

1.0 ASSOCIATED POLICY

- Privacy Policy

2.0 DEFINITIONS

Electronic Records

Information that:

- (i) is recorded or stored on any medium in or by a computer system or other similar device; and
- (ii) can be read or perceived by a person or a computer system or other similar device,

and includes a display, printout or other output of that information, other than a printout that has been manifestly or consistently acted on, relied on or used as the record of the information recorded or stored on the printout.

Individually Assigned File Storage Systems

Local file storage systems, such as electronic folders, external hard-drives, local networks etc., where records may be stored by employees.

Legal Hold

An instruction to cease the destruction of, preserve and secure all records related to the nature or subject of the Legal Hold, regardless of form.

Member of the University Community

Those persons involved in conducting University affairs or operations or using University property, including all employees, agents, contractors and volunteers.

Preservation Order

An order issued by a competent court or tribunal for the cessation of destruction of records.

Privacy Department

The Privacy and Information Management Department.

Production Order

An order issued by a competent court or tribunal for the production of records relevant to a litigation or a regulatory investigation or other legal proceedings.

Record

A record of information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

3.0 PROCEDURE ELEMENTS

3.1 This procedure outlines the steps that must be followed in initiating a Legal Hold on relevant and discoverable Records when the duty to preserve arises or is triggered by legal action or regulatory investigation or proceeding that are reasonably anticipated, threatened, or pending by or against MacEwan University (the “University”) or when a Preservation or Production Order is issued.

3.2 This procedure applies to Members of the University Community.

3.3 Issuance of a Legal Hold

3.3.1 A Member of the University Community who:

- (i) becomes aware of threatened legal proceedings against the University (whether written or oral); or
- (ii) reasonably anticipates legal proceedings by or against the University (“triggering events”),

will, in writing and without undue delay, notify the Office of General Counsel of the triggering event.

3.3.2 The General Counsel or delegate will, upon receipt of notification of a triggering event, review the facts leading to same and determine whether to issue a Legal Hold and identify which Members of the University Community should be subject to the Legal Hold.

3.3.3 When a determination is made that a Legal Hold is required, the Legal Hold will be issued by the General Counsel or delegate to specified Members of the University Community and affected departments or business units who must identify and preserve all Records related to the nature or subject of the Legal Hold.

3.3.4 A Member of the University Community who is subject to a Legal Hold will, without undue delay:

- (i) acknowledge, in writing, receipt of the Legal Hold to the General Counsel or delegate;
- (ii) contact the Privacy Department for assistance in preserving relevant Records;
- (iii) segregate all paper copies of relevant Records; and
- (iv) identify and preserve all relevant Electronic Records, if any.

3.3.5 The Privacy Department may be notified of the issuance of a Legal Hold on specified Records in order to temporarily suspend the application of the University’s records retention and disposition schedule as it pertains to the scheduled disposition of relevant Records.

3.3.6 The General Counsel or delegate may, if required, notify the Chief Information Officer of the issuance of a Legal Hold and provide the following information including, but not limited to:

- (i) official notification of the Legal Hold;
- (ii) the identities of all Members of the University Community whose electronic mail accounts must be preserved, including user names, if known; and

- (iii) any of the Individually Assigned File Storage Systems in which relevant Records are stored.

3.4 Release of a Legal Hold

- 3.4.1 The Office of General Counsel will conduct regular reviews of Legal Holds to ensure relevant Records are not retained longer than required. When the General Counsel or delegate determines that a Legal Hold is no longer required, he/she will issue a notice to the Privacy Department and to the persons subject to the Legal Hold lifting the Legal Hold.
- 3.5 Nothing in this procedure, including the issuance of a Legal Hold, alters a department or business unit's responsibility as custodian of Records in accordance with the University's records retention and disposition schedule. Departments/business units are required to retain all original Records and Electronic Records that are subject to a Legal Hold.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Records Destruction Procedure
- Records Management Policy
- Legal Resources Policy
- Student Records Policy

5.0 ACCOUNTABILITY

Responsible Office
Legal

6.0 HISTORY

Relevant Dates

Approved: **23.03.28**

Effective: **23.03.28**

Next Review: **2028.03**

Modification History

- 15.02.26:** This is a new procedure which supports policy D7500 – Privacy – approved by Board motion 02-02-26-2014/15.
- 21.10.27:** Minor revision to update position titles and department names. Approved by Policy Sponsor.
- 23.03.28:** Comprehensively reviewed and revised to ensure alignment with current practices. Approved by President's Policy Committee.