



Information, Privacy and Archives Division


Government of Ontario Function-Based Common Records Series: Legal Services

December 2014

AUTHORIZATION

**Government of Ontario Function-Based Common Records Series:
Legal Services (LGL)**

Approval under authority of the Archives and Recordkeeping Act, 2006:



James G. Hamilton, Archivist of Ontario

Date:

2014.12.17

Legal Services

Function Acronym: LGL

Description

The function of providing legal services to the Government of Ontario through the Ministry of the Attorney General. Includes providing legal advice to, and conducting litigation on behalf of, all government ministries and many agencies, boards and tribunals; providing advice on, and drafting, all legislation and regulations; the interpretation and provision of advice to ministries / boards / tribunals regarding legal matters; and the drawing up of legal agreements and the handling of legal action and disputes.

Activities Performed Under This Function

Acronym	Name
ADV	Advice
AGR	Agreements
CTL	Control
LIT	Litigation

For information about the function-based common records series and their use, please visit the [Function-Based Common Records Series](#) page on iNetwork.

Summary of Series

Series Number	Series Name	Retention Period	Closure Criteria	Final Disposition
Advice (ADV)				
LGL-ADV-001	Acts and Regulations	CCY + 10 years	After file is closed or act / regulation is enacted	Transfer to Archives
LGL-ADV-002	Legal Opinions and Advice	CCY + 10 years	After file is closed	Transfer to Archives
LGL-ADV-003	Orders-in-Council	CCY + 7 years	After file is closed	Transfer to Archives
LGL-ADV-004	Minister's Orders	CCY + 7 years	After file is closed	Transfer to Archives
LGL-ADV-005	Minister's Approvals	CCY + 7 years	After file is closed	Transfer to Archives
Agreements (AGR)				
LGL-AGR-001	Contracts and Agreements	CCY + 7 years	After contract has expired, or is terminated or superseded	Transfer to Archives
LGL-AGR-002	Contracts Under Seal	CCY + 21 years	After contract has expired, or is terminated or superseded	Transfer to Archives
LGL-AGR-003	Real Property Projects	CCY + 16 years	After lands or buildings are disposed of	Transfer to Archives
Control (CTL)				
LGL-CTL-001	Tracking and Docketing Systems	CCY + 2 years	Until tracking systems are superseded	Destroy
Litigation (LIT)				
LGL-LIT-001	Civil Litigation	CCY + 30 years	After file is closed or case is decided	Transfer to Archives
LGL-LIT-002	Civil Prosecutions	CCY + 10 years	After file is closed or case is decided	Transfer to Archives
LGL-LIT-003	Claims	CCY + 30 years	After file is closed or case is decided	Transfer to Archives

Series Number	Series Name	Retention Period	Closure Criteria	Final Disposition
LGL-LIT-004	Hearings Before Administrative Tribunals	CCY + 10 years	After file is closed or case is decided	Transfer to Archives
LGL-LIT-005	Judicial Reviews	CCY + 10 years	After file is closed or case is decided	Transfer to Archives
LGL-LIT-006	Coroner's Inquests	CCY + 10 years	After file is closed or case is decided	Transfer to Archives

Activity: Advice (ADV)

Description: The activities associated with offering opinions by or to the ministry as to an action or judgement. Includes the process of advising.

Series #: LGL-ADV-001	
Series Title: Legal Services – Advice – Acts and Regulations	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-3001 (Acts and Regulations) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed or act / regulation is enacted
Total Retention	CCY + 10 years
Final Disposition	Transfer to Archives
Purpose: Information is created and/or received and used to research and prepare new or amended acts and regulations that fall within the mandate of the ministry, and to assess the impact of acts and regulations of other ministries.	
Contents: Records may include but are not limited to drafts of bills / regulations to enact or amend acts / regulations administered by the ministry. Includes correspondence, instructions to draft, drafts supplied for review, briefing notes, and advice on wording. May also include legal opinions and comments on acts / regulations of other ministries or other jurisdictions that affect ministry programs.	
Notes:	
Cross References:	

Series #: LGL-ADV-002	
Series Title: Legal Services – Advice – Legal Opinions and Advice	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-5001 (Legal Opinions / Advice Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed
Total Retention	CCY + 10 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to provide legal opinions and advice, to answer enquiries, and to maintain a record for future reference.	
Contents:	
Records may include but are not limited to legal opinions and advice regarding issues, policies, and practices as they relate to the programs and clients of the ministry.	
Includes correspondence, reference material, and draft documents relating to interpretation and application of the statutes administered by the ministry, and a variety of other legal matters affecting the ministry.	
Notes:	
Cross References:	

