

**McMaster University—Record Retention and Destruction
Records Generated by McMaster University Departments and Faculty**

Type of Record	Legal Obligations	Potential Claims	Recommendation Regarding Disposition Based Upon Legal Analysis
Annual Reports	<ul style="list-style-type: none"> • Must submit annual report re: finances to Minister of Colleges and Universities (<i>McMaster University Act</i>, 1976, s. 11(1)). • Must make annual reports available to employees and students (s. 11(3)) • McMaster University Foundation is required to file an annual report re: money received in support of education and research at the university required under <i>University Foundation Act</i>. 1992. • An annual report from Executive Head to Information and Privacy Commissioner with respect to the number of personal information requests refused and granted under <i>FIPPA</i> 	<ul style="list-style-type: none"> • Reports related to financial records of McMaster are subject to a review by the Crown • Crown proceedings for the recovery of fines, taxes and penalties are not subject to a limitation period under the <i>Limitations Act, 2002</i> 	<p><u>Minimum Legal Retention Period:</u> Retain a paper copy for a minimum of 1 year after Year in which Annual Report was prepared</p> <p><u>Ultimate Disposition:</u> Archived one digital copy for permanent retention</p> <p>Archived one paper copy for 6 years after year in which Annual Report was prepared, then paper copy should be destroyed.</p>

Glossary of Terms

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Organizational Charts and records	<ul style="list-style-type: none"> • No obligation to retain organizational chart. 		<p><u>Minimum Legal Retention Period:</u> None</p> <p><u>Ultimate Disposition:</u> Destroy all copies after last used</p>
Policy and Procedure Manuals	<ul style="list-style-type: none"> • McMaster is required to have a workplace violence and harassment policy (Bill 168) • McMaster is required to have an accessibility plan and policies re: persons with disabilities (ODA, 2001, s. 15). 	<ul style="list-style-type: none"> • Reprisal claims subject to the <i>ESA</i> 2 year limitation period • Failure to follow procedural guidelines with respect to student or employee discipline 	<p><u>Minimum Legal Retention Period:</u> Minimum of 2 years after superseded or last used.</p> <p><u>Ultimate Disposition:</u> Review by McMaster for Archival value and Dispose accordingly.</p>
Committee Minutes	<ul style="list-style-type: none"> • Under McMaster Act, the Board is required to keep proper records and minutes of proceedings. • No obligation to retain minutes of a meeting. • Minutes from meetings are exempt from <i>FIPPA</i> requests 	<ul style="list-style-type: none"> • No claims directly, but can be used in support of claims that arise from financial decisions made by McMaster 	<p><u>Minimum Legal Retention Period:</u> Retain for 6 years after year in which Committee Minutes were prepared</p> <p><u>Ultimate Disposition:</u> Destroy all copies after retention period expires.</p>

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Photographs	<ul style="list-style-type: none"> • Legal obligation to protect personal information captured in photograph 	<ul style="list-style-type: none"> • Copyright infringement if photographs were copied without license and/ or permission • Use of photograph without knowledge or consent of persons pictured is a violation of personal privacy under <i>FIPPA</i> 	<p><u>Minimum Legal Retention Period:</u> Minimum of 1 Year after las used.</p> <p><u>Ultimate Disposition:</u> Destroy all copies in accordance with <i>FIPPA</i></p>
Departmental Newsletters, Brochures, Information Sheets & Other Publications	<ul style="list-style-type: none"> • McMaster is the owner for certain Published Works (i.e. academic calendars, newsletters and brochures). • No obligation to retain publications generated by McMaster that it also owns copyright to. 	<ul style="list-style-type: none"> • McMaster as copyright owner may have claims for copyright infringement against any entity which used or copies its publications without license or authority. • Defamation if publications causes the esteem of the subject to lower in the minds of ordinary members of the public/ 	<p><u>Minimum Legal Retention Period:</u> Retain a digital copy for a minimum of 2 years after last used</p> <p><u>Ultimate Disposition:</u> Destroy all copies after retention period expires.</p>

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Departmental Records of Teaching Activities	<ul style="list-style-type: none"> Students are provided with a right to review and appeal grades. 	<ul style="list-style-type: none"> Grade appeal procedure must commence within one year of final grade. 	<p><u>Minimum Legal Retention Period:</u> Retain Paper copy for 1 year</p> <p><u>Ultimate Disposition:</u> Destroy all copies in accordance with FIPPA</p>
Departmental Records of Research Activities	<ul style="list-style-type: none"> McMaster must consider grant applications in good faith Clinical trials are subject to review by the McMaster Research Ethics Board 	<ul style="list-style-type: none"> Any claims with respect to a grant application must be brought within limitation period set out under <i>Limitations Act 2000</i> Clinical trials may be subject to medical malpractice claims. 	<p><u>Minimum Legal Retention Period (Re: grants):</u> Minimum of 2 years after final decision on grant application is made</p> <p><u>Ultimate Disposition (Re: Grants):</u> Destroy all copies of records after retention period expires.</p> <p><u>Minimum Legal Retention Period (Re: Clinical Trials):</u> Minimum of 15 years after the conclusion of clinical trial</p> <p><u>Ultimate Disposition (Re: Clinical Trials)</u> Review by McMaster for Archival value and Dispose accordingly.</p>

