



# Policy

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POL.COR.22.01

## Records and Information Management Policy

**Policy Type:** Corporate Policy (Approved by Council)

**Date Approved:** February 28, 2022

**Department:** Administration, Town Clerk

**Staff Report:** FAF.22.37

**By-Law No.:** 2022-17

### Policy Statement

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The Town of The Blue Mountains strives to manage, retain, preserve and dispose of the information assets of the municipality in a responsible manner. The Town recognizes that information and records are valuable corporate resources and should be managed through a corporate Records and Information Management (RIM) Program.

Properly managed information supports accountable, transparent and effective government administration, customer service, organizational efficiency and ultimately better decision making and business continuity.

Accordingly, the Town of The Blue Mountains has established a corporate Records and Information Management (RIM) Program that applies to all information assets.

### Purpose

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The purpose of the Records and Information Management (RIM) Program is to:

- a) ensure that Town records are created, used, disposed of and preserved in a systematic manner, compliant with relevant legislation regardless of format or medium;
- b) ensure that access is provided to Records in compliance with applicable Access and Privacy Legislation;
- c) fulfill the town's legal obligations pertaining to document classification, management and retention;
- d) identify and protect the Town's essential and historical records;
- e) define authorities, responsibilities and accountabilities for Records and Information Management.

All associated standards, procedures and technical controls shall be considered to be an extension of this policy and carry the same consequences for non-compliance.

## Application

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This policy applies to all Users of the Town, including employees, elected officials and volunteers that may have access to corporate information, in any format, including records, and data managed by the Town.

## Definitions

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**Archive** shall mean an institution that preserves information of historical or cultural value.

**Town Clerk** shall mean the Town Clerk of The Corporation of the Town of The Blue Mountains.

**Copy** shall mean a record that is a duplicate of an original.

**Data** shall mean the representations of information or of concepts, in any form, that are recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device, including a display of that Data.

**Destroy/Destruction** shall mean the process of eliminating Data in a manner that makes the information permanently unrecoverable or unreadable.

**Dispose** shall mean to Destroy a record or remove it from the official record keeping system.

**Disposition** refers to the final stage of **record** management in which a Record is destroyed; transferred or retained in accordance with Disposition authorities or other instruments.

**Files** has the same meaning as 'Records' and may be used interchangeably.

**FOI** shall mean Freedom of Information and refers to legislation established to make government information available to the public while ensuring that personal information and privacy is protected.

**Information System** shall mean a device or a group of interconnected or related devices, one or more of which:

- a) contains computer programs or other Data; and
- b) pursuant to computer programs, performs logic and control, and may perform any other function.

**Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** shall mean legislation established to provide individuals with a right of access to certain records and personal information under the custody or control of institutions covered by the MFIPPA in addition to protecting the privacy of individuals.

**Official Record** means a record that has operational, legal, fiscal, vital or historical value and that is legally recognized as evidence of a business transaction or establishes facts.

**Original** shall mean a record that was first produced or is a source document or is received by a department.

**Personal Health Information Protection Act** (PHIPA) shall mean Ontario legislation establishing a set of rules for the collection, use and disclosure of personal health information.

**Record** indicates any unit of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, memoranda, plans, maps, drawings, Microsoft Teams chat, text messages, graphic works, photographs, film, microfilm, sound recordings including voicemail, videotapes, machine readable records, and any other documentary material, regardless of physical form or characteristics, made or received in the course of the conduct of the affairs of the Town, and retained by the Town for the purposes of future reference, including evidentiary purposes.

**Records Hold** refers to a process where the Disposition of a record is temporarily suspended as a result of a notification of a legal proceeding, claim, audit, or request for records under access and privacy legislation.

**Records and Information Management (RIM)** refers to the handling of information resources throughout their lifecycle: from the time they are created/received, while they are used and maintained, until they are preserved or Destroyed.

**Retention Period** shall mean the period of time that Records must be kept before the Record may be Disposed of and is calculated from the closing date of the Record.

**Retention Schedule** shall mean a schedule/timetable that identifies the Town's Records and the length of time the Records must be retained before their final Disposition.

**Town** shall mean The Corporation of the Town of The Blue Mountains.

**Vital Records** means records that have preventative measures aimed at ensuring business continuity established and implemented to ensure that such records are reasonably protected and can be recovered in a timely manner in the event of a disaster.

## **Principles**

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As a critically valuable resource, information must be managed consistently and given the same consideration as other valuable corporate resources required to improve Town programs and services.

The following principles and practices are the framework for effectively managing information assets at the Town.

Accountability and transparency

1. Accountability for managing records and information in the custody and control of the organization is clearly defined, communicated, and monitored.
2. Information that does not contain confidential content about the Town, its programs, services and governance is available to the public in accordance with the provisions of MFIPPA and PHIPA.
3. The access to and disclosure of corporate information is administered in accordance with the provisions of MFIPPA and PHIPA.

Usability, quality and integrity

4. Records and information meet the needs of staff and stakeholders. Information is timely, accurate, reliable, relevant, has integrity and is easy to use.
5. Records are created within a reasonable time of the transactions or events they document to the greatest extent possible.

Access and security

6. Records and information will be readily available and accessible to those who need it when they need it.
7. Risks to records and information are managed, and practices and processes are in place to protect information assets through their lifecycle.

Planning and Integration

8. Coordinated planning for records and information management is linked to organizational goals, objectives, and financial planning.
9. The management of records and information is integrated with program planning and other business processes.