Series #: LGL-ADV-003	
Series Title: Legal Services – Advice – Orders-in-Council	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-3002 (Orders-in-Council) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed
Total Retention	CCY + 7 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to research and prepare Orders-in-Council.	
Contents:	
Records may include but are not limited to records documenting the enacting / amending of Orders-in-Council which fall within the mandate of the ministry.	
May include instructions to draft, drafts for review, advice on wording or authority to pass Orders-in-Council.	
Notes:	
<u>Excludes:</u> Reference copies of approved Orders-in-Council kept in the legal services branch until expired, revoked, or obsolete.	
Final Orders-in-Council are located in the records of Cabinet Office.	
Cross References:	
See Cabinet Office Series 211 (Orders-in-Council / Regulations OIC) for final Orders-in-Council issued by the Executive Council Office (Cabinet Office).	

Series #: LGL-ADV-004	
Series Title: Legal Services – Advice – Minister's Orders	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-3003 (Minister's Orders) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed
Total Retention	CCY + 7 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to research and prepare Minister's Orders.	
Contents:	
Records may include but are not limited to records documenting the enacting / amending of Minister's Orders that fall within the mandate of the ministry.	
May include instructions to draft, drafts for review, advice on wording or authority to issue Minister's Orders, and the final copy of the Order.	
Notes:	
<u>Excludes:</u> Reference copies of approved Minister's Orders kept in the legal services branch until expired, revoked, or obsolete.	
Cross References:	
See Series STR-AUT-001 (Strategic Management – Authorization – Orders-in-Council and Minister's Orders) for signed Minister's Orders.	

Series #: LGL-ADV-005	
Series Title: Legal Services – Advice – Minister's Approvals	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-3004 (Minister's Approvals) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed
Total Retention	CCY + 7 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to prepare and document Ministerial approvals pursuant to statutory requirements.	
Contents:	
Records may include but are not limited to correspondence, drafts, final versions, etc. relating to the preparation of documents for the Minister's signature in order to permit ministries to carry out specific activities which require the Minister's approval.	
Notes:	
Excludes: Reference copies of approved Minister's Orders kept in the legal services branch until expired, revoked, or obsolete.	
Cross References:	
See Series STR-AUT-002 (Strategic Management – Authorization – Minister's Approvals) for signed Ministerial approvals.	

Activity: Agreements (AGR)

Description: The processes associated with the establishment, negotiation, maintenance and review of agreements.

Series #: LGL-AGR-001	
Series Title: Legal Services – Agreements – Contracts and Agreements	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-6001 (Contracts / Agreements Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After contract has expired, or is terminated or superseded
Total Retention	CCY + 7 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to prepare and negotiate contracts in consultation with program managers, and to provide legal evidence of the terms and conditions of contracts.	
Contents:	
Records may include but are not limited to correspondence regarding the contents of contracts and agreements between the ministry and various organizations, agencies, governments, and individuals; drafts of contracts and agreements; notes; and research materials.	
Notes:	
Cross References:	

Series #: LGL-AGR-002	
Series Title: Legal Services – Agreements – Contracts Under Seal	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-6002 (Contracts Under Seal) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After contract has expired, or is terminated or superseded
Total Retention	CCY + 21 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to maintain evidence of the terms and conditions of such contracts, and for research and reference.	
Contents:	
Records may include but are not limited to contracts under seal (specialty contracts).	
Notes:	
Cross References:	

Series #: LGL-AGR-003	
Series Title: Legal Services – Agreements – Real Property Projects	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-7001 (Real Property Project Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After lands or buildings are disposed of
Total Retention	CCY + 16 years
Final Disposition	Transfer to Archives
Purpose:	
<p>Information is created and/or received and used to negotiate and draft purchase, leasing or sale agreements; to assist in negotiating site planning and development; to perform ongoing legal management work in the further acquisition, development or disposal of government-owned properties and facilities; to document all decisions and transactions; and to respond to queries on the subject.</p>	
Contents:	
<p>Records may include but are not limited to files related to:</p> <ul style="list-style-type: none"> • The acquisition of land, buildings and structures for the use of the OPS or provincial agencies through purchase, expropriation, or transfer, and the disposal of government land, buildings and structures through sale or transfer • Commercial leasing files documenting the acquisition of leasehold space for government accommodation and the leasing of government-owned properties • Construction project files documenting the construction of, and major alterations to, buildings owned by the Ontario government <p>Includes correspondence, notes, title search papers, survey documents, maps, plans and other drawings, mortgages, easements, feasibility studies, requests for proposal, reports and recommendations, financial documents, draft agreements.</p>	
Notes:	
Cross References:	

Activity: Control (CTL)

Description: The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design, etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.

