

## Municipality of the District of Lunenburg

Policy Details	
<b>Name</b>	Records Management and Routine Access
<b>Number</b>	008
<b>Legislative Authority</b>	Section 34 Municipal Government Act (MGA)
<b>Effective Date</b>	July 23, 2024

### Purpose

- 1 (1) The Municipality is committed to managing, retaining, and preserving the Municipality's records in a secure and accessible manner.
  - (2) The Municipality recognizes that these resources are valuable corporate assets needed to support effective decision making, meet operational requirements, and to protect the legal, fiscal, historical, and other interests of the Municipality.
  - (3) The Municipality recognizes the importance of a standard and consistent approach to the classification and retention of records and information resources under the custody and control of the Municipality.
  - (4) The purpose of this policy is to:
    - a) To establish effective management control and administration over the receipt, creation, use, maintenance, storage, and ultimate disposition of all information, regardless of format, and to do so in a flexible manner that is user-friendly and tailored to meet user needs.
    - b) To provide greater certainty of access for those requesting information and to also reflect the spirit of openness and accountability of the FOIPOP legislation.
    - c) To provide greater certainty to staff and the public regarding records that can be routinely accessed by the public, without additional administrative time.
    - d) To support compliance with the (MGA), Part XX (FOIPOP), and any other relevant legislation.
    - e) To designate responsibilities and accountability for the management of municipal records.

### Scope

- 2 (1) This Policy applies to all employees, activities, and records of the Municipality falling under the authority of the Chief Administrative Officer, and throughout all of Council's committees.
- (2) Records of authorities, boards, committees, and agencies external to the Municipality to which Members of Council or Staff may be appointed are not subject to this Policy.

### Definitions

- 3 (a) **Access** under this policy may mean either providing a copy of the records requested or providing a means and opportunity for the applicant to view the records, whichever is administratively most efficient as determined by the Department.
- (b) **Active Dissemination** is the periodic and proactive release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.
- (c) **FOIPOP Access** is the release of a record in response to a formal FOIPOP application made under Part XX of the MGA.
- (d) **Municipality** means the Municipality of the District of Lunenburg.
- (e) **Record** as described in Part XX – MGA (Section 461[h]) includes books, documents, maps, drawings, photographs, letters, vouchers, paper, and any other thing on which information is recorded or stored by graphic, electronic, mechanical, or other means, but does not include a computer program or any other mechanism that produces records.
- (f) **Records Manager (RM)** means the person appointed and authorized by the Chief Administrative Officer (CAO) to act on behalf of the municipality to manage and keep the Records Management System;
- (g) **Records Management Assistant-(RMA)** – means the designated person within a department that assists in the implementation and administration of the record systems and related information services to support efficient access, movement, updating, storage, retention, and disposal of organizational records.
- (h) **Records Management System** means an electronic system used by the Municipality which assists in the management, sharing, and searching of documents in secure setting.

(i) **Retention and Disposition** means a systematic listing that prescribes the classification of all records of the Municipality with a plan governing the life cycle of the records which may include, but is not limited to, transfer, destruction, or permanent preservation. The Schedule will follow the operational, legal, regulatory, financial, or other requirements of the Municipality.

(j) **Routine Access** the routine or automatic release, in full or in part, of certain types of administrative and/or operational records as a matter of course in response to a request without the need for an application under Part XX of the MGA.

### **Policy Statement(s)**

- 4 (1) It is the policy of the Municipality to manage information resources as an asset for the following purposes:
  - a) Supporting effective decision making.
  - b) Meeting operational requirements.
  - c) Providing appropriate access to records for the public.
  - d) Protecting the legal, financial, and other interests of the Municipality, and the public; and,
  - e) Restricting access according to the MGA, Part XX FOIPOP, and other relevant policies and legislation.
- (2) It is the policy of the Municipality to ensure that records management functions are incorporated into existing and future information technology applications.
- (3) To facilitate an efficient records management and retrieval system, it is the policy of the Municipality to eliminate the unnecessary collection of information by maintaining only records that are pertinent to the operational requirements of the municipality, coordinating information collection to avoid duplication, and to ensure that collection of personal information is in accordance with the MGA, Part XX, FOIPOP.
- (4) It is the policy of the Municipality to ensure that all information resources, regardless of format, are subject to timely public access according to the provisions and limitations of the MGA, Part XX, FOIPOP.

