

By-law 2015-226

A By-law of the City of Greater Sudbury to Establish Retention Periods for City Records

Whereas Section 254 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that a municipality shall retain and preserve the Records of the municipality in a secure and accessible manner;

And Whereas Section 255 (2) of the *Municipal Act, 2001* provides that a Record of a municipality may be destroyed if a retention period for the Record has been established, and:

- (a) the retention period has expired; or
- (b) the Record is a copy of the Original Record;

And Whereas Section 255 (3) of the *Municipal Act, 2001* provides that the municipality may, subject to the approval of the municipal auditor, establish retention periods for the Records of the municipality;

And Whereas Section 5 of Regulation 823/90 authorized by the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M-56* provides that an institution that uses personal information shall retain the personal information for the shorter of one (1) year after use or the period set out in a by-law or resolution;

And Whereas the municipal auditor for the City of Greater Sudbury has reviewed the By-law and provided the required approval;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Interpretation

1. In this By-law:

"Copy" means a duplication of a Record in any form or medium and "Copies" has similar meaning;

"Information Hold" means a process that prevents a Record from expiring or being destroyed before the event to which the Record is relevant has been resolved.

"Original Record" means the first Record produced from which all other Copies are produced;

“Personal Information” has the same meaning as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M-56;

“Record” means information, however recorded or stored, irrespective of the medium or form, by electronic means or otherwise, that includes but is not limited to, documents, financial statements, minutes, accounts, emails, correspondence, memoranda, plans, maps, drawings, photographs, databases and film;

“Transitory Record” means a Record which is required for a limited time solely to complete a routine action, solely to prepare another Record, not required to sustain administrative or operational functions, or is insignificant or of no value in documenting City business transactions, and includes but is not limited to:

- (a) working documents, such as drafts or preliminary versions, and supporting materials used in the preparation of final documents, such as reports, contracts, calendars, policies & procedures, letters and memos;
- (b) printouts and extracts from databases;
- (c) announcements and notices of a general nature;
- (d) emails to schedule or confirm meetings or events;
- (e) copies of publications, such as published reports, administrative manuals, telephone directories, catalogues, pamphlets or periodicals;
- (f) obsolete publications, pamphlets or blank forms;
- (g) unsolicited advertising materials, including brochures, company profiles and price lists; and
- (h) recordings or notes used to create the adopted or finalized minutes or meeting records.

Application

2. This By-law shall apply to all Records in the custody and control of the City of Greater Sudbury, including the Records of the former municipalities which now comprise the geographic territory of the City of Greater Sudbury and the Transition Board for the City of Greater Sudbury.

Responsibility

3. Each department is responsible for managing the records which it creates in accordance with this by-law. In accordance with the *Municipal Act, 2001*, the Clerk shall keep originals of By-laws and Minutes of the proceedings of Council.

Retention and Destruction of Records

4.-(1) No Record shall be destroyed unless:

- (a) the period established for the Record which appears in column 1 of Schedule "A" has expired and the Record is not subject to an Information Hold; or
- (b) the Record is a Copy of the Original Record; or
- (c) the Record is a Transitory Record

(2) A Transitory Record may be destroyed immediately unless the Transitory Record contains Personal Information used by the City of Greater Sudbury in which case the Transitory Record shall be destroyed one (1) year after the use of the Personal Information is completed.


Repeal

5. By-law 2003-259 being a By-law of the City of Greater Sudbury to Establish Retention Periods for City Records and any amendments are hereby repealed upon the coming into force and effect of this By-law

