



Category: Administration
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1. Policy Statement

The Town of Minto is committed to the creation, maintenance, preservation, and proper disposition of the records of the municipality in a secure and accessible manner, recognizing that records are valuable corporate assets needed to support effective decision making, to meet legislative and operations requirements and to protect the legal, fiscal, historical, and other interests of the municipality.

The Town is also committed to identifying the technical requirements for the creation, use, electronic signaturing, maintenance, disposition, and permanent deletion of imaged and electronic records stored in an electronic records and document management repository. The Town is committed to promoting and facilitating good management of electronic records throughout their life cycle to support accountable and effective government administration. These records are used to improve efficiency, reduce cost, maintain integrity, meet regulatory and evidentiary requirements, and meet stakeholders' needs while being able to prove the accuracy, authenticity, and legal admissibility of the Town's records.

Proof and reliability are established by showing:

- a) That a record is made in the normal and ordinary course of business; and
- b) The circumstances of making the records; and
- c) The integrity of both the electronic record(s) and the electronic records system.

The Town of Minto's Records Management policy adheres to the legislative authority of the Municipal Act, 2001, as amended, the Municipal Freedom of Information and Protection of Privacy Act, and the principles of The Ontario Municipal Records Management System (TOMRMS) for the management of records within the municipality.

2. Purpose

Records serve as the corporate memory preserving organizations and operational history while assisting in decision-making, the provision of litigation support and organizational efficiency.

The purpose of this policy is to outline provisions for the management of information (records management program) within the Town including the creation, maintenance, retrieval, storage, and disposition of records in accordance with legislation.

The purpose of the Records Management Program is to:

- a) Ensure that records, regardless of their physical medium, are organized, secure, retrievable, and retained under appropriate environmental conditions and managed efficiently throughout the active and inactive states of their life cycle;

- b) Provide a framework and guidelines for the management of the creation, security, use, maintenance, retention, and disposition of records. Final disposition of records shall be in accordance with the Records Retention Bylaw;
- c) Establish and define accountability, roles, and responsibilities for the program;
- d) Ensure that non-confidential information is made available to the public while maintaining the privacy and confidentiality of sensitive or confidential information in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- e) Prevent the creation of unnecessary records including forms, directives, and reports;
- f) Provide for effective storage and retrieval of all records while increasing the maximum use of storage space provided; and
- g) Provide protection to vital and archival records while preserving corporate history.

3. Application and Scope

This Policy applies to all records within the Town of Minto including those records produced or received within the departments as well as all satellite locations of the Municipal Office. This Policy shall also apply to all records in the custody and control of Council and its committees, Municipal administration, and local boards of the Town.

Where records are in the possession of an outside agency or external service provider, such records will be under the Town's control when:

- a) the record is specified in a contract as being under the control of the Town;
- b) the content of the record relates to the Town's mandate and functions;
- c) the Town has the authority to regulate the record's use and disposition;
- d) the outside agency is a consultant, and the record was created specifically for, and presented to the public body; or
- e) the contract permits the Town to inspect, review, or copy the records produced, received, or required.

This policy regulates the creation of all documents and records, maintenance of active records, the preparation and updating of approved records retention schedules, the management of inactive records storage and the identification of protection of records in accordance with government regulations and other legal requirements.

4. Guiding Principles

This Policy seeks to:

- a) Protect the legal, financial, and other interests of the Town and its stakeholders by ensuring that the recording, availability, authenticity, integrity, reliability, usability, preservation, and security of all information resources created, commissioned, or acquired by the Town in the course of its business functions;
- b) Create a practical security classification scheme that provides a foundation for the Town to understand and appropriately protect its information resources;
- c) Reduce the time and effort necessary to locate information resources when needed;
- d) Improve the Town's ability to exploit and share information resources;
- e) Ensure that information resource storage facilities, or repositories, and their use, meet control requirements and are efficient and cost effective; and
- f) Ensure that information resources and records (as defined below) are usable as evidence in a court of law should they be required.

5. Mandatory Requirements

5.1 General Guidelines

- a) The municipality recognizes the importance of accountability and transparency to be responsive to the needs of the community while maintaining privacy and confidentiality on matters of security and sensitivity.
- b) Employees shall be held accountable for the management and use of information and resources in their custody or control. In order to ensure compliance, appropriate procedures and training materials will be delivered to employees as they are developed.