### **Responsibilities**

- 5 **Council**
  - (1) Ensure the Municipality has a current and comprehensive policy to address the management of records and information resources.
  - (2) Periodically review this Policy when presented by the Records Manager or CAO.

**Chief Administrative Officer**

- (3) Appoint a records manager to administer the Records and Information Management Policy.
- (4) Champion the protection of personal information and the accessibility of appropriate municipal records as they relate to the MGA, Part XX, FOIPOP.
- (5) Propose amendments to the Policy as needed.

**Records Manager**

- (6) Responsible for the administering of this Policy and will oversee the management and maintenance of the records management program.
- (7) Champion the protection of personal information and the accessibility of appropriate municipal records as they relate to the MGA, Part XX, FOIPOP.
- (8) Authorized to amend the classification and retention schedules outlined in the manual to best address the specific needs of the Municipality.
- (9) Set guidelines for electronic storage of records to ensure adequate DPI resolution, based on record type and Optical Character Recognition Mode (searchable text).

**Employees**

- (10) Know and understand their obligations under this Policy and act in accordance with their obligations.
- (11) Ensure all records they create or receive that are used to support a municipal function or conduct municipal business are managed following this policy.
- (12) Respect the confidentiality of personal or private information and report any breaches of privacy to their immediate supervisor. Employees will make reasonable efforts to ensure personal information is protected.
- (13) Responsible for reasonable security arrangements for personal information in the custody of their department, ensuring that privacy awareness training, and ensuring that service providers are compliant with this policy.
- (13) Propose amendments to the Policy as needed.

### **Compliance with Records Management System**

- 6 All records in the custody and/or control of the employees are the property of the municipality and must follow this policy.

### **Municipal Classification and Retention Schedule Manual**

- 7 The Municipality's records manual assists in the classification, naming and retention schedules for municipal records that are kept for operational, legal, regulatory, financial, or other requirements of the Municipality and may be revised from time to time.

### **Maintenance of the Manual**

- 8 (1) The Records Manager is authorized to maintain the Manual as part of the Records Management System and to amend the Manual and will consult with departmental RMA's where such amendments impact or change the records schedule.
- (2) Records of the Municipality must be created, accessed, maintained, and disposed of as provided by the Manual.

### **Mandatory Retention of Records**

- 9 (1) Following s.34(2) MGA, nothing in this policy will authorize the destruction of records that are required by an enactment to be kept and minutes, by-laws, policies and resolutions of Council.
- a) For greater clarity, minutes include minutes of Council Executive Committees, and Committees of Council, but does not include Ad Hoc Committees appointed by Council; or committees that are external and not in the control of the Municipality;
- (2) Additionally, as required by s.34(3) of the MGA, the following further records are not permitted to be destroyed:

Planning & Development	Municipal Planning Strategy & Land Use Bylaw (includes maps); approved subdivision plans and approval letters from other agencies, final engineering plans and construction certifications; historical lot configuration references relevant to subdivision, site plan approvals, site location plan and supporting stormwater management plans, development permits and supporting site location plan; Heritage Registry (includes application, photographs, notification of registration)
Building Records	Building Permits; Occupancy Permits; septic approval or certificate of installation; Location Certificate or site sketch;

	commercial or multi-unit (4 or more) residential plans; applications received; orders issued; inspection reports with deficiencies.
Municipal Structures	Plans (Survey/Engineering/Architectural) and specifications for any municipal structure; building; utility; road, sewer, waterline; permits and other approvals by regulator authorities
Contracts/Agreements	Kept until expired/replaced or in accordance with disposal plan
Agendas (Final)	Committees of Council and Committees
Miscellaneous	Documents historical in nature, summary sheet confirming destruction of documents with date of destruction; legal opinions and supporting correspondence; cemetery documentation

(3) The following records may have retention schedules that are mandated to be retained through other legislation that may differ from the standard 7 year retention as set in this policy and must be retained accordingly.

