



The Corporation of Delta

"Corporate Records Management Program Bylaw No. 6502, 2006

November, 2006

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THE CORPORATION OF DELTA

BYLAW NO. 6502

A Bylaw to regulate the Corporate Records Management Program

The Municipal Council of The Corporation of Delta, in open meeting assembled, ENACTS AS FOLLOWS:

This bylaw may be cited for all purposes as “**Corporate Records Management Program Bylaw No. 6502, 2006**”.

Section 1 Definitions

1. Definitions and Interpretations

Section titles are for reference purposes only and should not be used for interpretation or deemed to add to or derogate from the language of the section.

1.1 In this bylaw, unless the context otherwise requires:

ACCESSION / ACCESSIONED means the transfer of ownership and/or the establishment of administrative **control** over **records** accepted into the **custody** and **control** of the **Municipal Clerk**.

ACTIVE RECORDS means current **Corporation records** which are frequently referred to, and which must be readily accessible to employees of the **Corporation**, as specified in the **Records Classification System and Retention Schedule**.

ARCHIVES means the **Archives** of the Corporation consisting of either, a division of the Office of the **Municipal Clerk**, or an alternative archival facility as approved by **Council**.

ARCHIVAL RECORDS means **Corporation records** of long term value to the **Corporation** as identified in the Corporation of Delta’s Records Classification System and Retention Schedule.

AUTHENTIC / AUTHENTICITY in relation to a **record** means that such **record**:

- (a) is what it purports to be;
- (b) is unalterable, or is made unalterable; and
- (c) has not been manipulated, substituted, falsified, or tampered with, either intentionally or unintentionally, in any way.

CONTROL means the authority to manage the access to, and the maintenance, preservation, **disposition** and security of the **Corporation records**.

CONVERT / CONVERSION means the process of changing **records** from one medium to another or from one format to another in accordance with **international standards**.

CORPORATION means The Corporation of Delta.

CORPORATE RECORD /RECORDS means recorded information in any form or medium, created or received in the transaction or conducting of business, and kept as evidence of such activity. A record includes an account, an agreement, a book, a chart or table, a diagram, a form, an image, an invoice, a letter, a map, a memorandum, a plan, a return, a statement, a telegram, a voucher, and any other thing containing information.

CORPORATE RECORDS MANAGEMENT means the systematic **control** over **records** throughout their life cycle, including but not limited to forms management, manuals management, **records** inventorying, filing systems development and implementation, file maintenance procedures development, filing equipment selection, correspondence and reports maintenance, and **records** scheduling.

COUNCIL means the **Council** of the **Corporation**.

CUSTODY

means having physical possession of such **record**, which includes responsibility for physical aspects of accessing, maintaining, preserving, disposing of, and securing such **record**.

**DE-ACCESSION /
DE-ACCESSIONED**

means:

- (a) the transfer of a **record** to another agency;
or
- (b) the destruction of a **record** previously **accessioned** by the **Archives**.

DISASTER

means a present or imminent calamity which impacts Delta which:

- (a) is caused by accident, fire, explosion or technical failure, or by the forces of nature;
and
- (b) has resulted in serious harm to health, safety or welfare of people, or in widespread damage to property.

DISPOSITION

means:

- (a) the destruction of a **Corporate record**; or
- (b) the transfer of a **Corporate record** of archival value to the **Archives**.

**INTERNATIONAL
STANDARDS**

means standards "*ISO 15489-1 and ISO 15489-2 Information and documentation – Records management*" of the International Organization for Standardization.

**MANAGER OF
INFORMATION
SERVICES**

means the person appointed to the position of **Manager of Information Services**, or designate, in the Finance Department of the **Corporation**.

METADATA

means information or data that is about, or interprets, other information or data.

MICROFILM	means all microforms, including but not limited to microfiche, aperture cards, and computer output microfilm (COM).
MIGRATE / MIGRATION	means the act of moving records from one system to another, while maintaining the records' authenticity , integrity, reliability and usability, in accordance with international standards .
MUNICIPAL CLERK	means the Municipal Officer, or designate, assigned responsibility for corporate administration under Section 148 of the <i>Community Charter</i> .
OFF-SITE STORAGE	means a facility owned and operated by the Corporation , or a commercial records storage facility.
RECORD / RECORDS	see Corporate Record / Records.
RECORDS CLASSIFICATION SYSTEM AND RETENTION SCHEDULE	means the current records classification system and retention schedule implemented by the Municipal Clerk , in accordance with the <i>Freedom of Information and Protection of Privacy Act</i> , used throughout the Corporation for the identification, grouping, retrieval, management and disposition of Corporate records .
RELIABLE / RELIABILITY	means, with respect to Corporate records , that such records have been created or received in the usual and ordinary course of business by an employee who has the authority to create such records .
SCANNED / SCANNING	means the process of converting hard-copy documents to an electronic format.
SEMI-ACTIVE RECORDS	means Corporate records which are not accessed regularly or often, but which must be retained for administrative, legal or financial reasons, as specified in the Records Classification System and Retention Schedule .

