

THE REGIONAL MUNICIPALITY OF YORK

BYLAW NO. 2019-04

A bylaw to establish retention periods
for records of
The Regional Municipality of York Police Services Board

WHEREAS subsection 254(1) of the *Municipal Act, 2001* (the “Act”) provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner;

AND WHEREAS The Regional Municipality of York Police Services Board (the “Board”) is a local board for the purposes of the Act;

AND WHEREAS subsection 255(3) of the Act provides that a municipality may establish retention periods during which the records of a local board must be retained and preserved;

AND WHEREAS subsection 255(2) of the Act provides that a record of a local board may be destroyed if a retention period for the record has been established and the retention period has expired;

AND WHEREAS subsection 255(6) of the Act provides that a record does not include a record of a police services board that is directly related to any law enforcement activity with respect to a person or body.

The Council of The Regional Municipality of York hereby enacts as follows:

1. In this bylaw,

- (a) “archival record” means a record of enduring historic value that is permanently maintained;
- (b) “record” means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:
 - i. 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
 - ii. subject to any 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 Board by means of computer hardware and software or any other information storage equipment ordinarily used by the Board;

- (c) “transitory record” means a record having only temporary value and which is not required to be retained to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt or provide evidence of legal, financial, operational or other decisions of the Board, including a record that is:
- i. created or retained solely for convenience of reference;
 - ii. of insignificant value in documenting the business transactions of the Board such as routine phone, email or text messages;
 - iii. required solely for the completion of a routine activity, or the preparation of another record;
 - iv. not related to the business of the Board;
 - v. not an integral part of a Board record;
 - vi. a miscellaneous notice or memorandum of a minor administrative nature;
 - vii. a copy of a record retained only for distribution or convenience, such as a copy of an internal communication, including a copy of meeting materials;
 - viii. a copy of a record unless such copy has been annotated to reflect significant input;
 - ix. a publication, telephone directory, catalogue, pamphlet or periodical that does not form part of any other record;
 - x. unsolicited advertising information;
 - xi. a preliminary draft of a letter, memorandum or report, or informal notes that do not represent significant steps in the preparation of a final document, including working papers;
 - xii. a tape or notes from a meeting for which the minutes or reports have been adopted or finalized;
 - xiii. a datafile back-up created solely for the purpose of restoring data;
 - xiv. a datafile created solely for the purpose of systems testing; or
 - xv. stored on a compact disk or other portable digital storage device and which meets the definition of a transitory record as defined in this bylaw.

2. Transitory records may be destroyed at any time without being classified pursuant to subsection 4(a) of this bylaw. Where a record is destroyed upon expiry of the retention period described in Schedule “A”, the corresponding transitory record shall also be destroyed.

3. Any record in a category set out in the Column 1 “Category of Record” of Schedule “A” shall be retained for the period set out opposite such category in Column 2 “Retention Period” and may thereafter be destroyed.
4. The following principles shall govern the destruction of records:
 - (a) no record shall be destroyed unless first classified according to Schedule “A” of this bylaw;
 - (b) all records shall be destroyed in a manner that preserves the confidentiality of any information contained in such records; and
 - (c) any record pertaining to pending or actual litigation or investigation or a request under any privacy legislation shall not be destroyed until such record is no longer required for such purpose.
5. When any record is deemed to be an archival record, such record shall be transferred to the custody and control of the Regional Archives.
6. Schedule “A” forms part of this bylaw.
7. Bylaw numbers 2013-15 and 2015-69 are hereby repealed.

ENACTED AND PASSED on January 31, 2019.

Regional Clerk

Regional Chair