Election Records	Nomination Papers, Election Results as set in the Municipal Elections Act (1 year)
Tax Account Records	Assessment Account records related to <b>tax sale surplus</b> . Municipal Government Act (20 years)
Employment Records	list of the names of all employees, showing age and home address, rates of wages, hours of work, vacation periods, leaves of absence, pay, and vacation pay received, record of the date employment began and the last day of employment, record of when lay offs or termination and the dates when notice received for the end of employment, and record of pay as set in the Labour Standards Code (3 years after end of employment date)

(4) Other records may be considered for permanent retention or extended retentions above the standard 7 years at the discretion of the Records Manager.

Planning & Development	Development Agreements, Site plan application details
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### Unnecessary Collection of Records

10 (1) To facilitate an efficient records management and retrieval system, the Municipality will make every effort to end the unnecessary collection of information by:

- a) Maintaining only records which are pertinent to the operational, legal, financial, strategic, and archival needs of the Municipality;
  - b) Coordinating information collection to avoid duplication; and,
  - c) Ensuring that the collection of personal information is following the MGA, Part XX, FOIPOP.
- (2) The Municipality will ensure that records management functions are incorporated into existing and future information technology applications to the best of the Municipality's abilities.

### **Routine Access**

- 11 (1) The Municipality is committed to being open and accountable to the residents of the Municipality, providing the public with access to government information and to providing individuals with an opportunity to obtain certain types of records without having to make a request under Part XX, MGA.

### **Objective**

- 12 (1) Routine access will improve public access to the records of the Municipality which are not released through active publication.
- (2) This policy will provide greater certainty to staff and the public as to which records can be routinely accessed by the public, and which records can be accessed only by application to the Responsible Officer.

### **Application**

- 13 (1) Requests for routine access information may be made in person, by telephone, or in writing (via email) to the Director of the department having custody of the records.
- (2) Repetitive requests by an individual for significant volumes of records or the separation of a request into several small requests totaling a large volume will not be subject to the policy as the application of the Policy is to not unreasonably interfere with the daily operations of the Municipality as determined by the Director.
- (3) Departments having custody of the requested record will copy and release the information within a reasonable period of time, but no later than ten business days from receipt of the request. If unable to provide records within that time frame, contact will be made within five business days advising when the applicant can expect the records.

- (4) If the policy does not apply to the requested records, a response to the applicant will be provided promptly and will indicate to the applicant other means that may be available to the applicant to obtain the information (for example, by filing a FOIPOP application)
- (5) Individuals who apply under FOIPOP for records available under the Routine Access Policy will have their application fee returned and the records provided.
- (6) Departments having custody of the requested record, which is not clearly listed in Appendix "A", will not release the requested record and will refer the matter to the Responsible Officer under Part XX of the MGA.
- (7) All Routine Access requests will be kept for compliance and auditing in the Municipality's Laserfiche Records Management system and filed under 5200-40 Routine Access Request Case Files.  
The documents to file consist of:
  - a) the original request,
  - b) any emails pertaining to the request.
- (8) All records will be provided electronically to the applicant unless otherwise requested.

### **Destruction of Records**

- 14 (1) When the RM decides that the retention period for a given record has ended, as described in the Manual, the RM will start the steps for disposition of the record following the requirements of the manual.
- (2) Records which have been authorized for disposition will be destroyed or transferred in a manner that preserves the confidentiality and security of any confidential information that they may have, including the privacy of information about individuals.
- (3) Records pertaining to any actual or pending government investigation, audit, freedom of information access request, litigation, or legal claim should not be destroyed until action is complete. In these circumstances, a "legal hold" process will supersede the disposition schedule in the Manual.
- (4) Records about current requests made under the FOIPOP will not be destroyed until the limitation period for requesting a review or appealing the decision has expired.




