

POLICY No. 45

DOCUMENT RETENTION

1. Term definitions

Retention: the act of holding and preserving information and records.

Documents: collected and preserved information.

2. Intent of the directive

The retention of documents and the maintenance of well-managed parochial and diocesan archives serve to preserve the history and patrimony of the Christian community as well as to assist the Church in carrying out its pastoral mission. Retention for those documents that do not form part of the history and patrimony of the Church.

All formal Acts of the Chancery (i.e. certificates of ordination and installation of various ministries) form part of this history and patrimony.

3. Policy

As a general principle, all those documents that the *Code of Canon Law* prescribes are to be retained, are to be carefully kept and filed.

Among these, we could mention the following:

- Canon 482, §1: acts of the curia; these would be acts which have juridical effect, that is, those which are signed by the Ordinary and countersigned by the chancellor (see Canon 474). Acts of the Bishop or Ordinary, which do not have juridical effect, need not be kept in the archives (such as personal correspondence);
- Canon 486, §2: documents concerning both the spiritual and the temporal affairs of the diocese;
- Canon 489, §2: documents relating to ecclesiastical criminal cases concerning moral matters (with particular norms for their retention);
- Canon 491, §2: historical documents;
- Canon 535, §1: sacramental records, as well as death registers;
- Canon 535, §4: local archives (parishes, etc.): documents relating to spiritual and temporal matters, necessary or useful documents;
- Canon 1082: marriage dispensations granted for occult cases;

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- Canon 1133: records of marriages celebrated in secret;
- Canon 1283, 3°: copies of inventories of temporal goods;
- Canon 1284, §2, 9°: copies of documents and records establishing the rights of the Church to its temporal goods;
- Canon 1306, §2: copies of documents relating to the establishment and governance of canonical foundations;
- Canon 1339, §3: copies of warnings and corrections in criminal cases;
- Canon 1475, §2: judicial acts and documents obtained in processes.

In addition, the following provisions are applicable in the Diocese of Sault Ste. Marie as particular law.

A. Priest personnel files

I. Incardinated priests

1. Seminary records and letters of appointment are retained since they could be used for history and for other canonical procedures which may affect the good of the priest himself.
2. All personnel files of priests' incardinated or serving in the diocese are to be reviewed by the Chancellor of the diocese on a yearly basis. Letters of complaint or comments are retained for two full years, unless there is a complaint involving a criminal matter either ecclesiastic or civil. In this latter case, these letters are retained until the matter has been resolved and then for ten years after the final decision.
3. All psychological and/or medical documents are treated as strictly confidential and are retained only for as long as necessary to be of assistance to the priest and the diocese.
4. If a priest came from another diocese or religious institute and was subsequently incardinated into the diocese of Sault Ste. Marie, the documentation relating to his incardination is retained for historical reasons.
5. If an incardinated priest transfers to another diocese or is on loan outside of the diocese, these documents are retained. However, if the priest is excardinated, then the documents and letters of excardination and subsequent incardination are retained.

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II. Religious or other Priests serving temporarily in the Diocese

6. Letters of permission to serve in the Diocese of Sault Ste. Marie, as well as letters of appointment and, if applicable, immigration documents, are retained.
7. If the priest leaves the diocese to return to his religious institute or diocese of incardination, these documents and letters are retained.
8. If the priest is asked to leave the diocese, these documents and letters to their appropriate Superiors are retained for a minimum of ten years.

III. Priests who left the Diocese

9. If a priest has requested a dispensation from the obligations of the clerical state, the records of the granting of the dispensation from the Holy Father as well as a copy of the entire file that was prepared to support the request is retained.
10. If a priest is exercising ministry outside the Diocese, then the letters of agreement and eventual excardination are retained.
11. In the case of those who have left active ministry, but have not yet asked for the appropriate dispensation, their file is maintained until their status in the Church has been clarified; in the meantime, the retention policies for personnel files of active priests are applied.

IV. Priests who have died

12. In the case of priests who have died, whether they were incardinated in the Diocese were serving in it at the time of death, if the Diocese of Sault Ste. Marie is notified of their death, their letters of appointment, formation records and death notice are retained. In those instances where the Chancellor or the Diocese was named Executor of the will, a record of the execution of their Last Will and Testament as well as any record of final settlement for health care and pension are retained.
13. In the case of priests who have left the diocese or the priesthood, if the Diocese is notified of their death, this notice is also retained in their file.

B. Financial records and pastoral reports

14. All financial records involving the ordinary diocesan and parochial administration shall be retained for ten years.

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15. Documentation relating to acts of extraordinary administration and of alienation of stable property, (such as the erection, suppression, modification of a parish; the sale of diocesan or parochial assets) is to be retained due to its historic value.
16. Annual pastoral reports from the parishes are to be retained for ten years.

C. Insurance Policies

17. Given the present environment in Canada concerning the Church in general and the Diocese in particular, for the protection of the Diocese and Parishes all insurance policies whether expired or not are to be retained indefinitely.

D. Access to documents and responsibility for retention policy

18. It falls primarily to the Chancellor of the diocese to regulate access to documents in the archives and Chancery. Priest personnel files are strictly confidential and may not be accessed by non-Chancery personnel without the prior permission, in writing, of the priest himself, of the Chancellor and of the Diocesan Bishop.
19. The application of the retention policy is the responsibility of the Chancellor. Time periods for the retention of documents may be modified at the discretion of the Chancellor, with the previous consent of the Diocesan Bishop.
20. Documents may be preserved and retained electronically in PDF format or any other secure format accepted by the Chancellor and the Diocesan Bishop.
21. In cases involving any criminal or civil matter, the retention policy is waived and all documents are to be retained.

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