

THE CORPORATION OF THE COUNTY OF PERTH

BY-LAW NO. 3253-2011

A Bylaw of The Corporation of the County of Perth to provide for the Preservation, Retention and Destruction of Records for the County of Perth

WHEREAS Section 254 of the Municipal Act, S.O. 2001, c.25, as amended, requires that municipalities retain and preserve municipal records; and

WHEREAS Section 255 of the Municipal Act, S.O. 2001, c.25, as amended, permits municipalities to establish, subject to auditor approval, retention periods during which records must be retained and preserved in accordance with Section 254; and

WHEREAS the Council of the Corporation of the County of Perth deems it expedient to establish retention periods as a means to effectively retain, preserve and destroy municipal records;

NOW THEREFOR the Council of The Corporation of the County of Perth enacts as follows:

1) **DEFINITIONS**

In this by-law:

- a) **Active** refers to a record that is required for current use or is regularly referenced.
- b) **Archival** refers to those records that are to be retained on a permanent basis due to their historical and research value.
- c) **Auditor** means the person or firm appointed by the Council of the County of Perth from time to time to perform the annual audit of the records of the County of Perth
- d) **Classification** (as in records 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.
- e) **Corporation** means The Corporation of the County of Perth
- f) **Destroy** refers to the process of eliminating or deleting of data, documents and records so that the recorded information no longer exists.

g) **Disposition** with respect to records – means the range of processes; associated actions; implementation; retention; destruction; loss; or transfer of custody or ownership that are documented in disposition authorities or other instruments.

h) **File** has the same meaning as “records” and may be used inter-changeably.

i) **Inactive** refers to the status of those records which have exceeded their active use but are still required on a less frequent basis. The retention of a record will start at this point because the file has been closed or ended in some way.

j) **In Department (In Dept.)** refers to the period of time records are kept “On-Site” or in department during the inactive portion of their lifecycle.

k) **Medium/media** means the physical material which serves as a functional unit, in or on which information or data is normally recorded, in which information or data can be retained and carried, from which information or data can be retrieved, and which is nonvolatile in nature.

l) **Official records** means recorded information in any format or medium that documents the company’s business activities, rights, obligations, or responsibilities or recorded information that was created, received, distributed or maintained by the company in compliance with a legal obligation.

m) **Off-Site** the period of time records may be kept “Off-Site” or in storage during the inactive portion of their lifecycle.

n) **Records** means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, including but not limited to correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes, machine readable records including e-mail and databases, and any other documentary material regardless of physical form or characteristics, and including “official records” and “transitory records”.

o) **Records Coordinator** means the County Clerk or a Records Coordinator as designated by the Corporation.

p) **Retention Period** means the period of time during which records must be kept by the County before they may be disposed of.

q) **Retention Schedule** refers to a control document that describes the corporation's records at a series level and indicates the length of time that each series 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 after the lapse 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 corporation's records.

r) **Transitory Records** means records kept solely for convenience of reference and of limited value in documenting the planning or implementation of County policy or programs.

s) **Vital Records** are those that are essential to the continuation or resumption of County business. Such records are required in order to recreate the financial and legal status of the County in an emergency situation and/or are needed in order to enable the municipality to recover from a disaster situation with minimal disruption, cost and risk.

2. DUTIES AND RESPONSIBILITIES

a) The "Official Record Holder" refers to the department, division, or service area which holds custody and control of the original records for the length of time required under Schedule "A" attached;

b) All County employees who create, work with, or manage records shall:

- i. Comply with the retention periods as specified in Schedule "A" attached hereto;
- ii. Ensure that official records in their custody or control are protected from inadvertent destruction or damage; and,
- iii. Ensure that transitory records in their custody or control are destroyed when they are no longer needed for short-term reference.

c) The Municipal Clerk is delegated the authority to make any amendments to the retention schedule, attached hereto as "Schedule "A"

3. RETENTION SCHEDULE

a) The retention schedule attached hereto as Schedule "A" forms part of this by-law.

b) The Records Coordinator shall administer this by-law and shall ensure that the retention periods set out in Schedule "A" attached hereto complies with all relevant legal requirements for records retention.

4. DEFINITION OF RETENTION SYMBOLS

Schedule “A” attached hereto includes letters and symbols under the Retention Period Column. Such letters and symbols signify the following:

“**S**” – stands for “Superseded”. A file with this retention limit is transferred or destroyed when it has been replaced.

“**T**” – represents “Terminated”. A file with this retention limit is transferred or destroyed when the subject to which it pertains has ended in some way.

“**P**” – stands for “Permanent”. A file with this retention limit is never destroyed.

“**” – represents “Subject to Archival Selection”. Certain records have been designated as having potential historical and research value to the municipality when their other values have been exceeded. These records will be set aside for review and culling to assess their archival value prior to destruction.

5. PRINCIPLES GOVERNING THE DESTRUCTION OF OFFICIAL RECORDS

a) The following principles govern the destruction of official records.

i. When there are no further business or legal reasons for retaining official records, they shall be destroyed or expunged as appropriate;

ii. Official records pertaining to pending or actual investigation or litigation shall not be destroyed;

iii. Official records disposed of at the end of a retention period, as well as drafts and copies of records disposed of on a regular basis, shall be destroyed in a way that preserves the confidentiality of any information they contain.

b) Official records in the custody or control of the County shall not be destroyed unless such records are older than the retention period set out in Schedule “A” attached.

c) “Copies” of official records may be destroyed at any time if the original records are being retained in accordance with Schedule “A” attached hereto.

d) In the event of any conflict between this By-law and any statute or regulation of the Government of Canada or the Government of the Province of Ontario, such statute or regulation shall prevail. If changes in the Act or pending legislation require the retention of any documents or records beyond the period stipulated in this by-law, then such documents or records shall be retained according to such requirements.

6. REPEAL OF BY-LAW

That By-Law 2983 (2006) including all appendices are hereby repealed.

7. APPROVALS

Read a first and second time this 12th day of May, 2011.

Read a third time and finally passed this 12th day of May, 2011.

Original Signed by

Julie Behrns, Warden

Original Signed by

Kerri Ann O'Rourke, County Clerk