5.2 Roles and Responsibilities

- a) Employees are responsible for:
 - i. Creating and maintaining complete and accurate records which will serve as evidence of decisions, transactions, and business activities.
 - ii. Complying with all records management policies, By-Laws, and procedures. Complying with the file classification systems and retention periods as specified in the current Retention Schedule.

- iii. Ensuring records in their custody are properly classified, maintained, preserved, and disposed of according to the established retention periods.
 - iv. Ensuring that transitory records in their care are destroyed when no longer required.
 - v. Ensuring the security and access of records in their care and control.
 - vi. Ensuring that records in their custody are protected from inadvertent damage or destruction.
 - vii. Participating in all necessary training relating to records management.
- b) Managers are responsible for:
- i. Providing corporate leadership and support for the Records Management Program.
 - ii. Approving retention schedules relating to records in the originating department's custody and control to ensure the schedule meets operational requirements.
 - iii. Signing off on departmental record destruction requests.
 - iv. Ensuring all staff participate in training when provided.
- c) The Clerk is responsible for:
- i. Providing overall leadership for records management with respect to vision, policies and procedures, strategic planning, training, and quality assurance.
 - ii. Facilitating the development, maintenance and improvement of records keeping solutions, tools, and systems.
 - iii. Making recommendations to the Senior Management Team and Council regarding policy requirements as needed.
 - iv. Ensuring the coordination of the Records Management Program.
 - v. Providing direction, training, and advice on the Records Management Program.
 - vi. Creating and maintaining the procedure manual for the Records Management Program and keep staff updated on all changes.

- vii. Authorizing the disposition of records in compliance with the Records Retention Schedule.
- d) Members of Council are responsible for:
- i. Maintaining all electronic and paper records prepared in their role as an elected representative in a filing system separate from corporate records. This may include records such as letters, petitions from constituents, mailing lists, etc.
 - ii. Maintaining all communications with constituents in a secure manner separate from other correspondence. This includes but is not limited to voicemail, email, and paper records. Personal email messages are not considered records of the municipality.
 - iii. When forwarding communications from constituents to staff or outside parties, be careful to safeguard privacy. Do not include names or contact information unless asking staff to respond directly to the individual.
 - iv. Maintaining all records created or used in your role as an 'officer' of the Town according to the Town's Classification Scheme and Retention Schedule (i.e., if you have been appointed as the Chair of a Committee)
 - v. When gathering information from constituents, carefully consider what personal information you actually require. Ensure that no unnecessary personal information is collected.
 - vi. Properly dispose of all records containing personal information. When the information is no longer needed for the purpose for which it was collected, dispose of it in a secure manner.

e) Duty to Document

The Town of Minto recognizes that key decisions are made, and information received in verbal conversations, voicemail messages, chat, and other means that may or may not produce physical records. All employees, including managers are responsible for accurately documenting any key decisions or information not resulting in a record. This must be done in the course of regular business and will provide a valuable record of decisions and context to many projects, files, etc. See Section 6.5 Electronic Records or the Records Management Manual for more on documenting record types.

5.3 Delegated Authority

Delegated authority is provided to the Clerk for the administration and oversight of the Corporate Records Management Program including the authority to modify the Records Retention Schedule as needed to ensure legal compliance.

6. Procedures

6.1 Records Ownership and Custody

- a) All records created, captured, received, and maintained in the course of Town business are property of the Town of Minto and subject to all policies and By-Laws governing records and information.
- b) Employees leaving their position at the Town of Minto will leave all corporate records to their successor or supervisor including, but not limited to, physical, electronic and email records. This also applies to transfers within the organization and temporary leave.

6.2 Records and Information Management Program

The Municipal Act, 2001 outlines that municipalities are responsible for maintaining and preserving records in a secure and accessible manner (2001, c. 25, s. 254 (1)). The establishment of a formal records and information management program will ensure Corporate-wide application of procedures and legal defensibility of records practices.

