

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 15, 2023

Report of the Commissioner of Corporate Services and Regional Clerk

Updating the Region's Records Retention Bylaw

1. Recommendations

1. That a Records Retention Bylaw to establish retention periods for records on behalf of the Regional Municipality of York be presented for enactment, effective December 31, 2023, in the form found in Attachment 1.
2. That the Regional Clerk is delegated authority to establish and amend classes of records and retention periods for the classes of records, as provided for in the new bylaw.
3. And further, that the current Records Retention Bylaw 2014-52 be repealed effective December 31, 2023.

2. Summary

This report seeks approval to enact a new records retention bylaw simplifying the management of paper and electronic records in the Region, and delegates authority to the Regional Clerk to make any future updates, while also ensuring compliance with the *Municipal Act*.

Key Points:

- Delegating authority to the Regional Clerk to update retention periods ensures new legislative and operational needs can be met quickly
- The Region currently manages about 125 million paper records and 150 terabytes of electronic records
- Section 254 of the *Municipal Act, 2001* requires all municipalities to retain and preserve records in a secure and accessible manner
- Municipalities may not dispose of records unless they have a defined retention period which has expired
- The Region's existing Records Retention Bylaw, which defines retention periods, has not been updated since 2014

- The proposed Records Retention Bylaw will simplify information management requirements for the Region's paper and electronic records.

3. Background

The Region currently manages about 125 million paper records and 150 terabytes of electronic records

Records encompass a wide array of information and data, regardless of their medium, whether it's in print or digital format. They comprise various types such as correspondence, email, drawings, audio or video recordings, paper, and electronic files, as well as machine-readable records like databases. All of the Region's paper and electronic records support business objectives, capture essential decisions, and must be appropriately managed in accordance with legislative and operational requirements.

Municipalities are required to preserve records and only dispose of them once an assigned retention period has expired

Section 254(1) of the *Municipal Act, 2001* provides that a municipality shall retain and preserve its records in a secure and accessible manner. In addition, under sections 255(3) of the *Municipal Act, 2001* a municipality is required to establish retention periods during which its records must be retained and preserved. Records can only be destroyed or transferred to the Region's archives, if a retention period, either event-based or time-based has been established and expired.

The Region's current Records Retention Bylaw has not been updated since 2014

The Region's current Records Retention Bylaw 2014-52 was enacted on June 26, 2014 and has not been updated since. The 2014-52 Records Retention Bylaw was modeled after a classification system developed in the 1990s for managing physical records, but it lacks the flexibility or extensibility required to manage digital records, which is the area of most growth and risk in the Region's information portfolio.

The rapidly increasing growth in volume and complexity of electronic records requires an updated approach to records management

The Region's current records classification scheme has over 40 different retention periods mapped to over 300 discrete records classification codes. This level of detail was manageable when records management was focused on relatively easy-to-manage and low volume paper records.

However, there is growing focus on digital information and data, which brings complexity as it is stored in various systems and is being generated at an accelerating rate. Electronic information does not require as detailed categorization as paper records, as metadata and search engines can facilitate retrieval. Simplifying the underlying classification structure of records can enhance the effectiveness of these tools.

4. Analysis

Legislative and business needs were considered as part of simplifying the Records Retention Bylaw

There are three main considerations when establishing records retention periods – legislative requirements, business needs and the archival value of the information in question. In developing the new Bylaw, staff reviewed relevant legislation, consulted with departments on their needs, and made updates as needed, including consolidating the number of retention periods. This reduced the number of discrete retention periods by almost half while still complying with legislative requirements and business needs.

The simplified retention structure will be used to streamline the Region's file classification scheme. Currently, the Region has over 300 file classification codes, which the new retention structure can reduce to about 150. This will make it easier for staff to manage the Region's digital and physical records.

The bylaw will also streamline management of the Region's physical records

Although the proposed changes to the Records Retention Bylaw are primarily driven by electronic records management needs, the new Bylaw will also apply to the Region's paper records.

The updated retention and file classification systems will be mapped to the Region's existing paper records to ensure they are disposed of appropriately. It will also apply to future paper records, and the simplified records management structure will make it much easier to classify these records.

Delegating future bylaw updates to the Regional Clerk enables a timely response to emerging legislative or operational requirements

In June 2017, Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, removed the requirement for municipalities to gain the approval of the Municipal Auditor prior to any changes to its Record Retention By-law.

Over the past few years, several municipalities, including Richmond Hill, Vaughan, and Barrie have further streamlined the process for updating records retention bylaws by delegating authority to the municipal Clerk to make future updates.

Delegating authority to the Regional Clerk to review and make changes to the Records Retention Bylaw ensures it can be quickly updated to respond to legislative or administrative changes.

5. Financial

While there are no direct costs associated with updating the Region's Records Retention Bylaw, it is important to consider the indirect costs involved. One notable expense relates to the maintenance and storage of paper records, which has an approximate cumulative cost

from 2019 – 2023 of \$732,000. Maintenance and storage costs are projected to increase annually by 8-15% pending contract negotiations, driven by factors such as inflation and storage requirements.

Additionally, when it comes to electronic records, there are indirect costs linked to licensing and both on-premise and cloud storage costs.

Effective information management, and timely disposition, can mitigate increasing storage requirements.

6. Local Impact

The Region's Records Retention Bylaw only applies to Regional records and there is no impact on the local municipalities.

7. Conclusion

The current Records Retention Bylaw, last updated in 2014, is becoming less effective in managing the growing volume and complexity of electronic records. The proposed 2023 Records Retention Bylaw aims to simplify records management for employees while still meeting legislative and business needs by reducing the number of retention periods and classification codes. The new bylaw also delegates future updates to the Regional Clerk to ensure timely responses to emerging legislative or operational requirements.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.

Recommended by:



Christopher Raynor
Regional Clerk



Dino Basso
Commissioner of Corporate Services

Approved for Submission:



Bruce Macgregor
Chief Administrative Officer

May 29, 2023
Attachment 1 – Records Retention Schedule
#13626951