

City of Hamilton Corporate Policy



Policy Title: RECORDS AND INFORMATION MANAGEMENT

Effective Date:

Last Review Date:

Approved by:

POLICY STATEMENT

The City of Hamilton recognizes that it is responsible for information assets created through the provision and management of city services. The City also recognizes that information and records are valuable corporate assets that support accountable, transparent and effective government administration, customer service, organizational efficiency, decision making, business continuity and litigation support. The City of Hamilton is committed to managing, retaining and preserving the information assets of the municipality by maintaining records that adequately document its business transactions and activities and managing these in a manner that demonstrates commitment and accountability.

PURPOSE

The purpose of this policy is to ensure consistent standards and practices for the lifecycle management of records in the custody and control of the City. It defines responsibilities and authorities in order to establish and maintain a records management discipline at the City. This is to ensure that information can be made available for decision-making, program and service delivery and access requests under the *Municipal Freedom of Information and Protection of Privacy Act*, while being protected and disposed of (retained and preserved or destroyed) in accordance with relevant legislation, regulations and policies.

SCOPE

This Policy applies to all City employees, including full-time, part-time, casual, contract, volunteer and student placement employees.

This policy is relevant to all records, however recorded or stored, in the custody, or under the control of the City, and to all persons who create, receive, access, maintain and make available records on behalf of the City in the conduct of its business transactions and activities.

A record shall be considered to be in the custody of the City when the City is responsible for the keeping, care, watch, preservation or security of the record for a legitimate business

purpose. A record shall be considered to be under the control of the City when the City is authorized to make a decision about the use or disclosure of the record.

Out of Scope: The personal, political and constituency records of the City's Elected Representatives shall not be considered to be in the custody, or under the control of the City and may be disposed of as they wish. However, records created or received by Members of Council in their capacity as members of a Committee of Council or when acting at the specification of Council, form part of the official records of the City. These records, as well as correspondence from elected representative to a City employee or from a City employee to an Elected representative, shall be considered records in the custody and under the control of the City and shall be subject to the *Municipal Freedom of Information & Protection of Privacy Act*.

RECORDKEEPING PRINCIPLES

The City of Hamilton recognizes that the effective management of the records in its custody and under its control is one of its fundamental obligations as a public organization, critical to assuring the protection of the public's rights to access information and essential for the City's accountability. All employees share responsibility for the proper management of the City's information assets. The following Generally Accepted Recordkeeping Principles developed by the Association of Records Managers and Administrators, provide the framework for effectively managing the City's information assets:

Accountability

Information must be managed through its lifecycle by assigning accountability for the effective and efficient use of information by all staff.

Transparency

The public has the right to access information under the control of the City in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Information that does not contain confidential, personal information about the City's programs, services or governance is routinely available to the public.

Integrity and Quality Assurance

Information must be reliable and accurate and must be a true representation of an actual event or task. The City will promote information quality by means of its policies, procedures, and training and awareness initiatives.

Protection & Compliance

Required to meet legal, regulatory and contractual requirements regarding the protection and use of information assets.

Availability

The City must maintain records and information in a manner that ensures the timely, efficient and accurate retrieval of information by staff requiring it for the City's business purposes.

Retention & Disposition

The length of time a record must be kept and be accessible is based on the legal, regulatory, fiscal, historical and business operational requirements. Records must be securely retained and disposed of following the expiry of their retention periods to mitigate the risk of unauthorized or unnecessary access.

POLICY

All employees are responsible for the proper management of corporate information assets. Accurate, useable and accessible information supports open, transparent and accountable local government by improving customer service and program delivery.

With the implementation of this policy, the City will:

- Integrate Records and Information Management practices with service delivery;
- Integrate Records and Information Management practices into business planning;
- Invest in greater Records and Information Management awareness, training and communication to improve a culture of collaboration and information sharing;
- Protect personal and confidential information;
- Enable and leverage technology to improve the management of information;

As a critically valuable asset, the City recognizes that records and information must be managed reliably to improve City programs and services in the same manner and given the same consideration as other valuable corporate assets.

