

Guidelines for First Nations Regarding Electronic Document Retention

TMPD Webinar: Records Management & Data Governance

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Based on the legislation and caselaw referenced in the memorandum, the following are the main considerations that should guide First Nations in the creation and retention of electronic documents:

- 1. If a document is created, provided or received electronically, it should be retained in the same format.**
 - For example, a First Nation that creates a lands document such as a lease or registration of interest can store the document in the same format as it was created (likely Microsoft Word or PDF);
 - The file format should be a common one;
 - If the document is saved in a format that allows changes, a system to track any changes made to the document should be used.

- 2. The document must be accessible to anyone who accesses it at a later date.**
 - If the file format or storage method of the document becomes obsolete, efforts should be made to convert the documents to a newer format. For example, documents stored on compact discs may need to be transferred onto hard drives or USB storage devices;
 - Cloud-based systems can be used, but First Nations must be mindful of which jurisdiction the records are being transmitted through kept in, as it is common for cloud service providers to transmit and store data in several countries. Federal government organizations do not allow for data about Canadian citizens to be stored outside of the country; while this standard may not apply to First Nations, it is likely the least risky policy to follow.

- 3. Information regarding the document's origin, destination and creation date must be retained.**
 - As noted above, administrative tracking should be used to keep a record of any changes to the document.

- 4. If a document that requires signatures is created electronically, it should also be signed electronically using secure electronic signature software.**

- 5. Hard copies of documents may be destroyed only if the system used to store the electronic documents is capable of maintaining the integrity of the documents stored on it.**

- 6. When determining what system or program to choose to store electronic documents, First Nations should look for systems that have the following capabilities:**
 - Administrative tracking (tracking dates documents were saved and created, records any changes made and by whom, etc.);
 - Version control, so changes to documents are saved as separate versions and do not overwrite the original document;
 - If the system uses cloud-based technology, all data is transmitted and stored in Canada;
 - Secure signature technology; and
 - Storage capabilities such that, if the user who saved a document is no longer employed by the Nation, the document will remain accessible to future users.