



By-Law No. 002-2025
(Amended and Restated as at January 21, 2025)

A By-Law to repeal and replace By-Law 002-2024 being a By-Law governing the retention and destruction of Orangeville OPP Detachment Board (the “Board”)¹ records

A. Preamble

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 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:

1. Board By-Law 002-2025 with respect to the retention, preservation and destruction of Board records;
2. an Archival Services Agreement dated September 15, 2020, as amended effective April 1, 2024, (the “Agreement”) between the Board and the Town of Orangeville (the “Town”) under which,
 - a. the Town has been appointed the archive service provider of Board records which the Town has agreed to retain and preserve in a secure and accessible manner in accordance with the terms of the Agreement; and
 - b. the Board has delegated to the Town its powers and duties under MFIPPA with respect to Board records; and
3. Board Policy D3(g) - Freedom of Information and Protection of Privacy (the “Policy”);

AND WHEREAS post-October 1, 2020 transition of the Orangeville Police Services (“OPS”) to the Ontario Provincial Police (the “OPP”), and the transition of the Board from s.31 of the *Police Services Act* to s.10, responsibility for Orangeville police service operational records (i.e., records other than Board records) was transferred to the OPP and residual operational records not required by the OPP were transferred by the OPS to the Town to be held

¹ Prior to April 1, 2024, the Orangeville Police Services Board

pursuant to the terms of the Agreement, this By-Law and the Policy;

AND WHEREAS effective April 1, 2024 the Board became an “OPP detachment board” under Part V of the CSPA;

AND WHEREAS in a November 19, 2024 Report to the Board the Town Clerk outlined a proposed a multi-phase approach to review the records that are being archived by the Town to ensure proper disposition as per this By-law 002, including a protocol for the elimination of duplicate records, a protocol for the identification and destruction of records that have passed their retention dates (with Board approval);

AND WHEREAS the Board has approved the November 19, 2024 Report, including Table 1 setting out the proposed implementation of the Town’s multi-phased approach as set out in Schedule E;

AND WHEREAS pending full implementation of the November 19, 2024 Report, the Board wishes to confirm its records retention and destruction of records By-Law which applies to records as defined herein (other than records in the possession of the OPP) to:

- 1) Set standard record retention periods;
- 2) This By-Law does not pertain to records stored on the Ontario Police Technology Information Co-Operative (OPTIC);
- 3) Achieve efficiency and economy in controlling the space and equipment needed to store and secure these records through orderly destruction of records no longer of value and the systematic transfer of records to dormant storage;
- 4) Ensure the preservation of records of historical or noteworthy value;
- 5) Establish an authority for the destruction of records;
- 6) Promote efficient storage of records to allow for retrieval of personal information within a reasonable period of time (30 days); and
- 7) Ensure that reasonable steps are taken in protecting the confidentiality of records containing personal information during their storage, transportation, handling and destruction.

NOW THEREFORE the Board hereby enacts as follows:

B. Definitions

- 1) For the purposes of this By-Law, the following definitions will apply:
 - a) **"current"** means in general circulation or use;
 - b) **"current year"** means the calendar year in which the record was created;
 - c) **"dormant records"** means records that are no longer active yet havenot reached their destruction date. These records may be stored in a more remote storage area and thus, not readily accessible;
 - d) **"historical records"** means records of historical or noteworthy value after their administrative value expires. A record is of historical value if it

concerns:

- the policies of the Board and the various reasons for their adoption;
 - the organization and administrative history of the Board or Orangeville Police Service;
 - a specific individual transaction which established a legal status of any kind;
 - documents relating to the Orangeville Police Service that may be presumed to have a general or continuing interest;
- e) **“permanent”** means the record will be kept as long as possible in the format used;
- f) **“record”** means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, other than a record in the possession of the OPP, and includes:
- correspondence, meeting minutes, policies, By-Laws, memorandum/document, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable record, any other documentary material, regardless of physical form or characteristics and any copy thereof; and
 - subject to any regulations made under the MFIPPA, any record that is capable of being produced from a machine readable record under the control of the Board by means of computer hardware and software, or any other information storage equipment and technical expertise normally used by the Board;
- g) **"records retention schedule"** means Schedule A attached hereto and shall form part of this By-Law and be the authority for the Board to regulate the retention and destruction of records;
- h) **"records grouping"** means that when one record is attached to another or grouped together to form an information bank, file or dossier, the retention period for the group is ascertained by the longest period scheduled with respect to a record in such a grouping;
- i) **"retention period"** means the period, expressed in calendar years, during which a record shall be retained. Records may be retained for a longer period than shown in the schedules but only where a clear requirement for such action can be justified; and
- l) **"working papers"** means rough notes and preliminary drafts, calculations, etc. used in the preparation of other records. These become of little value once the finished product/record has been produced and shall be destroyed as soon as practicable.

