



BILL NO. 157

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
65 Elizabeth II, 2016*

An Act to Amend Chapter 7 of the Acts of 1995-96, the Government Records Act

CHAPTER 8
ACTS OF 2016

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 20, 2016**

The Honourable Labi Kousoulis
Minister of Internal Services

*Halifax, Nova Scotia
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**An Act to Amend Chapter 7
of the Acts of 1995-96,
the Government Records Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 7 of the Acts of 1995-96, the *Government Records Act*, as amended by Chapter 5 of the Acts of 2010 and Chapter 5 of the Acts of 2011, is further amended by

(a) adding immediately after clause (a) the following clause:

(aa) “common records schedule” means a records schedule that is applicable to records common to more than one public body;

and

(b) striking out clauses (g) and (h) and substituting the following clauses:

(g) “records” means information in any form, created, received and maintained as evidence by a public body for business purposes and legal obligations;

(h) “records management” means the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of, and information about, business activities and transactions;

(i) “records schedule” means a comprehensive description and classification of the records of one or more public bodies, and includes a plan governing the life cycle of the records from creation or receipt to disposition.

2 Section 5 of Chapter 7 is amended by

(a) adding “(1)” immediately after the Section number; and

(b) adding the following subsection:

(2) The Minister is responsible for records management and related activities of public bodies, which may include

(a) developing and implementing a comprehensive records management program for public bodies;

(b) providing advice and assistance to public bodies

(i) for the development, implementation and maintenance of their records management systems, and

(ii) to ensure their compliance with this Act, the regulations and other legislation;

(c) recommending policies regarding records management that apply to public bodies;

- (d) establishing records management standards, guidelines and best practices for public bodies;
- (e) preparing common records schedules for use by public bodies;
- (f) providing records storage and other records management services to public bodies, in accordance with the regulations, to ensure compliance with this Act, the regulations and other legislation; and
- (g) any matter assigned to the Minister pursuant to the regulations.

3 (1) Subsection 6(1) of Chapter 7 is amended by

- (a) adding “and Treasury Board” immediately after “Finance” in the first and in the second lines of clause (b);**
- (b) striking out “Supply and” in the first line of clause (e) and substituting “Internal”;**
- (c) adding “of the Department of Internal Services” immediately after “officer” in the second line of clause (e); and**
- (d) striking out “the Governor in Council may determine, appointed by the Governor in Council” in the second and third lines of clause (f) and substituting “the Minister may appoint”.**

(2) Subsection 6(2) of Chapter 7 is repealed.

4 Section 7 of Chapter 7 is repealed and the following Section substituted:

- 7 (1) The Committee shall
- (a) review records schedules submitted to the Committee by a public body; and
 - (b) review common records schedules for use by public bodies.
- (2) The Committee may
- (a) recommend that the Minister approve records schedules, including common records schedules; and
 - (b) request that the head of a public body revise and resubmit a previously submitted records schedule.

5 Sections 9 and 10 of Chapter 7 are repealed.

6 (1) Subsection 11(1) of Chapter 7 is repealed and the following subsection substituted:

- (1) The Minister may approve records schedules recommended for approval pursuant to clause 7(2)(a).

- (2) Subsection 11(2) of Chapter 7 is amended by**
- (a) striking out “The” in the first line and substituting “A”; and**
 - (b) striking out “of a public body” in the first line.**

7 Section 12 of Chapter 7 is repealed and the following Section substituted:

12 The head of a public body shall

(a) where responsible for records not included in a common records schedule, prepare and submit to the Committee for review one or more records schedules for those records;

(b) where requested by the Committee to do so, revise and resubmit to the Committee for review a previously submitted records schedule to the Committee;

(c) apply any records schedules or common records schedules approved by the Minister and applicable to the public body to the records for which the head is responsible;

(d) protect and maintain records in the custody or under the control of the public body to preserve the usefulness, accessibility, authenticity and reliability of the records; and

(e) manage records in accordance with a comprehensive records management program developed and implemented by the Minister.

8 (1) Subsection 14(1) of Chapter 7 is amended by

(a) adding immediately after clause (a) the following clauses:

(aa) further defining “common records schedule” for the purpose of clause 3(aa);

(ab) prescribing the content of common records schedules and records schedules;

(ac) assigning matters to the Minister for the purpose of clause 5(2)(g);

(b) striking out the semicolon at the end of subclause (c)(iv) and substituting a comma;

(c) adding immediately after subclause (c)(iv) the following subclause:

(v) any other entity the Minister considers appropriate;

and

(d) adding immediately after clause (c) the following clauses:

(ca) respecting the procedures for submitting and reviewing records schedules;

(cb) respecting the procedures of the Committee;

(2) Subsection 14(2) of Chapter 7 is amended by striking out “Governor in Council” in first line and substituting “Minister”.

9 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
