

Council Policy No.:	<del>C 144 CAO 032</del>
Council Policy Name:	Elected Officials Records Correspondence Policy
Date Approved by Council:	December 11, 2007 CR2007-1171
Date revision approved by Council:	

## Policy Statement and Rationale:

The City of Kawartha Lakes differentiates between official corporate records of the Mayor and Councillors and their personal papers. Each type of record will be identified and dealt with separately. This policy also deals with the handling of such documents by members of Council.

## Scope:

This policy applies to the Mayor and Members of Council.

## Definitions:

**Elected Official** means ~~at the Ward~~ Councillor or the Mayor.

**Elected Officials' Corporate Records** means administrative records generated by the Mayor and/or Councillor through the Clerk's Office on behalf of the Mayor and/or Councillor or correspondence received and directed to a committee or council agenda or correspondence received that deals with a legal or insurance matter. ~~This does not include email as it is dealt with through another policy.~~

**Mayor** means the Head of Council as duly elected for the City of Kawartha Lakes and whom is recognized as an officer of the Corporation.

~~**Mayor & Members of Council** means correspondence received that has a salutation that references the "Mayor and Members of Council", "Members of Council" "Standing Committee of Council" or any other wording where the intent of the author is clear that all members of Council should be made aware of the issue contained in the correspondence.~~

**Elected Official Correspondence/Records** means Councillors' records that are subject to MFIPPA where:

1. a councillor is acting as an officer or employee of the municipality, or performs a duty assigned by council, such that they might be considered part of the institution, or

1.2. the records are in the custody or control of the municipality.

Constituency Records fall under the sole custody and control of the respective Elected Official. Even though MFIPPA does not apply to these records, Elected Officials are responsible to safeguard personal information in their possession from unintended use or disclosure.

~~Personal Papers means administrative records in the possession of the Mayor and/or Councillor dealing with constituency or subject files including their own records on any committee or board. Personal Papers do not include administrative records dealing with legal or insurance matters regardless of the source. This does not include email as it is dealt with through another policy.~~

## **Policy, Procedure and Implementation:**

### **1.0 Elected Officials**

At the beginning of each term of Council, elected officials are required to complete the attached authorization form to instruct administration in relation to the handling of records and personal papers which are delivered to City Hall.

#### **1.01 Corporate Records**

- a) While in office, correspondence addressed to the Mayor or the Mayor and Council is considered a Corporate Record and will be dealt with by administration, in consultation with the Mayor. Such records will be inventoried, retained and disposed of in accordance with the Records Retention By-law.
- b) Upon leaving office, any corporate record in possession of the Mayor shall be returned to the Clerk's Office to be retained in accordance with the Records Retention By-Law.

#### ~~1.02 Constituency Records~~

- ~~a) While in office, constituency records of the Mayor may be dealt with by the individual as she/he so desires.~~

#### **2.02 Personal PapersConstituency Records**

- a) Constituency Records fall under the sole custody and control of the respective Members of Council. Even though MFIPPA does not apply to these records, each Member of Council is responsible to safeguard personal information in their possession from unintended use or disclosure.

~~2.0 While in office, personal papers of the elected official may be dealt with by the individual as she/he so desires.~~

### **3.0 Mayor and Members of Council**

Correspondence addressed to the Mayor ~~& and~~ Members of Council shall be considered a corporate record, and it shall be inventoried, retained and disposed of in accordance with the Records Retention By-law.

Correspondence addressed to the Mayor and Members of council pertaining to current deliberations, or new initiatives, will be placed on a public agenda by administration, in consultation with the Mayor, for receipt and action with the exception of the following: All items addressed to Mayor & Members of Council shall be placed on a public agenda by administration, in consultation with the Mayor, for receipt and action with the exception of the following:

- Items dealing with operational issues only shall be forwarded by the CAO for disposition and a response by staff, with a copy of the correspondence and response forwarded electronically to all Council members.
- ~~➤ Items dealing with “Endorsement of External Resolutions” per the Policy 127 CAO 022 shall be circulated electronically to all Council members and Directors and shall only be placed on a public agenda upon request by a Council member or a CAO/Director.~~
- Items dealing with invitations to events/activities and/or information reports such as Annual Reports of various organizations, or the endorsement of external resolutions (under the scope of the municipality) shall be circulated electronically to all members of Council and Directors and shall only be placed on a public agenda upon request by a Council member or a CAO/Director, and approved by the Mayor.
- In the event that an item of correspondence requiring Council direction, cannot be addressed by a Committee within two weeks of receipt, the Clerk’s office will send an acknowledgement letter indicating any preliminary action that’s been undertaken and also advising of when the correspondence will be reviewed by the relevant Committee.

## Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	December 11, 2007	Initial Release	

## Schedule A

### Processing of Elected Official's Mail Authorization Form

In accordance with the Elected Officials Records Correspondence Policy-Number 144 CAO-032, direction shall be provided by each member of Council to staff on how they wish their mail received at City Hall to be processed, ~~understanding~~understanding the liabilities and compliance to certain by-laws, policies and legislation. Such direction shall be given through the completion and submission of this form to the Clerk.

**Authorization** and legislation governing such corporate records.

#### To Staff to Open Mail in Accordance with Attached Procedure

I, Mayor/Councillor \_\_\_\_\_ of the City of Kawartha Lakes authorize staff within the Clerk's Office to open mail addressed to myself and received at City Hall

other than mail identified as Personal and/or Confidential. I accept the responsibility and personal liability that may result in the handling of any elected officials' corporate records received by myself directly, in accordance with the by-laws, policies.

\_\_\_\_\_  
Mayor/ Member of Council Signature

\_\_\_\_\_  
Date

#### Direction to Staff NOT to Open Mail in Accordance with Attached Procedure

I, Mayor/Councillor \_\_\_\_\_ of the City of Kawartha Lakes acknowledge and accept the responsibilities associated with the direct receipt and processing of corporate mail understanding the obligations of the Corporation, and therefore myself, to comply with the Municipal Freedom of Information and Protection of Privacy Act 1990, the Personal Health Information Protection Act, 2004 and the Municipal Act, 2001, and any other applicable legislation.

I further understand and agree that I have full responsibility for the mail I receive and that it may be considered a record of the Corporation. I accept any and all responsibility and liability in relation to third parties that may result in the mishandling of the said mail by myself in accordance with the by-laws, policies and any applicable legislation governing such corporate records.

\_\_\_\_\_  
Mayor/Member of Council Signature

\_\_\_\_\_  
Date