



**Title**

Records Management Policy

**Effective Date**

December 9, 2024

**Revision Date**

**Approved By**

Council of the Village of Merrickville-Wolford

**Applies to**

All Departments and Members of Council of the Corporation of the  
Village of Merrickville-Wolford

## Table of Contents

|  |    |
|--|----|
| <b>1. Policy Statement</b> .....   | 3  |
| <b>2. Policy Definitions</b> .....   | 3  |
| <b>3. Purpose of the Policy</b> .....                                      | 5  |
| <b>4. Policy Application</b> .....   | 6  |
| <b>5. Policy Requirements</b> .....  | 6  |
| <b>5.1 Records Management System</b> .....                                 | 6  |
| <b>5.2 Records Retention Schedule</b> .....                                | 6  |
| <b>5.3 Records Classification System</b> .....                             | 7  |
| <b>5.4 Records Format</b> .....  | 7  |
| <b>5.5 Vital Records</b> .....   | 8  |
| <b>5.6 Emails and Voicemails</b> .....                                     | 9  |
| <b>5.7 Personal and Confidential Records</b> .....                         | 9  |
| <b>5.8 Ownership of Records</b> .....                                      | 9  |
| <b>5.9 Change of Custody, Control, or Ownership</b> .....                  | 10 |
| <b>5.10 Access to Records</b> .....  | 10 |
| <b>5.11 MFIPPA or PHIPA Requests, Investigations, and Litigation</b> ..... | 10 |
| <b>5.12 Disposition Procedures</b> .....                                   | 11 |
| <b>5.13 Preservation of Archival Records</b> .....                         | 12 |
| <b>5.14 Records Management Training</b> .....                              | 12 |
| <b>5.15 Compliance and Audits</b> .....                                    | 12 |
| <b>5.16 Contravention</b> .....  | 12 |
| <b>6. Responsibilities</b> .....   | 13 |
| <b>6.1 Appointment of Designated Employees</b> .....                       | 13 |
| <b>6.2 Department Heads or Designated Employees</b> .....                  | 13 |
| <b>6.3 Employees</b> .....   | 14 |
| <b>6.4 Clerk</b> .....   | 14 |
| <b>7. Legislative Authority</b> .....                                      | 15 |
| <b>8. References</b> .....   | 15 |

## 1. Policy Statement

1.1 The records of the Corporation are valuable corporate assets needed to support effective decision-making, meet operational requirements, protect legal, fiscal, and other interests of the Corporation, preserve historically valuable information, and adhere to the requirements of applicable legislation.

1.2 Effective records management makes program and service delivery more efficient, supports transparency and collaboration across the Corporation, and preserves historically valuable information.

## 2. Policy Definitions

For the purposes of this Policy, the following definitions shall apply:

2.1 **Archival Record** means a record that is to be retained on a permanent basis due to its historic and research value.

2.2 **Corporation** means the Corporation of the Village of Merrickville-Wolford.

2.3 **Disposition** means the elimination or deletion of data, documents, and records so that the recorded information no longer exists.

2.4 **Electronic** means created, recorded, transmitted, or stored in digital form or in other intangible forms by electronic, magnetic, or optical means, or by any other means that have capabilities for creation, recording, transmission, or storage similar to those means, and “electronically” has a corresponding meaning.

2.5 **Electronic Record** means a record of information that is created, generated, sent, communicated, received, or stored electronically.

2.6 **MFIPPA** means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F 31.

2.7 **Municipal Act** means the *Municipal Act, 2001*, S.O. 2001, c. 25.

2.8 **Official Record** means recorded information in any format or medium that documents the Corporation’s business activities, rights, obligations or responsibilities, or recorded information that was created, received, distributed, or maintained by the Corporation in compliance with a legal obligation.

2.9 **PDF/A** means a nonproprietary ISO 19905 standard providing for the longevity of semantic electronic documents.

2.10 **PHIPA** means the *Personal Health Information Protection Act, 2004*, S.O. 2004, c.3, Sched. A.

2.11 **Physical Record** means a record, such as paper, that can be touched and which takes up physical space.

2.12 **Record** means information, however recorded or stored, irrespective of the medium or form, by electronic means or otherwise, that includes, but is not limited to, documents, financial statements, minutes, accounts, emails, correspondence, memoranda, plans, maps, drawings, photographs, databases, and films.

2.13 **Records Classification System** means a standardized system of identifying and classifying records for ease of use, retrieval, and disposal.

2.14 **Records Management System** means a network, database systems, and any document management systems using the Corporation's records classification system.