The objectives of the Records Management Program shall be to:

- a) Establish and maintain a framework of good record keeping practices to support the operational, fiscal, legislative, regulatory, and historical needs of the Town of Minto.
- b) Establish clear and consistent procedures for records and information management.
- c) Educate departments on the importance of proper records management, Corporate-wide consistency, and availability of assistance.
- d) Ensure that the creation, management, storage, and disposition of records is carried out in accordance with established procedures and in accordance with the Records Retention and Disposition By-Law.
- e) Ensure legal and regulatory compliance.
- f) Ensure the preservation of the authenticity and integrity of records.
- g) Identify and preserve records deemed to have permanent and archival value and those deemed to be vital records.

- h) Establish accountability and responsibility for records management at all levels.
- i) Provide input on topics impacting the management of information.

6.2.1 Records Management Procedures

The TORMS Records Management Manual will provide guidelines for the creation, capture, management, retrieval, storage, access, and security of records throughout the records life cycle. This manual will include information on all aspects of the records management program and identify all procedures or procedural documents for records management functions.

6.2.2 Departmental Training and Assistance

Departmental training sessions and assistance will be offered as time permits. The records management manual, training aids, and the records retention schedule will be made available to each department.

Assistance will be available in the following areas:

- a) Records and Information Management Basics.
- b) The Records Retention Schedule, Classification & Destruction of Records.
- c) Records and Information Management Policies and Procedures.
- d) Security and Access of Records and Information.
- e) FileHold Software and Workflow Assistance.
- f) Records Storage.
- g) Digitization of Records.
- h) Departmental Records and Information Solutions.

6.2.3 Compliance Audits

Periodic scheduled and un-scheduled compliance audits will be conducted to ensure the application of established records and information policies, By-Laws, and procedures.

6.3 Records Retention and Destruction

Municipalities can destroy records, provided that a retention/classification schedule is in place, that the specified retention has expired, or if it is a copy of the original record (Municipal Act, 2001, c. 25, s. 255(2); 2006, c. 32, Sched. A, s. 109 (1). The retention periods set out in the Town of Minto's Records Retention By-Law are based on TOMRMS. Retention periods also consider current usage, legal and regulatory requirements, operational, fiscal, and archival needs.

6.3.1 Records Storage

- a) The Town of Minto maintains a decentralized records storage system, meaning that each department is responsible for the storage of records within their care.
- b) Town of Minto employees should ensure that Official Records within their custody remain accessible for the entire life cycle of the record, as set out in the Records Retention By-Law.
- c) Personal Drives and Desktops should not be used for the storage of Official Records.
- d) Outlook accounts are working environments and not record keeping systems. Outlook should not be used as a records storage system. Emails deemed to be Official Records shall be classified according to the Records Retention By-Law and stored to ensure accessibility of the entire life cycle of the records. Personal email messages are not deemed to be official records.

6.3.2 Destruction of Records

- a) The Town of Minto Records Retention By-Law set retention periods and governs the destruction of records. The current Retention Schedule is available from the Clerk. Departmental Retention Schedules will be developed based on the Retention By-Law and in consultation with the department.
- b) Records that have been categorized according to the Records Retention Schedule may be destroyed if:
 - i. the retention period has expired.
 - ii. the record is a copy of the original record, provided there are no notations on copy retention for that record series.
- c) Records must be destroyed promptly upon expiration of the retention period. Records that have expired, but have not been destroyed, put the Town in a position of risk. If records are destroyed promptly and routinely, it establishes a legal defensibility of records destruction practice at the Town.
- d) The following procedure shall apply for destruction of records:
 - i. Records destruction, in compliance with the Records Retention By-Law, requires a completed Records Destruction Form signed by the Department Head or signing authority and the Clerk prior

to the destruction of the records. This form shall be retained permanently by the Clerk.

