



Committee of the Whole

Meeting Date: September 12, 2023

Submitted by: Paul Shipway, Acting Manager of Legislative Services/County Clerk

Subject: Record Retention By-law

BACKGROUND:

On October 12, 1999, the Council of the Corporation of Middlesex County passed By-law #5464, being a by-law to establish retention periods for documents and records of Middlesex County. By-law #5464 adopted the Ontario Municipal Records Management System (TOMRMS) for record classifications and records retention periods.

The records the County currently receives and produces have changed considerably since 1999, and the existing Records Retention By-law does not capture the ever-evolving nature of County records. In an effort to encompass all records received and produced by the County while also positioning records management as a digital first resource, a new Records Retention By-law has been drafted for Council consideration.

ANALYSIS:

Section 254 of the Municipal Act, 2001, requires municipalities to retain and preserve records in a secure and accessible manner. Section 255 of the Municipal Act, 2001, authorizes a municipality to establish retention periods for its records during which the records of the municipality and local boards of the municipality must be retained and preserved. Furthermore, a municipality shall not destroy any of its records except in accordance with a by-law passed by the municipality.

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) defines a 'record' very broadly to include information, however recorded or stored, including paper and electronic records, minutes, correspondence, financial statements, maps, drawings, photographs, digitized images and e-mail. Under MFIPPA, every person has a right to request access to any record under the County's custody or control, subject to certain exemptions.

The proposed Records Retention By-law continues to be based on the Ontario Municipal Records Management System (TOMRMS). The proposed Records Retention By-law is

developed in compliance with federal and provincial legislation and the Ontario Municipal Records Retention Guide as references to determine retention schedules.

All Department Heads have been provided the opportunity to comment and refine the records retention periods to better accommodate each Department's records retention requirements.

Digital records management is the practice of storing, organizing, and maintaining electronic records and documents in a way that ensures their accuracy, accessibility, reliability, and security. This includes the creation, maintenance, and disposal of digital records, as well as their classification, indexing, and retrieval.

Digital records management typically involves the use of specialized software to manage electronic records and documents throughout their lifecycle, from creation to disposal. The software may include features such as version control, audit trails, encryption, and search capabilities to help ensure that records are properly managed and maintained.

The goal of digital records management is to ensure that electronic records are managed in a way that meets legal and regulatory requirements, preserves important information for future use, and promotes efficient and effective business processes.


A Middlesex County work plan consisting of a new Records Retention By-law is the foundation to the potential implementation of a corporation wide, comprehensive digital records management initiatives inclusive of templates, workflows and forms. Implementation of the new Records Retention By-law will enhance municipal efficiency, effectiveness and improve stakeholder outcomes.

FINANCIAL IMPLICATIONS:

No direct immediate financial impacts. Over the long term, digital records management provides opportunities for savings and efficiencies pertaining to storage costs, retrieval and access, printing costs, automation and reduction in records loss or damage.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Promoting Service Excellence 	Innovate and transform municipal service delivery	<ul style="list-style-type: none"> • Anticipate and align municipal service delivery to emerging needs and expectations • Build organizational capacity and capabilities

RECOMMENDATION:

THAT the Record Retention By-law Report be received for information;

AND THAT staff be directed to bring forward a Record Retention By-law for Council consideration.