

Report to Council

Report Title: Updated Records Retention Policy

Prepared By: Sarah Johnson, Deputy Clerk

Department: Clerk's

Date: June 6, 2023

Report Number: CLK2023-12 **File Number:** C11CL, A09, A10

Attachments: Draft 2023 Records Retention Policy

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2023-12 – Updated Records Retention Policy, prepared by Sarah Johnson, Deputy Clerk and in doing so approves a By-Law coming forward to adopt the updated Records Retention Policy.

Report:

Background:

The *Municipal Act 2001*, as amended, provides that municipal records may be destroyed only if a retention period for the record has been established, and requires that the schedule for record retention periods be approved by the municipal auditor prior to implementation. The *Municipal Freedom of Information and Protection of Privacy Act* also requires municipalities to have a records management system in place to allow public access to information while protecting privacy as well as to providing effective and timely responses to Freedom of Information requests under the Act.

The Municipality of Brockton requires an update to our current Records Retention Policy By-Law which was previously enacted on September 26, 2011. The purpose of this policy is to provide retention periods for records that are created, maintained, and disposed of by the Municipality, as well as outline the responsibilities of employees to ensure records are properly maintained by the Municipality in compliance with legislation. The Brockton uses a records classification system and records retention schedule developed by The Ontario Municipal Records Management System (TOMRMS). This system is a universal coding/file classification system which is used by many Ontario municipalities, and is supported by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO).

Records are used to meet administrative and operational needs, including security, accuracy, authenticity, as well as complying with regulations and legal obligations to internal and external stakeholders.

The need for accurate and reliable records is essential to the Municipality’s operations. The establishment and maintenance of a records management process involves all information in the organization, regardless how the media is created, received, used, or held. This policy governs the management of all records, from creation to disposition, and requires mandatory compliance from all departments. The policy also reminds committee and local board members of records they may be dealing with during the duration of their term (such as agendas and minutes), and that those records should be transferred to the Clerk’s Department for appropriate filing to maintain compliance with the retention schedule.

Brockton uses a company known as The Information Professionals to provide us with the updated TOMRMS retention schedules that meet these requirements. The Information Professionals receive regular Federal and Provincial legislative updates that reflect the municipal records retention periods. The retention schedule applies to both electronic and paper records. Staff continue to implement the retention schedule in our electronic records management system, FileHold, and through paper filing conducted by the Clerk’s department. Some classifications and categories presented by TOMRMS are currently not in use by the Municipality, but are still included in the schedule in case they are implemented in future years.

Analysis:

The Municipality of Brockton’s 2011 Record Retention Policy indicates the length of time records are to be kept, and is reviewed by staff annually to ensure the Municipality is retaining records in accordance with legislation and standard best practices.

During the COVID-19 pandemic, the Municipality updated our Procedural By-Law in order to allow for electronic meetings, and made other changes in service delivery in order to adapt to these technology changes. As a result, staff reviewed the electronic meeting video recordings, and have determined the appropriate retention period for these recordings which are treated as transitory or temporary records for ease of access, as the meeting minutes represent the official record. This was another factor in the Municipality updating the 2011 policy.

Staff request that the Record Retention Policy be updated, which will rescind and replace the 2011 policy, and will further update the Municipality’s records retention schedule to be consistent with the current standards. The By-Law will delegate authority to the Clerk to update the records retention schedule from time to time in order to maintain accuracy and compliance. By updating the records retention schedule as required, the Municipality will be better able to protect itself from litigation, etc. by ensuring compliance with legal retention requirements.

Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?		
• Recommendations help move the Municipality closer to its Vision		Yes
• Recommendations contribute to achieving Heritage, Culture, and Community		N/A
• Recommendations contribute to achieving Quality of Life		N/A
• Recommendations contribute to achieving Land Use Planning and the Natural Environment		Yes
• Recommendations contribute to achieving Economic Development		N/A
• Recommendations contribute to achieving Municipal Governance		Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

An annual fee of approximately \$400 is paid to the Information Professionals to provide regular updates and guidance on The Ontario Municipal Records Management System (TOMRMS).

Reviewed By:

Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

Sarah Johnson, Deputy Clerk

Reviewed By:

Sonya Watson, Chief Administrative Officer