

## Determining Retention Periods

### What are retention periods, and why do we need to set them?

Retention periods are the defined periods of time that records need to be kept. Defining retention periods for groups of records is an essential step and fundamental outcome of the [records scheduling process](#) and is a legislative responsibility for all government departments, Crown corporations, and agencies.

### How long do records have to be kept?

It depends! There is no simple answer because the length of time records must be kept depends on the nature of the records and the circumstances of their creation and use (context). While some records have specific retention periods set by legislation, regulation, or professional standards, most do not.

How long records must be kept has a lot to do with *why* the records are needed in the first place. Records provide *evidence* of 'who, what, when and why' something happened. To determine how long this evidence may be needed, managers responsible for records should be aware of any formal rules or policies specifying retention periods for their business area, and should also consider the general business requirements outlined in the infographic on the right.

Retention periods are usually applied to groups of related records, since records are often interdependent. The [scheduling process](#) assists managers in identifying records series and determining appropriate retention periods through analysis and consideration of the business requirements noted above. Once established, the retention periods are documented in [records schedules](#), which serve as ongoing authorities guiding the retention and disposition of the records over time.

Understanding how long records need to be kept should be analyzed with the different phases of a file in mind:

- **Active files** are those that are being actively created, added to, and used to perform an activity, make decisions, or complete a transaction. They are referred to regularly and should be close at hand and quickly accessible.
- **Closed files** are those that are no longer being added to because the activity, decision, or transaction is complete.



Once closed, files often enter a **semi-active** phase. Following active business use, there is often an amount of time that you need to refer back to the records to satisfy other requirements. For example, the active use of client files may end when the files are closed, payment satisfied, or services completed. After this time, you may still need to access the records for a certain amount of time (e.g. an appeal period or program review time frame). Determining retention periods involves examining the different phases of use (active and semi-active) to calculate the full amount of time records are needed for business purposes.

### What triggers the start of a retention period?

Typically, a retention period starts when records are **closed**. For **structured activities**, the closure date for records is often clear – for example, it is when the case file closes, when the fiscal year ends, or when the project is complete. Structured activities are those that follow the same process each time, resulting in a fairly uniform set of records.

**Unstructured activities**, on the other hand, may not produce records with clear triggers for closure. For example, policy files may remain open until the issue has evolved and the early files are no longer relevant. Unstructured activities are those that have different trigger points, do not necessarily result in the same final product, and may have different ways of accomplishing the activity.

Many managerial and professional activities are unstructured, whereas most administrative, financial, and front line service activities are structured. Through the scheduling process, program areas will identify the most logical trigger for when the retention period starts.

### Are there guidelines for retention?

When records schedules are being prepared by departments, Government Records Office (GRO) staff can provide guidance on typical retention periods for records commonly held by government offices. In some cases, guidelines have been issued for specific types of records. For example, Manitoba Finance has issued retention guidelines for financial records which are governed by [The Financial Administration Act](#), and records schedules covering these records should comply with the guidelines outlined in the [Financial Administration Manual](#).

Otherwise, retention periods must be based on the specific needs (also known as “business requirements”) of the program responsible for the records, in consultation with stakeholders as required (e.g. legal services, other program areas in the information workflow, etc.). The GRO can provide advice about who to consult and specific considerations when working through the scheduling process.

See [Appendix A](#) for a fillable chart to help you figure out which factors are relevant for your records.

### What does it mean for a retention period to be “minimally enabling”?

Retention periods are intended to be "minimum enabling periods." Often managers think of the longest time that they might need certain records; however, keeping records for an overly long period of time is impractical and not a good records management practice. Retention periods should reflect the *minimum* time that most records are needed, to *enable* the records to be moved to secondary storage when they are no longer actively used and to be disposed of when no longer required. Files may be kept longer than the minimum retention period, but not for less time than outlined in the schedule.

There are many good reasons to ensure that minimum retention periods are set, particularly when the records deal with personal information and personal health information. According to established legislation to protect privacy rights as well as international fair information practices, records that contain personal and personal health information should not be kept longer than required for the purposes for which the information was collected, unless authorized. As well, with the sheer volume of records created today, retaining records for longer than required does not make good business sense. Retention periods, therefore, need to be reasonable.

