



Bill No. 110

BY-LAW NUMBER 2011-

A By-law of The Corporation of the City of Barrie to delegate the authority for establishing or amending retention periods to the City Clerk, to establish a Records Retention Program Policy for the City of Barrie and repeal By-law 2006-029 being a by-law to establish schedules of retention periods for records of the City of Barrie.

WHEREAS subsection 255(1) of the *Municipal Act 2001, S.O. 2001, Chapter 25* provides that except as otherwise provided, a record of a municipality or local board may only be destroyed in accordance with this section;

AND WHEREAS subsection 255(2) of the *Municipal Act 2001, S.O. 2001, Chapter 25* provides that a record of a municipality may be destroyed if a retention period for the record has been established under this section and:

1. the retention period has expired; or
2. the record is a copy of the original record;

AND WHEREAS subsection 255 (3) of the *Municipal Act 2001, S.O. 2001, Chapter 25* provides that a municipality may, subject to the approval of the municipal auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved;

AND WHEREAS section 23.1 of the *Municipal Act 2001, S.O. 2001, Chapter 25* authorizes a municipality to delegate its powers and duties to a person;

AND WHEREAS the Council of The Corporation of the City of Barrie adopted By-law 2006-029 being a by-law to establish record retention periods for records of the City of Barrie;

AND WHEREAS by Motion 10-G-299 the Council of The Corporation of the City of Barrie deems it expedient to repeal By-law 2006-029 and grant the City Clerk delegated authority to establish the retention schedule for the records of The Corporation of the City of Barrie;

AND WHEREAS the Records Retention Program Policy standardizes the policies and practices for all records of The Corporation of the City of Barrie;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** authority for establishing and amending retention periods for the records of The Corporation of the City of Barrie shall be delegated to the City Clerk subject to the approval of the City Auditor of such retention periods.
2. **THAT** the Records Retention Program Policy attached hereto as Schedule "A" be adopted and the City Clerk be authorized to amend the policy from time to time.
3. **THAT** By-law 2006-029 being a by-law to establish schedules of retention periods for records of the City of Barrie be repealed.
4. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 15th day of August 2011.

READ a third time and finally passed this 15th day of August 2011.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – DAWN A. MCALPINE

Schedule "A"

Records Retention Program Policy

<p>Policy Statement:</p>	<p>The Records Retention Program is one of the cornerstones of a records management system, defines the responsibilities and provides a standard for the maintaining and disposal of records as required by applicable legislation.</p> <p>The Retention Schedule defines the processing of all records, regardless of the format and medium of the records, from the creation to the destruction or the transfer to the Archives of The Corporation of the City of Barrie or the Simcoe County Archives.</p>
<p>Purpose and Application:</p>	<p>The retention provisions described in this policy apply to all records created, received or maintained by employees of the City of Barrie in the course of carrying out their corporate duties regardless of the medium or format.</p> <p>Retention provisions are based upon the informational content of the record rather than on its medium.</p>
<p>Definition(s):</p>	<p>Active Record shall mean the records that are referred to and used on a regular basis and are generally stored in a department.</p> <p>Active Retention shall mean the period of time that records are considered active with a higher frequency of use, stored nearby and are readily accessible to the users.</p> <p>Alternate Format Records shall mean original records that have been microfilmed or are available electronically and such record is deemed to be an original copy.</p> <p>Archival Record shall mean a record of enduring significance that has historical value for the City and individuals engaging in historical research.</p> <p>Archival Review shall mean the period of time during which a record is determined as having potential archival value.</p> <p>Archival Value shall mean the evidential and informational value of records, which is determined during review and justifies the records preservation.</p> <p>City shall mean The Corporation of the City of Barrie.</p> <p>Clerk shall mean the City Clerk of The Corporation of the City of Barrie.</p> <p>Code shall mean the reference number for each records series, based on the corporate records classification system (TOMRMS).</p> <p>Computer System shall mean a device or a group of interconnected or related devices, one or more of which:</p> <ul style="list-style-type: none"> a) contains computer programs or other data; and b) pursuant to computer programs, performs logic and control, and may perform any other function. <p>Copy shall mean a record that is a duplicate of an original.</p>

