

County of Essex Policy and Procedures Manual

Records Destruction Policy

Policy Number:	2005-001
Policy Type:	Corporate Policy
Approval Authority:	Essex County Council
Office of Responsibility:	Legislative and Community Services
Issuance Date:	2005-11-16
Revised on Date:	YYYY-MM-DD
Scheduled Review Date:	YYYY-MM-DD (Review cycle is at minimum every 4 years or more frequently.)
Replaces Policy:	N/A

1.0 Introduction

The Corporation of the County of Essex recognizes that Corporate records and information are corporate assets and consequently, shall be managed in accordance with legislative requirements, County Policy and industry best practices. The County strives to reduce potential risk to the Corporation by implementing procedures for the administration of its records and information.

2.0 Scope

This policy applies to all departments, divisions, and employees within the Corporation.

3.0 Definitions/Glossary

Corporation or County shall mean the Corporation of the County of Essex.

Corporate files/corporate records shall mean recorded information in any format or medium that documents the Corporation's business activities, rights, obligations or responsibilities or recorded information that was

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created, received, distributed or maintained by the Corporation in compliance with a legal obligation.

Destroy/Destruction/Disposition/Expunge shall mean the act of destroying a record, removing it from the official record keeping system, or transferring it to an archive after its retention period has been reached. It is the final action taken per the retention schedule and legal obligations, concluding with destruction, transfer or permanent preservation.

File shall have the same meaning as "record" and may be used interchangeably

Office of Responsibility means the department of origin, or custodian of the record, or the designated department typically charged with the administration of certain records series or records. The term 'responsible department' is used interchangeably in this document.

Orphan Data shall mean data that:

- 1) is not machine readable by any of the County's computer systems in place during the disposal year, because the data exists with no identifiable computer application that can retrieve the data; or
- 2) is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced County employee who is knowledgeable about the business function or functions to which the data relates.

Personal Information Bank (PIB) Personal information banks (PIBs) are descriptions of personal information under the control of a government institution that is organized and retrievable by an individual's name or by a number, symbol or other element that identifies that individual.

Privacy Impact Assessment (PIA) is a risk management process that helps institutions ensure they meet legislative requirements and identify the impacts their programs and activities will have on individuals' privacy.

Privacy Officer means the Clerk of the County of Essex.

Record shall mean any recorded information, no matter the medium, whether in printed form, on film, by electronic means or otherwise, regardless of physical form or characteristics.

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Retention Period shall mean the duration of time for which the information is maintained or "retained", irrespective of format (paper, electronic, or other). Retention periods vary with different types of information, based on content and a variety of other factors, including internal organizational need, regulatory requirements for inspection or audit, legal statutes of limitation, involvement in litigation, financial reporting needs, as well as other factors. It is the period of time that a record which has been assigned a classification must be kept before disposition may be considered. It includes a period of time the record is retained in the department after closure (active) plus a period of time in the Records Centre (inactive).

4.0 Purpose/Description

The purpose of this policy is to manage the destruction of records carried out by the Corporation. It is also in place to protect the corporation from risk. Records that are kept beyond their retention date and are not destroyed can leave the Corporation open to lawsuits, and more vulnerable to cyber-attacks.

5.0 Policy/Procedures

5.1 General

The Corporation of the County of Essex recognizes the importance of managing the disposition of corporate records. Corporate records shall not be destroyed or disposed of in any way unless first classified according to the current records classification system, and the retention period, as set out in the records retention by-law (By-law Number 57-2013) has expired.

Corporate files or records pertaining to pending or actual investigations or litigation shall not be destroyed. Corporate records disposed of as per the records retention by-law, as well as drafts and copies of files and records disposed of on a regular basis, shall be destroyed in a way that preserves the confidentiality of any information they contain.

Copies of corporate files or records may be destroyed at any time if the original files and records are being retained in accordance with the records retention by-law. If a file or record is not referenced in the records retention by-law, refer these matters to the Clerk.

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Disposal of a record must be authorized by way of signature, by the responsible Department Head.

5.2 Paper Records and Files

5.2.1 Boxed paper files and records shall be duly labeled using the information attached hereto as Appendix B – File Box Label. Labels shall be completed with a Box Number, Office of Responsibility, Classification, and Disposition Review Date

5.2.2 Designated departmental staff shall notify the Department Head, when the retention period of a file or record has expired, as determined in the records retention by-law, and shall prepare a Notice of Destruction.

A sample of the Notice of Destruction form is attached.

