



The Corporation of the City of Peterborough

By-Law Number 22-xxx

Being a By-law to Regulate the Records of the Corporation of The City of Peterborough, Provide a Schedule of Retention Periods for these Records and To Repeal By-law 12-156

Whereas Section 225 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that a municipality may, establish retention periods during which the records of the municipality must be retained, preserved and destroyed in accordance with Section 254 thereof;

And Whereas the Council of The City of Peterborough deems it desirable to establish retention periods for the records of the municipality by enactment of this by-law (cited as the Records Retention By-law);

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Definitions

- a) “City” means The Corporation of the City of Peterborough
- b) “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.
- c) “Control (of a Record)” means the power or authority to make a decision about the use or disclosure of the Record.
- d) “Custody (of a Record)” means the keeping, care, watch, preservation, or security of the Record for a legitimate business purpose. While physical possession of a Record may not always constitute custody it is the best evidence of custody.
- e) “Destruction” means the process of eliminating or deleting data, documents and Records so that the recorded information no longer exists.
- f) “Disposition” means the documented process that changes the status of a Record, including retention, destruction, loss, or transfer of custody or ownership.
- g) “Files” has the same meaning as “Records” and may be used interchangeably.
- h) “Personal Information” has the same meaning as defined in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- i) “Records” has the same meaning as defined in The Municipal Act and applies to Records in the City’s Custody or Control.
- j) “Retention period” means the period of time during which Records must be held safe, secure, and accessible by the City before their mandatory disposition.

- k) “Retention schedule” means a control document that indicates the length of time that each Record 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 at the end of a specified retention period or the occurrence of specified actions or events. Records retention schedules serve as the legal authorization for the disposal of the City’s records.

2. Retention Schedule

- a) The Records Retention Schedule attached hereto as Schedule “A”, forms part of this by-law.
- b) The Clerk or Designate 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 Clerk shall consider, in consultation with other City employees where appropriate”
 - i. The operational nature of the Records, including the period of time during which the City uses the Records to perform its functions;
 - ii. 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;
 - iii. The fiscal nature of the Records, including the period of time necessary for audit purposes; and,
 - iv. The historical nature of the Records, as determined by the City’s Archivist in consultation with the appropriate divisional manager.

3. Responsibilities of Staff and Elected Officials

All City employees, part-time, contract staff and elected officials who create, work with, or manage Records shall:

- a) Comply with the retention periods as specified in Schedule “A” attached hereto; and
- b) Ensure that Records in their custody or control are protected from inadvertent Destruction or damage.

4. Clerk or Designate

The Clerk shall:

- a) Develop and administer policies and establish and administer procedures for the City’s Records Management program;
- b) Amend Schedule “A” as required, and obtain approval of the changes from the Administrative Staff Committee;
- c) Ensure that Records are preserved and disposed of in accordance with Schedule “A” attached hereto; and,
- d) Ensure that all Disposition notices prepared pursuant to Subsection (f) of Section 5 of this by-law are preserved;
- e) Include the current Records Retention Schedule in Council’s orientation information at the beginning of each term.

5. Disposition of Records

- a) The departments, in conjunction with the City Clerk's Office, will identify Records scheduled for Disposition, and prepare a notice of Disposition list. If there are any Records that need to be retained beyond the Disposition date, notice must be provided by the division manager to the City Clerk's Office in writing and include the reasons for which further retention is requested.
- b) Where appropriate and taking into account the principles governing the Disposition of Records, the Clerk shall re-schedule the Disposition of any Records listed in the notice referred to in Subsection (a) of this Section for up to one-year later than the scheduled Disposition date.
- c) Re-scheduling the Disposition of any Records beyond a one-year period requires written notice from the division manager to the Clerk for each additional year.
- d) If no notice is received under Subsection (c) of Section 5 of this by-law before the scheduled Disposition date, the Records shall be deemed to be authorized for Disposition by the division manager.
- e) Records that have been imaged can be disposed of once they have been imaged according to the City's Imaging Policy, approved by the Clerk for Disposal and retained for a minimum of 60 days after completing the requirements of the Policy, or once the Retention period for the Record has been met, whichever is sooner.
- f) When Records have been disposed of pursuant to this by-law, the Clerk shall obtain written confirmation of such Disposition.
- g) Certain Records identified for permanent retention based on enduring evidential, fiscal, or historical value and upon approval by the City Archivist may be transferred to the municipality's corporate archives located within the Peterborough Museum and Archives. The Archivist shall review schedule "A" changes on a regular basis and discuss these with the Clerk's Office.

6. Principles of Governing the Destruction of Records

- a) The following principles govern the Destruction of Records:
 - i. When there are no further business or legal reasons for retaining Records, they shall be destroyed in a manner consistent with the Retention Schedule
 - ii. Records pertaining to pending or actual investigation or litigation shall be retained for a period of time determined through consultation with the City Solicitor.
- b) Records disposed of at the end of a Retention Period. The manner in which a Record is destroyed shall preserve the confidentiality of the information contained in the Record.
- c) Copies of Records may be destroyed at any time if the Records are being retained in accordance with Schedule "A" attached hereto.

7. Previous By-law Rescinded

By-law 12-156 is hereby repealed.

By-law passed this 26th day of September, 2022.

Diane Therrien, Mayor

John Kennedy, City Clerk