## **Staff/Council Responsibilities**

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**All Employees and Council are responsible for:**

1. applying RIM policies and procedures to records created, collected and used in the carrying out of Town business;
2. making themselves familiar with and complying with this Policy and all related subordinate policies and procedures;
3. treating Town information in a manner that facilitates access while ensuring privacy and security requirements are met;
4. bringing to the Town Clerk's attention:
  - i. issues and violations of this Policy and all related subordinate policies and procedures as appropriate;
  - ii. new or amended legislation and policies that may have an impact on RIM policies, procedures, guidelines, etc.

5. managing information and ensuring that employees in their office or Department and/or who report to them are made aware of their responsibilities under this Policy and all related subordinate policies and procedures;
6. leaving all records for their successors. This applies to both temporary and permanent departures, including transfers within the organization.

**The Town Clerk or their designate**

As the “Official Records Keeper” under the *Municipal Act*, the Town Clerk or designate is responsible for:

1. establishing, designing, implementing and maintaining of the Town’s Corporate Records and Information Management (RIM) program, systems, policies, procedures and services;
2. ensuring that the RIM program is performing in accordance with legislative requirements and best practices;
3. supporting and promoting the use of the established RIM program and best practices;
4. providing support and advice to management and employees on all aspects of RIM and initiatives which impact RIM;
5. implementing a record hold on applicable records upon notification of a claim or legal proceeding and removing the record hold once the matter has been resolved;
6. planning and managing RIM projects aimed at introducing best business practices, limiting liability and risk, establishing performance measures and benchmarking initiatives which support existing and future RIM services and products.

**Administrative Staff Responsible for Co-ordinating RIM functions are responsible for:**

1. assisting and working with RIM policies and procedures and supporting their department staff;
2. administering department records which, encompass the full lifecycle of the records from creation to final Disposition;
3. co-ordinating training requirements of departmental staff.

**Information Technology Services is responsible for:**

1. making information systems available to enable the management of records in accordance with this Policy and all related subordinate policies and procedures;
2. ensuring that technologies and software applications are in place to support and maintain all system controls to ensure the security, accuracy, trustworthiness and reliability of the records the systems produce.

## Implementation

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All records created, received, used or maintained by officers and employees in the course of their duties on behalf of The Corporation are the property of the Town of The Blue Mountains.

The Town's records shall be managed throughout the five stages in the lifecycle of a record which are:

**a) Creation (Receipt)**

The Town creates or receives records that document its business activities, functions, policies and decisions. Information shall be documented immediately or as close to the time when the event pertaining to it occurred, to make sure all details are captured accurately and appropriately.

Records must be created in all instances when there is a need to be accountable for and/or provide evidence of decisions made and/or actions proposed or taken. Records must be accurate, authentic, reliable and complete.

**b) Identification**

The Corporation shall organize records according to the approved corporate classification system. The system that The Corporation of the Town of The Blue Mountains has adopted as the Town's official record classification system is the 'The Ontario Municipal Records Management System' (TOMRMS). Any variations to the system must be approved by the Town Clerk.

Official records that document the Town of The Blue Mountains business activities must be identified and captured in the approved recordkeeping systems.

**c) Use and Maintenance**

All records must be maintained in such a way as to make them accessible to others who require use of the information in the record.

All official records shall be protected against unauthorized access, disclosure or Destruction. Official records in all forms are accessible based on roles, responsibilities, confidentiality and authorities.

All official information shall be securely stored in an environment which provides for the preservation of the record over its entire life cycle. The type of storage and services required shall be dictated by the purpose, physical form, use and value of the official record.

**d) Retention**

Records of the Town shall be retained according to the Town's Records Retention By-law and in keeping with any MFIPPA and *Municipal Act* requirements and/or Record Holds.

The Town shall suspend Destruction of official records pertaining to pending litigation, *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, *Personal Health Information Protection Act (PHIPA)* and/or formal investigations, until it has been confirmed that such action is resolved.

The Destruction, deletion, alteration or any attempt to discard or interfere with the accessibility of any official record or other information which may be relevant and required for ongoing, imminent or pending audit, investigation, litigation or an access request under MFIPPA or PHIPA is strictly prohibited.

**e) Disposition**

The final stage in the lifecycle of a record occurs when records are no longer of any business value and have reached the end of their prescribed Retention Period.

Upon fulfillment of the retention requirements pursuant to the Town's Records Retention By-law, official records are eligible for archiving, or deletion and Destruction.

Where practicable, records are to be routinely Disposed in a timely manner to prevent the risk of unauthorized access and use. Records of archival value may be transferred to the Craighleith Heritage Depot, or the Grey Roots Museum and Archives.

Destruction/disposal of all official records will be administered by the Town Clerk's Office.

## **Exclusions**

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The Records and Information Management Policy does not apply to records held by private organizations with which the Town of The Blue Mountains does not have a contractual agreement or contract.

## **References and Related Policies**

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- *Municipal Act, S.O. 2001, c. 25, Section 254, as amended*
- *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M56 as amended*
- *Personal Health Information Protection Act (PHIPA), 2004, S.O 2004, c.3, Sched. A, as amended.*
- Records and Information Management Policies and Procedures
- Information Technology Acceptable Use Policy, POL.COR.12.13
- Council Information Technology Usage Policy, POL.COR.14.03
- Use of Corporate Resources For Election Purposes, POL.COR.18.01

## **Consequences of Non-Compliance**

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The consequences of non-compliance are in accordance with the *Municipal Act* and will be dealt with through the Town's Progressive Discipline Policy, POL.COR.13.24.

In accordance with MFIPPA, it is an offence to willfully alter, conceal, Destroy/delete or cause any person to do so, with the intention of denying access to a record or information contained in a record. Every person who contravenes MFIPPA is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000.

## **Review Cycle**

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This policy shall be reviewed by the Town Clerk's Office a minimum of once per Council term to ensure its effectiveness and compliance with process and legislation.