



ORANGEVILLE OPP DETACHMENT BOARD

87 Broadway, Orangeville L9W1K1 Telephone: (519) 941-5650 Fax: (519) 940-8275
Chair T. Taylor • Vice-Chair I. McSweeney • L. Post • W. Maycock • G. Armstrong • J. Weatherbee

This Agreement made effective September 15, 2020, and Amended and Restated effective April 1, 2024.

Archival Services Agreement

BETWEEN:

THE ORANGEVILLE OPP DETACHMENT BOARD
(hereinafter called the "Board")

- and -

The Town of Orangeville
{hereinafter called the "Town"}

WHEREAS on December 2, 2019, Orangeville Council voted to transition to the Ontario Provincial Police (the "OPP") and disband the Orangeville Police Service effective October 1, 2020 (the "Disbandment");

AND WHEREAS prior to April 1, 2024, the Board was a "local board" under Section 1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "Act");

AND WHEREAS section 254(2) of the Act requires "local boards" to retain and preserve their records in a secure and accessible manner;

AND WHEREAS Section 255(6) of the Act exempts law enforcement records from the jurisdiction of the municipality and thus requires that local policing boards establish retention periods for their law enforcement records;

AND WHEREAS effective April 1, 2024, under the *Community Safety and Policing Act, 2019* (CSPA) the Board is not a "police service board" and therefore ceased to be a "local board" under the Act;

AND WHEREAS prior to April 1, 2024 the Board and the Town entered into an Archival Services Agreement for the provision by the Town to the Board of archival services with respect to Board records; provided that records transferred pursuant to such Agreement remain, for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act* R.S.O. 1990, c.M.56 ("MFIPPA"), under the ownership and control of the Board as an "institution" under MFIPPA;

AND WHEREAS Board By- Law No. 002-2024 governs the retention and destruction of Board records (the "Records By-Law");

AND WHEREAS having regard to the above, it continues to be the policy of the Board to provide for the retention, preservation and destruction of its records based on the requirements of the Act and to provide public access to such records in accordance with the Municipal Freedom of Information and Protection of Privacy Act, 1989 (the "MFIPPA") through its Records By-Law and this Amended and Restated Archival Services Agreement (the "Agreement");

NOW THEREFORE the parties agree as follows:

1. The Town is appointed as the archive service provider of Board records, which the Town agrees to retain and preserve in a secure and accessible manner based on the requirements of the Act and the Records By-Law (or a comparable records retention policy approved by the Board), subject to the following:
 - a. Board requests for records access;
 - b. any directions received by the Town from the Board to transfer, upon receipt of a written request from the OPP, all, or any part of the Board's records to the OPP in conjunction with the Disbandment; and
 - c. the return to, and acceptance by, the Town as archive service provider of any records transferred to the OPP which the OPP determines should be returned to the Board.
2. Prior to transferring any Board records to the OPP under section 1 above, the Town, as archival service provider, shall obtain from the OPP written confirmation that:
 - a. the transferred records will be retained and preserved by the OPP in a secure and accessible manner based on the requirements of the Act;
 - b. the transferred records will remain subject to the records retention requirements contained in the Records By-Law or contained in such other comparable records retention policy as is approved by the Board; and
 - c. any of the transferred records which the OPP determines should be returned to the Board, shall be returned, together with an itemized records list, to the Town as the Board's archival service provider.
3. Any request for records access or record transfer directions to the Town from the Board shall be considered sufficient and valid in all circumstances if provided to the Town in a written communication signed by the Chair and Vice-Chair of the Board and accompanied by a certified copy of approved Board resolutions.
4. Subject to the Town's authority to process freedom of information under the MFIPPA and other similar requests relating to records held by the Town under this Agreement, all in-camera and other confidential information included in Board records held by the Town shall not be publicly disclosed without express Board approval in writing. The Town shall provide the Board with written notice of all such requests and shall,

when asked, advise the Board in writing of the progress and outcome of all such requests.

5. This Agreement may be amended or terminated at any time by the parties in writing.

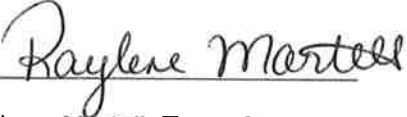
Dated effective April 1, 2024.

The Orangeville OPP Detachment Board

By: 

Todd Taylor, Board Chair

The Town of Orangeville

By: 

Raylene Martell, Town Clerk