2.15 **Records Retention Schedule** means a schedule indicating the length of time that each category of records shall be retained before its final disposition. It specifies those records to be preserved for their historic or legal values, and authorizes on a continuing basis the destruction of the remaining records after the expiry of a specified retention period or the occurrence of specific actions or events. The records retention schedule serves as the legal authorization for the disposal of the Corporation's records.

2.16 **Retention Period** means the period of time during which the Corporation shall keep records before they may be disposed of.

2.17 **TOMRMS** means the Ontario Municipal Records Management System, a standardized classification system that was designed specifically for municipal records.

2.18 **Transitory Record** means records for which there is no legal, regulatory, policy obligation or recordkeeping directive to preserve according to a set retention period and disposition instructions including, but not limited to:

- a) Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
- b) Duplicates of documents;
- c) Preliminary drafts of letters, memoranda or reports, and other informal notes which do not represent significant steps in the preparation of a final document and which do not record decisions;
- d) Voicemail messages;
- e) Emails and other communications that do not relate to the Corporation's business;

- f) Copies of publications, such as published reports, administration manuals, telephone directories, catalogues, pamphlets, or periodicals;
- g) Duplicate stocks of obsolete publications, pamphlets, or blank forms;
- h) Unsolicited advertising materials, including brochures, company profiles, and price lists.

2.19 **Vital Record** means a record of any form or format, containing information essential for the continuation of the immediate operation of the Corporation and necessary to recreate its legal and financial situation and to preserve its claims and rights and those of its stakeholders.

### 3. Purpose of the Policy

3.1 The purposes of this Policy are:

- a) To ensure that the records in the custody or under the control of the Corporation regardless of their physical format or medium, are organized, retained, managed, and disposed of in accordance with applicable legislation including, but not limited to, the *Municipal Act*, *MFIPPA*, *PHIPA*, the Corporation's Records Retention Schedule adopted as the Corporation's Records Retention, and the principles of TOMRMS;
- b) To apply systematic controls and standards to the creation, security, use, retention, conversion, management, and disposition of records in every Department of the Corporation;
- c) To ensure that the records in the custody or under the control of the Corporation are retained and preserved in a secure and accessible manner;
- d) To 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 and evidential requirements;
- e) To foster government accountability and transparency by promoting and facilitating good recordkeeping;
- f) To promote organizational efficiency and economy through sound recordkeeping practices, including reducing storage costs through the use of an electronic records management system or other technologies;
- g) To enhance collaboration across the Corporation; and
- h) To establish and define responsibility and roles in terms of records management.

## **4. Policy Application**

- 4.1 This Policy applies to all Departments and Members of Council of the Corporation.
- 4.2 This Policy applies to all records in the custody or under the control of the Corporation, regardless of their physical format or medium, including, but not limited to, the records created, received, retained, managed, or disposed of by all employees, Departments, committees within the Corporation, or by Members of Council in the course of carrying out their duties as Elected Officials.

## **5. Policy Requirements**

### **5.1 Records Management System**

- 5.1.1 The Corporation maintains a decentralized records management system where the Corporation's Departments are responsible for managing the records retained within their respective Department in accordance with the Corporation's Records Management By-law and this Policy.
- 5.1.2 The Corporation's records management system includes physical records and electronic records.
- a) Physical Records
- i. All Departments shall classify and store their physical records in a secure manner, as described in this Policy, and in accordance with the Corporation's Records Management By-law.
- b) Electronic Records
- i. All Departments shall retain their electronic records in the authorized software, systems or services as approved by the Corporation.
  - ii. Department Heads or designated employees shall consult with the Information Technology Service of the Corporation prior to the purchase of software, systems or services to ensure they are consistent with the standards and provisions of this Policy and the Records Management By-law. Software, systems, or services that meet specific requirements, such as having unalterable records, unalterable audit log of actions on records, and retention or disposition functionality, may be designated as acceptable.

### **5.2 Records Retention Schedule**

- 5.2.1 The Corporation's Records Retention Schedule is based and structured in accordance with TOMRMS, although some minor variations exist.

5.2.2 When establishing the Records Retention Schedule, the Clerk shall consider, in consultation with Department Heads or designated employees, the following points:

- a) The operational value of the record;
- b) The legal value of the record;
- c) The fiscal value of the record; and
- d) The historic value of the record.

5.2.3 All Official Records shall be retained in the most cost-effective manner, and only for as long as needed, in accordance with the Corporation's Records Retention Schedule. The Corporation maintains the authority to retain records for longer periods than indicated within the Retention Schedules if it is deemed necessary.

### **5.3 Records Classification System**

5.3.1 The Corporation shall categorize records, regardless of medium or format, as either Transitory Records or Official Records.

