

**THE CORPORATION OF THE TOWNSHIP OF CRAMAHE  
BY-LAW NO. 2020-17**

**being a By-law to provide a schedule of retention periods for the  
records of the Township of Cramahe and to repeal and replace  
Bylaw No. 2013-26**

**Whereas** Section 255 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, 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 in accordance with Section 254 thereof; and

**Whereas** subsection 254(1) of the Municipal Act, 2001 (the “Act”) provides that a municipality shall retain and preserve its records in a secure and accessible manner; and

**Whereas** subsection 255(3) of the Municipal Act provides that a municipality may, subject to the approval of the municipal auditor, establish retention periods during which its records must be retained and preserved; and

**Whereas** subsection 255(2) of the Municipal Act provides that a municipality’s records may be destroyed if a retention period for the records has been established and the retention has expired; and

**Whereas** the Council of the Corporation of the Township of Cramahe deems it desirable to establish retention periods for the records of the municipality by enactment of this by-law;

**Now Therefore be it resolved that** the Council of the Corporation of the Township of Cramahe hereby enacts as follows:

**1. DEFINITIONS**

In this by-law,

a) “**Act**” means the Municipal Act, S.O. 2001, c. 25, as amended, or any successor thereto;

b) “**Auditor**” means the person or firm appointed by the Council of the Township of Cramahe from time to time to perform the annual audit of the records of the Township;

c) “**Classification**” (as in records classification) means the systematic identification and arrangement of records into categories according to logically structured conventions, methods, and procedural rules, represented in a classification scheme;

d) “**Clerk**” shall mean the Municipal Clerk appointed by by-law for the Township, Deputy, or designate;

e) “**Destroy**” means the process of eliminating or deleting data, documents and records so that the recorded information no longer exists.

**NOTE:** See also the definition for expungement;

f) “**Dispose**” means to destroy and “disposition” has the corresponding meaning – means a range of processes; associated actions; implementation; retention; destruction; loss; or transfer of custody or ownership that are documented in disposition authorities or other instruments;

g) “**E**” represents “**Event**” – As defined under “remarks” of the Schedule Citation Table;

h) “**Expungement**” means a process to eliminate completely, to wipe out, to destroy, or to obliterate an electronic record. **NOTE:** See also the definition for destroy/destruction;

i) “**File**” means the compilation of receipts, vouchers, instruments, rolls or other documents, records and papers which may be in their original form or microform that is certified by the Clerk of the Municipality, and has the same meaning as “records” and may be used interchangeably;

j) “**Medium/media**” means the physical material which serves as a functional unit, in or on which information or data is normally recorded, in which information or data can be retained and carried, from which information or data can be retrieved, and which is nonvolatile in nature;

k) “**Official records**” means the records that serve important functions of the Township, such as supporting program delivery or policy development, meeting legal, financial, and other official requirements or providing evidence of decisions and actions;

l) “**P**” represents “**Permanent**”. A file with this retention limit is never destroyed;

m) “**Records**” means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes, LaserFiche, e-mail, machine readable records, and any other documentary material regardless of physical form or characteristics, and including “official records” and “transitory records”;

n) “**Retention period**” means the period of time during which records must be kept by the Township before they may be disposed of;

o) “**Retention schedule**” means a control document that describes the company’s records at a series level and indicates the length of time that each series shall be retained before its final disposition. It specifies those records to be preserved for their archival or legal values, and authorizes on a continuing basis the destruction of the remaining records after the lapse of a specified retention period or the occurrence of specified actions

or events. Records retention schedules serve as legal authorization for the disposal of the company's records;

p) “**S**” represents “**Superseded**” – a file with this retention limit is transferred or destroyed when it has been replaced;

q) “**T**” represents “**Terminated**” – a file with this retention limit is transferred or destroyed when the subject to which it pertains has ended in some way;

r) “**Township**” means the Corporation of the Township of Cramahe;

s) “**Transitory**” means records kept solely for the convenience of reference and of limited value in documenting the planning or implementation of Township policy or programs, such as:

i. Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;

ii. Information copies of widely distributed materials, such as minutes, agendas, and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;

iii. Preliminary drafts of letters, memoranda, or reports and other informal final document and which do not record decisions;

iv. Duplicate copies of documents in the same medium which are retained only for convenience or future distribution;

v. Voicemail messages;

vi. E-mail messages and other communications that do not relate to Township business;

vii. Copies of publications, such as published reports, administration manuals, telephone directories, categories, catalogues, pamphlets, or periodicals;

viii. Duplicate stocks of obsolete publications, pamphlets, or blank forms;

ix. Unsolicited advertising materials including brochures, company profiles, and price lists.

t) “**Year**” means a full calendar year commencing on January 1 and terminating on December 31;

u) “**\*\***” represents “**Maximum Copy Retention**”. Records of any subject of which copies are retained by other departments have a total limit of no greater than the “Responsible Department’s”, “Keep in Department” value; and

v) “**\*\***” represents “**subject to Archival Selection**”. Certain records have been designated as having potential historical and research value to the municipality when their other values have been exceeded. These records may be set aside for review and culling by an archivist prior to their destruction.

