

Bill No. 208
2019

By-law No. CPOL.-128()- ____

A by-law to amend By-Law No. CPOL.-128-380, as amended, being “City of London Records Management Policy” to clarify that City records include those that have been received or created by the City and to update the Policy to reflect current practices.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-128-380, as amended, being “City of London Records Management Policy” to clarify that City records include those that have been received or created by the City and to update the Policy to reflect current practices;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-128-380, as amended, being “City of London Records Management Policy” is hereby amended by deleting Schedule “A” to the by-law and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on June 11, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 11, 2019
Second Reading – June 11, 2019
Third Reading – June 11, 2019

Schedule “A”

City of London Records Management Policy

Policy Name: City of London Records Management Policy

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-128-380); Amended July 24, 2018 (By-law No. CPOL.-128(a)-423), Amended _____ (By-Law No. CPOL.- _____ - _____)

Last Review Date: May 1, 2019

Service Area Lead: City Clerk

1. Policy Statement

- 1.1 The records and information holdings of The Corporation of the City of London (the “City”) are valuable corporate assets needed to support effective decision making, meet operational requirements, protect legal, fiscal and other interests of the City, and to adhere to the requirements of the *Municipal Act, 2001* as amended and the *Municipal Freedom of Information and Protection of Privacy Act, 1990* as amended.

The City manages its information holdings by a records management program that is administered by the Office of the City Clerk.

All City records deemed corporate records that have been received or created by any City employee fall into the custody and control of the Corporation and are the property of The Corporation of the City of London.

The retention of records is usually dependent on the subject matter of the records, and not the format in which the records are stored. The Records Management By-law, including the Records Retention Schedule and the Records Retention Policy will be applied to all records in the custody and control of the City – including electronic records (i.e. e-mails, files saved on staff computers and networks, files saved external drives, text messages, voice mails, etc.).

2. Definitions

- 2.1 For the purposes of this policy, the following definitions shall apply:

Active Record	A record that is referred to and used on a regular basis.
Archival Record	A record or item that has been appraised for permanent retention because of its historical, fiscal, legal (including evidential), operational, or administrative value. The long term value of the record justifies its preservation.
Archives	A repository for archival records.
Classification System	A systematic method of coding and categorizing records for ease of use, retrieval, and disposal.
Corporate Records	Any record created, received, deposited or held by any City employee in the course of business and used to support a City function or to conduct City business. Does not include Councillor constituency records.
Disposition	The final phase of the records life cycle, meaning the disposal of records that have no further value, or the transfer of archival records to permanent storage.
Disposition Authority	The individual responsible for the records under the care and control of a particular departmental business unit. Typically the “Disposition Authority” is a Service Area Manager or Director with signing authority.
Document	The smallest unit of filing.

File / Folder	A group of related documents.
File Plan	A logical systematic method for the description and classification of records.
Inactive Record	A record that is referred to infrequently. Physical inactive records are usually kept in a storage facility until final disposition.
Life Cycle	The life span of a record from its creation or receipt throughout its active and inactive stage to final disposition.
Metadata	Data that provides information about a record's content, making it easier to retrieve, use, or manage. Metadata includes, but is not limited to: means of creation of the data, purpose of the data, time and date of creation, creator or author of data.
<i>Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</i>	Ontario legislation which, with some limitations, provides the public with a right of access to records held by the City and protects the privacy of personal and third party information held by an institution.
Record	Information, however recorded or stored, whether in printed form, on film, by electronic means, or otherwise, that can include: correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof; and subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.
Record Series	A group of related records that are normally used and filed together.
Records Centre	A storage facility to house inactive records until their final disposition.
Records Classification System	A system to promote the effective use of City information by providing a consistent standard for the description and management of corporate records and improving control and accessibility.
Records Coordinator	An employee within each business unit who acts as records management liaison and representative for the business unit, administers and supports the business unit's records management program and participates in all necessary training for the performance of this role.
Records Management	The process of planning, organizing, directing, and controlling all the steps involved in the life cycle of records.
Retention Schedule	A Council-approved timetable that prescribes a life span to recorded information from its creation to final disposition.
Transitory Records	Records that have temporary usefulness and are only required for the completion of a routine action, or the preparation of another record. They are not an integral part of a records series and are not filed regularly with standard

records or filing systems. They are not required to meet statutory obligations or to sustain administrative or operational functions.

Vital Records

Records that are essential to resume or continue the operations of an organization after an emergency; those necessary to recreate the corporation's legal and financial position; and/or those necessary to preserve the rights of the corporation, its employees, customers, and ratepayers.

