
REPORT TITLE: **Amendments to the Records Retention By-law 1-2007**

FROM: Patricia Caza, Regional Solicitor and Commissioner of Legislative Services

RECOMMENDATION

1. That the amendments to By-law 1-2007 as generally outlined in the report of the Regional Solicitor and Commissioner of Legislative Services, titled “Amendments to the Records Retention By-law 1-2007,” be approved; and
2. That the necessary amending By-law be presented for enactment.

REPORT HIGHLIGHTS

- The *Municipal Act, 2001*, as amended, provides that the municipality may establish retention periods and permits the destruction of a record of a municipality where a retention period has been established and the retention period has expired.
- Amendments to existing records series must be approved by Regional Council.
- This report includes a proposed amendment to By-law 1-2007 as previously amended by By-law 26-2018 to update 57 record series under the Records Retention By-law, which require an update due to business need. Many of the updates can be considered minor in nature.
- This report also proposes an update to By-law 1-2007, as amended, to clarify language around the roles and responsibilities of the Regional Archives regarding the Regional record disposition process.
- An updated Records Retention By-law enables the Region of Peel to comply with regulatory and internal administrative requirements with respect to records and information management, and in this case will also ensure that the Archives can continue to fulfil its mandated role in cultivating and safeguarding the documentary heritage of Peel.

DISCUSSION

1. Background

a. Housekeeping Updates to Schedule “A” of By-law 1-2007

The Records Retention By-Law describes the length of time records are to be retained for legal, fiscal, administrative, historical, and operational purposes, as outlined in section 255 of the *Municipal Act, 2001*, as amended. It dictates what records must be kept, for how long, who should have them, and where they should be kept. Every employee and program area has an obligation to abide by record keeping processes as outlined in this By-law.

Amendments to the Records Retention By-law 1-2007

Regular updates of the Retention By-law are necessary to best reflect the current work of the Region. The last update to the retention schedule was enacted on April 26th, 2018 by By-law 26-2018, which will now be replaced by a new retention schedule through the enactment of the proposed amending by-law.

b. Archival Appraisal of Regional Records

Archival staff have identified an operational necessity to clarify the language in section 7 of By-law 1-2007 concerning the archival review (or “appraisal”) of Regional records by the Regional Archives. This finding was supported by a Regionally commissioned study by TCI Consultants reviewing Peel’s Archival program.

The Peel archival program is responsible for the ongoing identification, preservation, and provision of access to records of archival value, regardless of media or format, that provide evidence of the decisions, policies, and activities of the Region of Peel as well as its municipal predecessor, the County of Peel.

The Archives remains deeply committed to the identification and stewardship of archival records as a function of good governance, citizen rights, and community self-understanding.

2. Findings and Rationale

a. Housekeeping Updates to Schedule “A” of By-law 1-2007

Program staff from across Regional departments have requested updates to Schedule “A” of By-law 1-2007 to better suit their unique business needs. Records Management conducted consultations with the program areas to discuss these changes.

As a result of this consultation process, 57 record series in Schedule “A” have been determined to require an update. These updates are minor and routine in nature, such as nuanced language to best reflect the records, or best reflect the Region’s programs and service delivery. Other changes include adjustments of retention periods, citation changes, or correcting typos or grammatical errors. These updates result from organizational, and administrative changes that have occurred since the last updates to Schedule “A” were made through amending By-law 26-2018 on April 26th, 2018.

b. Archival Appraisal of Regional Records

Staff are proposing replacing the current text in clause 7 of By-law 1-2007, which reads:

“When the Regional Archivist deems records to be of archival significance, the Archivist has the authority to stop a disposition or remove selected records from a disposition” with the following:

Amendments to the Records Retention By-law 1-2007

“The Regional Archivist or designate has the authority to review any disposition list(s) and conduct a records appraisal of all records scheduled for disposition, including records not previously identified for archival selection. When such an appraisal determines that a record or a group of records has archival value, the Regional Archivist or designate may stop a disposition or remove records from a disposition and transfer them to the Peel Archives.”

This proposed revision seeks to clarify the Regional Archivist’s authority to review and appraise all Regional records which have met their retention period. Records that have been reviewed and deemed to have archival value will be transferred to the Peel Archives, with all such transferred records subject to relevant access and privacy legislation, including the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as applicable.

For the purposes of clarity, a definition of records appraisal has also been included in the proposed amending by-law.

Further, these proposed revisions will bring the Region’s government archival review processes in line with best record appraisal practices as followed by other major municipal governments in Ontario.

There are no financial implications resulting from the adoption of this report.

RISK CONSIDERATIONS

This by-law update ensures ongoing compliance with regulatory requirements and maintains public trust and credibility for the Region by aligning its record retention processes with sound records management and archival appraisal best practices.

BILL 112 RISKS AND IMPLICATIONS

It is expected that the dissolution of Peel Region and successful transition to successor municipalities will require unprecedented access to information and knowledge-based support. As the local municipalities take on their new program roles and responsibilities, they will likely require access to vital records currently held by the Regional Archives and other program files still under the custody of the Region’s Records Management team. Clarifying the Regional Archivist’s archival review and selection authority in the lead up to Peel’s dissolution/transition will help ensure that all relevant material will be identified, preserved, and made available as required.

CONCLUSION

The Records Retention By-law helps enable the Region to meet its legal, financial, and operational requirements. It is used to maintain accountability and sound management of the Regions’ records. Effective records and information management is crucial to evidence-based decision-making and ensures efficient and timely service delivered throughout the Region.

Amendments to the Records Retention By-law 1-2007

Clarifying the language around the role and authority of the Archives in the Regional record review and disposition process will empower archival staff to engage in a systematic review and subsequent capture of valuable Regional records. This clarity will in turn allow the program to better fulfil its mandate in building and preserving the documentary heritage of Peel Region.

APPENDICES

Appendix I – Summary of Changes to the Records Retention By-law 26-2018 Schedule “A”



Patricia Caza, Regional Solicitor and Commissioner of Legislative Services

Authored By: Kyle Neill, Regional Archivist