



## Administrative Report

**To:** Warden MacDonald and Members of Essex County Council

**From:** Katherine Hebert  
County Clerk

**Date:** Wednesday, August 14, 2024

**Subject:** Records Destruction Policy Review and Update

**Report #:** 2024-0814-LCS-R25-KH

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### Purpose

The purpose of this Administrative Report is to present Council with the proposed updated Records Destruction Policy (the "**Policy**"), with the intent of the proposed changes being to modernize the Policy to align with the County's current procedures for the administration of records as well as industry best practices.

### Background

In October of 2005 the County established a Records Destruction Policy, in accordance with By-law 27-2005, and subsequently by way of By-law 57-2013, repealed the original by-law and delegated authority to the Director of Council Services/Clerk to make amendments to the retention schedule and records program policy as needed, from time to time.

Attached hereto at **Appendix A**, is the original Records Destruction Policy 001-2005.

As part of the Records Management Program Policy, all records of the Corporation are classified and filed using The Ontario Municipal Records Management System ("**TOMRMS**").

In 2021 the County underwent a comprehensive Records and Information Management Review, which resulted in several recommendations. The recommendation included that to the County review and update existing Records Management Program Policies and Procedures, as well as to develop new policies for areas where gaps in the program were identified.

In accordance with those recommendations, County Administration has been working to establish robust Records Management Policies and Procedures to compliment and supplement the existing Records Management Program.

## Discussion

### Alignment with Industry Standards

The review and updated of the County's policies and procedures has resulted in policies and procedures that align with the Association of Records Managers and Administrators ("**ARMA**") Generally Accepted Record-Keeping Principles (the "**Principles**"), being:

- 1) **Accountability:** A senior executive (or a person of comparable authority) shall oversee the information management to appropriate individuals.
- 2) **Transparency:** An organization's business processes and activities, including its information governance program, shall be documented in an open and verifiable manner, and that documentation shall be available to all personnel and appropriate, interested parties.
- 3) **Integrity:** An information governance program shall be constructed so the information assets generated by or managed for the organization have a reasonable guarantee of authenticity and reliability.
- 4) **Protection:** An information governance program shall be constructed to ensure an appropriate level of protection to information assets that are private, confidential, privileged, secret, classified, essential to business continuity, or that otherwise require protection.
- 5) **Compliance:** An information governance program shall be constructed to comply with applicable laws, other binding authorities, and the organization's policies.
- 6) **Availability:** An organization shall maintain its information assets in a manner that ensures their timely, efficient, and accurate retrieval.
- 7) **Retention:** An organization shall maintain its information assets for an appropriate time, taking into account its legal, regulatory, fiscal, operational, and historical requirements.

- 8) Disposition: An organization shall provide secure and appropriate disposition for information assets no longer required to be maintained, in compliance with applicable laws and the organization's policies.

The proposed changes in the revised Records Destruction Policy, a copy of which is appended to this Report as **Appendix B**, align with the Principles and outline the necessary steps to ensure that County Records are protected. Also revised is the Notice of Destruction Form, a copy of which is appended to this Report as **Appendix C**, which is retained as a permanent Record, and evidence of compliance.

The existing Records Destruction Policy has been in place for nearly twenty years, and uptake on compliance with the policy and with By-law 57-2013, had been initially good. In recent years, however, with an accelerated rate of staff turnover, increasing quantities of information generated, and less time to manage it all, meaningful participation in the Records Destruction process has been less universal. Further, without controlled access to the Records Storage Rooms, there has been a stockpiling of unclassified, unidentified and 'orphaned' boxes that needs to be addressed.

Electronic records are similarly stockpiled, with compounding quantities of information being held within our systems, servers, and cloud environment. With information being targeted by threat-actors more frequently, it has become a priority to manage corporate information assets in a more robust way, and in compliance with ever-changing privacy and transparency regulations.

As new policies and procedures are developed, and as physical and electronic storage spaces change, more modern practices to manage access to records, control of inventory and for the process for records destruction across all departments of the County is needed.

County Administration recognizes that a complete Records Management Program includes a formal policy regarding the destruction of records which have exceeded their retention period. While the Records Retention By-law establishes when records may be destroyed, the Records Destruction Policy establishes how records may be destroyed and by whom.