5.3.2 All Official Records shall be classified with file codes based on their associated business functions and activities, in accordance with the Corporation's Records Retention Schedule, in order to indicate how long they must be retained.

5.3.3 There are no requirements to classify or retain Transitory Records unless an employee has become aware that such records may be subject to a MFIPPA request or an investigation or litigation.

### **5.4 Records Format**

5.4.1 Duplicates of the same Official Records shall be avoided at all times because this cause confusion as to which duplicates constitute the original copy of the record. Consequently, Official Records shall be retained either in physical or electronic format, but not both at the same time wherever possible.

5.4.2 When an Official Record is initially produced in physical format, the original copy shall be retained in physical format unless it is converted into an electronic format in accordance with the below-mentioned principles. If this is the case, the electronic records will thereafter be considered as the original copy of the said record:

- a) The conversion to electronic format shall be an accurate reproduction with the intention of taking the place of the physical record.

- b) The conversion to electronic format shall provide the same information as the physical record.
- c) The significant details of the conversion to electronic format shall not be obscured because of limitations in resolution, tonality, or hue.
- d) The final record format shall be in PDF or PDF/A depending on the remaining lifecycle to the record:
  - i. Fewer than 12 years: PDF
  - ii. 12 years and more: PDF/A
- e) After the electronic record is safely stored, the original physical record shall be destroyed in a secure manner in accordance with this Policy.
- f) If the Department Head or designated employee decides to convert physical records of a certain record category to electronic records:
  - i. A decision shall be made as to how far back in time the physical records will be converted to electronic records; and
  - ii. A going-forward date must be chosen after which all records belonging to that records category shall be converted to an electronic format.
- g) If the conversion of physical records to electronic records is outsourced to a scanning provider, the provider shall comply with the above requirements.

5.4.3 When an Official Record is initially produced in electronic format, the original copy shall be retained in an accessible and readable electronic format. The Electronic Record shall be in PDF or PDF/A depending on the lifecycle of the document:

- a) Fewer than 12 years: PDF
- b) 12 years and more: PDF/A

## **5.5 Vital Records**

5.5.1 All the Corporation's records which have been deemed as Vital Records by the Clerk, in collaboration with Department Heads or designated employees, shall be identified as vital in the Corporation's Records Retention Schedule.

5.5.2 The records identified as Vital Records will be appropriately identified, protected, and preserved.

## **5.6 Emails and Voicemails**

- 5.6.1 The Corporation's electronic mail (email) system is not part of the records management system of the Corporation and shall not be used for the storage of records.
- 5.6.2 Emails deemed Transitory Records shall be deleted by the Corporation's employees in accordance with this Policy.
- 5.6.3 Emails deemed Official Records shall be classified in accordance with the Corporation's Records Classification System and filed within the Corporation's records management system. Once the email has been saved, classified, and filed, the copy residing within the Corporation's email system may be treated as a Transitory Record and destroyed accordingly.
- 5.6.4 The Corporation's voicemail system is available for day-to-day operations, is not part of the Corporation's records management system, and shall not be used for the storage of records.

## **5.7 Personal and Confidential Records**

- 5.7.1 Access restrictions and security measures shall be applied to records containing sensitive, personal, or confidential information in order to comply with access and privacy provisions outlined in the *MFIPPA*, *PHIPA*, or other applicable legislation.
- 5.7.2 Every employee entrusted with personal and confidential records shall ensure that the confidentiality of such records is maintained at all times.
- 5.7.3 The Corporation shall collect and retain only necessary personal information.
- 5.7.4 Records containing personal information shall be identified in the Corporation's Records Retention Schedule.

## **5.8 Ownership of Records**

- 5.8.1 All records created, received, or maintained by an employee or a Member of Council of the Corporation in the course of carrying out their duties are the property of the Corporation. This includes records held on personal electronic devices. Care must be taken to avoid the use of personal electronic communication devices, particularly as these may be held in the case of a legal hold or a *MFIPPA* request.
- 5.8.2 Any employees or Members of Council leaving their position are required to leave all records for any successors.

5.8.3 Records in the custody of consultants, contractors, and private-service providers performing work for the Corporation may be under the control of the Corporation and may be subject to this Policy, the Records Management By-law, and the provisions of *MFIPPA*.

5.8.4 Records created or received by volunteers or part-time works performing work under the direction of an employee of the Corporation are records subject to this Policy, the Records Management By-law, and the provisions of *MFIPPA*.

## **5.9 Change of Custody, Control, or Ownership**

5.9.1 When physical custody of records is transferred to another institution not covered by this Policy, an agreement must be in place. The agreement must identify the records in question, define the rights retained by the Corporation, and ensure that the records will be managed in accordance with the Corporation's Records Management By-law, this Policy, and other applicable legislation.

## **5.10 Access to Records**

5.10.1 The Corporation's employees are to ensure that Official Records within their custody and under their control remain accessible to other employees designated as requiring access in order to perform the function of their job and retrievable for the entire period set out within the Corporation's Records Retention Schedule. However, access restrictions will be applied to records where specifically required by the Department and in order to comply with access and privacy provisions outlined in the *MFIPPA*, *PHIPA*, or other legislation.

5.10.2 Requests from the public for access to the Corporation's records shall be provided in accordance with the *MFIPPA* or *PHIPA*.

## **5.11 MFIPPA or PHIPA Requests, Investigations, and Litigation**

5.11.1 No Transitory Records or Official Records pertaining to an access request under the *MFIPPA* or *PHIPA*, or to an investigation or litigation shall be destroyed by any employees of the Corporation who have such records in their custody or under their control until the request, investigation, or litigation pertaining to those records has concluded.

5.11.2 The Clerk shall provide notice of any *MFIPPA* or *PHIPA* requests, investigations, or litigation to the Department Head or designated employee of the affected Department in order to ensure that any records relevant to the request, investigation, or litigation are not being destroyed.

## 5.12 Disposition Procedures

5.12.1 Keeping everything forever is not effective, economical, or legally wise, and the Corporation's Records Management By-law guards against this practice.

5.12.2 As such, all the Corporation's Departments shall adhere to the following disposition procedure:

a) Transitory Records

- i. Transitory Records may be disposed of in a manner that is appropriate for their level of confidentiality once they have fulfilled their purpose.

b) Official Records

- i. Records that have fulfilled their total retention period according to the Corporation's Records Retention Schedule shall be destroyed promptly in accordance with this Policy and the Records Management By-law. Exceptions to this planned destruction process include records that are subject of a request under the *MFIPPA* and *PHIPA*, as well as records required for ongoing legal purposes, as described in section 5.11 of this Policy;
- ii. The Department Head or designated employee shall provide the Clerk with a written notification prior to the scheduled destruction date of any records that should be retained for a longer period and the reason for the extension. Then, the Clerk, in consultation with the Department Head or designated employee who is requesting the extension, shall establish a new destruction date;
- iii. Records shall be destroyed using a method appropriate for their medium, format, and content, which may include, but are not limited to, deletion, garbage, shredding, and paper recycling;
- iv. Destruction operations must maintain the confidentiality of information and protect the privacy of individuals whose personal information may be contained in the records;
- v. No records are to be disposed of or otherwise destroyed by any person without the written approval of the Clerk and the Department Head or designated employee and without first ensuring that the records have been documented on a Destruction Notice;
- vi. Whenever possible, records are to be disposed of as part of an annual disposal process, as opposed to being randomly destroyed;

- vii. Should the Clerk deem the Official Records to have archival value, the disposal process will be stopped, and the Archival Records shall be removed and placed with other records having archival value;
- viii. The Destruction Notice Form that shall be used when disposing of Official Records is attached to this Policy as Appendix A; and
- ix. All Original Destruction Notices shall be provided to and retained permanently by the Clerk's Office.

### **5.13 Preservation of Archival Records**

5.13.1 Archival Records will be stored 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.

### **5.14 Records Management Training**

5.14.1 Ongoing training shall be offered to all employees involved in records management.

5.14.2 The objective of employee training is to enable the Corporation to implement, use, and maintain a standardized Records Management System.

5.14.3 Training must be appropriate for the level of involvement with records management. This involves basic training for all employees and specialized training for designated employees responsible for records management.

### **5.15 Compliance and Audits**

5.15.1 Compliance with the Corporation's Records Management By-law will be reviewed on a scheduled and random basis by the Clerk.

### **5.16 Contravention**

5.16.1 Subsection 48(1) of the *MFIPPA* clearly states that no person shall alter, conceal, or destroy a record, or cause any other person to do so, with the intention of denying a right under this Act to access the record or the information contained in the record.

5.16.2 Subsection 48(2) of the *MFIPPA* provides that every person who contravenes subsection 48(1) is guilty of an offence and could be subject to a fine up to \$5,000.

5.16.3 If an employee is guilty of an offence that results in a fine under the *MFIPPA*, the employee must pay the fee in whole and assume the consequences related to this violation, which involves a range of disciplinary measures.

