

Council Policy No.:	2021-XXX
Council Policy Name:	City of Kawartha Lakes Archives Policy
Date Approved by Council:	
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	Archives Acquisition, MFIPPA, Copyright Act, Records Management Policy, Records Retention By-law, Municipal Act

Policy Statement and Rationale:

Purpose:

To provide guidelines to researchers, elected officials, and staff, regarding the acquisition, description, care and preservation, and access to of municipal archival records for the City of Kawartha Lakes and its predecessor municipalities. This policy shall establish principles that outline the parameters by which the City of Kawartha Lakes Archives shall become the official repository for historical records at the City.

Objectives:

1. **Acquisition, Description, Care and Preservation, and Access of Archival Records**
 - a) To ensure the manner by which records are acquired, described, cared for and preserved, and made accessible to researchers is consistent with the requirements of legislation, the City's Records Management Policy and Records Retention By-law, and the Access, Information, and Privacy (MFIPPA) Policy.
 - b) To establish an accountability framework defining the roles and responsibilities of staff and researchers.
 - c) To ensure there are uniform guidelines pertaining to the handling of routine research inquiries.

2. Research

To facilitate the use of the City of Kawartha Lakes Archives collection, in collaboration with other Municipal Departments, as a viable institution for historical research in the academic, public policy, and private sectors.

3. Fee Schedule

To establish a fee schedule in accordance with the Consolidated Fees By-law.

Authorities

Section 254 of the Municipal Act states a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner.

This policy does not apply to:

- Local boards that have ownership and control of its records;
- Records in the custody of the Records Management Program of the City of Kawartha Lakes and have not yet finished their retention; or
- Records still active within their respective Department or Division of the City of Kawartha Lakes.

Administration

By-Laws 2017-066 and 2001-04 of the Corporation of the City of Kawartha Lakes designates Council as the head for the purposes of the Municipal Act, 2001.

By-Laws 2017-066 and 2001-05 of the Corporation of the City of Kawartha Lakes delegates the powers and duties described in section 228 of the Municipal Act, 2001 to the City Clerk.

Scope:

This policy is intended to govern the ways in which the City of Kawartha Lakes retains and preserves its records of enduring historical value in accordance with § 254 of the Municipal Act, 2001.

1. Definitions:

Defined Terms: In this policy:

“Access” means the opportunity of finding, consulting or approaching documents or information.

“Accession” means the physical and legal addition of predominantly unpublished documentary material to an archive’s repository holdings.

“Act” is the Municipal Act, 2001, S.O. 2001, c. 25.

“Appraisal” means the process of evaluating documents for the purpose of continuing preservation.

“Archival Record” or “Historical Record” means a record or item that has been appraised as having continuing historical, fiscal, legal (including evidentiary), operational, or administrative value. Archival records are selected for permanent retention following the end of their life cycle.

“Archives” means (1) the noncurrent records of an individual, organization, or institution kept for their continuing value; (2) the agency or institution for the care of archival materials; (3) the building or repository housing archival records.

“Arrange” means the process of organizing records with respect to their history and original order.

“Care” means the ongoing conservation and long-term maintenance of archival records.

“Culling, or Culled” means the process of pulling and disposing unwanted materials i.e. duplications.

“Copyright” means the property right that protects the interests of authors or other creators of works in tangible media, or the individual or organization to whom copyright has been assigned, by giving them the ability to control the reproduction, publication, adaption, exhibition, or performance of their works.

“Deaccessioning” means the process by which an archives, museum, or library permanently removes accessioned materials from its holdings.

“Department” means either an administrative unit of the City, or any Public Agency for which the City provides purchasing services, as applicable in the context.

“Description” means the process of creating access tools that allow individuals to search for records using a finding aids rather than handling the records themselves.

“Hardcopy” means (1) a document made using paper or other durable media that is in a human-readable form; (2) a printout.

“Preservation” means the storage of records in such a manner as to protect against damage and deterioration.

“Primary Source” means materials that contain firsthand accounts of events and that was created contemporaneous to those events or later recalled by an eyewitness.

“Permanently Valuable Records” means those records that because of their historical, fiscal, legal (including evidentiary), operational, or administrative value should be permanently retained. This will include those records of single or significant events that will provide evidence to the history of the City of Kawartha Lakes and its predecessor municipalities.

“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.

“Researcher” means an individual who uses the collections and services of a repository; a customer; a patron; a reader.

