



City of
Peterborough

To: Members of the General Committee

From: John Kennedy, City Clerk

Meeting Date: September 12, 2022

Subject: Updated Records Retention By-law Report CLSCLK22-026

Purpose

A report to recommend that By-law 12-156, being a by-law to provide a schedule of retention periods for the records of the corporation of the City of Peterborough, be updated.

Recommendations

That Council approve the recommendations outlined in Report CLSCLK22-026 dated September 12, 2022, of the City Clerk as follows:

- a) That By-law 12-156, being a by-law to provide a schedule of retention periods for the records of the Corporation of the City of Peterborough, attached as Appendix A to this report, be repealed; and,
- b) That the draft by-law for the regulation and retention of records for the Corporation of the City of Peterborough, attached as Appendix B to the report, be approved.

Budget and Financial Implications

There are no budget or financial implications as a result of the adoption of the recommendation.

Background

Council approved By-law 12-156 on November 13, 2012, to regulate the use, storage and disposal of records across the corporation in a manner consistent with applicable legislation, in consideration of best practices and suitable to the business needs of City.

After discussions with City staff and the Information Governance Steering Committee, staff felt it was important to update certain requirements of this by-law to provide clarity in regulating the City's records and ensure we are doing so in the most efficient way while continuing to be compliant with all relevant legislation.

Key Updates

Staff, with the assistance of Legal Services, have updated the definition of a Record to provide a broader scope of what constitutes a Record. Previously the Records Retention By-law included 2 types of Records, Official Records (to be regulated by the Records Retention By-law) and Transitory Records (Records that were identified as non-business related or of limited value and therefore not regulated by the by-law). The new definition of a Record ensures that all relevant business information of the City is regulated and retained for the appropriate retention period, to fulfill our operational needs, and legislated requirements.

The other significant update is to include a provision to replace hard-copy paper Records with a scanned copy, as long as certain steps have been followed, set out in a forthcoming Imaged Records Procedure. This will allow many City divisions to dispose of hard-copy records that are stored in often unsuitable records storage locations, freeing-up valuable space, and making these records more accessible to office workers. With staff increasingly working remotely, and the limited records storage options available across City facilities, the need to convert paper records to electronic has increased and would lead to more efficient business processes.

The new by-law also includes definitions for Custody and Control. These definitions are pulled from **the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** and will ensure that the City is regulating only those records that fall under these definitions, as we are required to do by this act.

The main updates to the proposed by-law relate to the principles of records management not the retention schedule and include the following:

- a) One definition of a Record: "Records has the same meaning as defined in The **Municipal Act** and applies to Records in the City's Custody or Control". This will ensure we are always compliant with the records requirements laid out in The **Municipal Act**.
- b) Includes the provision that Records scanned, in compliance with the City's Imaging Procedure, can be used to replace the original hard-copy record.

c) Includes definitions for Custody and Control of Records.

Retention of Records

The current retention schedule for records is attached as Appendix C. The **Municipal Act, 2001** allows municipalities to establish controlled retention periods and destruction practices for its records. To establish a retention schedule the City purchased The Ontario Municipal Records Management System (TOMRMS), which was designed specifically for Ontario municipalities and classifies municipal records by function. This template is used by over one hundred Ontario municipalities and provides minimum retention periods for municipal records, based on relevant provincial and federal legislation, and best practices across Ontario. The operational needs of the City, as well as an Auditor's review form part any revisions. The City has also subscribed to a yearly update program through which municipalities are advised of any changes in federal and provincial legislation that affect records retention periods. The retention schedule, attached as Appendix C to the report, is provided for reference purposes.

Submitted by,

John Kennedy
City Clerk

Contact Name:

Kathleen Staves
Records Management Coordinator
Phone: 705-742-7777 Ext. 1853
Toll Free: 1-855-738-3755
E-Mail: kstaves@peterborough.ca

Attachments:

Appendix A – By-law 12-156
Appendix B – Draft By-law to Regulate Records
Appendix C – Current Records Retention Schedule