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| SECTION: | ARCHIVES, RECORDS AND PRIVACY |
| DEPARTMENT/DIVISION: | CITY MANAGER'S OFFICE / OFFICE OF THE CITY CLERK |
| SUBJECT: | RECORDS MANAGEMENT |

POLICY STATEMENT

The City of Thunder Bay is committed to consistently managing, retaining, and preserving the information assets of the municipality. The City recognizes that information and records are valuable corporate assets that support accountable, transparent, and effective government administration, customer service, organizational efficiency, decision making, business continuity, and litigation support.

PURPOSE

The purpose of this policy is to ensure consistent standards and practices for the life cycle management of records in the custody and control of the City.

This policy ensures that, regardless of format or medium, records and data are managed consistently across the corporation from the moment they are created, for as long as they are being used and retained, and until they are ready to be disposed or preserved.

SCOPE

This policy applies to all City employees, including full-time, part-time, casual, contract, volunteer, and co-op placement employees.

This policy applies to all corporate information, in any format, including records, data and knowledge managed by the City, including records managed on behalf of any outside boards, agencies and commissions.

This policy applies to the records and information of the Office of the Mayor and members of Council that are created and used for the purpose of carrying out City business.

DEFINITIONS

Accession The archival process where the City Archives takes intellectual and physical custody of materials. Once accessioned into the permanent archival collection, a record belongs to the City of Thunder Bay Archives, and no longer belongs to the department that created it.

Appraisal The process of determining the administrative, financial, legal, vital historical or cultural value of a record for retention purposes.

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| Archival Record | A record that has been appraised for permanent retention because of its historical, fiscal, legal (including evidentiary), operational or administrative value. The long-term value of the record justifies its preservation. |
| Archives | A repository for archival records. The City Archives are housed in the Harry Kirk Archives and Records Centre. |
| Corporate Record | Any record created, received, deposited or held by any office, department, or division of the City and any committee of Council. A corporate record may not include constituency records of Council members. In general, any record created or received by an employee in the course of business and used to support a City function or to conduct City business, regardless of format. |
| Deaccession | The process of removing previously accessioned records from the holdings after re-appraisal has determined that the records no longer have archival value. |
| Hold | A hold, sometimes termed a legal hold or litigation hold, is the process organizations use to preserve potentially relevant information when litigation is reasonably anticipated. The records life cycle is suspended until the hold is lifted. No alterations may occur to the records on hold. |
| Inactive | A record that is referred to infrequently and usually kept in storage until final disposition. Most frequently used in the context of physical records. This trigger is defined by the Records Retention Schedule. |
| Life Cycle | The life span of a record from its creation or receipt throughout its active and inactive stage to final disposition. |
| Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) | 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. |
| Physical Record | A record of information in physical form which includes but is not limited to: correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, or photograph. |
| Record | Information, however recorded or stored, whether in printed form, on film, by electronic means, or otherwise, that can include: correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable record, or 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 the City by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the City. |
| Record Series | A group of related files that are normally used and filed together. Individual Record Series make up the Records Retention Schedule |

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| Records Centre | A repository for inactive physical records. The City of Thunder Bay's Records Centre is housed in the Harry Kirk Archives and Records Centre. |
| Records Coordinator | An employee within each department who acts as record management liaison, administers, and supports the department's record 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 steps involved in the life cycle of records. |
| Records Retention Schedule | A timetable that prescribes a life span for records from creation to final disposition. Individual Records Series make up the Records Retention Schedule. |
| Third Party | An organization or individual not directly employed by the City whose information is held by the City or with whom the City has shared information. This includes contractors and consultants. |
| Transitory Records | Records that have temporary usefulness and are only required for the completion of a routine action, or the preparation of another record. Transitory records 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 the organization after an emergency; those necessary to recreate the City's legal and financial position; and/or those necessary to preserve the rights of the City, its employees, customers, and ratepayers. These are records that the City has a legislated or legal requirement to keep permanently as outlined in the Records Retention Schedule. |

GENERAL

All records created or received by an employee of the City in the course of official business are subject to the Records Management Policy and Records Retention Schedule.

