



ORANGEVILLE POLICE SERVICES BOARD

87 Broadway, Orangeville L9W 1K1 Telephone: (519) 941-5650 Fax: (519) 940-8275
Chair T. Taylor • Vice-Chair I. McSweeney • S. Brown • K. Krakar • M. Rose

This Agreement made effective September 15, 2020.

Archival Services Agreement

BETWEEN:

**THE ORANGEVILLE POLICE SERVICES BOARD
(hereinafter called the "Board")**

- and -

**The Town of Orangeville
(hereinafter called the "Town")**

WHEREAS section 254(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "Act") requires local police services boards to retain and preserve their records in a secure and accessible manner;

AND WHEREAS under section 254(3) of the Act, the Board may enter into an agreement for archival services with respect to its records with the consent of its municipality (Town of Orangeville), subject to section 254(4) which requires that records transferred pursuant to such an 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 under sections 254(5) and (6) of the Act, the recipient of Board records under an agreement for archival services is obligated to retain and preserve the records transferred to it in a secure and accessible manner and the Board is responsible for ensuring that the recipient fulfils such obligations;

AND WHEREAS section 254(9) of the Act provides that the requirement to retain and preserve records in an accessible manner means that the records must be retrievable within a reasonable time and that the records must be in a format that allows the content of the records to be readily ascertained by a person inspecting the records;

AND WHEREAS section 255 of the Act deals with record retention periods and record destruction, and under 255(6) the Board is responsible for setting retention periods and determining when records are to be destroyed;

AND WHEREAS under section 255(5) of the Act, the requirements of section 255 continue to apply to records transferred under an archival arrangement pursuant to section 254;

AND WHEREAS section 31 of the *Police Services Act* R.S.O. 1990, c P.15 empowers the Board to establish policies and rules for the effective management of the Orangeville Police Service;

AND WHEREAS pursuant to section 255(6) of the Act, the Board established By-Law No. 002-2018 governing the retention and destruction of records at the Orangeville Police Service (the “Records By-Law”);

AND 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 the Board desires to enter into an agreement for archival services for its records with the Town and further desires to provide for the transfer of those of its records requested by the OPP, subject to the requirements of the Act and the Board’s obligations thereunder.

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 in accordance with 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:

