

Alberta Records Management Committee

Organization Name Justice	Org Code JD	Schedule Number/Status 2017/004-A001 Approved
Program/Service Name: Legal Services		

SCHEDULE ADMINISTRATION

Type: Continuing Schedule	Organization Chart: External Documents: Comments: N
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Related Schedule(s):

- 2016/012 Legal Services - Aboriginal Law
- 1980/133 Legislative Counsel
- 1982/094 Legislative Counsel
- 1985/054-A2 Legislative Counsel
- 1985/055 Legislative Counsel
- 2011/032-A003 Legal Services - Family and Surrogate Court Litigation

Cancels/Replaces Schedule(s):

Amendment History

Number	Amendment to	Date Approved	Item(s)
A001(Major)	2017/004	Jul 26, 2024	01, 02, 03, 04, 05, 06, 07, 08, 09
Reason for Amendment: Updated Purpose/Function, Brief History, revised item titles and descriptions; changed date range (end date) and closure criteria; updated concurrence condition; reduced retention period; changed on/off-site with no change in total retention.			

Schedule Transfer History

----- None -----

Schedule Cancellation History

----- None -----

SCHEDULE APPROVALS

Senior Program Manager: Original Signed by, Senior Program Manag	Date: May 23, 2017
Senior Records Officer: Johnson, Maurine	Date: Oct 13, 2023
ARMC Committee: Committee, ARMC	Date: Jul 26, 2024

APPROVED IN ACCORDANCE WITH RECORDS MANAGEMENT REGULATION (A.R. 224/2001) AND GOVERNMENT ORGANIZATION ACT (R.S.A. 2000, Chapter G-10, Schedule 11)

PROGRAM/SERVICE INFORMATION

<u>Purpose/Function</u>

The Department of Justice Legal Services Division is responsible for the delivery of all civil legal services to the Government of Alberta. Legal Services Division is divided into numerous legal teams, including litigation and solicitor teams. Solicitor teams are structured according to the Departments that are being served (for example: Energy Legal Team, Health Law Legal Team). Central Services provides solicitor services to many smaller Departments.

Civil Law team provides legal services and related strategic services to all government ministries and represents the Government of Alberta in matters before courts and tribunals. Where external counsel is used, Legal Services Division contracts with the external counsel on behalf of the Government of Alberta. Constitutional Law provides specialized services to the government in constitutional matters, including both solicitor and litigation services. The Legal Services Division leads legislative planning and law reform initiatives related to legislation under the jurisdiction of Justice and provides advice on legislative policy.

Brief History

1906 Alberta Justice was officially created by Alberta legislation in 1906, when the *Attorney General Act* repealed and replaced the Territorial legislation. Under the 1906 *Act* the duties of the Attorney General were to supervise the administration of the laws and the provincial courts. The Minister holding this position would serve as legal advisor to the Lieutenant Governor, proceedings of the Legislative Assembly, and the department heads. The Attorney General was the legal member of the Executive Council and was charged with the regulation and conduct of litigation for or against the Crown or any public department.

1918 Uniform Law Conference of Canada (ULCC) was founded to harmonize the laws of the provinces and territories of Canada.

1967 Alberta Law Reform Institute (ALRI) was founded and is the official law reform agency of the province of Alberta.

1973 The functions related (law enforcement, corrections, and probation) to the Solicitor General were transferred out of the Attorney General to create the Department of the Solicitor General.

1992 On December 15, 1992, the Solicitor General was merged with the Attorney General to form the Department of Justice.

1993 In June 1993, The Department of Justice became the Department of Justice and Attorney General.

1994 The Minister of Justice became both the Minister of Justice and the Attorney General for the province of Alberta. Major departmental reorganizations took place in 1994. Department of Justice and Attorney General became known as Alberta Justice.

2001 On March 19, 2001, under the authority of the *Government Organization Act*, the function of the Solicitor General was split once more from the Ministry of Justice to form the Ministry of Solicitor General, also known as the Alberta Solicitor General (O.C. 95/2001). The Ministry of Justice and Attorney General retained responsibility for court services, criminal prosecutions, legal services, the Public Trustee and Maintenance Enforcement Program, and the Office of the Chief Medical Examiner.

2005 The major divisions in the Department of Justice were the Aboriginal Justice Initiatives Unit, Communications, Court Services, Criminal Justice, Legal Services, Maintenance Enforcement, Policy Secretariat, Strategic Human Resource Services, and Strategic Services.

