



Records Retention By-law By-law XXX-2023

A by-law to provide the record retention schedule and related principles, policies and procedures, for the records of the Corporation of the Town of Orangeville.

Whereas Section 255 of the Municipal Act, S.O. 2001, c. 25, as amended provides that a municipality may establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with Section 254 thereof;

And whereas Schedule A in By-law 075-2022 delegates certain authorities to the Clerk, including the establishment and amendment of retention periods for the records of the corporation;

And whereas it is now appropriate that Council repeals By-law 104-2012, the Records Retention By-law, and replaces it with the updated Records Retention By-law XXX-2023.

Be it therefore enacted by the municipal Council of the Corporation of the Town of Orangeville as follows:

1 Title

This by-law may be referred to as the “Records Retention By-law” of the Town of Orangeville.

2 Definitions

In this by-law:

“**Archives**” means the final storage location, either on-site, or off-site, for records that contain permanent retention (as outlined in the retention schedule) due to the historical or research value of the content.

“**Classification system**” means the systematic identification and arrangement of records into categories according to established and structured conventions, methods and procedural rules, and that complies with current provincial and federal legislation.

“**Clerk**” means the Clerk, Deputy Clerk or designate of the Corporation of the Town of Orangeville.

“**Code**” means the reference number for each record series, based on the corporate records management system (TOMRMS: The Ontario Municipal Records Management System).

“Copy” means a duplicate of an official record retained for convenience of access or reference.

“Corporation” means The Corporation of the Town of Orangeville.

“Destroy” means that a record is securely shredded by a Town partner or securely deleted.

“Digital Records Conversion” means converting records from their original paper format to a digital format, in order for the digital record to become the official, authoritative record, thereby allowing the paper record to be treated as a **copy**.

“Disposition” means to remove a record from the official record keeping system by destruction or selecting for transfer to an **archives**, in accordance with the **corporation’s** policy.

“Legal Hold” means a process that preserves by directive all forms of relevant records (paper and electronic) when litigation is reasonably anticipated, which may occur several years before any claim or court action is started. For the purposes of a legal hold, litigation can be reasonably anticipated when certain “triggering events” occur.

“Microsoft OneDrive” is a personal file hosting service that operates in the cloud and is recognized by the **corporation** as a personal repository for transitory information.

“Official record” means the authoritative version of a record that has operational, legal, fiscal, vital or historical value and that is recognized as evidence of a business transaction or establishes fact. An official record also documents the Town’s obligations or responsibilities or records information that was created, received, distributed or maintained by the Town and is in compliance with legal obligations and where applicable, with **Records Management Policies**.

“Official repositories” means physical or digital repositories for records and information that are approved by the corporation as containing the necessary security and privacy elements for use with respect to Town business.

“Orphan data” means data that is not machine-readable because the data exists with no identifiable computer application or system that the **corporation** utilizes, or the data is machine readable but does not have sufficient content, context or structure to render it understandable.

“Record” means any unit of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings, graphics, photographs, film, microfilm/microfiche, audio recordings, videotapes, e-mail, machine readable records, and any other documentary material regardless of physical form or characteristics and including “official records” and “transitory records”

“Record Lifecycle” means the various stages the information proceeds through, including creation, maintenance and use, storage, security, and final disposition.

“Record series” means groups of records that relate to a particular function or operation, that are filed together in relation to a specific **code**, and that need to be retained for the same period of time.

“Records Management Policies” means the systematic control of records and information through its lifecycle by the establishment of a policy framework. It supports the commitment to the effective, efficient, and secure management of recorded information, regardless of format.

“Retention period” means the period of time during which a specific records series must be kept before records in that record series may be disposed of.

“Retention schedule” means the schedule prescribing how long specific records must be retained before they may be disposed of.

“Retention symbols” Schedule A attached hereto includes letters at the bottom of each page of the schedule. The letters symbolize the following:

“S” means superseded. The record shall be retained until such time as the subject to which it pertains has ended in a manner appropriate to the subject or has been replaced with more current information.

“E” means event. The retention period indicated begins after a specific event, as explained in the notes, if applicable.

“T” means terminated. The record shall be retained until such time as the subject to which it pertains has ended in a manner appropriate to the subject.

“P” means permanent. The record shall be preserved in perpetuity and not destroyed.

“SAS” means subject to archival selection. These records have been designated as having potential historical and research value to the **corporation**, by the responsible division’s manager, general manager or **Clerk** or designate, when their other values have been exceeded. These records will remain in the official record keeping system and will be periodically re-appraised for their archival value.

“TOMRMS” means The Ontario Municipal Records Management System, and is the Town’s classification system provider.

“Transitory record” means a record that is:

Retained solely for convenience of reference;

Required solely for the completion of a routine action, or the preparation of another **record**;

Of insignificant or of no value in documenting Town business transactions;

Not an integral part of the Town **record**;

Not filed regularly with the Town of Orangeville’s **records** or records keeping system;

Not required to meet statutory obligations or to sustain administrative or operational functions;

About social events that are not special Town events;

Not related to Town business;

A voicemail message.

“Unstructured Data” means data that is not actively managed in a relational database management system or organized in a pre-defined structure.