3. Applicability

3.1 This policy shall apply to all records of The Corporation of the City of London.

4. The Policy

4.1 Purpose

The purposes of this policy are:

- a) To ensure that the records of The Corporation of the City of London are retained and preserved in a secure and accessible manner.
- b) To foster government accountability and transparency by promoting and facilitating good recordkeeping.

4.2 Objectives

A records management program applies systematic controls and standards to the creation, security, use, retention, conversion, disposition and preservation of recorded information. A standardized records management program allocates sufficient resources to:

- a) manage the information life cycle to meet all legislated requirements for record keeping, including those of the *Municipal Act, 2001* and the *Municipal Freedom of Information and Protection of Privacy Act, 1990*;
- b) manage information holdings, making them readily available for decision making and to meet information access requests, including those made under the *Municipal Freedom of Information and Protection of Privacy Act, 1990*;
- c) protect the integrity and authenticity of records so that they may be relied upon as evidence of organizational activity and administrative decisions and thereby meet legal, evidential and accountability requirements;
- d) ensure that records are protected and are not destroyed or removed from the custody and control of The Corporation of the City of London unless authorized by the City's Records Retention Schedule, or through contractual agreement;
- e) ensure the identification and preservation of permanently valuable records and the destruction of records that have surpassed their retention, in a timely, secure, and environmentally sound manner;
- f) promote organizational efficiency and economy through sound record keeping practices, including reducing storage costs through the use of records storage centres and appropriate technology; and,
- g) establish and define accountability, responsibility and roles, as appropriate to level of involvement with records management.

4.3 General Directives

- a) All records created or received by an employee of The Corporation of the City of London in the course of official business are subject to City records management practices and procedures.

- b) It is the responsibility of every City employee holding or maintaining City records to deliver all such records to his or her successors or to the City Clerk upon leaving office or employment.
- c) Transfer of original City records into the possession of private organizations or individuals is prohibited except for the purposes of microfilming, imaging, duplication, format conversion, binding, conservation, or other records management and preservation procedures or where authorized by bylaw, legislation or contractual agreement.

4.4 Ownership of Records and Information

- a) Records created or accumulated by City Councillors acting in their political or constituency capacity are not corporate records where these records are stored and managed separately from City records.
- b) Records in the custody of consultants, contractors, and private service providers performing work for the City may be under the control of the City and subject to the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.
- c) Records created by volunteers or part time workers performing work under the direction of a City employee are corporate records subject to this policy and to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, 1990*.

4.5 Changes of Custody, Control or Ownership

- a) When physical custody of original corporate records is transferred to another institution not covered by this policy, a protocol agreement must be in place. The agreement must identify the records in question, define the rights retained by the City and ensure that the records will be managed in accordance with government legislation, by-laws, regulations, policies, standards and records schedules. Protocol agreements may contain the following provisions:
 - i) the City may restrict access to or the disposition of records transferred or those created after the transfer;
 - ii) new records created or documentation added to existing records may become City property;
 - iii) records must be returned to the City once they are no longer required or if the information is requested by the City; and,
 - iv) intellectual property rights (such as patents, copyright, etc.) must be retained by the City.

4.6 Information Security

- a) Security measures must be implemented to ensure that records are created, acquired, updated, handled, used, transmitted, transported, filed stored and destroyed in a manner appropriate to their sensitivity. These security measures must ensure the integrity of the records, protect sensitive information and personal information from unauthorized access or disclosure and protect vital records from damage or loss.

4.7 Records Classification System

- a) The Ontario Municipal Records Management System (TOMRMS), as amended, is used as the City's records classification system and retention schedule as per Records Retention By-law - A.-7323-299.

4.8 Retention and Disposition of Corporate Records

- a) All corporate records will be retained and disposed of according to the Council-approved Corporate records schedule.

- b) In order to reduce the use of office space and file equipment, inactive physical records will be stored in records centres coordinated by the City Clerk's Office.
- c) Employees will use the Corporate approved CityHub/SharePoint electronic documents and records management system to store and manage electronic records not already stored in other approved database applications.
- d) In accordance with the approved retention schedule, final disposition action will take place in a timely manner at the end of the retention period for each record series.

4.9 Preservation of Archival Records

- a) Archival records will be managed for preservation throughout the information life cycle.
- b) Archival records will be stored in formats that ensure the longest possible life of records or of the information contained in them. They will be handled and stored in a manner that minimizes damage and deterioration while in use.
- c) Archival records will be preserved in formats appropriate to their retention periods and final disposition. Information of enduring value must be preserved using durable storage media.