2012 On May 08, 2012, the Justice and Attorney General, Solicitor General and Public Security were consolidated to form the Ministry of Justice and Solicitor General.

2022 On October 21, 2022, the Ministry of Justice and Solicitor General was reorganized. The functions provided by the Legal Services Division are part of the Ministry of Justice.

Mandate/Legal Authority

Government Organization Act Schedule 9

OPINIONS

No Opinions Requested.

SCHEDULE ITEMS

01 * Legal and Strategic Advice - Case Files

The Legal Services Division provides legal advice and assistance to all departments within the Government of Alberta.

In both the central and seconded services these records are maintained by the lawyers for their use to provide legal services and related strategic advice to client Ministries. This series includes general advice, legislation and policy development.

File contents include, but are not limited to: material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents.

Date Range: 1906 to date

Media:

Other: all media

Legal Reference:

FOIP Ref : PIB

Closure Criteria: Matter resolved, or no further action required, and legal counsel sign off placed on file	Retention On-site: 1 Year(s)	Retention Off-site: 10 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:

None

Reason for Amendment A001: Closure Criteria Amended

02 * Civil Litigation - Case Files

The Legal Services Division is charged with the regulation and conduct of litigation for or against the Crown or any public department.

These files are maintained by the lawyers for their use when handling claims by and against the Crown, Ministers of the Crown, government employees, and some Crown agencies, boards, and commissions. These files may also be used to prepare and appear in court applications in cases such as civil forfeiture, human rights matters, and expropriation.

File content includes, but is not limited to; material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents, fatality inquiries.

This case file series excludes Constitutional Law (see item 03), and Aboriginal Litigation (see Retention Schedule 2016/012).

NOTE: Master copies of the fatality inquiry reports are held by the Legal Services Division (See Retention Schedule 2006/002-A003).

Client records will be returned to the client Ministry prior to closing the file.

Date Range: 1906 to date
Media:
Other: all media
Legal Reference:
FOIP Ref : PIB

Closure Criteria: Court disposition and appeal period expired, or discontinuance, or withdrawn, or dismissed, or no further action required, and legal counsel sign off placed on file.	Retention On-site: 1 Year(s)	Retention Off-site: 10 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:
None

Reason for Amendment A001: Amended descriptor and concurrence conditions.

03 *

Advice and Litigation: Constitutional Law

Constitutional Law provides specialized services to the government in constitutional law matters.

These records are maintained by the lawyers for their use when preparing legal advice to a ministry on potential constitutional issues, or to defend Alberta legislation when challenged in court on constitutional grounds, or when responding to material received from the Supreme Court of Canada or Alberta's legal agent for the Supreme Court of Canada.

File contents include, but not limited to; material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents, notices, interventions, taking of evidence, service of documents on a person not living in the country, and internal briefings related to Supreme Court of Canada issues and procedures.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

Date Range: 1906 to date
Media:
Other: all media
Legal Reference:
FOIP Ref : PIB

Closure Criteria: Matter resolved, or no further action required and legal sign off placed on file.	Retention On-site: 3 Year(s)	Retention Off-site: 17 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:
None

Reason for Amendment A001: Amended descriptor, concurrence conditions, item title amended, and identified PIB.

04 * **Legislative Reform and Planning**

The Legal Services Division leads legislative planning and law reform initiatives under the jurisdiction of Alberta Justice.

File contents include, but not limited to; research, policy, drafting instructions, and advice to the Minister.

Date Range: 1906 to date

Media:

Other: all media

Legal Reference:

FOIP Ref :

Closure Criteria: Matter resolved, or no further action required and legal counsel sign off placed on file.	Retention On-site: 1 Year(s)	Retention Off-site: 10 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:

None

Reason for Amendment A001: Amended descriptor and concurrence conditions.

05 * **Alberta Law Reform Institute - Advisory Services**

The Alberta Law Reform Institute (ALRI) provides independent comprehensive advice to the Government of Alberta and other agencies. Two departmental representatives sit on the ALRI board. Funding for ALRI comes primarily from the Alberta Law Foundation with contributions from Alberta Justice.

This series includes, but not limited to correspondence to and from the institute; agreement establishing the institute and renewal agreements, including records related to funding, nomination of departmental representatives, meeting agendas and other meeting materials, materials related to board governance and strategic planning, and annual reports. This series also includes records related to various ALRI projects.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

Date Range: 1967 to date

Media:

Other: all media

Legal Reference:

FOIP Ref :

Closure Criteria: Calendar year end (Dec 31)	Retention On-site: 3 Year(s)	Retention Off-site: 17 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:

None

Reason for Amendment A001: Updated title, descriptor and concurrence conditions.

