

Draft revised Records Retention and Disposition By-law

BY-LAW NO. 2021-XX

A by-law of the City of Ottawa establishing a schedule of retention periods for certain records of the City of Ottawa and to repeal By-law No. 2003-527 and amendments.

The Council of the City of Ottawa enacts as follows:

SHORT TITLE

1. This by-law may be cited as the Records Retention and Disposition By-law.

DEFINITIONS

2. In this by-law,

“Administrative duplicate” means a copy of a record maintained for convenience of reference;

“Archives Transfer Trigger” means the event and/or time after which records with archival value can be transferred to the City Archives;

“Archivist” means the person occupying the position of City Archivist in the City of Ottawa Archives Branch in the Office of the City Clerk;

“Business Unit” means an operational or functional work area within the City;

“City” means the Corporation of the City of Ottawa;

“City Archives” means the City of Ottawa Archives, a branch in the Office of the City Clerk;

“Classification Name” means the descriptive label applied to a records series listed in the Schedule A;

“Classification Code” means the alpha-numeric code applied to a records series listed in the Schedule A;

“Corporate Records Classification Scheme” means the records management taxonomy that is applied to official business records;

“Final Disposition” means the end state of records defining what will happen to a record

when its inactive retention period has expired. 'Final Disposition' is defined as one of the following: Destroy, Permanent: Sent to City Archives, Permanent: Remains Inactive, and Archival Value: To Be Determined;

"Inactive Transfer Trigger" means an action, activity, or event that will cause an active record to become inactive. In the case of physical records, so it can be transferred to off-site records storage;

"MFIPPA" means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter M.56;

"Official Business Record" means a record that:

- (a) documents work-related decisions and actions,
- (b) shows what happened, when, who was involved, what was decided or recommended and by whom,
- (c) provides evidence of decisions and decision-making, policies, procedures, services or operations,
- (d) is captured in an Information Management-managed records system, if they are not already captured in another city business-specific system.

"Permanent" means an official business record that is considered to be so valuable or unique in documenting the fiscal, legal, administrative or operational history of the city that it will never be destroyed;

"Program Manager, Information Management" means the person occupying the position of Program Manager of Information Management Branch in the Office of the City Clerk;

"Record" means information however recorded or stored whether in print form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films;

"Records Management System" means the system that registers, classifies and manages official business records;

"Temporary record" means a record that:

- (a) is an administrative duplicate,
- (b) is of limited usefulness, created or received by staff in carrying out their activities; has no value beyond an immediate and minor action and are not required to meet legal or fiscal obligations,
- (c) is often created in preparation of a subsequent official business record (e.g. a draft of a completed report),
- (d) does not provide evidence of decision-making or work-related.

"Years Active" means the total length of time that an official business record, in a physical format, is to be kept on-site with the business unit or in a centralized records

office; and

“Years Inactive” means the total length of time an official business record is to be kept as an inactive record.

INTERPRETATION

3. (1) This by-law includes Schedule “A” annexed hereto and Schedule “A” forms part of this by-law.
- (2) In Schedule “A”,
 - (a) “T” means terminated. “T” in the “Years Active” column means an “Inactive Transfer Trigger” is required to cause an active record to become inactive, and
 - (b) “P” means permanent.
- (3) In this by-law where the retention period for an official business record is set out as permanent, the record shall be retained in perpetuity.
- (4) In this by-law when calculating the retention periods, the calendar year in which the official business record is created shall not be included in the calculation.

OFFICIAL BUSINESS RECORD RETENTION

4. (1) The official business records of the City as set out in Column 1 of Schedule “A” and described in Column 2 of Schedule “A” shall be retained by the City for the number of years set out as the retention period.
- (2) For the purposes of subsection (1), the number of years set out as the retention period shall be the total of the number of Years Active in Column 3 of Schedule “A” and Years Inactive in Column 5 of Schedule “A”.
- (3) Those records with that are assigned a Final Disposition of Permanent: Sent to City Archives, in Column 6 in Schedule “A”, will be transferred to the City of Ottawa Archives.

OFFICIAL BUSINESS RECORD FINAL DISPOSITION

5. Upon approval of,
 - (a) the Program Manager or higher of the business unit,
 - (b) the Program Manager, Information Management Branch, and
 - (c) the Archivist, or
 - (d) the Manager of Policy and Business Operations in the Office of the City Clerkwhere exemptions pursuant to MFIPPA apply, the Program Manager, Information Management Branch, may destroy the official business records set out in Schedule “A” after the expiration of the retention period and

in accordance with the listed Final Disposition in Column 6 in Schedule “A”.

6. (1) When official business records have been destroyed under this by-law, the Program Manager, Information Management Branch shall so certify in writing.
 - (2) The certificates referred to in subsection (1) shall:
 - (a) refer to the relevant item in Schedule “A”,
 - (b) identify the official business records destroyed and be retained as a permanent official business record of the Program Manager, Information Management Branch.
 - (3) The Program Manager, Information Management Branch shall keep an index of:
 - (a) details of storage of official business records, where appropriate, and official business records destroyed.
7. Where official business records are destroyed under this by-law, the proper and complete destruction thereof is the responsibility of the Program Manager, Information Management Branch.

TEMPORARY RECORDS

9. A temporary record may be deleted or otherwise destroyed on the same day the temporary record was created or received or when no longer needed.

REPEAL

10. By-law 2003-527 entitled “A by-law of the City of Ottawa establishing a schedule of retention periods for certain records of the City of Ottawa”, as amended is repealed.

EFFECTIVE DATE

11. This by-law shall take immediate effect once approved by Council and signed jointly by the Mayor and City Clerk.

ENACTED AND PASSED this XX day of XXX, 2021.

CITY CLERK

MAYOR