### Are retention periods set in stone? Who can change the retention period?

While the identification of retention periods is a legislated responsibility of departments and agencies under [The Archives and Recordkeeping Act](#) (s.18.b.), and schedules cannot be approved without retention rules specified, program areas can and should adjust those rules when business practices and requirements change. In fact, records schedules should be reviewed at a minimum of every five years to ensure that the provisions continue to meet requirements.

If existing retention periods authorized by approved records schedules no longer meet your business needs, they can be changed through either:

- **amendment**, so long as the overall retention period remains unchanged and you are simply adjusting the amount of time records are kept in the department vs. how long they are stored at the Records Centre prior to destruction or transfer to archives, or
- **revision**, if the overall retention period needs to be extended or shortened, or if series need to be broken into different components with different retention periods.

See [Procedure GRO 1: Preparing Records Schedules](#) for more information about changing records schedules.

### What about digital records?

A common misconception is that retention is based on media, and that retention rules are applied to records based on their *format* (e.g. digital files, email, paper, video, photographs). In fact, retention rules are applied to groups (*series*) of records supporting particular

functions or activities, regardless of format. Records series often contain a mix of document formats, and it is what they are *about* – not what form they are in – that matters.

When scheduling *hybrid* series where records exist in both paper and digital form, the following questions can help to determine suitable retention periods. How long do the digital records need to be kept to meet business requirements? Would it be the same as the paper records? Or would it be longer/shorter? What retention periods are required for both formats so that a complete file (paper and digital) is available for the full retention period? Is there confidence that the electronic system is robust enough to maintain the digital records without loss for that period of time? These are just some of the things that should be addressed when analyzing records in our ever-changing (and complex!) recordkeeping environments.

### Example: retention for hybrid paper/electronic records series

**Project Files (paper and electronic)** – records may include: application forms and related correspondence; approval and rejection documentation; project planning and governance records; policies and procedures; background research

<b>Retention</b>	<b>– In Office</b>	<b>+ GRC</b>	<b>= Total</b>
	Current year + 2 years*/**	+ 5 years*/**	= 7 years*/**

\*after project ends / \*\*electronic records to be maintained by the department for the entire retention period

Digital-only series are becoming more prevalent in government. When designing records systems, it is important to think through the full life cycle of records upfront so that retention periods can be applied to the records within the system. See [Recordkeeping Systems](#) for more information.

### Can we keep our records “forever”?

It can be tempting to want to keep records in digital form without giving any thought to retention periods since digital records don’t pose the same issues with regards to physical space as paper records do (though they can certainly be storage-intensive *and* expensive). Maintaining records indefinitely in electronic systems is not practical and increases risk. Keeping records that are no longer useful will impede the performance of your digital systems, make it difficult to find the information you need to carry out your business functions, and can lead to legislative and other compliance issues over time (e.g. data protection, FIPPA considerations, etc.). Determining retention periods, along with other records requirements, is a critical part of the business analysis process necessary to effectively manage records throughout their life cycle. By establishing these essential business rules, the appropriate system capabilities can be designed or acquired so that the records will be available for as long as needed.

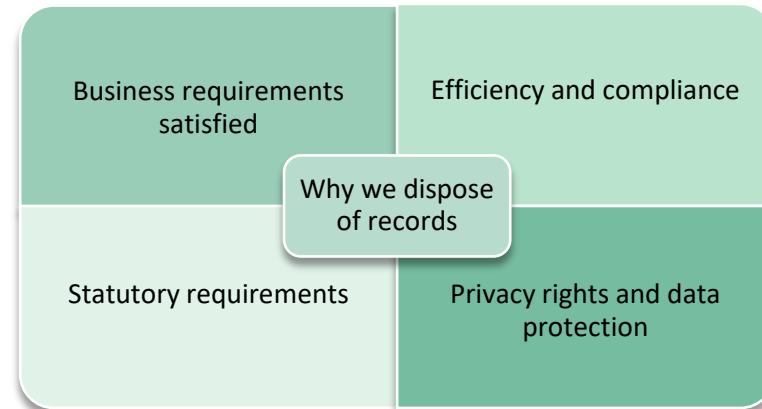
We understand that many systems do not have records management capabilities built in, and that it can be difficult to think of requirements when you are focused on the day-to-day business of your program area. However, records scheduling is about *defining the rules* for how long you need the records for business purposes. These rules have to be in place so that when you are ready to implement them, the systems you design can automatically execute the appropriate actions in a systematic, controlled way.

