

4.2.1. Minimum compliance requirement

In order to demonstrate digitization complies with relevant legislation, government bodies must obtain a legal opinion on their digitization program from the Department of Justice or in-house legal counsel.

4.3. Digitization must not expose the government to increased risk

Government bodies must assess the risks of digitizing records and the need to retain the converted source analogue record. Digitization is not recommended where risks are assessed as Major or Extreme. Digitization is also not recommended where risks have a high likelihood of occurring. This may include:

- The authenticity of a record being challenged and the requirement to produce the master analogue record to prove authenticity;
- A master digitized record being incomplete due to poor conversion; and
- A master digitized record being lost due to inadequate records management systems.

4.3.1. Minimum compliance requirement

In order to comply with the requirement to protect the government from risk, government bodies must conduct a risk assessment based on the GNWT's risk matrix.¹

4.4. Digitization must comply with approved Records Disposition Authorities

Converted source analogue records may only be disposed of if the master digitized record can be classified and scheduled in the Administrative Records Classification System (ARCS) or in an approved Operational Records Classification System (ORCS). If the master digitized records cannot be classified and scheduled in ARCS or ORCS, then the converted source analogue records must not be destroyed.

Early disposition of converted source analogue records must be in compliance with either RDA 2018-02, *Converted Source Analogue Records Schedule*, or in compliance with an existing Records Disposition Authority (RDA), which authorizes the digitization and early disposal of master analogue records.

If the master digitized records have a final disposition of Archival Selection (AS/D) or Full Retention (FR) in an approved RDA (ARCS or ORCS), the government body must submit its

¹ The Program Review Office, Department of Finance, has developed a GNWT risk matrix program for government departments. It can be used to determine overall risk based on an assessment of the likelihood of an event occurring and the impact to the GNWT. Contact the Program Review Office for more information.

Agencies, boards, commissions, and crown corporations may have their own risk assessment tools which may be used in place of the GNWT risk matrix.