- ii. A certificate of destruction, provided by the secure records destruction vendor, must be forwarded to the Clerk for storage with the Records Destruction Form. Stored together, the records destruction form and certificate of destruction provide legal proof that a record has been destroyed.
- iii. All records containing personal information must be destroyed in a secure and confidential manner. This includes physical, electronic, and transitory records.
- e) Destruction of physical records after digitization is governed by processes which ensure the authenticity and integrity of records (See Section 6.5.1 Digitization Programs)
- f) Back-up copies may not be used to fulfill long-term or permanent retention requirements.
- g) Records shall be destroyed in a secure manner protecting the privacy or information contained therein.
- h) Records destruction will be suspended if subject to ongoing litigation or a request under the *Municipal Freedom of Information or Protection of Privacy Act, 2001 (MFIPPA)*.
- i) Records shall not be knowingly destroyed without the proper authority, subject to personal fines as per the MFIPPA.

6.3.2.1 Retention After Retention Expiry Date

- a) In the event of litigation or investigation, routine destruction of records related to the matter will be suspended.
- b) Where retention of a record for a further period after expiration is required, a Records Retention Authorization Form must be approved.

6.3.2.2 Legal Hold

A legal hold is intended to initiate the preservation and suspension of destruction of any records related to certain legal matters. A formal Legal Hold Notice will be issued by the Clerk to relevant employees or departments. Upon completion of the matter, a formal Legal Hold Release will be issued by the Clerk.

6.4 Transitory Records

- a) Transitory records have only temporary or short-term usefulness and are often used in the preparation of another record. Transitory records are often used for the completion of a routine task and are not required for operations or statutory obligations. These records are not considered Official Records.
- b) All legal holds issued also apply to transitory records. When a legal hold is released, routine destruction may resume.
- c) The records retention schedule shall not apply to transitory records. These can be destroyed when no longer needed and in the course of regular business.
- d) For example, a new policy is prepared and saved as a draft. The draft is sent to the CAO for review, and changes are made. When the policy is completed and approved by Council, all previous drafts are considered transitory and can be destroyed when no longer needed. See below table for more examples.

Official vs Transitory Records

Official Records	Transitory Records
<ul style="list-style-type: none">○ Correspondence, including email○ Official Copy of a Document○ Original Minutes & Agendas○ Reports & By-Laws○ Permits○ Maps and Plans○ Memoranda○ Policies○ Financial Transactions○ Personnel Records	<ul style="list-style-type: none">○ Duplicate Copies○ Convenience Copies○ Drafts with limited importance○ Reference Material○ Personal Files○ Working Papers○ External Publications

6.5 Electronic Records

- a) Electronic records are subject to the same legal, fiscal, regulatory, and operational requirements and policies as physical records. Electronic records may be word documents, pdf documents, emails, text messages sent on a mobile device issued by the Town, Town related documents on any computer used by employees to complete work, etc.
- b) Electronic records including **email, voicemail, social media and mobile or chat communications** are records and are therefore subject to the legal, fiscal, regulatory, and operational guidelines for records retention.
- c) Digitization programs will be established to ensure proper standards are adhered to in the digitization of records.

- d) Data stored on the Town of Minto's back-up server shall not be considered a record for the purposes of records retention or requests and is intended for use only in disaster recovery or system failure.

6.5.1 Digitization Programs

There are requirements for the digitization of records, storage, and retention in electronic form. Digitized records are required to meet certain criteria if they are intended to become the authoritative copy of the record. These criteria will ensure the authority, integrity, and thereby legal defensibility of electronic-only records.

Physical records which have been digitized are not to be destroyed unless:

- a) The proper authorization for digitization is obtained.
- b) Established digitization procedures are adhered to.
- c) Quality control of digitization is completed.
- d) Proper authorization for destruction is obtained.

6.5.2 FileHold Records Management System

FileHold is an electronic record management software that allows Town staff to effectively share and retrieve electronic information from the shared interface.

Features include using both shared and private folders, allowing each functional area to have its own folder structure, which minimizes the time and effort required to locate documents. Using metadata, FileHold organizes electronic records based on data elements.

The Records Classification and Retention schedule is reflected in FileHold whenever a new document is placed in the older structure. The Town will continue to use this system to streamline their folder structure and standardize their electronic document storage practices.

6.6 Archival Records

- a) Archival records will be preserved and stored for long-term preservation at the Wellington County Archives.
- b) Archival records will be created and preserved in formats suitable for the retention period to ensure long-term usability.

- c) Records subject to archival review will be submitted to the Clerk for evaluation when the retention period has expired.