- (5) All copies of records that are authorized for destruction, including security, preservation, and backup copies, will be destroyed as soon as reasonably possible in consultation with the Municipality's IT provider.
- (6) Record documenting the disposition actions taken as per the manual will be retained permanently. At minimum, the record of disposition will include information about the record's series title, date range, and method of disposition.
- (7) For greater clarity the standard retention schedule for records set by the manual other than those stated will be retained for 7 years unless otherwise stated in this policy and will be recorded and destroyed as stated in s. 12(6) upon the approval of the Record Manager.

### Electronic Emails

- 15 (1) Emails that are pertinent to the organization's operations are to be filed in the records management system and will be retained in accordance with the established retention schedules.
- (2) Emails that are not filed will be permanently deleted according to the 7 year retention schedule.

### Repeal and Replace

- 16 Policy MDL-08 approved on October 19, 1999, is hereby repealed and replaced with new Policy 008.

Policy Adoption	
Date of Original Passage	October 19, 1999
Date of Notice of Intent to Repeal	July 16, 2024
Date of Council Approval	July 23, 2024
Date of Effective Date	July 23, 2024
I certify that this Policy 008 was repealed and replaced by the Municipal Council as indicated above.	
Signature of Acting Municipal Clerk 	Date July 23, 2024

Records Management and Routine Access

Policy 008

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<b>Version</b>	<b>Amendment Description</b>	<b>Approval Date</b>
<b>Original V1</b>	Records Management and Destruction	October 19, 1999
<b>Repeal &amp; Replace</b>	Complete review of standards, addition of routine access, accessibility and formatting	July 23, 2024

## **APPENDIX “A”**

### Routine Access Documentation Listing

- 1 All Policies and By-laws approved by Council.
- 2 Any document received by Council or any Committee of Council at a meeting which is not a “closed session” (in camera) under Sections 22 or 203 of the MGA. For greater certainty, this includes all financial statements and reports; including all council approved and/or received studies and reports.
- 3 All approved minutes of any meeting of Council or any Committee of Council which is not associated with a “closed session” (in camera) under Sections 22 or 203 of the MGA. For greater clarity, draft minutes that have not been approved are not considered to be routine access.
- 4 All agendas of any meeting of Council or any Committee of Council which is not a “closed session” (in camera) under Sections 22 or 203 of the MGA.
- 5 Any approved permit or approval issued by an employee of the Municipality except that any mailing address, e-mail address or phone number of the permit holder will be redacted. This does not include the application for the permit or approval and any documents referenced by the permit or approval.
- 6 Any finished map created and published by the Municipality subject to the Fees Policy 058. This specifically does not include:
  - a) Raw data such as shape files or data tables required to produce the map; and
  - b) Printed copies of map images or other information pages produced by Property Online.Raw data may be shared upon approval through the execution of a data sharing agreement. There may be a charge incurred by the applicant associated with the reproduction of maps.
- 7 Any newsletter, advertisement or other document publicly distributed by the Municipality.
- 8 Any document published by the Municipality on its website.
- 9 Civic address, Property Identification Number, Assessment Account Number, and assessed value (market and capped) of any property within the Municipality. This does not include any information that would identify the owner and includes the owner’s mailing address.

- 10 The amount of taxes or other debts owed to the Municipality subject to the Fees Policy 058 with respect to Tax Certificates.
- 11 Position, job description and salary scale of any employee or Council member of the Municipality.
- 12 Organization Charts with position titles.
- 13 The expense claim of any Council member or employee of the Municipality, including any associated receipts and documentation.
- 14 Contracts for goods and services, excluding personal information and service product or trade secrets.
- 15 General operating procedures, including standards and guidelines.