## **6. Responsibilities**

### **6.1 Appointment of Designated Employees**

6.1.1 Each Department may designate an employee by filling out the Appointment of a Designated Employee Form, attached to this Policy as Appendix B, who will act as a liaison between the Clerk's Office and the Department in terms of records management.

6.1.2 The designated employee will be responsible for ensuring compliance with the Corporation's Records Management By-law and this Policy, as well as for providing assistance with regard to the correct use and application of the records management system. The designated employee should have a thorough knowledge and understanding of records management and administrative operations of their respective Department.

6.1.3 If a Department does not designate an employee, the Department Head is by default the person responsible for records management within the Department.

### **6.2 Department Heads or Designated Employees**

6.2.1 Department Heads or designated employees shall:

- a) Ensure that all employees of their Department are aware of their responsibilities under this Policy;
- b) Demonstrate support and compliance with this Policy;
- c) Address any non-compliance with the Policy;
- d) Ensure that records are maintained and disposed of in accordance with this Policy and the Corporation's Records Management By-law
- e) Fill out the Destruction Notices when disposing of Official Records;
- f) Provide the Clerk with Destruction Notices once they are filled out and signed; and
- g) Act as the signing authority in terms of records management for their Department.

### **6.3 Employees**

#### 6.3.1 All employees shall:

- a) Familiarize themselves with this Policy;
- b) Comply with this Policy;
- c) Report any violation of this Policy to the Department Head or designated employee;
- d) Create, classify, retain and dispose of records in accordance with this Policy and the Corporation's Records Management By-law;
- e) Ensure that records are created and maintained to effectively and accurately document and provide evidence of the Corporation's business transactions and activities in which they are involved in the performance of their duties and the services offered by their Department;
- f) Identify and distinguish Official Records and Transitory Records;
- g) Ensure that Transitory Records in their custody or control are destroyed when they are no longer needed for short-term reference;
- h) Ensure that emails are classified and saved within the Corporation's records management system;
- i) Ensure that Official Records in their custody or under their control are protected from inadvertent destruction or damage and properly preserved throughout their lifecycle;
- j) Protect records from unauthorized use or access; and
- k) Maintain the confidentiality of confidential records.

### **6.4 Clerk**

#### 6.4.1 The Clerk shall:

- a) Develop and administer this Policy and the Corporation's Records Management By-law in accordance with legislative requirements and industry best practices;
- b) Review the Records Retention Schedule annually and reference any amendments made to ensure that the Schedule remains compliant with all legislative requirements and industry best practices;
- c) Develop and communicate processes which enable Departments and employees to maintain compliance with this Policy; and
- d) Provide records management training to employees.

## **7. Legislative Authority**

- 7.1.1 Sections 254 and 255 of the *Municipal Act* state that a municipality shall retain and preserve the records of the municipality in a secure and accessible manner and may only destroy a record of the municipality if a retention period for the records has been established.

## **8. References**

- 8.1.1 Notice of Destruction Form
- 8.1.2 Appointment of a Designated Employee Form
- 8.1.3 *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56
- 8.1.4 *Municipal Act*, 2001, S.O. 2001, c. 25
- 8.1.5 *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sched. A



## Appendix A - Destruction Notice Form

Date of Notice: \_\_\_\_\_

Responsible Department: \_\_\_\_\_

Department Head or Designated Employee: \_\_\_\_\_

| Class Code | Secondary Heading | Description of Records | Total Retention | Date of Records |
|------------|-------------------|------------------------|-----------------|-----------------|
|            |                   |                        |                 |                 |
|            |                   |                        |                 |                 |
|            |                   |                        |                 |                 |
|            |                   |                        |                 |                 |
|            |                   |                        |                 |                 |
|            |                   |                        |                 |                 |

Department Head's or Designated Employee's Signature: \_\_\_\_\_

Clerk's Signature: \_\_\_\_\_



## Appendix B - Designated Employee Nomination Form

I, \_\_\_\_\_ (Name of Department Head), hereby designate \_\_\_\_\_ (Name of Designated Employee):

- To act as a liaison between the Clerk's Office and the Department, \_\_\_\_\_ (Name of Department) in terms of records management.
- To be responsible for ensuring compliance with the Corporation's Records Management By-law and this Policy; and
- To provide assistance with regard to the correct use and application of the records management system.

\_\_\_\_\_  
Name of Department Head  
(please print)

\_\_\_\_\_  
Name of Designated Employee  
(please print)

\_\_\_\_\_  
Department Head's Signature

\_\_\_\_\_  
Designated Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Clerk (please print)

\_\_\_\_\_  
Clerk's Signature

\_\_\_\_\_  
Date