

The Corporation of the City of Kawartha Lakes

BY-LAW 2017-

A By-law to Establish Retention Periods for the Records of the City of Kawartha Lakes, to establish a Records Management Policy and to Delegate Authority to the City Clerk to Establish or Amend Retention Periods

Recitals

1. Section 254 of the Municipal Act, 2001 requires municipalities to retain and preserve the records of the municipality and its local boards in a secure and accessible manner.
2. Section 255(3) of the Municipal Act, 2001, provides that a municipality may, subject to the approval of the City Auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with Section 254 thereof.
3. Council deems it appropriate to establish retention periods for all records of the City of Kawartha Lakes.
4. Council deems it appropriate to establish a Records Management Program Policy.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Record” means all books, papers, maps, photographs, machine readable materials, e-mails or other documentary materials (except transitory documents), regardless of physical form or characteristics, generated or received by the City in connection with the transaction of public business, and preserved for any period of time by the City as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of this City government.

“Retention Period” means the total length of time a record must be retained prior to its disposition.

“Transitory Document” means a document that is:

- an administrative duplicate
- required solely to complete a routine action
- used in the preparation of a final record
- of insignificant or no value in documenting the City's business transactions
- a recovery back up tape for the City's voice mail and e-mail systems.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Records Retention

2.01 **Retention Periods:** The retention periods established in the Records Retention Schedule, attached as Schedule A to this by-law, are adopted.

2.02 **Records Lifecycle:** All records of the City of Kawartha Lakes will be classified, retained and destroyed in accordance with the Records Retention Schedule, attached as Schedule A to this by-law.

2.03 **Former Retention Periods and By-laws:** All records classified under former by-laws of the City or its predecessor municipalities shall assume the retentions established in the Records Retention Schedule, attached as Schedule A to this by-law.

2.04 **Transitory Documents:** Transitory documents may be deleted or otherwise destroyed.

Section 3.00: Records Management Policy

3.01 **Establishment of Records Management Program Policy:** The policy entitled Records Management Program Policy, attached as Schedule B to this by-law, is adopted and shall be numbered and inserted in the Corporate Policy Manual.

Section 4.00: Delegation of Authority

4.01 **Authority:** Authority for establishing and amending retention periods for the records of the City of Kawartha Lakes is delegated to the City Clerk or his/her delegate.

Section 6.00: Administration and Effective Date

6.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 18th day of April, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk

Schedule A – Records Retention Schedule



Records
Classification Scheme

Schedule B – Records Management Program Policy



RecordsManagement
CouncilPolicy.docx