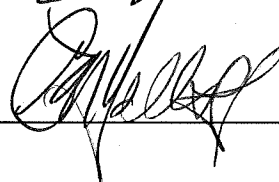
Enactment

6. This By-law shall come into force and effect on January 1st, 2016.

Read and Passed in Open Council this 24th day of November, 2015



Mayor



Clerk

Schedule "A"
to By-law 2015-226 of the City of Greater Sudbury

Records Retention Schedule, Original Records by Type

Record Type	Column 1
	Retention Period (In Years Unless Otherwise Specified)
Accounts Payable Includes: Accounts Payable Vendor Charges, AR offset to AP, Voucher register and invoices (by batch #), Cancelled Cheques, Cheques and/or EFT Registers, Duplicate Payment Report, Register of cheque and EFT sequence Excludes: Accounts Payable Leases	7
Accounts Receivable Includes: Customer Dunning Letters, Billing Advices, Collection Agency Correspondence Excludes: Customer Statements, Accounts Receivable Leases	7
Administrative Files – General	2
Agreements Includes: all Agreements unless specifically referenced elsewhere in this Schedule	Expiry of Final Agreement and any Applicable Amendments + 15
Appeals & Hearings – Appeals, Hearings and Legal Proceedings before Courts and Administrative Tribunals and Bodies	Final Decision/ Resolution + 10
Archival Records – Records of enduring significance that have Historical Value and Research Value Includes: Assessment Rolls	Subject to Archival Appraisal
Audio Recording – 311 calls	1
Audit –Year End Financial Audit Includes: Auditors Reports, Year End Working Papers, Grants Excludes: Solicitor's Correspondence	Permanent
Audit – Year End Financial Audit Solicitor's Correspondence	7
Bank Includes: Bank Correspondence, Bank Deposit Books, Bank Reconciliations, Bank Statements, Cash Receipts from Vailtech, Miscellaneous Revenue	7
Benchmarking – Performance Comparisons	7
Budget – As Part of the Meeting Record	Permanent
Building Services & Enforcement – Building permits, supporting documents, inspections, Development Charges	Permanent

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Records Retention Schedule, Original Records by Type

By-laws	Permanent
By-law Enforcement Includes: Orders to Comply, Inspection Reports, Stop Work Orders, Working Notes, Correspondence, Exhibits, Photographs, Animal Control, Tickets, etc. Excludes: By-Law Enforcement Officer Notebook, Vicious Dog Notices	Date of inspection or resolution of complaint + 7
By-Law Enforcement Officer Notebook	Conclusion of employment + 7
By-law Registers	Permanent
By-law Exemptions Includes: Noise	Concluded + 2
Capital Projects Includes: Change Orders, Approvals, General, Grants, Utilities, Meetings & Minutes	5
Capital Projects – General Permanent File Includes: Design, Estimate, Property, Easements, ESR, Drawings, Blueprints, Key Plans	Permanent
Celebrations, Ceremonies & Events – Coordination, Set Up, Participation, Openings, Anniversaries, etc.	2
Cemetery Records – Burial Permits, Maps, Plot Ownership, etc.	Permanent
Children's Services	7
Citizen & Advisory Panels and Other Informal Bodies – Agendas, Minutes and Supporting Documents	Term of Panel + 2
Claims against/by the Municipality Includes: Notice of Claim, Statement of Claim, etc.	Resolution of Claim + 10
Commercial Electronic Message Consent – Canada's Anti-Spam Legislation (CASL)	Withdrawal of consent + 2
Council & Committee of Council & Local Boards – Agendas, Minutes, Presentations, Original Supporting Documents, Motions, Resolutions, By-laws	Permanent
Crew Cards	7
Daily Occurrence Logs	7
Development Charges Background Study	Permanent
Economic Development Includes: Industrial/Commercial Development, Tourism Development – Reports, Studies, Statistics, Projections, etc.	7

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Records Retention Schedule, Original Records by Type

