



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	April 22, 2021
SUBJECT/REPORT NO:	Records Retention Bylaw Amendments (FCS21034)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lisa Barroso Ext. 2743
SUBMITTED BY:	Andrea Holland City Clerk, Office of the City Clerk
SIGNATURE:	

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", attached as Appendix "A", be enacted by Council.

EXECUTIVE SUMMARY

Section 255 of the *Municipal Act, 2001* provides that a municipality may establish retention periods, during which the records of the municipality must be retained and preserved, and that except as otherwise provided, a record of the municipality may be destroyed if a retention period for the record has been established and the retention period has expired or the record is a copy of the original record.

The proposed Records Retention By-law amendment was prepared in compliance with Federal and Provincial records retention legislation and supports current business practices 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, is routinely reviewed by Records staff and the proposed amendments are presented in Appendix A to 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)

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 proposed changes, which include amendments to existing file categories and the addition of new categories, will maintain and improve the management of City records and will clarify roles and responsibilities for administering records over time.

The file classification additions and amendments are proposed to Schedule "A" of the City's Records Retention By-law 11-040:

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 People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix 'A' – Draft By-law Amendment to Records Retention By-law 11-040

Schedule 'A' – Amendments to Schedule A of Records Retention Bylaw 11-040