### What is disposition?

Disposition is the authorized action taken at the end of the retention period. In the Manitoba government there are two possible dispositions, also referred to as disposal actions: ‘destroy’ or ‘transfer to Archives’.

The Archivist of Manitoba, supported by the Government Records Office, has the exclusive and statutory role in deciding upon the disposition of records series. This decision is embodied in approved records schedules. While program areas may have long-term business requirements for their records, those requirements do not usually translate into permanent preservation in the Archives. In fact, the majority of government records are scheduled for destruction at the end of their retention period. Only a small percentage of records series are appraised by the Archives as having permanent or archival value, and will be scheduled to be transferred to the Archives and kept ‘forever.’

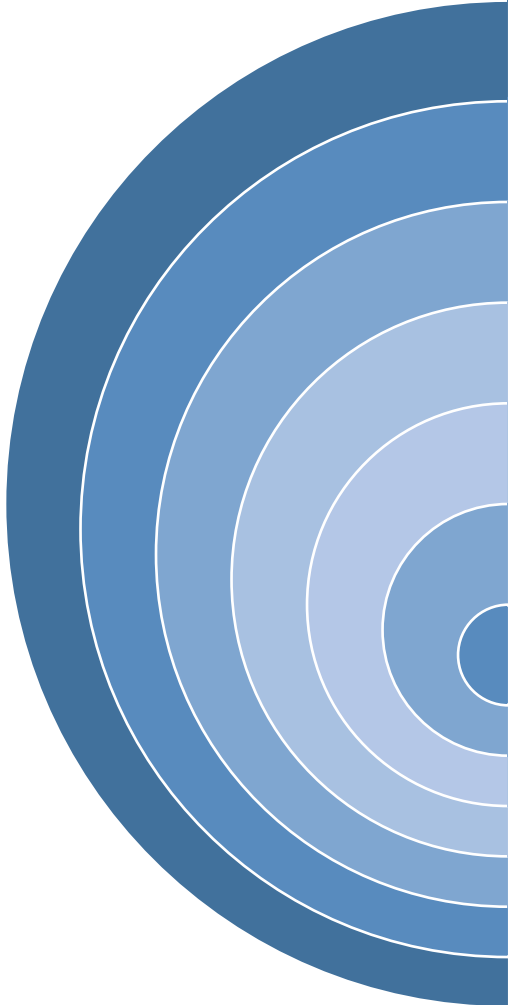
For program areas defining their business rules during the development or updating of records schedules, the focus should be on determining retention periods to satisfy business requirements, with the assumption that the records will ultimately be destroyed.



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 Visit our website to learn more about [Government Recordkeeping](#)

## Appendix A: Factors for consideration in determining retention periods



Business Needs	<ul style="list-style-type: none"> <li>• current work/service delivery</li> <li>• future/others' work</li> </ul>
Statutory Requirements	<ul style="list-style-type: none"> <li>• laws</li> <li>• regulations</li> </ul>
Financial Accountability	<ul style="list-style-type: none"> <li>• external audits</li> <li>• taxes</li> <li>• longterm record of financial activities</li> </ul>
Internal Regulation	<ul style="list-style-type: none"> <li>• internal audits</li> <li>• policy implementation</li> </ul>
Legal Evidence	<ul style="list-style-type: none"> <li>• contracts</li> <li>• legally-enforceable rights and obligations</li> </ul>
Data Protection	<ul style="list-style-type: none"> <li>• personal information</li> <li>• health information</li> </ul>
Other...	