

Section: <b>Administration</b>	Policy Number: <b>1.2</b>
Policy: <b>Records Retention</b>	Effective Date: <b>09/01/2015</b>
Date Last Revised:	Current Revision Date:



#### **POLICY STATEMENT:**

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 Archives of The Corporation or the Wellington County Archives.

#### **APPLICATION:**

Retention provisions are based upon the informational content of the record rather than on its medium.

#### **PURPOSE:**

The retention provisions described in this policy apply to all records created, received or maintained by employees of the Town of Minto in the course of carrying out their corporate duties regardless of the medium or format.

#### **DEFINITION(S):**

**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 available electronically and is deemed to be an original copy.

**Archival Record** shall mean a record of enduring significance that has historical value for the Town 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.

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**Town** shall mean The Corporation of the Town of Minto.

**Clerk** shall mean the CAO/Clerk of The Corporation of the Town of Minto.

**Code** shall mean the reference number for each records series, based on the corporate records classification system (TOMRMS).

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

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

**Copy** shall mean a record that 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 or respective designate of The Corporation who is responsible for a specific department.

#### **Duties and Responsibilities of Department Heads:**

In addition to other duties assigned in this policy, Department Heads shall:

1. co-operate with the Records Manager in carrying out the policies and procedures established in The Town of Minto for the efficient and economical management of records and in carrying out the requirements of this ordinance;
2. adequately document the transaction of government business and the services, programs and duties for which the department head and his or her staff are responsible; and
3. maintain the records in his or her care and carry out their preservation, destruction or other disposition only in accordance with the policies and procedures of the records management program of The Town of Minto and the requirements of this ordinance.

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

**File** shall mean a collection of related records.

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

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

**Official Holder** shall mean the functional unit of The Corporation 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.

**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:

- a) is not machine readable by any of the Town's computer systems in place during the disposal year, because the data exists with no identifiable computer application that can retrieve the data; or
- b) is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced Town 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** shall mean any unit of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings, graphic works, 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 Town, and retained by the Town for the purposes of future reference.

**Records Centre** shall mean a low-cost facility for the controlled maintenance, retrieval, and disposal of semi-active or inactive records.

**Records Series** shall mean 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** shall mean the period of time during which a specific records series must be kept before records in that records series may be disposed of and is calculated from the close date of the record. It 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).

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**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 Corporations standardized file classification system.

**Transitory Record** shall mean a record that is:

- a) retained solely for convenience of reference;
- 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 Town of Minto business transactions;
- d) not an integral part of a Town record;
- e) not filed regularly with the Town of Minto'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 are not special Town events;
- h) not related to Town 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 Town business in the event of a disaster. A vital record allows the Town 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, contracts, 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, 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 document and do not record official decisions.

## **SPECIFIC POLICY REQUIREMENTS:**

### **General Principles:**

The following general principles shall govern the destruction of records:

1. No record shall be destroyed unless first classified according to the current records classification system.
2. No record shall be destroyed unless the retention period has expired or the record is a copy of the original record.

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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.

### **Responsibility**

As the “Official Records Keeper” under the Municipal Act, the Town CAO/Clerk or his/her designate is responsible for keeping a copy of all disposal reports on a permanent basis and for authorizing the establishment of retention schedule

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

The Deputy Clerk shall serve as Records Manager for the Town of Minto  
Employees are expected to follow this policy and best records management practices.

### **Duties and Responsibilities of the Records Manager:**

In addition to other duties assigned in this policy, the Records Manager shall:

1. administer the records management program and provide assistance to department heads in its implementation;
2. plan, formulate and prescribe records disposition policies, systems, standards and procedures;
3. in co-operation with department heads identify essential records and establish a disaster plan for the municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
4. develop procedures to ensure the permanent preservation of the historically valuable records of the municipality;
5. establish standards for filing and storage equipment and for recordkeeping supplies;
6. study the feasibility of, and if appropriate, establish a uniform filing system and a forms design and control system for The Town of Minto;
7. monitor records retention schedules and administrative rules;
8. disseminate to Council and Department Heads information concerning the retention schedule;
9. ensure that the maintenance, preservation, micro filming, destruction or other disposition of the records of The Town of Minto are carried out in accordance with the policies and procedures of the records management program;
10. maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

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11. bring to the attention of the C.A.O. Clerk non-compliance by department heads or other municipal personnel with the policies and procedures of the records management program.

## **Organization**

The Corporation organizes records according to the approved corporate classification system which is based on the Town of Minto's business activities.

## **Records Ownership**

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

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

## **Implementation**

Review of the Record Retention Schedule shall take place on a regular basis to ensure legal compliance. Upon the approval by the Town Auditor, the C.A.O Clerk or his/her designate will establish the retention schedule.

As part of the regular process for the disposal of records and prior to any destruction of records, such destruction shall be authorized in writing by the appropriate Department Head/Director. 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 Town Clerk satisfying him/herself 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 Archives program operated by the Town Clerk's Office or the Wellington County Archives.

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

The Records Retention Program doesn't apply to records that were not made in the course of Town business.

## **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:

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- 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 data or other sub data;
- 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.

Records created for long-term space savings no matter what the form shall be deemed to be the original for the purposes of this policy if so indicated in the Retention Program and retained subject to the approved retention schedule.

### **Records Protection**

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

### **Records Storage**

It is the intention of The Corporation to store 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 Corporation to destroy records as feasible in accordance with the approved retention schedule and in a secure and confidential manner based on informational 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 Town 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 original 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 Town 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 a regular basis.

### **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 2017-103 provides that the Town CAO/Clerk is granted delegated authority to establish the retention schedule for the records of The Corporation of the Town of Minto.