



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 164-08

BEING A BY-LAW TO ADOPT AN ELECTRONIC RECORDS MANAGEMENT POLICY FOR THE TOWN OF FORT ERIE

WHEREAS at the Council-in-Committee Meeting held November 17, 2008 Report No. CS-42-08 was approved as follows:

THAT: This report be received for information purposes, and further

THAT: Following approval by the Municipal Auditor, a by-law be submitted to Council to update Records Retention Schedule By-law No. 108-2000, and further

THAT: A by-law be submitted to Council to update Corporate Recorded Information Management Program (CRIM) By-law No. 107-2000, and further

THAT: A by-law be submitted to Council to adopt an Electronic Records Management Policy for the Town of Fort Erie in the form of Appendix "1".

WHEREAS it is deemed necessary and desirable to adopt a new Electronic Records Retention Policy for the Town of Fort Erie;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the Electronic Records Retention Policy for the Town of Fort Erie annexed hereto as Schedule "A" to this by-law be and it is hereby authorized, approved and adopted.
2. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF NOVEMBER, 2008.



MAYOR



CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 164-08 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 200 .



TOWN OF FORT ERIE

Corporate Recorded Information Management Program (CRIM)

ELECTRONIC RECORDS MANAGEMENT POLICY

1. POLICY STATEMENT

Employees shall manage their electronic records in accordance with this policy and the Corporate Recorded Information Management (CRIM) By-laws of the Town of Fort Erie.

2. APPLICATION

To all Town Employees, and employees of local boards and committees. All references to the Town of Fort Erie apply with necessary modification to the Town's local boards and committees.

3. BACKGROUND

Electronic records are recorded information that is stored digitally. Like records in other media, these records are created or received during the course of business at the Town of Fort Erie and provide evidence of the Town's business actions or decisions. Electronic records include email and attachments as well as documents in various formats that are saved on network drives, local hard drives, and removable media such as tapes and discs. Electronic Records are often duplicated in digital files, on film, or on paper.

Records document Town business activity and are necessary for retaining corporate memory and ensuring accountability and compliance with legal obligations. Records and information are Town property and their retention and disposal must be properly managed to increase efficiency and reduce risk.

Council approved the implementation of a CRIM Program in 2000 and periodically enacts a Records Retention By-law authorizing the retention and destruction of records.

Section 254 of the *Municipal Act, 2001* provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner. A local board that has ownership and control of its records must similarly retain and preserve its records in a secure and accessible manner.



4. **INTRODUCTION**

Throughout the Corporation, large volumes of unstructured information is created during normal business functions. Letters, presentations, memos and other files are created and shared causing multiple versions of the same file to be stored on PCs and on Town file servers. With this amount of information being stored and shared across departments, the possibility for mismanagement of records increases. Records Management must now include electronic documents, messaging and other formats as this data must be subject to the same regulations and internal policies as paper.

5. **PURPOSE**

The purpose of this policy is to ensure the effective management of electronic records throughout their life cycle according to the CRIM Program and By-laws. This supports effective decision-making and operational requirements, protects and enforces legal rights and obligations, and ensures the Town's and individual employee's accountability. It also ensures that electronic records will be a reliable, accurate and accessible source of Town information to be used until the Town's operational, legal, fiscal and archival requirements have been met.

6. **DEFINITIONS**

In this policy:

- (a) **"Corporate Recorded Information Management Program" or "CRIM Program"** means the Program adopted by By-law No. 107-2000, as amended, to establish a Corporate Recorded Information Management Program for the Town of Fort Erie. The Program includes the identification, classification and retrieval, storage and protection, and retention and disposal or archival preservation of all recorded information. It also encompasses the policies, procedures, systems, operations, space, equipment and personnel required to effectively manage recorded information.
- (b) **"Electronic Mail" or "Email"** means a system that enables users to compose, transmit, receive and manage electronic messages and images across networks and through gateways connecting to other local area networks.
- (c) **"Electronic Record"** means a record stored on electronic storage media that can be readily accessed or changed.
- (d) **"Recorded Information" or "Record"** means information contained in any physical medium that is created or received by an organization in connection with the transaction of business or the provision of services and which is retained as evidence of the organization's functions, policies, procedures, operations or other activities.

Recorded information may take many physical forms including, but not limited to: correspondence; memoranda; working papers; forms; directives; reports; drawings;



diagrams; architectural items; pictorial works; photographs; films; microforms; sound; videotapes; magnetic tapes and disks; and any other documentary material or electro-magnetic medium - including electronic mail, regardless of physical form or characteristics.

- (e) **“Records Retention Schedule”** means the schedule adopted by By-law from time to time, and is a comprehensive list of primaries, indicating for each the length of time it is to be maintained and how it is to be disposed of upon the expiration of the total retention period. The total retention period is expressed as the active retention period plus the inactive retention period.
- (f) **“Retention Period”** means the length of time during which recorded information must be retained to meet operational, financial, legal, archival and/or vital record-keeping requirements. Retention periods are usually expressed in terms of months or years but are sometimes expressed as contingent upon the occurrence of an event (e.g. termination of employment).
- (g) **“Transitory Recorded Information”** means a record, including an e-mail, voice mail or text message, that has only temporary value and is not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, commit the Town to an action, become a receipt or provide evidence of legal, financial, operational or other official requirements for the Town. It includes a copy of an official record that is created for convenience and reference. Examples of transitory recorded information include, but is not limited to: miscellaneous notices or memoranda (such as notices of holidays or special events or minor information items concerning routine administrative matters); information copies of widely distributed materials such as committee minutes and agendas; preliminary drafts of letters, etc.