- SOURCE RECORD** means a **record** or any facsimile of such **record** used in a microfilming or **scanning** process.
- TRANSITORY RECORD** means a **record** that is required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory records do not include records required by departments or offices to control, support or document the delivery of programs, to carry out operations, to make decisions or to account for activities.
- VITAL RECORD** means **records** that are essential for the ongoing business of the **Corporation**, without which the **Corporation** could not continue to function effectively, and which must be recoverable and accessible after a **disaster**.

Section 2 Legislative Framework and Relevant Standards

- 2.1 The Community Charter s.148**
- 2.2 The Freedom of Information and Protection of Privacy Act s. 66**
- 2.3 Local Government Act**
- 2.4 Canada Revenue Agency IC78-10R4 – Books and Records Retention/Destruction Information Circular**
- 2.5 International Standards Organization (ISO), International Standard Information and Documentation – Records Management Part 1 15489-1 (2001);**
- 2.6 ISO, Information and Documentation – Records Management – Part 2 Guidelines TR15489-2 (2001); and**
- 2.7 Canadian General Standards Board, Electronic Documents As Documentary Evidence (CAN/CGSB-72.34-2005).**

Section 3 Bylaw Scope and Establishment of Program

3.1 Establishment of Records Management Program

3.1.1 A **corporate records** management program, as described in Section 4, is established under the direction of the **Municipal Clerk** as provided for in the *Community Charter* for the purpose of managing **Corporate records** in accordance with **International Standards** throughout their lifecycle, from creation or receipt, through to final **disposition**.

3.2 Establishment of Micrographics and Electronic Image Management Program

3.2.1 A Micrographics and Electronic Image Management Program is established in accordance with the requirements of the Government of Canada Microfilm and Electronic Images as Documentary Evidence Standard, CAN/CGSB-72.11-93, and established by the Canadian General Standards Board.

3.2.2 The **Municipal Clerk** is designated as being responsible for ensuring that the Micrographics and Electronic Image Management Program conforms to the standard established in subsection 3.2.1, to ensure the reliability and **authenticity** of all **records** on **microfilm** or those **scanned** or otherwise captured as electronic images.

3.2.3 The **Manager of Information Services** is designated as being responsible for ensuring that the computer systems of the **Corporation** meet the requirements of the Canadian General Standards Board standard specified in subsection 3.2.1.

3.3 Exclusions

3.3.1 This bylaw does not apply to **records**:

- (a) of the Delta Police or Fire Departments;
- (b) created or received by an individual member of **Council**, other than those **records** created or received in their capacity as a member of **Council** as a whole,
- (c) of incorporated societies, including community associations, which have an operating agreement with the

Corporation, where such **records** are not in the **custody** and **control** of the **Corporation**,

(d) that are **transitory** in substance.

3.3.2 This bylaw does not apply to **records** created or received by employees of the **Corporation** in connection with membership in a professional association or collective bargaining unit, and not as part of their job duties.

Section 4 Program Components

4.1 Custody and Control of Records

4.1.1 All **records** in the physical possession and under the management of an employee of the **Corporation**, which are created or received in the context of functional responsibilities, are the property of the **Corporation**.

4.1.2 Any contract between an outside agency or contractor and the **Corporation**, for the provision of goods or services, must specify the conditions for the **custody** and **control** of the **records** resulting from such contract.

4.2 Creation or Receipt of Records

4.2.1 All **records** either:

- (a) created by employees of the **Corporation**; or
- (b) received by employees of the **Corporation** in the context of their functional responsibilities, by standard mail, courier, hand-delivery, electronic mail, facsimile, **scanning**, or by any other means,

are **corporate records**; and subject to the maintenance and **disposition** provisions of this bylaw.

4.2.2 Only **Corporate Records** will be **accessioned** by the **Archives**.

4.2.3 All **records** which have been **accessioned** by the **Archives**, in accordance with subsection 4.2.2, are:

- (a) the property of the **Corporation**; and
- (b) held in trust for the public and for the benefit of future generations.

4.2.4 **Records accessioned by Archives** may be **de-accessioned** where, in the opinion of the **Municipal Clerk**, such **records**:

- (a) do not meet the criteria specified in clauses (a) or (b) of subsection 4.2.1; or
- (b) have physically deteriorated beyond the point of reasonable conservation efforts.