4.10 Transitory Records

- a) After a final record has been produced and incorporated into the regular filing system, the working materials involved may become superseded or obsolete transitory records and may be destroyed unless otherwise legislated or specified in the records retention schedule.
- b) Working materials which are required for ongoing legal, fiscal, audit, administrative or operational purposes are not transitory records.
- c) Transitory records that are the subject of ongoing legal proceedings or a request under the *Municipal Freedom of Information and Protection of Privacy Act* must not be destroyed until after the legal proceeding or request has been completed and all possible appeals have been resolved.

4.11 Records Management Training

- a) The objective of staff training is to enable City staff to implement, use and maintain standardized systems for managing their record holdings.
- b) Training must be appropriate to the level of involvement with recordkeeping systems. This involves basic training for all employees and specialized training for business unit records coordinators.
- c) Business unit records coordinators will receive training in the following areas:
 - i) principles of recordkeeping;
 - ii) information management terminology and processes;
 - iii) security of information holdings;
 - iv) access rights and privacy protection;
 - v) management of special types of records (e.g. transitory records, special media, etc.)
 - vi) classification of records;
 - viii) records search and retrieval
 - ix) records retention and disposition schedules; and,

- x) file operations and records storage.

4.12 Destruction of Records

- a) Destruction of records may occur at the end of a record's life cycle as described in the approved records retention schedule. Destruction includes deletion, garbage, shredding, and paper recycling.
- b) Records shall be destroyed using a method appropriate to their medium and to their content. Records containing confidential and/or personal information shall be destroyed through a process that achieves definitive obliteration of information.
- c) Destruction operations must maintain the confidentiality of information and protect the privacy of individuals whose personal information may be contained in the records.
- d) Records must be destroyed promptly following the expiration of approved retention periods. Exceptions to this planned destruction process include records still required for the ongoing functions of a municipal program and records that are the subject of a request under the *Municipal Freedom of Information and Protection of Privacy Act* and records required for ongoing legal purposes.

4.13 Authority and Responsibility

- a) The Senior Leadership Team will:
 - i) provide corporate leadership and support for the records management program.
- b) The City Clerk will:
 - i) provide leadership for records management with respect to vision, mission, policy, standards, strategic planning, training, quality assurance, and facilitate the development, maintenance and improvement of records keeping solutions, tools and systems; and,
 - ii) make recommendations to the Senior Leadership Team and Council regarding policy requirements and records retention and disposal schedules, as required.
- c) The Manager of Records and Information Services and the Manager of Corporate Records will:
 - i) coordinate the corporate wide program for records management;
 - ii) recommend and implement policies;
 - iii) provide direction, training and technical advisory services;
 - iv) provide storage and retrieval services for inactive physical records;
 - v) identify the tools, facilities and staff necessary for service delivery;
 - vi) create and maintain procedure manuals and supporting documentation; and,
 - vii) ensure the currency of the records retention schedule.
- d) The Director of Information Technology Services will:
 - i) provide technical support for the installation, maintenance and upgrading of records management software and related programs to ensure compliance and access within the City's networked systems; and,
 - ii) ensure the security and integrity of electronic records systems.

- e) Service Area Managers/Directors will:
 - i) recommend retention schedules relating to records in their business unit's custody and control to ensure the schedule meets the business unit's operational requirements;
 - ii) use the records storage and retrieval services coordinated by the City Clerk's Office for storage of inactive physical records;
 - iii) ensure business unit staff is fully trained and carrying out their records management obligations;
 - iv) as the Disposition Authority, review and sign off the destruction of records that have reached their scheduled disposition date. If destruction sign-off is not provided, the Disposition Authority shall provide written justification for the request to extend destruction dates;
 - v) when a business function is being transferred to another business unit as a result of a reorganization, transfer to the business unit all records needed to carry out the function, or, when the business unit ceases to carry out a function and the function is not transferred to another business unit, transfer all records relating to that function to the City Clerk;
 - vi) inform the City Clerk of breaches of records management policy (e.g. damage, theft, misuse, privacy complaints or unauthorized disposition of records); and,
 - vii) designate an employee in each business unit to act as the records coordinator.
- f) Business Unit Records Coordinators will:
 - i) oversee and be responsible for preparing inactive records for transfer to the City Clerk's Records Unit for storage;
 - ii) be aware of the location all current records and information stored in his/her business unit, regardless of format;
 - iii) assist employees in their business unit to understand the corporate records management program and procedures and act as "champion" for the program within their business unit; and,
 - iv) assist the Manager of Records and Information Services/Manager of Corporate Records to deliver and to audit the records management program within their business unit.
- g) All City Employees will:
 - i) ensure that all the records they create or receive that are used to support a City function or to conduct City business will be maintained and preserved as required by this policy and the Records Management By-law.