Series #: LGL-CTL-001	
Series Title: Legal Services – Control – Tracking and Docketing Systems	
Rationale for Retention Period	Replicates basic limitation period of 2 years as in the <i>Limitations Act, 2002</i>
Closure Criteria	Until tracking systems are superseded
Total Retention	CCY + 2 years
Final Disposition	Destroy
Purpose: Information is created and/or received and used to track case files in order to document billing time, monitor lawyers' caseloads, etc.	
Contents: Records may include but are not limited to electronic systems related to file tracking (file type, status, location, etc.); docketing (tracking lawyers' time for billing or charge-back purposes); and client information.	
Notes:	
Cross References:	

Activity: Litigation (LIT)

Description: The activities involved with managing lawsuits or legal proceedings between the organization and other parties.

Series #: LGL-LIT-001	
Series Title: Legal Services – Litigation – Civil Litigation	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4001 (Civil Litigation Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed or case is decided
Total Retention	CCY + 30 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.	
Contents:	
Records may include but are not limited to case files relating to work undertaken by legal services staff in representing the Crown in civil litigation, including appeals.	
May include correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, and decisions.	
Notes:	
Cross References:	
See Ministry of the Attorney General Series CLD-005 through CLD-007 (Crown Law Office – Criminal Operational Files) for criminal prosecutions that are handled by the Criminal Law Division of the Ministry of the Attorney General.	

Series #: LGL-LIT-002

Series Title: Legal Services – Litigation – Civil Prosecutions

Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4003 (Civil Prosecutions Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed or case is decided
Total Retention	CCY + 10 years
Final Disposition	Transfer to Archives

Purpose:

Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.

Contents:

Records may include but are not limited to case files documenting work undertaken by legal services branch staff in representing the Crown in prosecutions resulting from a breach of statutory / regulatory requirements.

May include correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, decisions, and appeals.

Notes:

Excludes: Criminal prosecutions that are handled by the Criminal Law Division of the Ministry of the Attorney General.

Cross References:

Series #: LGL-LIT-003	
Series Title: Legal Services – Litigation – Claims	
Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4002 (Claims Against the Crown and Claims by the Crown) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed or case is decided
Total Retention	CCY + 30 years
Final Disposition	Transfer to Archives
Purpose:	
Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.	
Contents:	
Records may include but are not limited to claims by other parties against the Crown and claims by the Crown against other parties.	
May include correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, decisions, appeals.	
Notes:	
Cross References:	

Series #: LGL-LIT-004

Series Title: Legal Services – Litigation – Hearings Before Administrative Tribunals

Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4004 (Hearings Before Administrative Tribunals) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
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Closure Criteria	After file is closed or case is decided
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Total Retention	CCY + 10 years
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Final Disposition	Transfer to Archives
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Purpose:

Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.

Contents:

Records may include but are not limited to case files documenting grievances, complaints, appeals, arbitrations, etc. heard before various administrative tribunals.

May include correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, and decisions.

Notes:

Cross References:

Series #: LGL-LIT-005

Series Title: Legal Services – Litigation – Judicial Reviews

Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4005 (Judicial Reviews Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
Closure Criteria	After file is closed or case is decided
Total Retention	CCY + 10 years
Final Disposition	Transfer to Archives

Purpose:

Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.

Contents:

Records may include but are not limited to case files documenting information and evidence presented before judicial review bodies.

May include correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, decisions, and appeals.

Notes:

Cross References:

Series #: LGL-LIT-006

Series Title: Legal Services – Litigation – Coroner's Inquests

Rationale for Retention Period	Replicates existing approved retention period in Series LGL-4006 (Coroner's Inquest Files) in the OPS <i>Government of Ontario Common Records Series: Legal Services</i>
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Closure Criteria	After file is closed or case is decided
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Total Retention	CCY + 10 years
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Final Disposition	Transfer to Archives
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Purpose:

Information is created and/or received and used to document legal actions taken pursuant to acts and regulations and to keep records of proceedings before courts and tribunals.

Contents:

Records may include but are not limited to case files including correspondence with ministry staff and other lawyers, notes, background information, supporting documentation, court documents, investigation reports, research materials, transcripts of hearings, and decisions.

Notes:

Cross References: