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Date: August 27, 2018
To: Mayor and Council
Author: Roberta Baines, Deputy Clerk-Administrative Services
RE: Records Retention By-law Update
Report No.: CS-2018-014

AIM

To provide the Mayor and Council with information regarding the new Records Retention By-law and to repeal By-law 93-2003 and By-law 89-2016.

BACKGROUND

The *Municipal Act, 2001* (the “*Act*”) outlines the requirements for a municipal records retention program. Section 254(1) of the *Act* states that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner and, if a local board is a local board of more than one municipality, the jointly affected municipalities are jointly responsible for complying with this subsection.

Furthermore, the *Act* provides that the records of a municipality or local board may be destroyed if a retention period for the record has been established and, (a) the retention period has expired; or (b) the record is a copy of the original record.

In 2016, a report was brought to Council to establish a records management plan. At the same time, the Corporate Services Department undertook a comprehensive review of the current Records Retention By-law 93-2003.

DISCUSSION

The Records Retention By-law 93-2003 has not undergone any significant review or amendment since its inception. A comprehensive review of By-law 93-2003 has since been completed. This review involved hiring an independent consultant (The Information Professionals) to assist in implementing The Ontario Municipal Records Management System (“TOMRMS”), a centralized indexing system for filing records. During this process, the Town prepared an updated retention period schedule that complies with legislation and

training was provided for staff regarding the use and understanding of the schedule. Annually, the Town will receive legislative updates pertaining to retention periods.

As part of the review process, the retention by-laws of neighbouring municipalities were reviewed. The management team was consulted on any changes made to the schedule. On July 14, 2017 the retention schedule was endorsed and approved by our municipal auditor BDO for compliance with Sections 254 and 255 of the *Municipal Act, 2001*, as attached in Schedule A.

The proposed by-law recommends some minor changes to the retention schedule. All changes made were done in consultation with the consultant, the affected department, and the municipal auditor. Below are the highlights of additional proposed changes.

- The most significant change in the draft By-law is the recognition that municipal records can take on a variety of forms (i.e. electronic, printed, film, or otherwise) and includes meeting minutes, email messages, sound records, financial statements, maps and any other document that is made or received in the course of the conduct of the Town's business.
- The Clerk, or the designate, is permitted to amend the schedule for legislative changes to retention periods.
- Transitory records are defined and includes only those records that have temporary usefulness in that they are only required for a limited time to complete a routine activity (i.e. duplicate copies of records, preliminary drafts of documents, email messages unrelated to Town business etc.).
- Schedule "A" of the By-law includes a column designating certain records being vital in the event of a disaster. This is crucial because they are essential to the resumption and/or continuation of operations, the recreation of the legal and financial status of the organization, and the fulfilment of obligations to employees and/or outside interests.

LINK TO STRATEGIC PLAN

Effectively manage corporate resources and maximize performance in day-to-day operations.

FINANCIAL CONSIDERATIONS

There are no financial considerations.

CONSULTATIONS

Director of Corporate Services
Management Team

RECOMMENDATION

That Council adopt the new Records Retention By-law 62-2018 as presented and repeal By-law 93-2003 and By-law 89-2016.

Roberta Baines

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Deputy Clerk-Administrative Services

Jennifer Astrologo

Jennifer Astrologo, B.H.K. (Hons), LL.B.
Director of Corporate Services/Clerk

Peggy Van Mierlo-West

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