The Records Management Policy applies systematic controls and standards to the creation, security, use, retention, conversion, disposition, and preservation of recorded information to:

1. Manage the information life cycle to meet all legislated requirements for record keeping.
2. Manage records, 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*;
3. 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, evidentiary and accountability requirements;

4. Ensure that records are protected and are not destroyed or removed from the custody and control of The Corporation of the City of Thunder Bay unless authorized by the City's Record Retention Schedule, or through contractual agreement;
5. Ensure the appraisal and preservation of permanently valuable records and the destruction of records that have surpassed their retention, in a timely, secure, and environmentally sound manner;
6. Promote organizational efficiency and economy through sound record keeping practices, including reducing storage costs; and
7. Establish and define accountability, responsibility, and roles.

OWNERSHIP

Records are corporate assets that belong to the City. Information is a corporate asset, like finances, facilities, and equipment. Records that are created by a full- or part-time employee, or by a volunteer or student under the direction of an employee of the City in the course of their business belong to the City.

Records created or accumulated by Council members acting in their political or constituency capacity are generally not deemed to be corporate records; however, may be subject to the *Municipal Freedom of Information and Protection of Privacy Act*, 1990. Members of Council should obtain the advice of the City Clerk and where appropriate, the City Solicitor, prior to destruction of records.

CHANGES OF CUSTODY, CONTROL, OR OWNERSHIP

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.

ACCOUNTABILITY AND TRANSPARENCY

In recognition of public accountability, information that does not contain confidential or personal information about the City, its programs, services and governance may be available to the public.

The access to, and disclosure of, corporate information is administered in accordance with the Access and Privacy Policy, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act* (PHIPA).

In accordance with MFIPPA, it is an offence to willfully alter, conceal, destroy/delete a Corporate Record, or cause any person to do so, with the intention of denying access to a record or information contained in a record.

SECURITY

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.

RETENTION AND DISPOSITION OF CORPORATE RECORDS

Only Archives, Records and Privacy Section staff are authorized to dispose of corporate records.

All corporate records will be retained and disposed of according to the Record Retention Schedule. Storage space for inactive physical records is housed at the Harry Kirk Archives and Records Centre.

Employees will use departmental shared network drives and email series folders, organized according to the Records Series, to store and manage electronic corporate records. Physical records should also be organized according to the Records Series in individual or shared filing cabinets and transferred to the Records Centre for storage at the end of their departmental retention period.

Information held in databases (structured data) is also subject to the Records Retention Schedule and must be managed accordingly when a database or cloud computing solution will no longer be used by the corporation.

In accordance with the approved Record Retention Schedule, final disposition will take place in a timely manner at the end of the defined retention period by Archives, Records and Privacy Section staff, with departmental approval.

If a record is not included in the Record Retention Schedule it must be retained until such a time as the record is assigned a record series and retention period and included in the Record Retention Schedule.

HOLD

Corporate and Transitory records that are the subject of ongoing legal proceedings or a request under the Municipal Freedom of Information and Protection of Privacy Act are placed on a hold and must not be disposed until after the legal proceeding or request has been completed and all possible appeals have been resolved, and in accordance with the Record Retention Schedule.

The Archives, Records and Privacy Section must be made aware of the need for a hold as soon as possible with a thorough list of documents included in the hold. The Archives, Records and Privacy Section must be made aware in a timely manner that a hold can be lifted after all appeals and limitations have been resolved.

UPDATING RECORDS RETENTION SCHEDULE

The Records Retention Schedule will be updated by Archives, Records and Privacy Section staff according to the legislative updates supplied by The Ontario Municipal Records Management System (TOMRMS). Requests to update the Record Retention Schedule based on departmental need can be made to the City Archivist and should be consistent with all applicable legislative requirements and corporate needs. The City Archivist will review requests and provide reasons for approval or denial in writing to the requestor.