Energy Management	7
Engineering Studies	Permanent
Environmental Monitoring – Environmental Planning Initiatives Monitoring of Water Quality	Permanent
Environmental Monitoring Includes: Routine Monitoring of Water Quantity, Air Quality, Creeks and Floods, Weeds, Noise, Erosion, Top Soil, Storm Water, etc.	7
Environmental Services Includes: Solid Waste, Garbage, Recycling, Composting, Household Hazardous Waste, Landfill Sites, Advisory Panels, Tipping Fee Scale Tickets, High Density Residential Agreements, Environmental Services Crew Cards, etc.	7
Environmental Services Includes: Annual Monitoring Reports, Certificates of Approval, etc.	Permanent
Facility Bookings Includes: Permits and Bookings issued for the Rental of Facilities for Specific Activities	2
Financial Information System (FIS) Includes: Account Number Changes	3
Financial Information System (FIS) Includes: PeopleSoft Customization Documents, Security Access Request Forms	Until no longer valid
Financial Information System (FIS) Includes: Journal Entries	7
Financial Information System (FIS) Includes: PeopleSoft Documentation, Trial Balance	Permanent
Financial Statements – Annual Audited	Permanent

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Records Retention Schedule, Original Records by Type

<p>Financial Records –</p> <ul style="list-style-type: none"> • Budget – related reports, working notes, calculations, background, variances, etc. • Debentures/Bonds—initial issuance as well as all records of payments made to investors, registers, coupons, etc. (Final payment +7) • HST • Investments – term deposits and promissory notes (at Maturity of Financial Instruments) • Loans • Monthly Financial Statements • Reserve Funds, Reserves & Obligatory • Security Deposits • Subsidies • Trust Funds – Closure of account • General Ledgers/Journals 	7
<p>Fire – Reports, Safety Plans, Fireplace Inspections, Fireworks Approval, Investigations, Ontario Fire Marshal Reports, Oxygen Inspections, Site Plan Approvals, Public Education & Community Outreach etc.</p>	7
<p>Fire – Vehicles & Mechanical Maintenance</p>	Vehicle or apparatus decommissioned or sold + 2
<p>Freedom of Information Requests – Inquiries Under MFIPPA and PHIPA</p>	2
<p>General files/Correspondence Includes: Association/Agency Files, Surveys, Questionnaires, Statistics, Travel & Accommodations, Advertising, Marketing, Conferences, Seminars, Public Service Announcement, News Releases, Working/Completed Designs, Charitable Campaigns, Fund Raising, Consultants (Selection, Appointment and Monitoring), Programs</p>	2
<p>Grants – Agreements, Application, Claim Forms, Supporting Documents</p>	According to the terms of the Agreement
<p>Heritage Preservation – Designation of Buildings and Districts</p>	Permanent
<p>Heritage Register</p>	Until Superseded
<p>Human Resources & Organizational Development Includes: Administrative Files – General, Health & Safety Bulletins/Alerts, Health & Safety Workplace Inspections,</p>	7

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Records Retention Schedule, Original Records by Type

<p>Human Resources & Organizational Development Includes: Organizational Charts, Succession Planning, Executive Placement, Employee Survey, Claims Regarding WSIB or Insurance Carriers, Workers' Compensation Reports Health & Safety: Concern Forms, Ministry of Labour Orders, Tailgate Sessions, General Safety Issues, WHMIS Files, JHSC Minutes and Formal Recommendations, Training, Critical Injuries & Violent Incidents, General Employee Training</p>	10
<p>Human Resources & Organizational Development – Employee Files Includes: Notice of Hire/Successful Applicant Notices, Termination, Resignation, Retirement, Change of Information, Job Evaluations, Performance Evaluations, Pension Records (OMERS), Certification (Including Occupational Training Compliance & Certification, etc.), STD/LTD/WSIB Claim/Employee Medical Records</p>	Termination, Resignation or Retirement of Employee + 60
<p>Human Resources & Organizational Development Includes: Grievances</p>	20 following the last CBA
<p>Human Resources & Organizational Development Includes: Job Descriptions and Job Evaluations</p>	Redundancy + 25
<p>Human Resources & Organizational Development Includes: Labour Relations Issues, <i>Occupational Health and Safety Act</i>, and Human Rights</p>	20
<p>Human Resources & Organizational Development – Permanent Records Includes: Collective Bargaining Agreements (CBA) and Negotiations Material, Group Insurance/Dental Plans, Health & Safety: Hygiene Testing, Medical Surveillance, Complaint/Investigation Files,</p>	Permanent
<p>Human Resources & Organizational Development Includes: NEER Statements, WSIB Cost Statements/Schedule 2 Invoices/Physician and Administration Fees Statements, General Invoices from External Service Providers Job Postings Files Includes: Advertisements, Records Regarding Applicants & Resumes</p>	6
<p>Incident/Accident Report – Major – Vehicle – No Minor/Child Involved</p>	Closure of Action, or date of motor vehicle collision + 7
<p>Incident/Accident Report – Major – Vehicle – Minor/Child Involved</p>	Closure of Action/Age of Majority + 2 (to a minimum of: date of incident + 7)