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Student Records	<ul style="list-style-type: none"> • Would include admissions, transcripts, discipline and grievances related to the student. • Student's personal information can be retained for fundraising purposes, but must be destroyed if requested. 	<ul style="list-style-type: none"> • Disciplinary actions may be subject to judicial review. • Student records may include the personal information of others, such as emergency contacts. This is personal information as defined under FIPPA and cannot be stored without the knowledge and consent of that person 	<p><u>Minimum Legal Retention Period:</u> A digital copy for a minimum of 2 years after student has left McMaster</p> <p><u>Ultimate Disposition:</u> Archive a digital copy of records for permanent retention</p> <p>Destroy all paper copies after retention period expires.</p> <p><u>Personal Information:</u> May be retained for fundraising purposes only and must be Destroyed on request.</p>
Real Property Records	<ul style="list-style-type: none"> • Real property held in trust by McMaster for a charitable purpose must be managed with the duties for a charitable trustee. 	<ul style="list-style-type: none"> • N/A. 	<p><u>Minimum Legal Retention Period:</u> Retain as long as McMaster has an interest in the real property for 10 years after real property has been transferred by McMaster to a third party.</p> <p><u>Ultimate Disposition:</u> Destroy all copies of records after retention period expires.</p>

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Financial Records	<ul style="list-style-type: none"> Records to be retained for not less than 6 years (<i>Income Tax Act</i>, ss. 230(4) and (7)). Required to keep books and records (<i>ITA</i>,s. 230) “Record” includes an account, agreement, book, chart or table, diagram, form or any other thing containing information. (<i>ITA</i>, s. 248(1)) Source documents (i.e. receipts, contracts, work ordered and tax returns) must also be maintained to support books and records. 	<ul style="list-style-type: none"> CRA may disallow expenses that are unsupported. Failure to keep adequate books or provide information or documents requested by the CRA may lead to a fine of not less than \$1,000. Destruction, falsification or any deceptive alterations of books and records to evade payment of taxes is an offence under s.239 of <i>ITA</i>. 	<p><u>Minimum Legal Retention Period:</u> 6 years after Fiscal Year to which the records relate. May be retained in either paper or digital format.</p> <p><u>Ultimate Disposition:</u> Destroy all paper copies after retention period expires.</p> <p><u>Early Disposition:</u> Available on request to the Canada Revenue Agency.</p>
Human Resources Records	<ul style="list-style-type: none"> <i>FIPPA</i> mandated that all records, including email, that carry personal information and relates to university business must be kept for a minimum period of one year. Employment Standards Act, s. 5 requires employee records to be retained for 3 Years. Records of time worked by each employee and support of CPP contributions, EI premiums and taxes withheld must be kept. 	<ul style="list-style-type: none"> Employment claims such as constructive dismissal, wrongful dismissal and reprisal. Records may be requested during labor negotiations Limitation period under <i>ESA</i> is 2 years 	<p><u>Minimum Legal Retention Period:</u> 3 years after the employment has been terminated</p> <p><u>Ultimate Disposition:</u> Destroy all copies of records after retention period expires.</p>

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Third Party Agreements	<ul style="list-style-type: none"> • McMaster is legally bound by the terms of any agreements it signs with third parties 	<ul style="list-style-type: none"> • Breach of contract for failure to satisfy terms 	<p><u>Minimum Legal Retention Period:</u> Retain a paper copy for a minimum of 2 years after the terms of the agreement have been satisfied</p> <p><u>Ultimate Disposition:</u> Destroy all copies of records after retention period expires.</p>
Charity Records	<ul style="list-style-type: none"> • McMaster is a charitable trustee and is bound by the <i>Trustees Act</i> and <i>Charities Accounting Act</i> • Must have accounts of dealing with charitable property under the control of McMaster under the terms of a bequest or gift to the Public Guardian and Trustee (CAA, s. 3) 	<ul style="list-style-type: none"> • Obstructing, hindering or interfering with an inquiry by the Public Guardian and Trustee is an offence under CAA • Trustee Act does not protect a trustee from Liability for a loss to the trust if the trustee is shown to be negligent. • Common law fiduciary duty as charitable trustee 	<p><u>Minimum Legal Retention Period (Re: Charity records):</u> Archive a digital copy as long as McMaster is a registered charity.</p> <p><u>Minimum Legal Retention Period (Re: Donation Receipts):</u> 2 years after the year in which receipt was issued</p> <p><u>Ultimate Disposition (Re: Donation Receipts):</u> For gifts under 10-years: Destroy all copies after retention period expires.</p> <p>For gifts over 10-years: Achieved as part of General Charity Records.</p>

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