TRANSITORY RECORDS

Records which do not provide evidence of the work of the corporation are transitory records and may be destroyed once their usefulness to the user has passed, except in circumstances listed below. Transitory records include text and instant messages; voicemail; personal messages; notices, memoranda, and City publications from other departments; duplicate or convenience copies; blank forms; templates; and reference materials.

Records which would ordinarily be transitory, but are required for ongoing legal, fiscal, audit, administrative or operational purposes, or a request under the Municipal Freedom of Information and Protection of Privacy Act are not transitory records and must be kept as a corporate record and saved appropriately.

ARCHIVAL RECORDS

The City Archives preserves and provides access to municipal records of enduring value, regardless of media or format, which provide evidence of the decisions, policies, and activities of the City of Thunder Bay, its predecessor municipalities, and any other records managed by the City.

Archival records will be managed for preservation throughout the information life cycle. Archival records will be created 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.

Records of the City of Thunder Bay and its predecessor municipalities that possess archival value shall be transferred to the custody and control of the City Archives when the records have reached the end of their inactive period of retention according to schedules set out in the Records Retention Schedule. Upon appraisal by Archives, Records and Privacy Section staff, records that are deemed to have archival value will be accessioned into the City's permanent archival collection.

City Archives may deaccession records or documents in its holdings that fall outside of their acquisition mandate, or which are found to no longer be relevant after undergoing archival appraisal. If possible, City Archives will transfer deaccessioned materials to another suitable repository. If not possible, the materials will be confidentially destroyed.

RESPONSIBILITIES

The Executive Management Team will provide corporate leadership and support for the Record Management Policy.

The City Archivist, in consultation with the City Clerk, will provide leadership for records management and will make recommendations to the Executive Management Team and Council regarding policy requirements and the Record Retention Schedule as required.

Corporate Information Technology will provide technical support for the installation, maintenance and upgrading of record management software and related programs to ensure compliance and access within the City's networked systems; and maintain the security and ensure the integrity of electronic records systems.

Directors/Managers/Supervisors will ensure that the records created in their area are managed as corporate assets that belong to the City. They will ensure that they have a records coordinator(s) named for their area and will update Archives, Records and Privacy who this is and any changes to this personnel; support the Records Coordinator in their duties; review Records disposition memos with the assistance of their records coordinator and any other key staff and return signed disposition approvals to Archives, Records and Privacy in a timely manner; ensure that all of their employees abide by the Records Management Policy and arrange with Archives, Records and Privacy for appropriate records management training for their staff as needed.

Records Coordinators will contact the Archives, Records and Privacy Section for training in their duties and in the records management software and will participate in any other appropriate records management training by Archives, Records and Privacy staff; recommend Record Series relating to records in their department's custody and control to ensure the Record Retention Schedule meets operational requirements; prepare physical records for transfer to the Records Centre and enter the information into the records management software; inform the City Archivist of breaches of the Record Retention Policy (e.g. damage, theft, misuse, privacy complaints or unauthorized disposition of records); be aware of the physical and electronic locations of all current records and information stored in their area, regardless of format. A list of records coordinators will be maintained by Archives, Records and Privacy.

All City Employees Will Ensure That The Records They Create Or Receive In The Course Of Business That Are Used To Support A City Function Or To Conduct City Business Will Be Maintained And Preserved As Required By This Policy.

REFERENCE

Access and Privacy Policy 03-03-05

Acceptable Computer Use Policy 03-05-01

IT Resource Management and Security Policy 03-05-04

Mobile Device Policy 03-05-05

Remote Access Policy 03-05-06

Secure Cloud Policy 03-05-07

Municipal Act, 2001, Sections 254 and 255.

Municipal Freedom of Information and Protection of Privacy Act, 1990, Sections 4.1 and 30.

Personal Health Information Protection Act, 2004, Sections 13, 14, 17, 17.1.

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| APPROVED BY: | City Council | Date: | 06/25/2024 |
| Replacing/Amending: | 12/17/01 | | |

Originating Department: Archives, Records & Privacy

Contact: Director of Legislative Services and City Clerk

**Departmental
Procedural Manual:** Yes

Affected Departments: All