



CITY OF HAMILTON
Corporate Services Department
City Clerk's Office

TO:	Audit, Finance and Administration Committee
COMMITTEE DATE:	September 24, 2018
SUBJECT/REPORT NO:	Records Retention By-law Amendments CL18009 (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lisa Barroso Ext. 2743
SUBMITTED BY:	Janet Pilon Acting City Clerk Office of the City Clerk
SIGNATURES:	

RECOMMENDATION

That the draft by-law, entitled "To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton", substantially attached as Appendix "A", be enacted by Council.

EXECUTIVE SUMMARY

The *Municipal Act, 2001* provides that a municipality shall retain and preserve its records in a secure and accessible manner. The Act also provides that a record of the municipality may be destroyed if a retention period for the record has been established and the retention period has expired.

The proposed Records Retention By-law was prepared in compliance with Federal and Provincial legislation and conforms to industry standards and is attached as Appendix "A" for your approval.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: There are no direct financial implications affecting the adoption of the Records Retention By-law Amendment.

Staffing: There are no staffing implications affecting the adoption of the By-law.

Legal: A lack of clear records retention guidelines can cause challenges for staff. Current retention guidelines will assist in eliminating any potential uncertainty of records responsive to any request from the public.

HISTORICAL BACKGROUND (Chronology of events)

The current Records Retention By-law 11-040, as amended, was passed on January 26th, 2011 and amended by By-laws 12-254 on November 24, 2012 and 13-316 on December 11, 2013, respectively.

The By-law is reviewed by staff, as required, and the proposed amendments are presented in this report for Committee/Council approval.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed amendments are presented to ensure that the retention by-law is reflective of current legislative requirements and is in keeping with current record keeping practices.

RELEVANT CONSULTATION

Divisional staff representatives have provided input in reviewing the file categories and corresponding retention periods.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

(Include Performance Measurement/Benchmarking Data if applicable)

The Records Retention By-law 11-040 provides an alpha-numeric file system with an easy-to-read schedule that applies retention periods to corresponding file categories. It conforms to industry standards. The following file classification amendments are proposed to Schedule "A" of the City's Records Retention By-law 11-040:

AD08 - Strategic Planning/Management

- Retention changed from 10 years to Superseded +10, subject to archival review

AD12 - Accessibility of Records – Information Requests

- Retention changed from T+3 years to T+2 years. T= close of file

CO06 - Council/Standing Committee Meeting Recordings

- Retention changed from 'temporarily suspended pending review' to permanent subject to archival review at end of term of council

CO09 02 - Vital Statistics – Documentation

- New file classification developed to incorporate back-up information/files of vital events including marriage applications, voided marriage licenses and death registration paperwork. This series does not include Marriage and Death Registers. Total Retention C + 3 years

EM06 02 - Emergency Response

- New file class developed to incorporate records related to operational responses to emergencies. Total Retention is T+15 where T= end of emergency

HR14 - Volunteer and Unpaid Student Files

- New file class developed to incorporate records associated with volunteer and unpaid student placements in Public Health. Retention is T+7 where T=last day of employment

PE04 01 - Building, Grading and Structural Inspections

- Retention changed from C+17 to Permanent

PE08 02 - Building Plans and Specifications

- Retention changed from C+17 to Permanent

SH08 - Public Health

- This file classification has been under review and is now complete. Public Health staff developed the file classifications and retention based on Health industry standards and legislated requirements. Appendix 'B' attached to this report, forms the new file classification and retention guidelines for Public Health Services.

TS14 - Motor Vehicle Accident Reports

- New file classification developed to incorporate records associated with motor vehicle accident reports. Retention is T+4 where T = completion of investigation

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and Pros and Cons for each alternative)

It is advisable that Council adopt the proposed changes to Schedule "A" of the Records Retention By-law, as the current retention guidelines are identified as outdated.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Draft Amendment to the Records Retention By-law

Appendix 'B' – Public Health Services Schedule