6.7 Vital Records

- a) The Town of Minto is committed to the identification and preservation of vital records.
- b) Preventative measures aimed at ensuring business continuity will be established and implemented to ensure that such records are reasonably protected and can be recovered in a timely manner in the event of a disaster.

6.8 Records Security and Access

- a) Records shall be made available internally only to those who require access.
- b) Records containing personal information shall be securely stored, preventing unauthorized access.
- c) The Town of Minto will endeavour, where possible, to make records available to the public. Restrictions and exemptions will apply.

7. Monitoring and Compliance

It is the Chief Administrative Officer's and Clerk's responsibility to monitor and ensure staff and department heads are compliant with this policy.

Failure to comply with this policy can result in the inadmissibility of records in legal proceedings, inadequate records to support business decision making, regulatory sanction, and/or excessive costs for record creation, storage, and handling. The Town recognizes that compliance is an ongoing and evolving process and anticipates continuous improvements in its efforts to meet the expectations of this policy.

The Municipality recognizes the importance of accountability and transparency to be responsive to the needs of the community while maintaining privacy and confidentiality on matters of security and sensitivity. Employees shall be held accountable for the management and use of information and resources in their custody or control. In order to ensure compliance, appropriate procedures and assistive materials will be delivered to employees as there are developed.

8. Definitions

8.1 Active Record means a record that is referred to and used on a regular basis and stored in the Vault.

8.2 Archive means a repository for archival records.

- 8.3 **Archival Record** means a record that has been appraised for permanent retention due to historical, fiscal, legal (including evidential), operational, or administrative value. The long-term value of the record justifies its preservation.
- 8.4 **Archival Review** means an evaluation of records for potential archival value.
- 8.5 **Authenticity** means the property that ensures that the identity of a subject or resource is the one claimed. Authenticity applied to entities such as users, processes, systems, and information.
- 8.6 **Classification System** means a systematic method of coding and categorizing records for ease of use, retrieval, and disposition (subject based). **Corporate Record** means any record created, received, deposited, or held by any Town employee in the course of business and used to support a Town function or to conduct Town business. Does not include Councillor constituency records.
- 8.8 **Destruction** means the final phase of a record's life cycle.
- 8.9 **Digitization** means the process of converting physical documents into electronic form, by scanning or imaging physical records such as paper documents, photographs, drawings, plans, etc.
- 8.10 **Electronic Records** means information that is recorded and is stored on any medium in or by a computer system or other similar device and that can be read, perceived, or heard by a person or a computer system or other similar device. This would include records created in MS Office, such as Excel, Word or PowerPoint, Outlook. This would also include email and instant messages.
- 8.11 **Email Message (Considered a Record)** means an email message sent or received through the municipal email address between staff/council and members of the public directly relating to municipal operations and should be stored under the applicable classification in the electronic management software program.
- 8.12 **Email Message (Not Considered a Record)** means an email message which has no relevance to municipal business such as a message to a friend or a non-work-related message between municipal staff and/or council; messages to "All Staff" or "Council" relating to upcoming events or memos on minor administrative details; messages to staff/council within the organization that does not 'cc' any member of the public relating to municipal business.
- 8.13 **External Service Provider** means an external service entity acting on behalf of an organization to provide services under a contractual agreement.
- 8.14 **FileHold Systems** means a document management software program used to organize and store electronic records.

- 8.15 **Inactive Record** means a record that is referred to infrequently and usually kept in an inaccessible facility.
- 8.16 **Information** means a collection of facts, ideas or opinions about objects, events and/or processes that has been given value through analysis, interpretation, use in carrying out employment responsibilities, or compilation in a meaningful form. Information may exist on any medium or format and may or may not be considered an information record. May be considered to be working files or notes.
- 8.17 **Integrity of Records** means the reliability and trustworthiness of records as copies, duplicates, or comparable representations of electronic records, and to the reliability and trustworthiness of the Electronic Document Records Management System in which it was recorded or stored, in being able to produce reliable and trustworthy copies and duplicates of electronically stored records.
- 8.18 **Legal Hold** means an order preventing the destruction nor disposition of information required for any actual or anticipated Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) requests, potential or pending litigation or criminal investigations, audits or proceedings before a court or tribunal.
- 8.19 **Life Cycle** means the life span of a record from its creation or receipt throughout its active and inactive stage to final disposition. The five stages of the life cycle of a record include: creation, distribution/use, storage/maintenance, retention, and disposition/destruction.
- 8.20 **Local Boards** means those that are defined in the Municipal Act, 2001 and shall include municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body, or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.
- 8.21 **Medium** means the physical or digital material which serves as a functional unit, on or on which information or data is normally recorded.
- 8.22 **Metadata** means data elements, including data descriptions, data about data ownership, access paths, access rights and data volatility describing records, records systems, documents, or data, including but not limited to the evidentially significant facts of:
- a) Their contents, definition, function, logical and physical structure, retention, and disposition;
 - b) Their sources and origins; and

