

Committee of the Whole (2) Report

DATE: Tuesday, November 12, 2024

WARD(S): ALL

TITLE: UPDATES TO RECORDS MANAGEMENT PROGRAM

FROM:

Wendy Law, Deputy City Manager, Legal and Administrative Services & City Solicitor

ACTION: DECISION

Purpose

To seek Council's approval to update the City's records management program by authorizing the City Clerk to establish and amend the retention and disposition of records for the municipality, and to repeal the Records Retention By-law. The proposed changes will streamline records management processes, enhance operational efficiencies, and facilitate the City's efforts in electronic records management.

Report Highlights

- Staff is seeking Council's authorization for the City Clerk to manage records retention and disposition, and to repeal the current Records Retention By-law to facilitate a more flexible and up-to-date approach to records management through a policy-based framework.
- The City's Enterprise Information Management (EIM) policy will be revised to include a Records Retention Procedure to replace the by-law.
- This update to the City's records retention and disposition program would align well with our current practices under *the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and create a more comprehensive and effective records management program for the City.

Recommendations

1. That the City Clerk be authorized to establish, amend and approve the City's records retention periods from time to time, as legal and business needs arise or change over time; and

2. That the Records Retention By-law 046-2017 be repealed.

Background

The *Municipal Act* requires that municipal records in all media and formats be retained, preserved, accessible, and secure. Municipalities shall maintain records according to requirements of statute, by-laws, and policies. The intent of these requirements is to facilitate accountability, transparency, and business efficiency. Notwithstanding the requirement to maintain all records, section 255 of the *Municipal Act* permits municipalities to establish retention periods for their records, and records may only be destroyed upon expiry of the retention period.

Through a detailed process of systematically assessing the value of records in light of legislative/ regulatory requirements and business needs, the City has established a records retention schedule under By-law 046-2017.

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) sets the framework for municipal information and privacy management. It provides the public a formal right of access to records that are in a municipality's custody or under its control and it also protects the privacy of individuals with respect to their personal information held by institutions.

At the Council meeting of November 20, 1990, the City Clerk was delegated authority under MFIPPA to administer all duties and responsibilities under the Act. The Clerk was also directed *"to proceed with establishing a records management program to effectively manage and control the creation, maintenance, transfer, retention and destruction of all records of the Corporation of the Town of Vaughan thereby facilitating identification of said records to ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act."*

Previous Reports/Authority

Council approved the adoption ([Item 8, Report No. 5 of the Finance, Administration and Audit Committee](#)) of the current Records Retention by-law ([By-law 046-2017](#)) on May 16, 2017.

Council Meeting of November 20, 1999, re: Records Management/ Freedom of Information

Analysis and Options

The current approach of establishing and maintaining the City's records retention schedule in a by-law format has limitations in terms of adaptability, particularly when records management requirements evolve due to legal, regulatory, or technological

changes. As part of the implementation of the Enterprise Content Management (ECM) system, staff has been reviewing the records retention periods and a number of important updates have been identified. As the project is being implemented across the corporation to each department, it is crucial to have the flexibility to make amendments to the schedule as required to support automated retention and disposition features of the ECM system.

It is recommended that the City move towards a policy-based framework for records retention and provide authority to the City Clerk to establish, amend and approve the City's records retention periods from time to time. This will allow staff to address necessary updates as required more effectively without requiring by-law amendments, ensuring that the City meets legislative obligations and business needs from various departments.

Under MFIPPA, the City Clerk is already responsible for administering access to information and protecting personal privacy, which includes making decision regarding the disclosure of corporate records. Providing authority to the City Clerk regarding records retention and disposition will ensure staff has the necessary control to manage records throughout their lifecycle. This facilitates Council's goal for the City Clerk to establish an effective records management program and ensure compliance with both MFIPPA and other applicable legislation.

Next Steps

Staff will revise the City's Enterprise Information Management (EIM) policy to include a Records Retention Procedure, in lieu of a standalone by-law. The Administrative Policy and Procedure will then be reviewed by the Policy Committee.

Financial Impact

There are no financial impact associated with this report.

Operational Impact

Any amendments to the Records Retention Schedule will be made in collaboration with affected departments to ensure they meet their business needs, as well as in consultation with Legal Services to ensure legislative compliance.

Broader Regional Impacts/Considerations

None.

Conclusion

The authority for the City Clerk to establish and amend records retention periods will allow for a more comprehensive and coordinated approach to records management, aligning retention and disposition practices with the City Clerk's existing responsibilities under MFIPPA. It is a necessary step to modernizing the City's records management practices and facilitating the implementation of the City's ECM system.

For more information, please contact: Todd Coles, City Clerk. extension 8281

Attachments

None.

Prepared by

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