The modernizing of the Records Destruction Policy will ensure that prior to records being destroyed, written authorization by the responsible Department Head will be required and that written authorization will then become a permanent record.

## **Corporate Policy to Administrative Policy**

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In 2021 Council adopted the County's Policy and Procedure Governance Framework, which outlined the method to be used for the administration of policies and procedures as well as the approval authority for these important guiding documents.

At present, the Records Destruction Policy is classified as a Corporate Policy, requiring that County Council approve any material changes to the policy prior to adoption. As part of this review, Administration is proposing that the Records Destruction Policy be deemed an Administrative Policy, and that the Authority to make changes to the policy rest with the Chief Administrative Officer. The reason for this proposed change is that with constantly changing facilities, technology and personnel, it will likely become necessary to amend the Records Destruction Policy quite frequently to meet the needs of current circumstances. Further, the operational factors impacting this Policy support oversight at the administrative rather than political level.

The overarching Records Management Program Policy remains a Corporate Policy with which Council is the approval authority.

## **Phased-In Records Inventory**

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As part of the implementation of the Records and Information Management Review recommendations, a phased-in records inventory, controlled access and effective destruction project is underway for the physical and eventually electronic records. Changes to the Records Destruction Policy have been made to reflect the current phase of this undertaking. This is a necessary step in the Records Destruction process, to ensure that accountability, transparency and risk management best practices are taken into consideration at each step. Further, compliance with By-law 2013-57 and the disposition of records in accordance with the TOMRMS retention schedule, is essential.

As resources are limited, this project will take time, and further amendments to the Policy will be required as new phases take shape in the coming months and years.

## **Financial Implications**

There are no financial implications resulting from this policy review.

## **Consultations**

During the review and amending of the policy, and the drafting of this report, the following members of County Administration were consulted:

- Senior Leadership Team
- Randy Pearson, Supervisor, Facilities
- Darrel Laurendeau. Director, Information Technology
- Records Management Program Coordinator and Analyst

### Strategic Plan Alignment

<b>Working as Team Essex County</b>	<b>Growing as Leaders in Public Service Excellence</b>	<b>Building a Regional Powerhouse</b>
<input checked="" type="checkbox"/> Scaling Sustainable Services through Innovation  <input checked="" type="checkbox"/> Focusing "Team Essex County" for Results  <input type="checkbox"/> Advocating for Essex County's Fair Share	<input type="checkbox"/> Being an Employer with Impact  <input type="checkbox"/> A Government Working for the People  <input checked="" type="checkbox"/> Promoting Transparency and Awareness	<input type="checkbox"/> Providing Reliable Infrastructure for Partners  <input type="checkbox"/> Supporting Dynamic and Thriving Communities Across the County  <input type="checkbox"/> Harmonizing Action for Growth  <input type="checkbox"/> Advancing Truth and Reconciliation

### Recommendation

That Essex County Council receive and approve report number 2024-0814-LCS-R25-KH, Records Destruction Policy Review and Update; and

That amendments to the Records Destruction Policy 001-2005 be adopted as presented; and

That the Records Destruction Policy 001-2005 be deemed an Administrative Policy, with the Authority to make amendments to the policy delegated to the Senior Leadership Team and CAO, under the County of Essex Policy and Procedures Governance Framework.

## Approvals

Respectfully Submitted,

*Katherine Hebert*

Katherine Hebert, County Clerk

Concurred With,

*David Sundin*

David Sundin, BA (Hons), LL.B., Interim Director, Legislative and Community Services/County Solicitor

Concurred With,

*Sandra Zwiers*

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

<b>Appendix</b>	<b>Title</b>
A	Original Records Destruction Policy and NOD
B	Records Destruction Policy 001-2005 (Revised)
C	Notice of Destruction Form (Revised)
D	<a href="#"><u>57-2013 Repealing By-law 27-2005, being a By-law to establish schedules of retention periods for records of the County of Essex, delegate the authority for establishing or amending retention periods to the Director of Council Services/Clerk and to establish a Records Retention Program Policy for the County of Essex</u></a>