4.3 Maintenance of Records

4.3.1 All **Corporate records**:

- (a) are to be classified in accordance with the **Records Classification System and Retention Schedule**; and
- (b) must be handled and stored in a manner which ensures their **reliability** and **authenticity**.

4.4 Scanning and Microfilming of Records

4.4.1 Where a **source record** is converted to **microfilm** or an electronic form:

- (a) the **conversion** process must meet the *Microfilm and Electronic Images as Documentary Evidence Standard*, established by the Canadian General Standards Board; and
- (b) the disposition of the source record must be carried out in accordance with The Records Classification System and Retention Schedule.

4.4.2 The **Manager of Information Services** is responsible for ensuring that the standards for **converting source records** into electronic images established in clause (a) of subsection 4.4.1, are met.

4.5 Access to Records

4.5.1 General Access and Security Requirements

4.5.1.1 All **Corporate records** must:

- (a) be accessible in accordance with the *Freedom of Information and Protection of Privacy Act* and *Community Charter*; and
- (b) be handled and stored in a manner that ensures the security and **integrity** of such **records**.

4.5.2 Active and Semi-Active Records

4.5.2.1 All **active records** and **semi-active records** must be maintained either:

- (a) on computer systems approved by the **Manager of Information Services**, or designate, or
- (b) if existing in hard copy form, in filing systems approved by the **Municipal Clerk**.
- (c) a commercial **records** storage facility; or
- (d) a corporately owned or leased space, approved by the **Municipal Clerk**.

4.5.2.2 Access to **semi-active records** stored in accordance with subsection 4.5.2 is managed by the **Municipal Clerk**.

4.5.3 Archival Records

4.5.3.1 **Archival records** under the **custody** and **control** of the **Corporation** are to be made accessible by the **Municipal Clerk** at the **Archives**.

4.5.3.2 To ensure the provision of access to, and protection against loss or damage, such **archival records** must not be loaned for access beyond the **control** of the **Municipal Clerk**.

4.5.3.3 Notwithstanding the provisions of subsection 4.5.3.1, the **Municipal Clerk** may impose restrictions on access and use of **archival records**:

- (a) to protect the privacy of individuals named in such archival records in accordance with s.22 of the Freedom of Information and Protection of Privacy Act.
- (b) preservation concerns exist for particular archival records, access to such records may be limited or provided by means of copies.

4.6 Disposition of Records

4.6.1 Destruction

4.6.1.1 All **Corporate records** may only be destroyed with the written approval of the Municipal Clerk, and in accordance with the **Records Classification System and Retention Schedule**.

4.6.1.2 **Corporate records** identified for destruction under the **Records Classification System and Retention Schedule** are to be destroyed in accordance with the schedule and with the approval of the **Municipal Clerk**, to ensure protection of confidentiality and completeness of destruction.

4.6.2 Transfer to **Archives**

4.6.2.1 **Corporate records** identified for retention as **archival records** in the **Records Classification System and Retention Schedule** may be transferred to the **Archives**.

4.7 Preservation of Records

4.7.1 **Migration and Conversion**

4.7.1.1 **Corporate records** in electronic form, which are identified in accordance with the **Records Classification System and Retention Schedule** for long-term preservation, must, under the direction of the **Manager of Information**

Services, be migrated or converted from their original electronic system to each successive generation of system, or, where appropriate, converted to a stable non-electronic form such as **microfilm**.

4.7.1.2 Each **migration** or **conversion** of a **record** which is in electronic form must capture all **metadata** necessary to replicate the form and content of the original **record**.

4.7.2 **Vital Records**

4.7.2.1 **Corporate records** identified by the **Records Classification System and Retention Schedule** must be identified for priority recovery and access in the event of a **disaster** and:

(a) if in paper form:

- (i) be created using appropriate stable output materials;
- (ii) be maintained in their original form at a facility approved by the **Municipal Clerk**; and
- (iii) be copied to preservation **microfilm**, with at least one duplicate maintained at a secure off-site facility approved by the **Municipal Clerk**.

(b) if in electronic form, be copied to a backup medium approved by the **Manager of Information Services** for storage at a remote location approved by the **Manager of Information Services**.

Section 5 Severability

- 5.1** If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME the **11th** day of **December, 2006.**

READ A SECOND TIME the **11th** day of **December, 2006.**

READ A THIRD TIME the **11th** day of **December, 2006.**

FINALLY CONSIDERED AND ADOPTED the **8th** day of **January, 2007.**

"Lois E. Jackson"
Lois E. Jackson
Mayor

"Gil Mervyn"
Gil Mervyn
Municipal Clerk