

**THE CORPORATION OF THE
TOWNSHIP OF CRAMAHE (2001)**

BY-LAW 2013-26

**Being a By-law to establish a Record Retention Program
Policy for the Corporation of the Township of Cramahe.**

WHEREAS subsection 255(1) of the *Ontario Municipal Act, 2001, S.O. 2001, c.25*, provides that expect as otherwise provided, a record of a municipality or local board may only be destroyed in accordance with this section;

AND WHEREAS subsection 255(2) of the *Ontario Municipal Act, 2001, S.O. 2001, c.25*, provides that a record of a municipality may be destroyed if a retention period of the record has been established under this section and:

1. The retention period has expired; or
2. The record is a copy of the original record;

AND WHEREAS subsection 255(3) of the *Ontario Municipal Act, 2001, S.O. 2001, c.25*, provides that a record of 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;

AND WHERAS subsection 32.1 of the *Ontario Municipal Act, 2001, S.O. 2001, c.25*, authorizes a municipality to delegate its powers and duties to a person;

AND WHEREAS the Council of the Corporation of the Township of Cramahe adopted By-law 09-46 being a by-law to adopt schedules of retention periods for certain records and other papers of the Corporation of being a by-law to adopt schedules of retention periods for certain records and other papers of the Corporation of the Township of Cramahe;

NOW THEREFORE BE IT ENACTED as a By-law of the Council of the Corporation of the Township of Cramahe as follows;

1. **THAT** authority for establishing and amending retention periods for the records of the Corporation of the Township of Cramahe shall be delegated to the Clerk and/or their designate subject to the written approval of the Municipal Auditor of such retention periods;
2. **THAT** the Records Retention Period Program Policy as set out in Schedule "A" attached hereto and forming part of this by-law be adopted and the Clerk and/or designate be authorized to amend the policy from time to time;
3. **THAT** By-law 09-46 being a by-law to adopt schedules of retention periods for certain records and other papers of the Corporation of the Township of Cramahe be repealed;
4. **THAT** this By-law be reviewed every 5th year by the Clerk and/or designate.

THAT By-law No. 2013-26 be introduced and be deemed to be read a first, second and third time, be passed and be properly signed and sealed at the Township of Cramahe this 16th day of April, 2013.

Mayor, Marc Coombs

CAO/Clerk, Christie Alexander

TYPE OF POLICY: Records Management Page 1 of 15 Policy No. RM-02		
NAME OF POLICY <ul style="list-style-type: none"> Records Retention Program Policy 	PROCEDURES <ul style="list-style-type: none"> Definitions Purpose and Application Principals Responsibilities Organization Records Ownership Implementation Orphan Data – Electronic Systems Records Protection Records Storage Records Disposal Suspension of Policy Compliance 	TARGET GROUP <ul style="list-style-type: none"> All Employees
COUNCIL APPROVAL: Yes	EFFECTIVE DATE:	SUPERCEDES: Nil

POLICY

The Records Retention Program is one of the cornerstones of a records management system, defines the responsibilities and provides a standard for the maintaining and disposal of records as required by applicable legislation.

The Retention Schedule defines the processing of all records, regardless of the format and medium of the records, from the creation to the destruction or the transfer to the Northumberland County Archives.

OBJECTIVES

The objectives of the Township's Records Retention Program Policy are to:

1. Establish standards for the retention of records created or received by all Township departments;
2. Ensure that records are quickly and easily retrievable through the use of record-keeping systems and services that efficiently maintain and retrieve information;
3. Ensure that records are protected from premature destruction;
4. Safeguard vital and archival information;
5. Dispose of records once their value has ceased;

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6. Control/reduce costs, i.e. space savings, reduce staff response time, etc,;
7. Improve productivity and efficiency;
8. Demonstrate to judicial and legislative powers that the Municipality is making every reasonable attempt to retain and dispose of its records in accordance with applicable legislation and good business practices;
9. Minimize the risk of litigation;
10. Preserve the corporate memory/history of the organization;
11. Support better management decision-making;
12. Provide for the safe and secure storage and retrieval of inactive records; and
13. Provide for transfer of those records of enduring value to the recognized archival facility.

PROCEDURES

Definitions

The following definitions will apply throughout the Records Retention Program Policy and Procedures

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<u>Term</u>	<u>Description</u>
Active Record	shall mean the records that are referred to and used on a regular basis and are generally stored in a department.
Active Retention	shall mean the period of time that records are considered active with a higher frequency of use, stored nearby and are readily accessible to the users.
Alternate Format Records	shall mean original records that have been microfilmed or are available electronically and such record is deemed to be an original copy.
Archival Record	shall mean a record of enduring significance that has historical value for the County and individuals engaging in historical research.
Archival Review	shall mean the period of time during which a record is determined as having potential archival value.
Archival Value	shall mean the evidential and informational value of records, which is determined during appraisal and justifies the records preservation.

