclassified, 1234-567-C for Confidential.

When a record is classified "Restricted", a label will be affixed to the file cover identifying who is permitted access to the record.

#### **3.2 Declassification of Records**

Confidential records should be reviewed annually by the Deputy Minister or his designate to decide if they can be declassified. Any classified record generated by or received from another government or the private sector may not be declassified without first securing the approval of the originator of that record. A list will be forwarded to the Deputy Minister of the creating department for verification of continued classification. Departments shall return the list of confidential files advising which are required to remain classified and which are to be declassified.

##### **3.2.1 Exempted Records**

As exempted records are usually case files, they retain their exempted status indefinitely. (Exception - Personnel Records: are automatically declassified at age 90 of the individual.) If it is determined that certain types of exempted records (e.g., permanent student records) no longer qualify as such after a period of years elapse, this will be indicated on the records schedule governing their retention and final disposition.

##### **3.2.2 Confidential Records**

Declassification of the majority of confidential records generated by the Government of Yukon which pertain to sensitive negotiations and/or pending agreements should occur once the negotiations and/or agreements are finalized. Confidential records which document planning and development of government policies and programs generally are to be declassified once the policy is approved or the program is operational. If the information in a confidential record becomes public knowledge through a press release, government announcement, debate in the Legislative Assembly or is publicly disclosed by some other authorized means, it is to be declassified.

### 3.2.3 **Declassification Procedure**

Departments will send a memo to the Records Station advising that a particular record is to be declassified. Upon receipt, the records personnel will place a copy of the memo on the file and stamp "Declassified" over the security classification using black ink.

## 3.3 **Internal Access to Public Records**

Public servants are entitled to have access to those records required to perform their functions.

Access to a particular government record by another department will be through the departmental records officer of the creating department.

### 3.3.1 **Exempted Records**

Access to exempted records within the Government of Yukon is confined to those public servants who are responsible for their creation and/or maintenance and those public servants who can establish a legitimate need to know to the satisfaction of the responsible Deputy Minister.

### 3.3.2 **Confidential Records**

Access to confidential records within the Government of Yukon is limited to Executive Council members, those public servants who receive them from the originator or by other authorized means and those public servants who can

establish, to the satisfaction of the originator, a legitimate need to know.

### 3.3.3 **Restricted Records**

Access to restricted records within the Government of Yukon is limited to those individuals who are listed on the record.

## 3.4 **Care and Custody of Classified Records**

3.4.1 Public servants entrusted with the care and custody of public records have a personal responsibility to ensure that the necessary security precautions are taken to protect the status of these records.

3.4.2 Classified public records must not be left unattended unless locked in approved security storage.

3.4.3 Exempted records must be stored either in filing cabinets equipped with a lock or lock bar or a secure storage area (e.g. Records Centre with controlled access).

3.4.4 Confidential records must be stored in one of the following: combination safe, security shell/filing cabinet equipped with lock bar and Sargent and Greenleaf combination padlock, secure storage area (e.g. Records Centre with controlled access).

3.4.5 Confidential or exempted records should be returned to the Records Station if the security required in 3.4.3 and 3.4.4 above cannot be met.

3.4.6 Unclassified records should not be left in open view on desk tops or elsewhere in other than normal office hours. They should be placed in cabinets or returned to the Records Station.

## 3.5 **Transmission and Opening of Classified Records**

### 3.5.1 **Opening of Mail**

Incoming classified mail may only be opened by the addressee or authorized public servants assigned this function.

### 3.5.2 **Internal Transmission Via Messenger/Courier Service**

- Place in envelope.
- Stamp the security classification, EXEMPT or CONFIDENTIAL on envelope.
- Address and seal envelope.
- Place initials over gummed flap edge.
- Seal with transparent tape.

### 3.5.3 **External Transmission via Post or Carrier**

- Prepare as for internal transmission, and
- Place in an outer envelope, addressed, but with no security classification.

### 3.5.4 **Telephone and other Communication Devices**

Neither telephones nor inter-office communications systems should be used for transmission of classified information. The electronic communications systems in use by the government do not provide any protection for the information being transmitted.

### 3.5.5 **Transmission of Classified Records**

Material improperly prepared for transmission will be returned to the sender for conformity to these regulations. Violations will be recorded by the Supervisor of Mail Services and the department concerned advised.

## 3.6 **Reproduction of Classified Records**

To minimize security hazards associated with proliferation of classified records, reproduction must be strictly controlled. Classified records should not be reproduced unless it can be justified under the legitimate "need to know" principle or is required for administrative and operational efficiency within the Government of Yukon.

### **3.7 Disposition of Public Records**

Under the *Archives Act*, 1985, no public records may be permanently removed or destroyed without the knowledge and concurrence of the Territorial Archivist.

Records retention and disposal schedules govern the disposition of all public records. They are disposed of by either transferring to the Yukon Archives for permanent or selective retention or destroyed by shredding or incineration.