



Report to: General Committee

Meeting Date: December 5, 2017

SUBJECT: Update to Records Retention By-law
PREPARED BY: Vanessa Rhodes, Acting Manager, Access & Privacy,
ext. 2082
Martha Pettit, Deputy City Clerk, ext. 8220

RECOMMENDATION:

- 1) That the report entitled “Update to Records Retention By-law” be received; and
- 2) That Council adopt the Records Retention By-law, as outlined in Appendix A to this report; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To ensure the City continues to adhere to its legislative requirements, the City is required to replace its current Records Retention Schedule By-law 2001-101 with an updated version, which supports its current operational needs. The purpose of this report is to adopt the updated Records Retention By-law.

BACKGROUND:

Records and information are essential components of the City’s corporate operations and business activities. The availability of high-quality and accurate records and information to decision-makers supports the delivery of programs and services, enabling departments to be more efficient, responsive, and accountable. Organized, accessible, and accurate information is also a vital component of corporate risk management, transparency, and collaboration ensuring that the City can demonstrate its financial and legal responsibilities to all parties involved.

The City is legislatively required to develop, document, and implement a Records and Information Management program. Section 254 of the *Municipal Act, 2001* requires the City to “retain and preserve the records of the municipality and its local boards in a secure and accessible manner” Section 4.1 of the *Municipal Freedom of Information and Protection of Privacy Act, 1990* (MFIPPA), which came into force on January 1, 2016, requires that the City “ensure that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any recordkeeping or records retention requirements, rules or policies, whether established under an Act or otherwise, that apply to the institution.”

The passage of Bill 8, *Public Sector and MPP Accountability and Transparency Act, 2014* further amended Section 4.1 of MFIPPA with particular respect to records

management by including a provision that made it an offence to “alter, conceal or destroy a record, or cause any other person to do so, with the intention of denying a right under this Act to access the record or the information contained in the record.”

To comply with the *Municipal Act* and MFIPPA, the City must document and implement a program to manage paper and electronic records throughout their respective lifecycles, from creation, use, and maintenance, to disposition that can occur decades after the records are first created.

The City’s current records retention schedule is contained in By-law 2001-101 with various amendments made to Schedule 1 subsequent to that date, with the last amendment being made in 2007. The proposed Records Retention By-law will reflect existing operational practices while meeting legislative requirements.

OPTIONS/ DISCUSSION:

In order to ensure that the City continues to meet its legislative requirements, a complete review was undertaken with the assistance of a records specialist resulting in an updated functional classification index and retention schedule that meets the City’s statutory and operational requirements.

The City enlisted the services of RIM Inc., a company that specializes in records and information management, with over 40 years experience, to assist in the creation of an updated classification index that accurately captures current record keeping needs while maintaining legislative requirements and meeting the International Organization of Standards (ISO 15489) for record keeping.

The proposed Classification Index and Retention Schedule (Appendix A), is the result of extensive consultation with City staff who provided input and feedback into its creation and is consistent with record keeping practices of municipalities across York Region. The proposed Records Retention By-law was reviewed and approved by the Legal Services Department who performed a Citation Review on the final version.

Upon approval and adoption of the updated Records Retention By-law by Council, the next steps of implementation will include training for City staff to ensure they understand their roles and responsibilities regarding record keeping and a review of physical and electronic records that may now be eligible for destruction based on changes in retention schedules. The approval of the updated Records Retention By-law is the first step in a continuous process of record keeping management practices that will continue to develop under the City’s over-arching Records Management Policy.

FINANCIAL CONSIDERATIONS

N/A

HUMAN RESOURCES CONSIDERATIONS

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

The updated Records Retention By-law is consistent with the City's Strategic Priorities that enhance Municipal Services with a focus on transparency and accountability.

BUSINESS UNITS CONSULTED AND AFFECTED:

All Departments were consulted during the initial feedback. Legal Services provided a Citation Review of the final schedule.

RECOMMENDED BY:

2017-11-27

X



Kimberley Kitteringham
City Clerk
Signed by: cxa

2017-11-27

X



Trinela Cane
Commissioner, Corporate Services
Signed by: cxa

ATTACHMENTS:

[Appendix A – Records Retention By-law](#)