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Records Retention Schedule, Original Records by Type

<p>Incident/Accident Report – Minor Includes: Vandalism and Security Incident Reports, Reports of Accidents that occur at Recreational Facilities and other Municipal Properties Excludes: Accidents of Municipal Staff and Vehicle Accidents</p>	<p>Close of action/age of majority (if Minor/Child involved) + 2</p>
<p>Infrastructure – Miscellaneous Reports – Field Surveys, Road Surveys</p>	<p>7</p>
<p>Insurance Appraisals – Municipal Property for Insurance Purposes</p>	<p>Until superseded or disposal of property</p>
<p>Insurance Policies – Liability</p>	<p>Expiry of policy + 20</p>
<p>Insurance Policies – Property, Vehicle, Theft, Fire, etc.</p>	<p>Termination/cancellation of policy + 7</p>
<p>Intergovernmental Relations</p>	<p>7</p>
<p>Inventory Control – Includes Supplies</p>	<p>2</p>
<p>IT Backup</p>	<p>2</p>
<p>Land Surveys Certificates/Surveyor's Report</p>	<p>7</p>
<p>Land Use Planning and Development Includes: Condominium Agreements, Official Plan, Official Plan Amendments, Secondary Plans, Part Lot Control, Severances, Site Plan and Subdivision Agreements, Variances, Zoning, Holding Designations, Temporary Uses, Community Improvement Plans, OMB Decisions, All Applications under the <i>Planning Act</i>, Municipal Addressing, etc.</p>	<p>Permanent</p>
<p>Land Use Planning & Development – General Included: Agricultural Development, Environmental Planning Studies, Drainage, Flood Control, Park & Open Space, Natural Resource Planning, Demographic Studies, Background Studies, etc.</p>	<p>10</p>
<p>Legal Issue Management – Routine (General) Response</p>	<p>5</p>
<p>Legal Issue Management – Solicitor-Client Advice/Formal Legal Opinion</p>	<p>Resolution + 15</p>
<p>Legal – Prosecutions – To Enforce By-laws, Federal & Provincial Legislation</p>	<p>Settlement, Resolution and Expiry of Appeal Period + 10</p>
<p>Legal – Title Searches</p>	<p>7</p>
<p>Licenses and Permits - Related to Land, Buildings or Properties Includes: all Licenses and Permits unless specifically referenced elsewhere in this Schedule</p>	<p>Upon rejection of permit/licence or life time of structure, building, property + 10</p>

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Records Retention Schedule, Original Records by Type