ROLES AND RESPONSIBILITIES

Office of the City Clerk

- Responsible for the oversight of the corporation's responsibilities related to the development and retention of all municipal records in accordance with the Municipal Act, the City's Records Retention By-Law, and applicable corporate policies. The City Clerk has the authority to amend this policy based on legislated change
- Establishing, implementing, monitoring and providing advice on Corporate records management policies, procedures, systems and standards for the City, including the management and storage and destruction of both electronic and physical records.
- Accountable for reviewing and updating the policy, as needed, including the authority to amend based on legislated changes in consultation with the City Solicitor.

Senior Management (City Manager, General Managers and Directors)

- The City Manager, General Managers and Directors shall ensure compliance with records and information management policies, procedures, systems and standards across the organization.

Managers and Supervisors

- Ensure Division business processes comply with the records and information management policy, procedures, and best practices.

Contracted Service Providers and Volunteers

- Contracted Service Providers and Volunteers shall manage records in accordance with this Policy, the Records Retention By-law and associated schedules and any other applicable policies, procedures or standards.

Employees

- Employees shall manage records in accordance with this Policy, the Records Retention By-law and associated schedules and any applicable policies, procedures or standards.
- Employees shall maintain records in a manner that ensures the authenticity and reliability of the records throughout the Information Life Cycle.

LEGISLATION AND ADMINISTRATIVE AUTHORITIES

The ***Municipal Act*** requires a municipality to retain and preserve the records of the municipality and its local boards in a secure and accessible manner; allows for a municipality to enter into an agreement for archival services with a local or university archives; provides for a municipality to establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved; and allows for a record of the municipality to 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.

The ***Municipal Freedom of Information and Protection of Privacy Act*** provides the general right of access to certain records and personal information under the control of the City, subject to stipulated exemptions to that right; requires the City to develop and maintain an inventory of its information holdings as a means of organizing information for the purpose of general access; specifies how the City can collect, use, disclose, retain and dispose of personal information and personal information banks; provides for an individual's right of access to personal information and to correction of that information; and requires the City to develop and maintain an index of personal information holdings as a means of ensuring that Personal Information Banks are registered and approved.

COMPLIANCE

City employees who fail to comply with the Records Management Policy may be subject to action/ disciplinary action as may be deemed necessary, up to and including dismissal.

REFERENCES

This policy to be read in conjunction with the City's

Code of Conduct
Computer Acceptable Use Policy
Corporate Protection of Privacy Policy
Records Retention Bylaw

LEGISLATED AND ADMINISTRATIVE AUTHORITIES

Municipal Act, 2001
<https://www.ontario.ca/laws/statute/01m25>

Municipal Freedom of Information and Protection of Privacy Act
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m56_e.htm

Personal Health Information Protection Act
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm

CONTACT

Require advice or have Questions, contact: records@hamilton.ca

APPENDIX A - DEFINITIONS

Record, as defined in the *Municipal Act*, means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films.

Record, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes, (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and (b) subject to the regulations made under the *Municipal Freedom of Information and Protection of Privacy Act*, any record that is capable of being produced from a machine readable record under the control of the institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

Archival means information assets of enduring significance that have historical and business value for the City of Hamilton and individuals engaging in historical research.

Confidential Information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from City records that must or may be kept confidential under the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act*.

Control (of a record) means the power or authority to make a decision about the use or disclosure of a record.

Custody (of a record) means the keeping, care, watch, preservation or security of a record for a legitimate business purpose. While physical possession of a record may not always constitute custody, it is the best evidence of custody.

Information includes content, data, documents, knowledge and records.

Information management means the administration of information through a life cycle, its use and transmission, and the application of techniques to create, modify, or improve information handling systems.

Records & Information Management means a field of management responsible for establishing and implementing policies, systems and procedures to capture, create, access, distribute, use, store, secure, retrieve and ensure disposition of an organization's records and information.

Records Retention By-law means the most recent by-law passed that contains the schedule and the length of time City records must be retained for before they may be disposed of in order to meet business needs and legislative requirements.