C. Responsibility for Compliance

It is the responsibility of anyone assigned custody of a record or series of records to keep such records confidential to the extent they relate to in-camera or other confidential matters, other than as required by law, and to apply the retention schedule in accordance with the provisions of this By-Law.

D. Control Log

Every person responsible for the custody of records will maintain a "control log" of records or boxes transferred to the records storage area and a written notice of records transferred will

be forwarded to the person in charge of the records storage area along with the records. All boxes must be properly labeled, showing contents, year and retention period prior to transferring to inactive storage. See the Town's Ontario Police Services Board Records Retrieval Procedure and Record Request Form attached as Schedules B and C respectively.

E. Disposal of Records

Disposal of records after the retention period expires is the responsibility of the Executive Assistant, or designate, in consultation with the Board and the Town under the Agreement. The Executive Assistant, or designate, shall maintain a "disposal authorization record" in the form of Schedule D which will detail what records have been destroyed, when, by whom and the manner in which the records were destroyed. Disposal authorization records shall be permanent.

F. Security

- 1) Records containing personal information and waiting for transfer to inactive storage and/or destruction shall not be left unattended in hallways or unprotected areas;
- 2) Rooms used for storage of manual and electronic records should where practical be secure; and
- 3) Access to storage rooms should be monitored and retrieval of records documented.

G. Personal/Private Information

It is important that proper steps be taken to ensure that personal/private information located within records cannot later be retrieved or reconstructed. Personal/private information shall be destroyed pursuant to the MFIPPA and the regulations thereunder and directions and guidelines made therefrom.

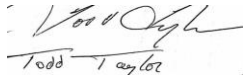
H. Outside Services

Outside suppliers of disposal services should, where possible, be bonded and security provisions included in their service contract.

I. Enactment

- 1) By-Laws, sections of By-Laws and procedural policies of the Board inconsistent with this By-Law 002-2025 are hereby revised to remove any such inconsistency ; and
- 2) This By-Law 002-2025 which repeals and replaces By-Law 002-2024 shall come into force on the date of its enactment.

ENACTED AND RATIFIED effective the 21st day of January, 2025.



Todd Taylor

Chair,
Orangeville Police Services Board



Vice-Chair,
Orangeville Police Services Board

Schedule A

Orangeville Police Services Board Records

Subject	Description	Retention
Acts and Regulations	Community Safety and Policing Act, 2019 S.O. 2019 c.1, and Regulations thereunder, etc.	While in effect
Agreements	Contracts, protocols, Memorandums of Understanding	Permanent
By-Laws	Board By-Laws (current and past)	Permanent
Budgets	Operating and capital budgets as approved by the Board with supporting records	7 years
Collective Bargaining	Collective agreements	Permanent
	Grievances	Current plus 5 years
	Correspondence	Permanent
Correspondence	General correspondence	Permanent
Employment Contracts and Personnel Files	All related documents	Current plus 1 year
Finance	Originals and/or copies	5 years
Minutes of Board and Committee Meetings	Originals	Permanent
Oaths	Oaths of Office of Board Members	Duration of appointment
Policies	Board policies (current and past)	Permanent
Tenders	All related documentation	Current plus 5 years
Disposal Authorization Records	Schedule D	Permanent

Schedule B
Corporate Procedure

OPP Detachment Board (“Board”) Records Retrieval

Subject: Procedure for requesting Board records from Town Hall

Division: Clerks

Service Area: Records Management, OPP, OPP Detachment Board

Revision Date: April 1, 2024

Purpose

The purpose of this procedure is to outline the process for requesting, retrieving, and returning Board records located at Town Hall.