	<p><u>Current</u> shall mean the year in which the record was prepared.</p> <p><u>Data</u> shall mean the representations of information or of concepts, in any form, that are recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device, including a display of that data.</p> <p><u>Department Head</u> shall mean a Director, City Clerk, Treasurer, Fire Chief, or respective designate, of The Corporation who is responsible for a specific department.</p> <p><u>Dispose</u> shall mean to destroy a record or remove it from the official records keeping system.</p> <p><u>File</u> shall mean a collection of related records.</p> <p><u>Inactive Retention</u> shall mean a period of time that records not currently active shall be kept in a lower cost storage location.</p> <p><u>Non-records</u> shall mean extra copies of documents kept solely for convenience of reference or records not usually included within the scope of the official records of the City of Barrie. See Transitory Records for further information.</p> <p><u>Official Holder</u> shall mean the functional unit of The Corporation that creates the record(s) and/or is responsible for retaining/maintaining the official/original record(s).</p> <p><u>Official Record</u> shall mean a record that has operational, legal, fiscal, vital or historical value and that is legally recognized as evidence of a business transaction or establishes facts.</p> <p><u>Original</u> shall mean a record that was first produced or is a source document or is received by a department.</p> <p><u>Orphan Data</u> shall mean data that:</p> <ul style="list-style-type: none"> a) is not machine readable by any of the City's computer systems in place during the disposal year, because the data exists with no identifiable computer application that can retrieve the data; or b) is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced City employee who is knowledgeable about the business function or functions to which the data relates. <p><u>Permanent</u> shall mean a record that is preserved and/or never destroyed or removed from the official records keeping system.</p> <p><u>Record</u> shall mean any unit of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, sound recordings, videotapes, machine readable records, and any other documentary material, regardless of physical form or characteristics, made or received in the course of the conduct of the affairs of the City, and retained by the City for the purposes of future reference.</p>
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	<p><u>Records Centre</u> shall mean a low-cost facility for the controlled maintenance, retrieval, and disposal of semi-active or inactive records.</p> <p><u>Records Series</u> shall mean a group of records that relate to a particular function or operation, that are filed together, and need to be retained for the same period of time.</p> <p><u>Retention Period</u> shall mean the period of time during which a specific records series must be kept before records in that records series may be disposed of and is calculated from the close date of the record. It includes a period of time the record is retained in the department after closure (active) plus a period of time in the Records Centre (inactive).</p> <p><u>Retention Schedule</u> shall mean a schedule/timetable that identifies the length of time a specific record series must be retained for before it may be disposed of.</p> <p><u>Superseded</u> shall mean the record shall be retained until such time as they have been replaced with more current information.</p> <p><u>TOMRMS</u> shall mean The Ontario Municipal Records Management System which is The Corporation's standardized file classification system.</p> <p><u>Transitory Record</u> shall mean a record that is:</p> <ul style="list-style-type: none"> a) retained solely for convenience of reference; b) required solely for the completion of a routine action, or the preparation of another record; c) of insignificant or of no value in documenting City of Barrie business transactions; d) not an integral part of a City record; e) not filed regularly with the City of Barrie's records or records keeping system; f) not required to meet statutory obligations or to sustain administrative or operational functions; g) about social events that are not City special events; h) not related to City business; i) a publication, telephone directory, catalogue, pamphlet or periodical that does not form part of any record <p><u>Vital Record</u> shall mean a record that is essential to the continuation or resumption of City business in the event of a disaster. A vital record allows the City to continue to fulfill its obligation to taxpayers, employees, other levels of government and outside interested parties. Examples of vital records include: accounts receivable, accounts payable, payroll records, tax rolls, contracts, infrastructure drawings, etc.</p> <p><u>Working Papers</u> shall mean rough notes, work preparation materials and instructions, calculations, preliminary drafts, rough research notes and similar materials used in the preparation of correspondence, statistical tables, reports or other records. Preliminary drafts of letters, memoranda, reports, etc. which do not form significant stages in the preparation of a final document and do not record official decisions.</p>
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<p>Specific Policy Requirements:</p>	<p>General Principles:</p> <p>The following general principles shall govern the destruction of records:</p> <ol style="list-style-type: none"> 1. No official record shall be destroyed unless first classified according to the current records classification system. 2. No official record shall be destroyed unless the retention period has expired or the record is a copy of the original record. 3. All records shall be destroyed in a manner that preserves the confidentiality of any information contained in such records. 4. No official record shall be destroyed without the appropriate authorization. 5. Any records pertaining to pending/actual litigation, an investigation or a request under privacy legislation shall not be destroyed until such records are no longer required for this purpose. <p>Responsibility</p> <p>As the “Official Records Keeper” under the Municipal Act and By-law 90-110 the City Clerk or his/her designate is responsible for keeping a copy of all disposal reports on a permanent basis and for authorizing the establishment of retention schedules.