

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO.

A BY-LAW TO PROVIDE FOR THE CLASSIFICATION,  
RETENTION AND DESTRUCTION OF RECORDS OF  
THE REGIONAL CORPORATION AND TO REPEAL  
BY-LAW 63-2013

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WHEREAS Section 254 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, requires municipalities to retain and preserve the records of the municipality and its local boards in a secure and accessible manner;

WHEREAS Section 255 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, permits municipalities and its local boards to destroy records if a retention period for the record has been established under this section and the retention period has expired or the record is a copy of the original record;

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

WHEREAS the Council of the Regional Municipality of Niagara deems it desirable to provide the Regional Clerk the ability, subject to the provisions of this by-law, to update the Records Retention Schedule from time to time without amendment to this by-law, for the purpose of effective and efficient management of 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" describes the status of records that are required by a department or division on a regular basis;
- (b) "Corporation" means The Regional Municipality of Niagara;
- (c) "Current" records were created in the current calendar year;
- (d) "Department Head" means the functioning leader of a Department, usually a Commissioner or Director;
- (e) "Destruction" is a disposition action that results in the permanent deletion of a record, regardless of format or medium. Records containing personal information must be destroyed in accordance with any regulations established

- under S.30(4) of MFIPPA (Municipal Freedom of Information and Protection of Privacy Act);
- (f) “Disposition” is the final stage in the records life cycle, whether it be permanent retention or destruction;
  - (g) “Inactive” describes the status of records that are no longer referred to on a regular basis, but must be retained for operational or legal reasons;
  - (h) “Office of Primary Responsibility” refers to the departmental division that has primary responsibility and control of a particular group or type of records, typically being the division where records were initially created or received;
  - (i) “Permanent Retention” is a disposition action that preserves a record and prohibits its destruction;
  - (j) “Record” means information however recorded or stored, whether in printed form, film, by electronic means or otherwise, and includes documents, financial statements minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs, and films;
  - (k) “Records Contact” is a role designated by the Responsible Officer for the purposes of facilitating communication between Information Management Services and staff across the corporation;
  - (l) “Responsible Officer” is responsible for the records under the care and control of a particular departmental division. Typically, the Responsible Officer is the Divisional Director or designate with signing authority;
  - (m) “Retention Period” refers to the length of time records are kept;
  - (n) “Transitory Records” are records of a temporary nature regardless of format, typically required for a brief time to ensure the completion of a routine action;
  - (o) “Trigger” refers to a wide range of circumstances that change the status of records and information from active to inactive.

## 2. DUTIES AND RESPONSIBILITIES OF THE RESPONSIBLE OFFICER

- (a) The Responsible Officer shall be the Divisional Director and confirmation of this role shall be forwarded to the Manager, Information Management Services. The Director shall also forward the name of a designate Responsible Officer in the event of the Director’s absence or unavailability. Should the name of the Responsible Officer change it is the Director’s responsibility to notify the Manager, Information Management Services accordingly;
- (b) The Responsible Officer shall be aware of where all current records and information are stored in his/her division, regardless of format;
- (c) The Responsible Officer shall oversee and be responsible for preparing records for transfer to the third-party storage provider, in partnership with Information Management Services staff;

- (d) The Responsible Officer shall review and approve the destruction of records that have reached their scheduled disposition date. If destruction sign-off is not provided, the Responsible Officer shall provide written justification for the request to extend destruction dates;
- (e) Beyond the Responsible Officer role, all Niagara Region employees who create, use, or maintain corporate records are responsible for contributing to the effective management of those materials.

### 3. CLASSIFICATION AND RETENTION SCHEDULE

- (a) That the Records Retention Schedule, attached hereto as Schedule "A" to this by-law be and is hereby approved and authorized;
- (b) The Corporation will classify, retain, and destroy records in accordance with this by-law;
- (c) Inactive physical records may be stored with Niagara Region's third-party storage provider;
- (d) Inactive electronic records may be stored in databases, shared drives, servers, or SharePoint sites. Records classifications in the Records Retention Schedule (Schedule A) apply equally to paper and electronic inactive records;
- (e) The Regional Clerk and the Manager, Information Management Services, shall administer the appropriate standard for classification of Records, considering the legal, financial, administrative, operational, and historic values of each Record, and shall monitor the Retention Schedule for compliance with legislative requirements. Where there is no legislative mandate for retention, best practices in combination with staff, Responsible Officers, and/or outside consultation, shall be followed;
- (f) The Retention Schedule set out in "Schedule A" to this by-law may be adjusted from time to time without amendment to this by-law by the Regional Clerk in accordance with subsection 3.

### 4. REPEAL OF BY-LAW

That By-law 63-2013 and its associated Schedule A is hereby repealed.

### 5. RELATED CORPORATE POLICIES

- (a) That this by-law is in accordance with and reinforces the following Niagara Region corporate policies:

- C-IMT-001 Archival Acquisition
- C-IMT-006 Legal Holds eDiscovery

C-IMT-008 Records and Information Management  
C-IMT-016 Access to Information and Privacy Protection  
C-IMT-017 Personal Health Information Protection Policy  
C-IMT-018 Information Management Accountability Policy

6. APPROVALS

That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: < >