

Report CCR-CS-04-16

To: Chair and Members of the Corporate Services Committee
From: Heather Morrison
Meeting Date: January 12, 2016
Subject: **Updated Records Retention Schedule**
Status: Recommendation adopted by Committee as presented per Resolution CS13-16; Endorsed by County Council February 2, 2016 per Resolution CC24-16;

Recommendation(s)

WHEREAS the County of Grey recognizes the value of its corporate records for their historical and functional importance to the County;

AND WHEREAS there have been recent updates to several pieces of legislation that required an amendment to the records retention schedule;

NOW THEREFORE BE IT RESOLVED THAT Report CCR-CS-04-16 be received;

AND THAT a by-law to amend Schedule 'A' of By-law 4481-08 being the County's Record Retention By-law be brought forward to County Council for its consideration.

Background

The County is required under the Municipal Act, 2001, as amended, to maintain a records retention schedule that outlines the lifecycle of its records from creation to archival or destruction. The Clerk's department is the statutory holder of corporate records. By-law 4696-10 was passed November 2, 2010 to amend the schedule to By-law 4481-08, being the County's records retention by-law. The updates to the records retention schedule have been highlighted for ease of reference.

Legislation

As noted above, the Municipal Act, 2001, provides the basic requirement that municipalities maintain a records retention schedule. The County's many operations fall under several different pieces of legislation that incorporate retention periods for records within them including but not limited to the Planning Act, Ontario Works Act, Ambulance Act and Personal Health Information Protection Act. In addition, Bill 8, the Public Sector and MPP Accountability and Transparency Act 2014 went into effect January 1, 2016. Bill 8 adds additional oversight into records management with the inclusion of two changes to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). These changes relate to:

- Requirements to ensure that there are proper procedures in place to ensure the collection, storage and destruction of records
- Makes it an offence to alter, conceal or destroy records when there is intent to deny an access request.

Current Processes

The County has both paper and electronic records in its possession. Both of these are categorized using TOMRMS, The Ontario Municipal Records Management System which provides retention categories and schedules for municipalities within Ontario. The County, among many other municipalities, receives updates annually from the Information Professionals, who specialize in TOMRMS. The updates include changes in legislation, citations and scope notes. It also recognizes new and emerging categories for municipal operations. TOMRMS is used not only in our departmental records, but those in storage as well as records contained in our electronic document management system, currently GreyDocs.

Financial/Staffing/Legal/Information Technology Considerations

The County's solicitor has reviewed the draft schedule and provided input on several items which have been incorporated into the schedule. As well, the Municipal Act requires that the County's auditor approve the retention schedule once passed by County Council. The breadth of portfolios the County current operates makes this particular requirement difficult for the auditor as they do not have the expertise in many areas such as social services, paramedic services or long-term care to ensure that all retention periods are correct. Therefore, as in 2010, there was a requirement that each director reviews their particular areas of expertise and sign off on those

prior to the by-law being passed by Council. The requirement for the auditor to approve municipal records retention by-laws has been included in comments from several organizations including AMCTO, as part of the review the Municipal Act by the Province in an effort to have it removed as a requirement for municipalities.

There is no staffing or IT considerations related to this report.

Link to Strategic Goals/Priorities

The County's Records Retention By-law supports Goal 6 which is to achieve excellence in governance and service.

Attachments

Draft Records Retention Schedule

Respectfully submitted by,

Heather Morrison
Deputy Clerk/Records Manager

Director Sign Off: Sharon Vokes