Scope

This procedure applies to Records Staff, OPP, Board, and other Law Enforcement Agencies.

Procedure

A. This procedure is informed by the Archival Services Agreement. The agreement has been referenced where applicable.

B. Requesting Records:

All requests for records will be sent to records@orangeville.ca

The received data will be entered into the Records Retrieval and Return form, which includes an itemized list of requested records.

Please provide the following:

Board

1. A certified copy of the approved Board resolution (*Section 3*). Please include which records you are looking for in this resolution.

2. Requesters name and full contact information, including:
 - Email
 - Phone number and extension
 - Job Title
3. A detailed description of the requested records, including:
 - Date(s) and Year(s)
 - Surname(s)
 - Box information (number, subject)
 - Any identifying alpha-numerical information.
4. Records Staff will contact the requester to schedule an appointment to retrieve the requested records.

OPP / Other Law Enforcement Agencies

1. Requesters name and full contact information (must be high ranking law enforcement officer authorized to access the requested records). Please include:
 - Email
 - Phone Number and extension
 - Job Title
2. A detailed description of the requested records. Please include:
 - Date(s) and Year(s)
 - Surname(s) and First Name(s)
 - Box information (number, subject)
 - Any identifying alpha-numerical information.
3. If requesting employee/personnel records, must include copy of the consent approval form from the affected employee.
4. **Note:** If required, the Clerk or Deputy Clerk will decide if the consent of the Board is required for any requested records.
5. Records Staff will contact the requester to schedule an appointment to retrieve the requested records.

C. Retrieving Records:

Records can be retrieved at Town Hall between the hours of 8:30 am to 4:30 pm, Monday-Friday. Exact pick up location will be confirmed prior to retrieval.

For tracking and verification purposes, a signature will be required from the requester to retrieve the records (*Section 1 [c] and 2*).

A reasonable timeframe for retrieval will be followed, however, the volume of the request may have some bearing on the speed of service.

Records may be signed out for 30 days at a time. A courtesy email reminder will be sent out intermittently. If you require more time, please notify us by email at records@orangeville.ca or contact the Records Coordinator at agraham@orangeville.ca

D. Returning Records:

Records can be returned to Clerk's Administration Counter on the main level at Town Hall. Alternative arrangements may be made with the Records staff.

For tracking purposes and to verify all items are returned, a signature will be required to return the records (*Section 1 [c] and Section 2*).

References

Board Archival Services Agreement – September 15, 2020, as amended

Schedule C



OPP Detachment Board (“Board”) Records Retrieval Request Form

Subject: Form for Requesting Board Records from Town Hall

Division: Clerks

Service Area: Records Management, OPP, Board

Revision Date: April 1, 2024

OPP / Other Law Enforcement Agencies

1. Requesters name and full contact information (must be high ranking law enforcement officer). Please include:

Full Name:	
Email:	
Phone Number and extension:	
Job Title:	

2. A detailed description of the requested records. Please include:

Date(s) and Year(s):	
Surname(s) and First Name(s):	
Box information (number, subject):	
Any identifying alpha-numerical information:	
Would you like the originals or a scan of the document(s)?	

3. If requesting employee/personnel records, must include copy of the consent approval form from the affected employee.
4. If necessary, the Board may need to provide consent prior to the release of requested records.
5. Records Staff will contact the requester to schedule an appointment to retrieve the requested records. If the requester has chosen that scans are suitable, they will receive these to the email specified on the form.

Schedule D



Records Destruction Authorization

Submitted by:

The records listed below are now eligible for destruction according to the approved records retention schedule. Please indicate your approval for the destruction unless reasons to delay exist. If the destruction is to be delayed, please give the reason in the space indicated and provide a revised destruction date.

Record or Incident #	Description of Record	Date of Destruction	Method of Destruction

Reason for Destruction or Continued Retention:

Chair/Executive Assistant/Designate - _____ Date:

Certificate of Destruction

This completed and signed form certifies that the records listed above have been destroyed on the dates shown above.