Licences and Permits – Not Related to Land, Buildings or Properties Includes: Dog Kennels, Animal Registrations, Events, Burn, Liquor, Business, Day Care, Special Occasion, Rental, Parking on Street, Vehicles, Taxi, Limo, Shuttle, Market Permits, etc. Excludes: Lottery Licences, Sign Permits	Expiry of licence/permit + 2
Local Improvement Rolls	Permanent
Lottery Licences	5
Maintenance – Vehicle, Building & Grounds	5
Maps and Plans – Includes Registered Deposit (R Plans), Property Survey Plans as received from Registry Office, Digital Maps	Permanent
Open Data Publication	Refresh of Open Data Set
Parks & Trail Management Includes: Design, Set-up, Landscaping, Maps, Plans, Maintenance, etc.	7
Parking Includes: Records and Studies regarding parking issues, e.g. Accessible Parking, Lot and Garage Operations, Fire Routes, Employee Parking, etc.	7
Parking Enforcement Officer Application File	1
Parking Tickets Includes: Issued, Paid, Returned, Voided, etc.	2
Payroll – General Records Includes: Payroll Authorizations, Time Sheets, Relieving Forms, Absence Forms, Journal Entries, M.M.M.S. Exceptions, Statements, Payroll Cheque Requisitions from AP, Payroll Reports, Receiver General, Unemployment Insurance Commission Requests, Retro Payment Worksheets, Federal/Provincial Remittance Excludes: Year End Statements (to include WSIB, EHT), Year End Payroll Registers, T4s & T4As	7
Payroll – Permanent Records Includes: Year End Statements (to include WSIB, EHT), Year End Payroll Registers, T4s & T4As	Permanent
Petitions	7
Policies/Procedures/Plans	When Superseded + 6

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Records Retention Schedule, Original Records by Type

Procurement & Contract Management Includes: Purchase Orders, Tenders, Bid Solicitations, Procurement Requisition Form, Blanket Orders/Standing Offer Agreements, Contracts, etc. Excludes: Requisitions, Quotes	Expiry of final contract and all amendments + 15
Procurement & Contract Management Includes: Requisitions, Quotes	7
Provincial Offences Act – Administration Completed Files Includes: Appeals, Recordings, etc.	Settlement, resolution or closure of POA matter + 7
Real Estate Transactions – Acquisitions of Land/Interests in Land	20
Real Estate Transactions –Sales/Dispositions/Release of Interest in Land	Disposition or Release + 15
Records subject to Statutory Retention Requirements	As Required by Law
Recruitment Files	As per the Recruitment Guidebook
Residential Development – Availability of Housing, e.g. General Assessments of the needs for Affordable Housing, Occupancy Rates, Housing Costs Statistics, etc.	15
Roads – General Includes: Half load restrictions, winter control, sidewalks, school safety, entrances, weed control, inspections, etc.	7
Road – Maintenance Records Includes: reports, etc. (may be required if there is a liability claim in the future)	7
Roads – Traffic Includes: studies intersection drawings, pedestrian crossovers, crossing guards, traffic counts, accident statistics, temporary road closures, signalized intersections etc.	7
Sanitary Sewers Includes: reports regarding design, construction & maintenance. Includes private sewage disposal systems (septic systems)	7 Specs are permanent
Security Includes: Reports, Requests, Logs, Security Passes, Control of Keys	2
Sewer & Water Use By-law Agreements	Permanent
Sign Permits –Permanent Signs	Lifetime of Structure/Sign + 10
Sign Permits – Portable Signs	2

Schedule "A"
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Records Retention Schedule, Original Records by Type

Strategic Planning	7
Street Files	Permanent
Tax Account Maintenance Updates	5
Tax Adjustment/Tax Write Offs	7
Tax and Assessment Includes: Undelivered or Returned Interim & Final Tax Bills	7
Tax Certificates	2
Tax Preauthorized Payment Application & Cancellation	June of Year Following the Year of Cancellation
Tax Registration Files	Permanent
Tax: Rent Reduction Letters under the Tennant Protection Act	3
Tax Roll/Tax Collector's Roll	Permanent
Transit Files Includes: Schedules, Routes, Maps, Passes, Mileage, Shelters, Personal Transit Services, etc.	2
Trees Includes: Removal, Planting, Trimming, Pruning, Preservation, etc.	7
Utility Documents (Locates)	7
Vicious Dog Notices	15
Video surveillance – Not Requested for Investigation or Claim	10-14 Days
Video Surveillance – Requested for Investigation, Claim, Litigation, Investigative Photos, etc.	Resolution of Investigation or Claim + 2