

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 52-2010

A BY-LAW TO PROVIDE FOR THE PRESERVATION,  
RETENTION AND DESTRUCTION OF RECORDS OF  
THE REGIONAL CORPORATION

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

WHEREAS the Municipal Act, S.O. 2001, c.25 as amended, Section 255 permits municipalities to destroy records; and

WHEREAS the Council of the Regional Municipality of Niagara deems it expedient to retain, preserve and destroy municipal records;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Regional Municipality of Niagara enacts as follows:

1. DEFINITIONS

In this by-law:

- (a) "Active" refers to the status of records which are required by a department of the Corporation on a regular basis and are deemed by the department to be current;
- (b) "Auditor" is the person or entity appointed by Council and licensed under the Public Accountancy Act. The auditor's main function is to audit the accounts and transactions of the Corporation and express an opinion on the financial statements of the Corporation;
- (c) "Corporation" means The Regional Municipality of Niagara;
- (d) "Current" refers to the status of a record which was created in the current calendar year;
- (e) "Functional classification" organizes records focusing on the actual business function, activity or transaction which created the records; why does the record exist and what purpose does it serve.
- (f) "Inactive" refers to the status of those records which have exceeded their active use but are still required on a less frequent basis.

- (g) "Office of Responsibility" refers to the department of the Corporation that has responsibility and control of a particular record grouping ;
- (h) "Record" means a document made or received in the regular course of business and kept for administrative or operational purposes, regardless of media;
- (i) "Responsible Officer" refers to the individual in each department or division who is designated by the Department Head or Commissioner as responsible for the records under the care and control of that department.
- (j) "Retention Period" refers to the length of time records are kept.
- (k) "Transitory Records" are records of a temporary nature regardless of the medium on which they are created, which are required for a short time to ensure the completion of a routine action. They have no continuing value or archival value. They do not document the initiation or conduct of a government's institution's business and are not needed for statutory, legal, fiscal, administrative, operational or archival purposes. They are not regularly filed in a records or information management system. (This includes both paper and electronic record keeping systems.) "Transitory records" do not set policy; establish guidelines or procedures; document core function or activities of a government institution; require official action or have any documentary or evidential value.

## 2. DUTIES AND RESPONSIBILITIES

- (a) The "Office of Responsibility" refers to the department which holds custody and control of the original records for the length of time required under schedule "A" attached;
- (b) The "Responsible Officer" shall be appointed in writing by the Department Head or Commissioner and notice of the appointment shall be forwarded to the Manager Corporate Records and Information Services. Should the name of the "Responsible Officer" change it is the Department Head or Commissioner's responsibility to notify the Manager Corporate Records and Information Services accordingly;
- (c) The "Responsible Officer" shall keep an index and location map indicating where all current records are kept in his/her department;
- (d) The "Responsible Officer" shall oversee and be responsible for preparing records for transfer to the Inactive Records Centre;

3. RECORD SYMBOLS AND THEIR MEANINGS

(a) Schedule “A” attached includes letter symbols under the Retention Period column signifying the following:

(i) Retention Conditions

“T” – stands for “Termination of Event”. This refers to retention period of records being calculated from the conclusion or termination of an event, or specific authority.

(ii) Retention and Disposition

“D” – stands for “Destroy”. This refers to the destruction of records without any copy being retained;

“P” – stands for “Permanent”.

“R” – stands for “Destroy, subject to review”. This refers to the destruction of records preceded by archival appraisal.

“S” – refers to “Permanent subject to Selection”. This refers to the preservation of records, preceded by archival appraisal;

“V” – stands for “Vital Records”. This refers to records required to re-establish or continue operations in the event of a disaster. These records are unique and irreplaceable information necessary to recreate the Corporation’s legal and financial position.

(iii) Information Sensitivity Indicators

“A” – stands for “Accessible” to the public through routine disclosure.

“FOI” – These records shall be considered confidential. When a Freedom of Information request is made under MFIPPA or PHIPA to access these records, acceptable disclosure will be determined following a careful review.

“PIB” – Personal Information Bank. These records are also confidential, but specifically contain personal and/or personal health information. A Freedom of Information request is required under MFIPPA or PHIPA to gain access

4. CLASSIFICATION AND RETENTION SCHEDULE

- (a) The Corporation will classify records according to a functional classification system based on an analysis of the Region's business activities.
- (b) The Classification and Retention Schedule related to record groupings; retention periods; statute/citation references and is attached as Schedule "A" to this by-law.

5. REPEAL OF BY-LAW

That By-law 59-2007 be and the same is hereby repealed.

6. APPROVALS

This by-law shall come into force upon passage by Council of the Regional Municipality of Niagara, but the retention periods shall take effect only upon approval of the Regional Auditor.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

\_\_\_\_\_  
(Peter Partington, Regional Chair)

*Original Signed By:*

\_\_\_\_\_  
(Kevin Bain, Regional Clerk)

Passed: May 14, 2010

Retention Periods Approved this \_\_\_ day of \_\_\_\_\_ 2010

KPMG LLP

Per: \_\_\_\_\_