06 * **Uniform Law Conference of Canada - Advisory Services**

Uniform Law Conference of Canada (ULCC) develops Uniform Acts, Model Acts, Statements of Legal Principles and other documents. Covers files dealing with the creation of uniform acts that may be of civil or criminal nature.

Records may include Civil Section Steering Committee work, correspondence, development of ULCC policies and procedures, agendas, meeting minutes, working papers, drafts, amendments, revisions relating to uniform or model acts, and other information not made readily available by ULCC such as individual contributions by Government of Alberta lawyers.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and changing societal policies and behaviors. This series provides future precedent in matters of policy, legislation, agreements and litigation.

Date Range: 1918 to date
Media:
Other: all media
Legal Reference:
FOIP Ref :

Closure Criteria: File submitted to ULCC and lead counsel sign off on file	Retention On-site: 1 Year(s)	Retention Off-site: 10 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:
None

Reason for Amendment A001: Updated title, descriptor, updated closure criteria, amended total retention, changed concurrence conditions.

07 * Supreme Court of Canada

Includes material received from the Supreme Court of Canada or Alberta Justice's legal agent for the Supreme Court of Canada.

Records may include notices, interventions, taking of evidence, and service of documents on a person not living in the country, and internal briefings related to Supreme Court of Canada issues and procedures.

Note: Litigation files that proceed to the Supreme Court of Canada are not filed in this series, but together with the rest of the file record (civil litigation item 2, constitution litigation item 3, and aboriginal litigation Retention Schedule 2016/012). As of 2021 records will be filed/included in item 03.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

Date Range: 1906 to 2021
Media:
Other: all media
Legal Reference:
FOIP Ref : PIB

Closure Criteria: End of date range.	Retention On-site: 3 Year(s)	Retention Off-site: 17 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:
None

Reason for Amendment A001: Updated descriptor, closed date range and updated concurrence condition.

08 * United Nations - Advisory Services

The Department leads this work and, Strategy Support and Integrated Initiatives represents the Department on the Government of Alberta interdepartmental committee.

Records include: Alberta's portion of federal government reporting on international human rights instruments to which Canada is a party to, including United Nations human rights conventions and covenants, consultation on potential new international human rights instruments, and other ad-hoc requests for information from the federal government through the Federal, Provincial and Territorial Continuing Committee of Officials on Human Rights. Other records include interdepartmental and Intergovernmental committee meetings and information exchanges.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

Date Range: 1906 to date
Media:
Other: all media
Legal Reference:
FOIP Ref :

Closure Criteria: Project closure no further action required, and lead counsel sign off on file.	Retention On-site: 10 Year(s)	Retention Off-site: 10 Year(s)
Concurrence Conditions: Providing no outstanding FOIP requests	Final Disposition: Archives	

Items to be cancelled:
None

Reason for Amendment A001: Updated title, descriptor, closure criteria, and concurrence conditions. Amended on and off-site retention, not changing total retention.

09 *

Source Documents

Includes the source documents that have been successfully captured:

- electronically by scanning or imaging into an electronic records management repository, and/or
- scanned and stored on microfilm, microfiche, or aperture cards (microform)

The process used to scan, image and microfilm source records must comply with an applicable standard as determined through a business risk assessment. Adherence to a standard is determined by the level of risk associated with the records series being scanned. The application of a specific standard (GoA Standard and/or CAN/CGSB-72.34-2017) is implemented prior to commencement of scanning activities. A pre-determined ratio of scanned/imaged documents will be verified against the original source documents as part of the required quality assurance procedures under the selected standard, to ensure that the image quality and scanning process are correct. The verified electronic or microform image is designated the master version and the original source document constitutes a copy. All processes, including creation, capture, receipt, identification, management and protection of records through their life cycle have been documented in a procedures manual as required by the selected standard.

If applicable, the requirements under the Canadian e-evidence standard CAN/CGSB-72.34-2017 have been implemented to ensure the legal admissibility of records in court.

This item applies to source records for all items.

Date Range: 1906 to date
Media:
Other: All media
Legal Reference:
FOIP Ref :

Closure Criteria: After verification of image	Retention On-site: 30 Day(s)	Retention Off-site: 0 Day(s)
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Concurrence Conditions: Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	Final Disposition: Destroy
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Items to be cancelled:

None

Reason for Amendment A001: Amended descriptor to meet current wording standard.

COMMENTS