“Respect des fonds” means the archival principle that is the basis of archival arrangement and description and states that records created, accumulated, and/or maintained and used by an individual or corporate body must be kept together in their original order.

“Secondary Source” means (1) a work that is not based on direct observation or evidence directly associated with the subject, but instead relies on sources information; (2) a work commenting on another work (primary source) such as reviews, criticism, and commentaries.

2. Principles

The principles of the Corporation of the City of Kawartha Lakes Archives are as follows:

- a) Any records created in the course of city business by its Departments are the property of the municipal government. All records created by employees of the City of Kawartha Lakes that are selected for permanent retention with enduring archival value, should be kept in the Archives together with other materials considered to be of historical value. The City of Kawartha Lakes will make every effort to preserve its records in a usable format so that they are readily assessable for future use.
- b) The City of Kawartha Lakes Archives will, regardless of format, identify, acquire, arrange, describe, preserve, and make available those records documenting the City of Kawartha Lakes’ historical development, institutional history and ongoing activities, and those of its associations, families, and individuals.

- c) The foundational concepts of the archival program are:
 - a) That the records in the archives all possess unique characteristics.
 - b) Respect des fonds is the basis of archival arrangement and description.
 - c) Applicable to all archival material regardless of format or medium.
 - d) To apply equally to records created by corporate bodies, businesses, institutions, associations, families, or individuals.
 - e) All personal information will be protected in accordance with the Access, Information, and Privacy (MFIPPA) Policy, as amended, and other applicable legislation.
- d) Archive records/research requests must be sent to the Corporate Records and Archival Services and fees may be charged in accordance with the fee schedule in the Consolidated Fees By-law. The following records and archival services and functions may be levied a fee by the Corporate Records and Archives Division:
 - a) Requests requiring over 30 minutes of research.
 - b) Reproduction of records in hardcopy format.
 - c) Digital image reproduction.
 - d) Commercial use of records.

3. Roles and Responsibilities

The **Manager, Corporate Records and Archival Services** administers the day-to-day requirements of the program including acquisition, description, care and preservation, and access of archival records for researchers.

The **City Clerk** shall submit to Council an annual report for the City of Kawartha Lakes Archives which will describe the activities of the program, including a list of the acquisitions made under the terms of this policy.

Archival records and collections of documents transferred to the City of Kawartha Lakes Archives shall not circulate beyond the building, unless removal of this material is required as evidence in litigation or to support pressing operational needs of the City, or in order to preserve, reproduce, or temporarily display the material in a secure facility that meets archival standards, subject to the approval of the Manager, Corporate Records and Archival Services.

3. Accountability

In order to ensure that there is a cooperative approach to the acquisition, description, care and preservation, and access to archival records SOPs and accountability guidelines have been established.

The **City Clerk** shall be accountable and responsible for:

- Establishing a framework of standards and management directives relating to the acquisition of records or collections from both City and private sources by the City of Kawartha Lakes Archives in accordance with applicable legislation.
- Review and approve appraisal reports prepared by Archival Services staff.
- Execute Donation Agreements and Records Storage Agreements.

The **Manager, Corporate Records and Archival Services** will:

- Determine which government records warrant continued preservation in the Archives as permanently valuable records.
- Direct and approve collecting priorities.
- Execute Deed of Gift Acquisition Agreements.
- Accession each acquisition of government records received through the disposition process.
- Determine whether a record requested under this policy requires a formal Access Request under MFIPPA.
- Ensure copyright laws are followed and exceptions granted only where applicable.
- Securely destroy culled and deaccessioned records.
- Meet with prospective donors of non-government records.
- Prepare an appraisal report if warranted by the size and complexity of the proposed donation.
- Prepare, as required, an Unsolicited Donation Form or a Deed of Gift acquisition agreement, or draft a Records Donation Agreement for review by Legal Services.
- Collect donor signature(s) for any acquisition agreement.

- Accession donations.
- Offer culled records back to donors, or securely destroy them.

Policy

1. City Records

Records at the City of Kawartha Lakes and its predecessor municipalities that possess archival value shall be transferred to the custody and control of Archival Services when the records have reached the end of their inactive period of retention according to the retention schedule set out in by-law 2017-066.

All agencies, board, and commissions and other special purpose bodies (that do not have a program to provide services with respect to archival value), shall transfer records that possess archival value, according to the retention schedule passed by Council, to the custody of Archival Services, subject to legal limitations and, if required, to the terms of an appropriate agreement.