Township shall mean The Corporation of the Township of Cramahe.

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Clerk shall mean the Township Clerk of The Corporation of the Township of Cramahe.

Code shall mean the reference number for each records series, based on the corporate records classification system (The Ontario Municipal Records Management System, 'TOMRMS')

Computer System shall mean a device or a group of interconnected or related devices, one or more which:

- contains computer programs or other data; and
- pursuant to computer programs, perform logic and control, and may perform any other function.

Copy shall mean a record this is a duplicate of an original.

Current shall mean the year in which the record was prepared.

Data shall mean the representations of information or of concepts, in any form, that are recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device, including a display of that data.

Department Head shall mean a Director, CAO, Clerk, Treasurer or respective designate, of the Township who is responsible for a specific department.

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Dispose shall mean to destroy a record or remove it from the official records keeping system.

File shall mean a collection of related records.

Inactive Retention shall mean a period of time that records not currently active shall be kept in a lower cost storage location.

Medium shall mean the format the record is saved as paper, electronic/digital, microfilm, photographs, plaques, trophies, oil or watercolour paintings, charcoal sketches, needlework and fabric are all examples of record mediums.

Non-records shall mean extra copies of documents kept solely for convenience or reference or records not usually included within the scope of the official records of the County. See Transitory Records for further information.

Official Holder shall mean the functional unit of the County that creates the record(s) and/or is responsible for retaining/maintaining the official/original record(s).

Official Record shall mean a record that has operational, legal, fiscal, vital or historical value and that is legally recognized as evidence of a business transaction or establishes facts.

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Original shall mean a record that was first produced or is a source document or is received by a department.

Orphan Data shall mean data that:

- Is not machine readable by any of the County's computer systems in place during the disposal year, because the data exists with no identifiable computer application that can retrieve the data; or
- Is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced County employee who is knowledgeable about the business function or functions to which the data relates.

Permanent shall mean a record that is preserved and/or never destroyed or removed from the official records keeping system.

Record indicates any unit of information however recorded, whether in printed form, on file, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings,

graphic work, photographs, film, microfilm, sound recordings, videotapes, machine readable records, and any other documentary material, regardless of physical form or characteristics, made or received in the course of the conduct of the affairs of the Township, and retained by the Township for the purposes of future reference.

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Records Centre	shall mean a low-cost facility for the controlled maintenance, retrieval, and disposal of semi-active or inactive records.
Records Series	is a group of records that relate to a particular function or operation, that are filed together, and need to be retained for the same period of time.
Retention Period	is the period of time during which a specific records series must be kept before records in that records series may be disposed of. It is calculated from the close date of the record and includes a period of time the record is retained in the department after closure (active) plus a period of time in the Records Centre (inactive).
Retention Schedule	shall mean a schedule/timetable that identifies the length of time a specific record series must be retained for before it may be disposed of.
Superseded	shall mean the record shall be retained until such time as they have been replaced with more current information.

TOMRMS shall mean The Ontario Municipal Records Management System which is the Township's standardized file classification system.

Transitory Record shall mean a record that is:

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- Transitory Record (Continued)**
- a) retained solely for convenience of reference (rough notes, calculations, drafts, research notes, etc);
 - b) required solely for the completion of a routine action, or the preparation of another record;
 - c) of insignificant or of no value in documenting Township business transactions;
 - d) not an integral part of a Township record;
 - e) not filed regularly with the Township's records or records keeping system;
 - f) not required to meet statutory obligations or to sustain administrative or operational functions;
 - g) about social events that not special Township events;
 - h) not related to Township business;
 - i) a publication, telephone directory, catalogue, pamphlet or periodical that does not form part of any record.

Vital Record shall mean a record that is essential to the continuation or resumption of Township business in the event of a disaster. A vital record allows the Township business to continue to fulfill its

obligation to taxpayers, employees, other levels of government and outside interested parties. Examples of vital records include: accounts receivable, accounts payable, payroll records, tax rolls, contacts, infrastructure drawings, etc.

Working Papers shall mean rough notes, work preparation materials and instructions, calculations, preliminary drafts, rough research notes and similar materials used in the preparation of correspondence,

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Working Papers (Continued) statistical tables, reports or other records. Preliminary drafts of letters, memoranda, reports, etc. which do not form significant stages in the preparation of a final documents and do not record official decisions.

Purpose and Application

The retention provisions described in this policy apply to all records created, received or maintained by employees of the Corporation of the Township of Cramahe in the course of carrying out their corporate duties regardless of the medium or format. Retention provisions are based upon the informational content of the record rather than on its medium.

