



CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
City Clerk's Division

TO: Chair and Members Audit, Finance & Administration Committee	WARD(S) AFFECTED: (City Wide)
COMMITTEE DATE: November 12, 2012	
SUBJECT/REPORT NO: Records Retention By-law (CL12007) (City Wide)	
SUBMITTED BY: Rose Caterini City Clerk Corporate Services	PREPARED BY: Lisa Barroso Ext. 2743
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 hereto 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 is attached as Appendix "A" for your approval.

Alternatives for Consideration – See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

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

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

Legal: A lack of clear records retention guidelines may cause legal challenges. In litigation matters involving the City, any relevant records relating to a matter in question are required to be disclosed and produced pursuant to discovery provisions. A current retention by-law will assist in eliminating any potential uncertainty of responsive records to any request from the public.

HISTORICAL BACKGROUND (Chronology of events)

The current Schedule “A” of Records Retention By-law 11-040 was enacted in 2011. The Records Retention By-law is reviewed by staff on an ongoing basis to ensure that it is reflective of current legislative requirements and of staff’s record keeping practices. Amendments are recommended at this time due to some changes in legislation and some changes in record keeping practices which have added new file categories and amended existing file categories. All changes have been reviewed, through consultation with appropriate departmental staff and the amendments are presented in Appendix “A” for Council approval.

POLICY IMPLICATIONS

Some file classifications/retention periods provided in Schedule “A” to Records Retention By-law 11-040 will be replaced by proposed new classifications/ retention periods.

RELEVANT CONSULTATION

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

ANALYSIS / RATIONALE FOR RECOMMENDATION

The proposed Schedule “A” to the Records Retention by-law conforms to industry standards. It is an easy-to-read schedule that provides retention periods to corresponding file categories. The following file classifications amendments are proposed:

AD12 – Accessibility of Records – Information Requests

- Retention changed from 2 to 3 years

CO06 – Council/Standing Committee Meeting Recordings

- Scope notes amended to clarify purpose of audio visual recordings

EM03 – Emergency Calls

- Total Retention reduced from 5 years to 2 years

ES09 – Water Works and ES10- Drains

- Archival record clarified

FA1801 – Quotations, Tenders and Proposals

- Scope Notes amended to be more descriptive

TS0301 – Accessible Transportation

- New file classification developed to incorporate records associated with Accessible Transportation

ALTERNATIVES FOR CONSIDERATION

It is advisable that Council adopt the proposed changes to Schedule “A” of the Records Retention By-law, as staff would continue to refer to the current retention by-law which has been identified in this report as outdated.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

APPENDICES / SCHEDULES

Appendix “A” – to Report CL12007 – To Amend By-law No. 11-040 To Establish Retention Periods for Records of the City of Hamilton.

Authority: Item , Audit, Finance & Administration
Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**TO AMEND BY-LAW NO. 11-040
TO ESTABLISH RETENTION PERIODS FOR RECORDS
OF THE CITY OF HAMILTON**

WHEREAS the Council of the City of Hamilton enacted by-law 11-040 being a By-law to Establish Retention Periods for Records of the City of Hamilton, on January 26, 2011, pursuant to section 255, of the Municipal Act, 2001;

AND WHEREAS the Council of the City of Hamilton, in adopting item X of Report 12-XX of the Audit, Finance & Administration Committee, at its meeting held on the 12th day of November, 2012, recommended that Records Retention By-law 11-040 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following file classifications in Schedule A to Records Retention By-law 11-040 be amended as follows:
 - (a) **AD12 – Accessibility of Records – Information Requests**
Total Retention changed from T+2 years to T+3 years
 - (b) **CO06 – Council/Standing Committee Meeting Recordings**
Scope Notes deleted and replaced as follows:
Records associated with audio and visual recordings of Council Meeting and Standing Committee Meetings – maintained as a resource tool only – not considered the official records of Council/Committee proceedings

(c) **EM03 – Emergency Calls**

Total Retention reduced from C+5 years to C+2 years

(d) **ES09 – Water Works and ES10 – Drains**

Archival record amended by adding 'Specifications are kept permanently'

(e) **FA1801 – Quotations, Tenders and Proposals**

Scope Notes deleted and replaced as follows:

Records associated with obtaining and evaluating proposals from external agencies for goods and services to be purchased by the municipality. This record series includes records on Requests for Proposals (RFP), Requests for Information (RFI) and supporting documentation of awarded or cancelled contracts

2. That Schedule A to Records Retention By-law 11-040 be amended by adding the following file classification:

(a) **TS0301 – Accessible Transportation**

Scope notes: Records associated with the provision of Accessible Transportation Services including DARTS, Taxi Scrip and the HSR Support Person programs including confidential client information, incident reports, and general correspondence. incorporate records associated with Accessible Transportation.

Total retention: T+7, T=Termination of Service

2. This By-law comes into force on the day it is passed.

PASSED this day of , 2012.

R. Bratina
Mayor

R. Caterini
City Clerk