



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Administration, Finance and Human Resources Committee
From: Rachel Wilson, Manager of Privacy and Information
Date: Tuesday, April 25, 2023
Subject: **Records Retention By-Law Update**

Background:

The County's Records Retention By-Law enforces Schedule "A", the Records Classification and Retention Schedule, which establishes rules regarding the creation, maintenance, retention, and final destruction or archival preservation of all corporate records. Schedule "A" must be reviewed and updated on a regular basis to accommodate changing legislation, user needs, and modifications to County programmes and services.

The County Clerk has a statutory responsibility to maintain the records of the municipality and according to By-Law 5481-16, Council delegated authority to the Clerk to establish record retention periods for the County of Wellington. Currently, amendments to the Records Classification and Retention Schedule (Schedule "A" to the By-Law) are reviewed by the Clerk based on input from the Manager of Privacy and Information, County Archivist, Department Heads, and respective Managers. The amendments are then reviewed by the County Clerk and County Solicitor; and approved by the County Auditor.

In 2016, the County's Records Retention By-Law was passed in compliance with the statutory requirements at the time as defined in the Municipal Act, 2001:

Subsection 255(3) of the *Municipal Act 2001, S.O. 2001, Chapter 25* provides that a municipality may, subject to the approval of the municipal auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved;

In 2017, with the enactment of *Bill 68: Modernizing Ontario's Municipal Legislation Act*, the wording in subsection 255(3) "subject to the approval of municipal auditor" was removed. Therefore, the County Auditor is no longer required to approve amendments to records retention rules outlined in Schedule "A".

Removing the County Auditor from the approval process would streamline the administrative task of amending Schedule "A". The necessary checks and balances of the current process will remain. Any amendment to Schedule "A" will continue to be reviewed by the County Solicitor, County Archivist, Department Heads, Managers and approved by the County Clerk.

Recommendation:

That a new Records Retention by-law be approved, with the requirement of approval from the County Auditor be removed; and

That By-law 5481-16 be repealed and associated policies be updated.

Respectfully submitted,

A handwritten signature in black ink that reads "R. Wilson". The signature is written in a cursive, flowing style.

Rachel Wilson
Manager of Privacy and Information