</p> <p>It is the responsibility of all employees of The Corporation of the City of Barrie to follow the provisions of the Records Retention Program. City employees are expected to manage the records created, received and controlled within their department or unit regardless of format, in good operational order and in accordance with the approved file classification.</p> <p>Organization</p> <p>The Corporation organizes records according to the approved corporate classification system which is based on the City of Barrie’s business activities.</p> <p>Records Ownership</p> <p>All records created, received, used or maintained by officers and employees in the course of their duties on behalf of The Corporation are the property of the City of Barrie.</p> <p>Employees leaving their positions with the City shall leave all records for their successors. This applies to both temporary and permanent departures, including transfers within the organization.</p> <p>Implementation</p> <p>Review of the Record Retention Schedule shall take place on a regular basis to ensure legal compliance. Upon the approval by the City Auditor, the City Clerk will establish the retention schedule.</p>
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	<p>As part of the regular process for the disposal of records and prior to any destruction of records, such destruction shall be authorized in writing by the appropriate Department Head/Director. Such authorization shall note the code, subject of the records, the title of the record, period of time the records relate to and shall identify the Retention Schedule under which the disposal was authorized.</p> <p>Upon the City Clerk satisfying him/herself that the retention period as set out in the appropriate Retention Schedule has expired, and disposal has been properly authorized by the department, he/she shall then:</p> <ul style="list-style-type: none"> a) order the record(s) to be destroyed, in a manner which complies with <i>the Municipal Freedom of Information and Protection of Privacy Act, 1989</i>; or b) set aside the record(s) for long-term or permanent retention; or c) transfer the record(s) to the custody and control of the Archives program operated by the City Clerk's Office or the Simcoe County Archives. <p>Copy/duplicate records do not require formal approval for destruction.</p> <p>The Records Retention Program doesn't apply to records that were not made in the course of city business.</p> <p>Orphan Data – Electronic Systems</p> <p>Prior to the destruction of any orphan data, the following documentation is required:</p> <ul style="list-style-type: none"> a) A written description of the orphan data containing, to the extent that such information is obtainable, the following: <ul style="list-style-type: none"> i. the title of the orphan data; ii. the identification of the department/section that is responsible for the creation or use of the orphan data; iii. a brief description of the orphan data's purpose; iv. the format/software the orphan data is stored in; v. a brief description of any sub data, their purpose and relationship to the main data or other sub data; vi. The written approval, authorizing the orphan data's disposal from the department head or designate who is responsible for the business function to which the orphan data relates. <p>To allow for the reduction of space required for their storage records created for long-term regardless of format shall be deemed to be the original for the purposes of this policy if so indicated in the Retention Program. Such records shall be retained subject to the approved retention schedule.</p> <p>Records Protection</p> <p>It is the intention of The Corporation to protect their records for the duration of their scheduled retention through appropriate storage.</p>
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	<p>Records Storage</p> <p>It is the intention of The Corporation to store records in a manner that:</p> <ul style="list-style-type: none"> a) prevents loss through misplacement, deterioration, accidental destruction, and/or theft; b) prevents unauthorized or inappropriate access; and c) ensures continued readability. <p>Records Disposal</p> <p>It is the intention of The Corporation to destroy records as feasible in accordance with the approved retention schedule and in a secure and confidential manner based on informational content and format.</p> <p>Subject to the <i>Municipal Freedom of Information and Protection of Privacy Act</i>, the following applies to the retention and disposal of all <u>transitory, duplicate or copy</u> records created or received by City employees:</p> <ul style="list-style-type: none"> a) A copy of a record may be destroyed at any time if the original is subject to a retention period established by the Records Retention Schedule. b) A transitory record may be deleted or otherwise destroyed unless otherwise specified in the schedule or unless required for legal or legislated purposes when their value ceases as determined by the individual work unit. <p>A transitory record shall be destroyed if the record does not possess archival value and if there is no further business or legal requirement to retain the record in an original format.</p> <p>Suspension of Policy</p> <p>In the event of a notice of litigation, notice of claim, audit or investigation for which the City may have relevant records, the suspension of this policy shall come into effect for all records applicable to the issue.</p> <p>Compliance</p> <p>Compliance with the records retention program will be reviewed on a regular basis.</p>
<p>Date Approved by City Council</p>	
<p>Rationale and Legislative Authority:</p>	<p>The Municipal Act provides that a record of a municipality may be destroyed if a retention period for the record has been established and the retention period has expired; or the record is a copy of the original record. The municipality may, subject to the approval of the Municipal Auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved.</p> <p>By-law 2011-XXX provides that the City Clerk is granted delegated authority to establish retention periods for the records of The Corporation of the City of Barrie.</p>