5.2.3 The responsible Department Head shall verify that the date of disposal and destruction is correct, pursuant to the most recent records retention by-law of the Corporation. (By-law Number 27-2005 and amendments thereto).

5.2.4 The responsible Department Head shall approve destruction of files through the use of the Notice of Destruction or, if it is determined that an extension of the retention period of the records is necessary, shall place a hold where necessary.

5.2.5 The responsible Department Head shall ensure the Clerk is notified in writing when Legal or Operational Hold, is placed on a record, (to be retained past the scheduled disposition date) and the reason why such further retention is necessary.

5.2.6 It shall be the responsibility of the Department Head where the record originated to obtain any additional government approvals required for the disposal or destruction of any records or files.

5.2.7 Arrangements regarding the destruction of files (i.e. Contracted shredding services) shall be the responsibility the Clerk, or their delegate.

5.2.8 Designated departmental staff shall notify in writing, the Clerk or their delegate, that destruction is required. Details

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of the request shall include the location, box description, and quantity of records that require destruction.

- 5.2.9 Paper files shall be destroyed in a manner that maintains confidentiality of the information.
- 5.2.10 The responsible Department Head shall ensure the Clerk is provided a signed Notice of Destruction by the staff member who witnessed the destruction, and, where applicable a certificate of destruction from the contractor providing the service, as notification that the files and records have been destroyed.
- 5.2.11 Completed Notice of Destruction forms shall be filed in Laserfiche, in accordance with the retention schedule and are deemed to be 'permanent' records.
- 5.2.12 The responsible Department Head may delegate all duties and responsibilities under this policy if, in their opinion, it would be more appropriate for a Manager/Supervisor within that Department to fulfill that role. Written notification must be provided to the Clerk upon delegation.
- 5.2.13 Copies of an original record, unless otherwise specified in the County's retention schedule, transitory records, and documents that were not made in the course of County business, do not need special authorization to be disposed of.

5.3 **Electronic Records**

Prior to the procurement and/or use of any electronic platform, software, database or tools, consultation with the Privacy Officer shall take place. The Privacy Officer shall perform a Privacy Impact Assessment to determine the means by which information is input, stored, retrieved, and how it will be expunged from the system.

5.3.1 **Laserfiche**

Laserfiche is the official electronic document and records management system (EDRMS)/ records management database for the County of Essex. The disposition of electronic records held in Laserfiche will be managed through an automated workflow, triggered by metadata within the records and the system itself. The

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automated workflow will involve approval processes by designated authorized County employees.

5.3.2 **Databases, Software or Other Electronic Tools**

Although Laserfiche is the designated EDRMS system for the County, electronic records are also held in a variety of other places, including (but not limited to) network and shared drives, cloud programs, email, and elsewhere. Any database, software or other electronic tools that may store information or records, shall be subject to the Records and Information Management Policy and shall follow the procedures contained within this destruction policy.

6.0 Responsibility

6.1 The CAO is responsible for executing the policies of the County of Essex, in accordance with legislation, Council priorities and strategic direction of the corporation.

6.2 Department Heads are responsible for reviewing records for which their department has been deemed to be the custodian, and for authorizing the final disposition and/or destruction of those records in accordance with the retention schedule.

Department heads are further responsible for ensuring that the records in the control and custody of their business unit are administered according to County Policy.

6.3 Designated personnel from individual business units are responsible for complying with the Records Management policies of the Corporation.

6.4 The Privacy Officer is responsible for the control and custody of corporate information, files and records. They are further responsible for the administration of the Privacy Impact Assessment process, and requests for information made under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and/or Personal Health Information Protection Act (PHIPA).

6.5 The Manager, Records and Accessibility/Deputy Clerk and department personnel are responsible for review and development of records management policies, performance measurement of the records program and for facilitating the efficient and effective administration of the RIM program.

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RIM department staff are responsible for the oversight of all records, regardless of medium (paper, electronic or other), held by the corporation.

They are further responsible for the due and diligent maintenance of the EDRMS system, including user permissions, file security, access controls and audit of the participation in, and application of the RIM program.

- 6.6 All employees are responsible for following RIM policies and procedures as part of their work, and for identifying records within their business unit which may require review for disposition.

7.0 Related Documents/Legislation

- By-law 57-2013
- 2013-002 Records and Information Management Program Policy

8.0 Summary of Amendments

Date	Amendment(s)
20230801	<ul style="list-style-type: none">• Transfer to Corporate Policy Template• Updated language to reflect different process for paper records than from electronic• Added language in definitions section

Appendices

Item	Description
A	Notice of Destruction
B	Records/File Box Label