## 2. RETENTION SCHEDULE

a) The following schedules to this by-law form an integral part thereof:

## Schedule "A" Records Retention Schedule

## Schedule "B" Citation Schedule

- b) 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 requirements for records retention.
- c) In determining the retention periods for any records, the Records Management Coordinator shall consider, in consultation with other Township employees where appropriate:
  - a. The operational nature of the records, including the period of time during which the Township uses the records to perform its functions;
  - b. 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;
  - c. The fiscal nature of the records, including the period of time necessary for audit or tax purposes; and
  - d. 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 Township.

### **3. EMPLOYEE RESPONSIBILITIES**

All Township employees who create, work with, or manage records shall:

- a) Comply with the retention periods as specified in Schedule "A" attached hereto;
- b) Ensure that official records in their custody or control are protected from inadvertent destruction or damage; and
- c) Ensure that transitory records in their custody or control are destroyed when they are no longer needed for short-term reference.

### **4. CLERK OR DESIGNATE**

The Clerk or their designate shall:

- a) Develop and administer policies and establish administer procedures for the Township's records management program;
- b) Periodically review and make recommendations with respect to this by-law, including Schedule "A" attached hereto;
- c) Ensure that official records are preserved and disposed of in accordance with Schedule "A" attached hereto; and

d) Ensure that all disposition notices prepared pursuant to Subsection (a) of Section 5 of this by-law and all certificates of disposition prepared pursuant to Subsection (f) of Section 5 of this by-law are preserved.

## **5. DISPOSITION OF RECORDS**

a) The Clerk or their designate shall notify the appropriate Township Department Head in writing of the scheduled disposition of records, including a list of the records eligible for disposition and scheduled disposition date.

b) Any Department Head who needs records retained past the eligible disposition date shall notify the Clerk and state the reason why such further retention is necessary.

c) Where the Clerk finds it appropriate, and taking into account the principles governing the disposition of records, shall reschedule the disposition of any records listed in the notice referred to in Subsection

(b) of this section for up to one year later than the originally scheduled disposition date.

d) In no notice is received under Subsection (b) of this section before the scheduled disposition date, the records shall be deemed to be authorized for disposition by the Clerk or their designate.

e) Prior to destruction of an information database, the following documents are required:

1. A written description containing, to the extent that such information is available, the following:

- a. The title of the system;
- b. The identification of the business unit responsible for the creation or use of the data;
- c. A brief description of the system's purpose;
- d. Where possible, a contents list of the information being destroyed; or
- e. A brief description of any sub-systems, their purpose and relationship to the main system or other sub-systems; and
- f. The name of the technical contact person who is responsible for documenting the system;

2. The written approval of the signing authority; and

3. After the destruction of an information database or orphan data, the signing authority must provide a destruction certificate to the Records Manager to provide an audit trail.

f) Where appropriate and taking into account the principles governing the disposition of official records, the Clerk shall re-schedule the disposition of any records listed in the notice referred to in Subsection (b) of this section for up to one year later than the originally scheduled disposition date.

g) Re-scheduling the disposition of any records beyond a one-year period required written notice from the Township Department Head or manager to the Clerk for each additional year.

h) In no notice is received under Subsection (b) of Section 5 of this bylaw before the scheduled disposition date, the records shall be deemed to be authorized for disposition by the Township Manager.

i) When official records have been disposed of pursuant to this by-law, the Clerk shall obtain written confirmation of such disposition.

## **6. PRINCIPLES GOVERNING THE DESTRUCTION OF OFFICIAL RECORDS**

a) The following principles govern the destruction of official records:

i. When there are no further business or legal reasons for retaining official records, they shall be destroyed or expunged as appropriate;

ii. Official records pertaining to pending or actual investigation or litigation shall not be destroyed;

iii. Official records disposed of at the end of a retention period, as well as drafts and copies of records disposed of on a regular basis, shall be destroyed in a way that preserves the confidentiality of any information they contain.

b) Official records in the custody or control of the Township shall not be destroyed unless such records are older than the retention period set out in Schedule "A" attached hereto and have been identified in a disposition notice prepared pursuant to Subsection (a) of Section 5 of this by-law.

c) Copies of official records may be destroyed at any time if the original records are being retained in accordance with Schedule "A" attached hereto.

## **7. APPROVAL OF BY-LAW**

This bylaw shall come into force on the day it receives its third and final reading by Council.

## **8. CITING OF BY-LAW**

This by-law may be cited as the "Records Retention By-law".

## **9. REPEAL**

Upon the coming into force of this by-law, By-law No. 2013-26 is hereby repealed.

Read a first, second and third time, and finally passed this 4th day of February 2020.

---

**Mandy Martin, Mayor**

---

**Joanne Hyde, Clerk**