2. Non-City Records

Non-city records and collection of documents deemed to possess archival value that meet the terms of the Archival Services Mandate and Acquisition priorities may be acquired as a donation to the City, subject to the terms of a satisfactory Donation Agreement.

Non-City records, City Records currently not in the care and control of the City, and collections of documents deemed to possess archival value that meet the terms of the Archival Services' Mandate and Acquisition priorities but are available only through sale, may be purchased by Archival Services, subject to funds being allocated and approved in the annual budget process.

Non-City records and collections of documents may be loaned to the City by persons or organizations on a temporary basis for the purposes of copying or display. Materials of this matter shall not be acquired as a permanent loan to the Archives or placed on deposit with the Archives without the transfer of ownership to the City subject to the terms of a satisfactory Donation Agreement.

Donation Agreements will include provisions that all copyright is to be transferred to the City and any moral right that the donor has in the donated records or documents be waived.

Archival Services may refuse non-City records or documents that are subject to limitations on their use, reproduction, location, access, and disposal. However, limited periods of restrictions on access on all or part of an acquisition may be administered,

and restrictions on access consistent with access and privacy legislation will be administered. Archival Services will not administer restrictions on access that privilege or discriminate against certain groups, are not consistent with access and privacy legislation, or require researchers to seek the donor's permission to access the donated records or documents.

Donations may be declined if the records or documents offered are outside of the scope of the Acquisition priorities or if other repositories appear to have a greater interest such as the national or provincial archives or archives serving religious or business communities. When declining a donation, Archival Services will make every effort to refer a donor to another more suitable repository.

3. Archival Holdings

The Manager, Corporate Records and Archival Services is responsible for ensuring the holdings are safely and securely stored and will designate storage locations as required.

The Manager, Corporate Records and Archival Services may authorize temporary storage at the Archives for records that may meet the terms of the Archival Services' mandate but are at risk of loss or destruction by means of executing an approved Records Storage Agreement, pending a review and determination of the final disposition of the material at the earliest opportunity.

Records and collections of documents comprising the holdings of the Archives shall not circulate beyond the Archives unless removal of the records or documents is required as evidence in litigation or to support pressing operational needs of the City, or to preserve, reproduce, or temporarily display the material in a secure facility that meets archival standards, subject to the approval of the Manager, Corporate Records and Archival Services.

When circulating records and collections of documents comprised of the holdings Archival Services respects copyright and other intellectual property legislation. Archival Services relies on the Copyright Act's Fair Dealing section and other sections specifically to manage and provide access to materials in its holdings for which it does not own copyright or have a license.

Archival Services may deaccession records or documents in its holdings that fall outside of the Acquisition Management Directive or which are found to be no longer relevant after undergoing an archival appraisal. Whenever possible Archival Services will return the materials to the donor or transfer the deaccessioned materials to another suitable repository. If this is not possible the materials will be securely destroyed.

4. Description and Access to Records

Primary source records are described following the Rules for Archival Description (RAD); collections and / or secondary source material may be organized by subject or themes.

Fond level description will be available at the Archives, through the Archives' website, and through consortia based on-line databases (e.g. ARCHEION, the online database for fonds level description for Institutional members of the Archives Association of Ontario); through finding aids, file lists, and other descriptive devices.

Access to some records may be restricted by donor or legislative requirements. The City of Kawartha Lakes adheres to the Copyright Act, 1985 and the Municipal Freedom of Information and Protection of Privacy Act (Ontario), 1990.

Archival Services may, without a formal Access Request under MFIPPA, disclose personal information contained in archived City Records when that information meets one of the following criteria:

- The personal information is greater than 100 years old;
- The personal information strictly relates to a known individual who has been deceased for greater than 30 years; or
- The personal information is being requested on compassionate grounds as established under MFIPPA where either the above 2 criteria have not been met.

Researchers must sign-in upon visiting the Archives and will be supervised while archive materials are being accessed to ensure all rules of the Archives are being followed. Visitors and researchers will be held liable for damages made purposefully to archive records. Access to the stacks is prohibited.

5. Copying and Reproduction

Copies of materials under the City of Kawartha Lakes Archives' copyright are supplied on the understanding that they are for the purposes of the user's private research, and if publication is desired, formal written permission must be asked for. Applicable fees for the copies and / or reproduction will be charged.

Some materials in the Archives holding may not be owned by the City of Kawartha Lakes Archives and in such cases staff will advise about any requirements imposed by the copyright owner.

Revision History:

Proposed Date of Review:

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