7. **POLICY**

- 7.1 Any electronic record created or received on behalf of the Town of Fort Erie is a municipal record and shall be managed in accordance with the CRIM Program, Records Retention Schedule, and applicable legislation and regulations.
- 7.2 The management of electronic records shall have regard to:
 - (a) the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (b) long-term, preservationist requirements for archiving electronic materials through migration (for permanent, vital or archival records).
- 7.3 Electronic records, save and except transitory records, shall be stored in accordance with the classification system set out under the CRIM Program. A simplified version may be developed by the Office of the Clerk and Information Technology (IT), while protecting the integrity of the CRIM Program.
- 7.4 Employees are responsible for applying the records retention schedule to all electronic data records, including emails.



- 7.5 All stored records, email included, must be relevant to Town business and remain authentic.
- 7.6 Electronic records, printed to paper file, must include the date, time, sender and recipients of the original electronic record.
- 7.7 Electronic records, which remain solely in electronic format, must be filed in electronic "public" folders accessible to all authorized staff in the department. No official recorded information is to be stored *exclusively* on the hard drive of one's personal computer.
- 7.8 Employees must ensure that official records in their custody or control are accessible and retrievable for the entire period set out in the retention schedule.
- 7.9 Transitory recorded information and non-records can be disposed of as soon as their use has expired. It is encouraged that this type of information be purged from time-to-time, to limit the volume of unnecessary information stored on the Town's information systems.
- 7.10 The Office of the Clerk, in harmony with Information Technology (IT), will coordinate the storage and disposal of electronic records.

8.

RESPONSIBILITIES

8.1 Chief Administrative Officer, Senior Managers, Managers and Supervisors

The Chief Administrative Officer, Senior Managers, Managers and Supervisors shall:

- (a) ensure that staff in their office or Department and/or who report to them are made aware of their responsibilities under this policy;
- (b) comply with this policy; and
- (c) address non-compliance with this policy.

8.2 All Employees

All employees shall:

- (a) familiarize themselves with this policy;
- (b) comply with this policy; and
- (c) report any violation of this policy to their supervisor.



8.3 Information Technology Manager

The Manager of Information Technology shall:

- (a) make information systems available to enable the management of records during their life cycle and the destruction of records in accordance with this policy;
- (b) ensure classification, retention/disposition and access to records functionality is provided in the maintenance of existing information systems or in the design and development of new systems;
- (c) consult with the Town Clerk and Records Management Assistant for all proposals for conversion of records from paper or other media to machine-readable form and ensure that the original content, context and structure of these records are maintained;
- (d) develop adequate system controls, including audit trail records, to ensure the security, accuracy, trustworthiness and reliability of the records the system produces is generally provided by the CRIM Program;
- (e) develop and implement system audit trails, to detect who had access to the records and whether fraud or other unauthorized acts have occurred;
- (f) create and maintain documentation on all aspects of system design, implementation, migration, maintenance and administration; and
- (g) make back-ups of electronic records and provide back-up logs of all back-up and recovery activities, so that critical information in official records or vital records is not lost.

8.4 Town Clerk

The Town Clerk or delegate shall:

- (a) develop and maintain practices and procedures for the effective management of electronic records in accordance with the CRIM Program and this policy;
- (b) develop and communicate business rules for compliance with this policy;
- (c) provide training to Town employees on compliance with this policy;
- (d) ensure that all the electronic destruction notices prepared and confirmation of electronic destructions obtained are preserved permanently; and
- (e) ensure that reasonable measures, including periodic audits, are defined, documented and implemented to protect the Town's electronic records from inadvertent destruction, taking into account the nature of the records to be protected and the resources available to protect those records.



8.5 Records Management Assistant

The Records Management Assistant shall:

- a) administer, evaluate and update procedures as required;
- b) co-ordinate with department liaisons and other staff the process of storing electronic records according to the records management policies and procedures established by the Town of Fort Erie; and
- c) assist the Town Clerk with his/her responsibilities set out herein.

8.6 Department and Local Board and Committee Liaisons

Liaisons shall:

- a) assist staff in storing electronic records according to the records management policies and procedures established by the Town of Fort Erie; and
- b) inform the Records Management Assistant of any changes, additions, suggestions or challenges their department faces in the implementation and day-to-day operations to be performed according to the records management policies and procedures established by the Town of Fort Erie.

9.

CONCLUSION

Compliance with the Electronic Records Management Policy under the guidance of the CRIM Program and Records Retention Schedule, will ensure compatibility between the paper system and the electronic records system, efficient storage, access to and disposal of electronic records, and compliance with the *Municipal Act, 2001*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the Town's Records Management By-laws and Policies.

Policy Approved by Council:

Date: _____, 2008

By-law No.: 164-08