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| Council Policy No.: | CP2024-XXX |
| Council Policy Name: | Replevin of the City of Kawartha Lakes Records Policy |
| Date Approved by Council: | |
| Date revision approved by Council: | |
| Related SOP, Management Directive, Council Policy, Forms | 2017-066 Records Retention By-law, CP2021-037 Archives Policy, Municipal Act, 2001 S. 254-255 |

Policy Statement and Rationale:

Scope:

Public records are public property and by law, some records must be maintained permanently by municipal governments. These records must be forever accessible by the public and as such cannot be legally owned, traded, sold or bought by members of the general public. The municipal government of the City of Kawartha Lakes' responsibility towards the custodianship of its public records is serious and mandated through the Municipal Act, 2004 S.254

Definitions:

“Provenance” means (1) the origin or source of something; (2) information regarding the origins, custody, and ownership of an item or collection;

“Record” means the record of information regardless of format or medium, created or received by the City of Kawartha Lakes that is evidence of its decisions, policies and activities and that has value requiring its retention for a specific period of time.

“Replevin” means an action to recover property that has been improperly or illegally taken. Frequently used as a term to describe the efforts to recover public records that are in private hands;

“Repository” means an archives, depository, library, records centre, or museum where records are stored and maintained

Policy:

That the City of Kawartha Lakes, in instances where city records of historical significance and/or with permanent retention are in the possession of another repository and where provenance proves their origins to be from the city or a predecessor municipality or the former County of Victoria and where repeated requests for the return of said records have been refused, Council will direct staff on the correct course of action to be undertaken to facilitate the return of said records once all steps have been exhausted. This may include initiating legal proceedings with the Superior Court of Justice for Ontario.

1. Authorized Steps for Replevin of City of Kawartha Lakes Records for Staff

Upon determination that a record / records from the City of Kawartha Lakes, or one of its predecessor municipalities or the County of Victoria, resides with an outside repository, and that said record is either of a permanent retention within the Corporate Records program or has significant historic value to the municipality the following steps shall be taken to facilitate its return:

- 1.1 An informal request to the repository for the return of the record(s) will be made by the Manager, Corporate Records and Archival Services / Municipal Archivist. If this request is ignored or denied;
- 1.2 A formal written request to the repository for the return of the record(s) will be made by the Manager, Corporate Records and Archival Services / Municipal Archivist. If this request is ignored or denied;
- 1.3 A formal written request to the repository for the return of the record(s) will be made by the City Clerk. If this request is ignored or denied;
- 1.4 City staff will present a report to council asking for direction in order to facilitate the return of the record(s)

Revision History:

Proposed Date of Review:

| Revision | Date | Description of Changes | Requested By |
|----------|--------|------------------------|--------------|
| 0.0 | [Date] | Initial Release | |