- c) Their relationships with other entities; and any additional evidentially significant facts regarding their creation, acquisition, modification, maintenance, and use, including those individuals and organizations that have been active in or otherwise responsible for those activities and their mandate or purpose for having been so engaged.

8.23 **Municipality** means the Corporation of the Town of Minto. All records, regardless of their physical medium are the property of the Town of Minto and subject to its control.

8.24 **Official Copy** means the copy of a record designated as the legal record for the Town where multiple copies of a document exist or where a source document has been scanned and the electronic version becomes the 'official' copy.

8.25 **Official Business Records (OBR)** means work related decisions and actions including emails, charts, presentations, briefing notes, etc. These records demonstrate: what happened, when, who was involved and what was decided or recommended by whom. They provide evidence of the Municipality's decisions and decision-making policies, procedures, services, operations (including transactions, activities, etc.) OBR's are subject to management throughout their life cycle according to the requirements of the Records Retention Schedule.

8.26 **Original** means the definition given under Section 12(1) of the Electronic Commerce Act, 2000, and provides that a legal requirement to retain a document that is originally created, sent, or received in written form is satisfied by the retention of an electronic document if:

- a) The document is in a format that accurately represents the information contained in a written document; and
- b) The information in the electronic document will be accessible so as to be useable for subsequent reference by any person who is entitled to have access to the written documents or who is authorized to require its production.

8.27 **Originating Department** means the department with the primary responsibility for retaining the record.

8.28 **Permanent** means a record that is preserved and/or never destroyed.

8.29 **Permanent Deletion** means a process to eliminate completely, to wipe out, to destroy or to obliterate an electronic record so that the recorded information no longer exists.

8.30 **Personal Email Message** means an email message which has no relevance to Town business such as a message to a friend or non-work-related messages between Town employees (e.g., lunch arrangements).

8.31 **Record** means any information created, received, and maintained as evidence and information in the transaction of business or the pursuance of legal obligations. A

record may be recorded or stored in printed form, on film, by electronic means (including instant messaging tools), and includes correspondence, memorandums, handwritten notes/notebooks, books, plans, maps, drawings, diagrams, pictorial or graphic works, photographs, films, microfilms, sound records, videotapes, machine readable records or any other documentary material, regardless of physical form or characteristics, and any copy thereof; and subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution

8.32 Records Management means the process of planning, organizing, directing, and controlling the steps involved in the life cycle of records.

8.33 Retention Schedule means an approved schedule/timetable in the form of a by-law that authorizes the length of time records are to be retained before their final disposition.

8.34 TOMRMS means The Ontario Municipal Records Management System which is the Town's classification system.

8.35 Transitory Records means records that have temporary usefulness and are only required for the completion of a routine action or the preparation of another record.

8.36 Vital Record means a record of any form or format containing information that is essential to continue the immediate operation of the municipality and that is necessary to recreate its legal and financial position.

9. Reference and Resources

References to related By-laws, policies, and administrative directives.

- a) By-Laws
 - i. Current Records Retention By-Law
 - ii. Current User-Fees By-Law
- b) Legislation
 - i. Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31
 - ii. Municipal Act, 2001
 - iii. Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990
- c) Related Documents
 - i. Personal Data Bank
 - ii. Freedom of Information Request Form
 - iii. Routine Disclosure Policy

10. Revision History

Date	Description
TBD	Approved
TBD	Next Scheduled Review

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