3 Retention Schedule

- 3.1 The record retention schedule attached hereto as “Schedule A”, forms part of this by-law.
- 3.2 The **Clerk** shall administer this by-law and shall ensure that the retention periods set out in “Schedule A” attached hereto comply with all relevant legal and business requirements.
- 3.3 In determining the retention periods for any records, as set out in Schedule A of this by-law, the **Clerk** shall consider, in consultation with other employees of the **corporation** where necessary:
 - 3.3.1 The operational nature of the records, including the period of time during which the **corporation** uses the records to perform its functions;
 - 3.3.2 The legal nature of the records, including the period of time necessary to comply with statutory or regulatory requirements or requirements imposed by agreements, permits or similar documents, or to ensure that the records are available in case of investigation or litigation.
 - 3.3.3 The fiscal nature of the **records**, including the period of time necessary for audit or tax purposes; and,
 - 3.3.4 The historical nature of the records, including the long-term value of the records for documenting past events or the origins and history of the **corporation**.

4. Disposition of Records

- 4.1 Official records in the custody of or control of the **Corporation** shall not be destroyed unless such records are older than the retention period set out in Schedule “A” of this by-law and have been identified in a destruction notice prepared pursuant to the **Records Management Policies**.
- 4.2 The **Clerk** shall notify the appropriate Division Manager in writing of the scheduled disposition of **records**, including a list of the **records** eligible for disposition and the proposed disposition date.
- 4.5 When official records have been disposed of pursuant to this by-law, the **Clerk** shall obtain written confirmation of such disposition.
- 4.6 The confidentiality of the records are to be maintained during disposition.

- 4.7 Copies may be destroyed at any time provided that the official records are being retained in accordance with Schedule “A” of this by-law.
- 4.8 Official records pertaining to legal holds shall not be destroyed.
- 5 **Employee Roles and Responsibilities**
- 5.1 All Employees have the responsibility to:
 - 5.1.2 Ensure that all records they create, use, store or receive to support a Town business or functions are managed and preserved as required by this by-law, applicable procedures and policies, and the Records Retention Schedule By-law;
 - 5.1.3 Create and maintain records whenever it is necessary to document, support or direct key decisions;
 - 5.1.4 Understand and apply records and information management, security, confidentiality, and privacy protection policies and standards;
 - 5.1.5 Identify official and transitory records and manage them in such a way that it provides concise, accurate, and complete evidence of decisions, transactions, and activities, regardless of communication methods;
 - 5.1.6 Store official records in **official repositories**;
 - 5.1.7 Apply the accurate **classification** to records for their use, maintenance, storage or disposition.
- 5.2 Managers have the responsibility to:
 - 5.2.1 Ensure that the **corporation’s Records Management Policies** and procedures are followed, and work with the Clerk’s Division to ensure that they are applied in projects and processes;
 - 5.2.2 Ensure employees are trained to carry out their records management obligations;
 - 5.2.3 Recommend, when necessary, record retention period revisions, relating to records in their custody or control to ensure the schedule meets the business unit’s operational requirements;
 - 5.2.4 Ensure departing employees, where possible, have completed all records management requirements and take steps to verify that all records containing business value have been saved in the **official repositories**;
 - 5.2.5 Inform the Clerk of breaches of records management policy (e.g. damage, theft, misuse, privacy complaints or unauthorized disposition of records); and
 - 5.2.6 Make decisions regarding the format of official records and ensure employees routinely dispose of convenience copies and duplicates.
- 5.3 The Information Technology Division has the responsibility to:

- 5.3.1 Provide technical support for the installation, maintenance and upgrading of records and information management software and related programs to ensure compliance and access within the Town's networked systems.
- 5.3.2 Ensure the security and integrity of all digital repositories; and
- 5.3.3 Consult with the Clerk's Division on the implementation of software, primarily as it relates to the functions and capabilities for **Records Management Policies**.
- 5.4 The General Manager of Corporate Services has the responsibility to:
 - 5.4.1 Provide leadership for the corporate-wide implementation of the RM program and its policies, standards, strategic planning, training and quality assurance as an integral part of the organization's usual and ordinary course of business; and
 - 5.4.2 Make recommendations to the Senior Management Team and Council regarding additional requirements for **Records Management Policies**.
- 5.5 The **Clerk** shall:
 - 5.5.1 Administer the **corporation's Records Management Policies**.
 - 5.5.2 Report to Council annually regarding any original policies or amendments to **Records Management Policies**
 - 5.5.3 Review and make recommendations with respect to this by-law, including Schedule A, attached hereto;
 - 5.5.4 Ensure that official records are preserved and disposed of in accordance with Schedule A, attached hereto;
- 6 Digital Records Conversion**
 - 6.1 To promote efficiency and ease of access, records originally created in a paper format, may be converted to a digital format by meeting the criteria and standards as detailed in the **Records Management Policies**.
- 7 Legal Holds**
 - 7.1 The **Clerk** has the authority to suspend or reschedule the scheduled disposition of records in the event of anticipated litigation, or to assess legal requirements, compliance, or other concerns at their discretion.
 - 7.2 Any legal hold shall be managed in accordance with the **Records Management Policies**.
 - 7.3 When appropriate, the **Clerk** has the authority to restart the scheduled disposition once all litigation, legal requirement, compliance, or other concerns have been resolved.
- 8 Repealing Section**
 - 8.1 By-law 104-2012 of the Town of Orangeville is hereby repealed.
- 9 Effective Date**
 - 9.1 This by-law shall come into force and effect on January 4th, 2024.

Passed in open Council this XX day of December, 2023.

Mayor

Date

Clerk

Date