Principles

The following principles shall govern the retention of record:

1. No official record shall be destroyed unless first classified according to the current records classification system.
2. No official record shall be destroyed unless the retention period has expired or the record is a copy of the original record.
3. All records shall be destroyed in a manner that preserves the confidentiality of any information contained in such records.
4. No official record shall be destroyed without the appropriate authorization.
5. Any records pertaining to pending/actual litigation, an investigation or a request under privacy legislation shall not be destroyed until such records are no longer required for this purpose.

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Responsibilities

As the "Official Records Keeper" under the Municipal Act and By-law #2013-26, the Clerk and/or designate is responsible for keeping a copy of all disposal reports on a permanent basis and for authorizing the establishment of retention schedules.

It is the responsibility of all employees of The Corporation of the Township of Cramahe to follow the provisions of the Records Retention Program. Township employees are expected to manage the records created, received and controlled within their department or unit regardless of format, in good operational order and in accordance with the approved file classification system.

Organization

The Township organizes records according to the approved standardized file classification system, The Ontario Municipal Records Management System (TOMRMS), which is based on Municipal business activities.

Records Ownership

All records created, received, used or maintained by officers and employees of the Township in the course of their duties on behalf of the Township are the property of The Corporation of the Township of Cramahe.

Employees leaving their positions with the Township shall leave all records for their successors. This applies to both temporary and permanent departures, including transfers with the organization.

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Implementation

Review of the Record Retention Schedule shall take place on a regular basis to ensure legal compliance. Upon the written approval by the Municipal Auditor, the Clerk and/or designate will establish the retention schedule.

As part of the regular process of the disposal of records and prior to any destruction of records, such destruction shall be authorized in writing by the appropriate Department Head. Such authorization shall note the code, subject of the records, the title of the record, period of time the records relate to and shall identify the Retention Schedule under which the disposal was authorized.

Upon the Clerk and/or their designate satisfying themselves that the retention period as set out in the appropriate Retention Schedule has expired, and disposal has been properly authorized by the department, he/she shall then:

- a) Order the record(s) to be destroyed, in a manner which complies with the *Municipal Freedom of Information and Protection of Privacy Act, 1989*; or
- b) Set aside the record(s) for long-term or permanent retention; or
- c) Transfer the record(s) to the custody and control of the Northumberland County Archives operated by the Clerk's Office.

Copy/duplicate records do not require formal approval for destruction.

The Records Retention Program does not apply to records that were not made or received in the course of County business.

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Orphan Data – Electronic Systems

Prior to the destruction of any orphan data, the following documentation is required:

- a) A written description of the orphan data containing, to the extent that such information is obtainable, the following:
 - i) The title of the orphan data;
 - ii) The identification of the department/section that is responsible for the creation or use of the orphan data;
 - iii) A brief description of the orphan data's purpose;
 - iv) The format/software the orphan data is stored in;

- v) A brief description of any sub data, their purpose and relationship to the main idea or other sub data; and
- vi) The written approval, authorizing the orphan data's disposal from the department head or designate who is responsible for the business function to which the orphan data relates.

To allow for the reduction of space required for their storage, records created for the long-term regardless of format shall be deemed to be the original for the purposes of this policy if so indicated in the Retention Program. Such records shall be retained subject to the approval retention schedule.

Records Protection

It is the intention of the Township to protect their records for the duration of their scheduled retention through appropriate storage.

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Records Storage

It is the intention of the Township to protect their records in a manner that:

- a) prevents loss through misplacement, deterioration, accidental destruction, and/or theft;
- b) prevents unauthorized or inappropriate access; and
- c) ensures continued readability.

Records Disposal

It is the intention of the Township to destroy records as feasible in accordance with the approved retention schedule and in a secure and confidential manner based on information content and format.

Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, the following applies to the retention and disposal of all transitory, duplicate or copy records created or received by Township employees:

- a) A copy of a record may be destroyed at any time if the original is subject to a retention period established by the Records Retention Schedule.
- b) A transitory record may be deleted or otherwise destroyed unless otherwise specified in the schedule or unless required for legal or legislated purposes when their value ceases as determined by the individual work unit.

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A transitory record shall be destroyed if the record does not possess archival value and if there is no further business or legal requirement to retain the record in an original format.

Suspension of Policy

In the event of a notice of litigation, notice of claim, audit or investigation for which the Township may have relevant records, the suspension of this policy shall come into effect for all records applicable to the issue.

Compliance

Compliance with the records retention program will be reviewed on regular bases by the Clerk and/or their designate.

RATIONALE AND LEGISLATIVE AUTHORITY

The Municipal Act provides that a record of a municipality may be destroyed if a retention period for the record has been established and the retention period has expired; or the record is a copy of the original record. The 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.

By-law #2013-26 provides that the Clerk is granted delegated authority to establish retention periods for the records of the Corporation of the Township of Cramahe.