

# The Corporation of the Town of Milton

Report To: Council

From: Meaghen Reid, Director, Legislative & Legal Services/Deputy

Clerk

Date: November 18, 2019

Report No: CORS-067-19

Subject: Repeal and Replace Records Retention By-laws 014-2011, 102-

2013 and 114-2015

Recommendation: THAT the necessary by-law, included on the November 18, 2019

Council Meeting agenda, be considered for approval.

#### **EXECUTIVE SUMMARY**

The purpose of this report is to repeal Records Retention By-laws 014-2011, 102-2013 and 114-2015 and to replace with the updated Records Retention By-law, included within the November 18, 2019 Council Meeting agenda. The new Records Retention By-law has been completed in accordance with legislation and with input from all of the Town's departments.

#### REPORT

#### **Background**

- Record Retention Bylaws 014-2011, 102-2013, and 114-2015 have been previously adopted.
- Bill 8 amended the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 (MFIPPA) in 2016 to require local municipalities to take reasonable measures to properly preserve their official records.
- The Town received recommendations from an external consultant to update the Retention Schedule in By-law 102-2013 and 114-2015 to address recent legislative changes and to reflect best practices within the industry.

#### Discussion

The *Municipal Act*, S.O. 2001, c. 25, as amended (the Act), requires local municipalities to retain and preserve records in a secure and accessible manner and grants municipalities the authority to establish records retention by-laws to govern their official records. In 2019, a corporate-wide review project was conducted to seek input from all departments to ensure the recommended by-law captures all the possible records based on the Town's current business activities.



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As a result, the following changes have been incorporated into the recommended Records Retention By-law:

- New record classifications were added, based on staff input;
- Unused records classifications were removed, based on staff input;
- The responsible departments have been identified for various record classifications;
- Retention length requirements were consolidated based on staff input, practicality and for ease of use;
- Non-relevant terms and definitions were removed;
- Recordkeeping roles and responsibilities were revised based on best practices and practicality for the corporation.

Staff are recommending that the new Records Retention By-law be approved to ensure that the Town can continually meet its legal obligations under MFIPPA and the Act. In addition, the By-law has been extensively reviewed by Town staff and it is the most up-to-date reflection of the Town's records and business activities.

### **Financial Impact**

There are no financial impacts resulting from this report.

Respectfully submitted,

Troy McHarg Commissioner, Corporate Services / Town Clerk

For questions, please contact: Jia Zhu, Information Phone: Ext. 2112

Governance & Records

Manager

#### **Attachments**

None

CAO Approval
Andrew M. Siltala
Acting Chief Administrative Officer