

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 62 - 2018

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***Being a By-law to provide a schedule of retention periods for the records of The Corporation of the Town of Kingsville,  
to establish a Records Retention by-law and to repeal the former  
Town of Kingsville By-law 93-2003 and amendments thereto***

**WHEREAS** Section 254(1) of *the Municipal Act, 2001* as amended requires the Municipality to retain and preserve its records in a secure and accessible manner;

**AND WHEREAS** the municipal auditor approved Schedule “A”, attached to this By-law on July 14, 2017;

**AND WHEREAS** Section 255 (2) of the *Municipal Act*, as amended, provides that the municipality’s records may be destroyed if a retention period for the record has been established and the retention has expired;

**AND WHEREAS** the Council for the Corporation deems it expedient to retain, preserved, and destroy municipal records;

**NOW THEREFORE** the Council of the Corporation of the Town of Kingsville enacts as follows:

### 1. DEFINITIONS

In this By-law:

- (a) **“Archival Review”** shall mean evidential and informational value or records which is determined during a review and justifies the records preservation.
- (b) **“Clerk”** shall mean the Clerk of the Corporation of the Town of Kingsville or designate.
- (c) **“Corporation”** means The Corporation of the Town of Kingsville.
- (d) **“Destroy” or “Dispose”** means the process of eliminating or deleting data, documents and Records so that the records information no longer exists.
- (e) **“Electronic Records”** means data or information which is used to exchange text messages and computer files over a communications network such as local area network or the internet usually between computers or terminals which shows evidence of actions and decisions occurring during the transaction of business.
- (f) **“Permanent”** shall mean a record that is preserved and/or never destroyed or removed from the official records keeping system.
- (g) **“Record”** shall mean information however recorded or stored, whether in printed form, on film, or electronic means or otherwise , and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs, sound recordings, videotapes, machine readable records, and any other documentary material regardless of physical form and or characteristics, made or received in the course of the conduct of affairs of the Municipality, and retained by the Municipality for the purposes of future reference.

- (h) **“Retention Schedule”** shall mean a schedule/timetable that identifies the length of time a specific record must be retained before it may be disposed of.
- (i) **“Superseded”** means the record shall be retained until such time as they have been replaced with more current information.
- (j) **“Transitory Record”** means records, regardless of format, that have temporary usefulness and are not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt or provide evidence of a legal, financial, or operational or other decisions of the municipality.

**A transitory record may be deleted or otherwise destroyed on the same day the transitory record was created or received.**

- (k) **“Vital Record”** means a record that is essential to the continuation or resumption of municipal business in the event of a disaster. A vital record allows the Municipality to resume to fulfilling its obligations to taxpayers, employees, other levels of government and outside interested parties. Examples of vital records include accounts payable and receivable, payroll records, tax rolls contracts, infrastructure drawings.

2. The Corporation of the Town of Kingsville will classify, retain, and destroy record in accordance with this by-law and the Retention Schedule, as attached as Schedule “A”.
3. Records classifications and retention periods indicated in the Records Retention Schedule apply equally to paper and electronic records.
4. Unless otherwise specified in the Retention Schedule, or unless required for legal purposes, or as otherwise provided by law, Transitory Records may be destroyed at any time.
5. All electronic communications which have not been deleted as Transitory Records and are older than five (5) years from the date of receipt or creation can be permanently destroyed.
6. The Clerk shall keep a record of those Records destroyed in accordance with this By-law.
7. The Clerk shall be authorized to update and amend the Retention Schedule in accordance with legislative requirements.
8. That by-law 93-2003 and amending by-law 89-2016 are hereby repealed.

**READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 27<sup>th</sup> day of AUGUST, 2018.**

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**MAYOR, Nelson Santos**