Destroyed by Signature:	Date:

Schedule E



Report

To: Orangeville OPP Detachment Board

Subject: Orangeville Police Service Records Management and Archival Services

Department: Clerk's Division, Corporate Services

Meeting Date: November 19, 2024

Recommendations

That report Orangeville Police Service Records Management and Archival Services, be received; and

That the Town Clerk or designate be authorized to maintain Orangeville Police Service Records as outlined in this report.

Background & Analysis

The Town of Orangeville provides archival services to the Orangeville OPP Detachment Board (the "Board") with respect to Orangeville Police Service (OPS) records.

Archival Services Agreement

On April 1, 2024, the Board and the Town of Orangeville, restated their existing Archival Services agreement which came into effect September 15, 2020. The Town is appointed as the archive service provider for Board records, meaning the Town retains and preserves the records in a secure and accessible manner. The records, however, are still under the ownership and control of the Board as an institution under MFIPPA, and therefore, the management of these records is the responsibility of the Board, through By-law 002-2018.

Review of Electronic OPS Records

At the end of 2023, the Town performed a review of disposition for electronic OPS records as indicated in the report to the Board in September of 2023. Disposition is the removal of records from the official record keeping system by destruction or selecting for transfer to an archive, in accordance with the Board's policy. Records were transferred from the remaining OPS laptop and server to the Town's official electronic repository (SharePoint) for classification, secure storage, and the management of disposition.

The OPS laptop and file servers are still operating although the files have been transferred to the Town's official repository. This report is recommending that the Town Clerk or designate be authorized to remove any duplicate records, as well as any files that are corrupt from the servers so that the laptop and servers can be disabled. Prior to disabling the laptop and servers, staff will complete a secondary review to verify that all files have been transferred and compare electronic files against the current physical records in the archives.

Any corrupt files that have been located, either on the laptop, server or in SharePoint will be reviewed by IT staff to see if they can be recovered. If they are unable to be a recovered, a listing of the corrupt files will be maintained for future reference prior to removal.

The goal is to have a complete index of all OPS records, whether in physical or electronic form, that will provide for ease of location in accordance with the archival services agreement and an easier process for retention disposition for the Board to remain in compliance with their retention by-law.

Disposition for Physical and Electronic Records

Records that have met or past their retention, will be indicated on a records destruction notice and included in a future report to the Board for approval of their disposition.

Management of Board Records

To ensure appropriate management of the Boards records, the Town is suggesting that the Board take a multi-phase approach to review the records that are being archived by the Town to ensure proper disposition as per By-law 002-2018. Table 1 identifies the proposed phases for the Board to consider. Staff are of the opinion that by conducting a multi-phased approach to review the records being archived, this will provide clear picture of the records that exist in both physical and/or electronic form and will assist when requests for retrieval from the Board come in. The Town's records staff will be able to assist Board staff in completing this work.

Table 1• OPP Detachment Board Records Management

Phase	Description
Phase 1: Authority to remove duplicates and corrupt files	Phase 1 will consist of a review of records that are on the OPS laptop and file servers and cross reference against what was transferred to SharePoint. Any duplicates or corrupt files will be documented and disposed of.
Phase 2: Update and Complete Physical and Electronic Records Index	Phase 2 consists of a review of both the physical and electronic records index that is on SharePoint to ensure proper classifications and metadata is being inputted. The index may include: <ul style="list-style-type: none"> • File Name • <i>TOMRMSCode</i> • Retention • Format (Physical or Electronic) • Location (Vault at Town Hall, SharePoint) • If destroyed and when
Phase 3: Review Board Retention By-law	Phase 3 will consist of conducting a review of the Boards Retention By-law against other Police Service Board Retention By-laws to ensure consistency and best practices.
Phase 4: Management	Phase 4 will consist of ongoing management and maintenance of Board records. The Board will advise of the records to be destroyed once their retention is LIP.

CONCLUSION

In conclusion, the Town of Orangeville is dedicated to supporting the Board in enhancing the management and preservation of Board records. With the restatement of the Archival Services agreement, the Town has reaffirmed its role in securely housing these records, while ensuring the Board retains ultimate control of the records as an institution under MFIPPA.

Respectfully submitted

Raylene Martell,
Town Clerk, Corporate Services

Prepared by

Jordyn Lavecchia-Smith
Deputy Clerk, Corporate
Services

Attachments: None

