



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: July 21, 2025
Prepared by: Shelley Brown, Deputy Clerk
Report Number: Legal and Legislative Services-2025-11
Subject: Retention and Disposition of Records
Number of Pages: 5

Recommendation(s)

That Legal and Legislative Services Report 2025-11 entitled Retention and Disposition of Records prepared by Shelley Brown, Deputy Clerk dated July 21, 2025 be received;

That By-Law 2463 being a by-law to establish a schedule of retention and disposition of all records maintained by the Town of Essex be read a first and a second time and provisionally passed on July 21, 2025; and

That Council delegate authority to the Clerk to establish and amend the Records Retention Schedule (Schedule A of By-Law 2463) for the records of the Corporation of the Town of Essex.

Purpose

Proper municipal record keeping is not only essential for effective day-to-day municipal operations, but also a statutory requirement as defined in the *Municipal Act, 2001 (the "Act")*:

- Section 254 (1) states that a municipality shall retain and preserve records of the municipality and its local boards in a secure and accessible manner;

- Section 255 (1) states that except as otherwise provided, a record of a municipality or local board may be only be destroyed in accordance with the Act;
- Section 255 (2) states that despite Section 254, a record of a municipality or local board may be destroyed if a retention period for the record has been established under the Act and the retention period has expired or the record is a copy of the original record.

Background and Discussion

The current Records Retention By-Law was enacted in July of 2001 and has not been updated or amended. Since that time there have been many updates to the *Municipal Act, 2001*. The proposed By-Law would incorporate the updates and meet the changing legislative requirements regarding records retention.

What is a Record?

A record is information received, created, maintained, and retained by an organization that provides evidence of business activities and decisions, regardless of format. Records management is the practice of maintaining records throughout their lifecycle and includes identifying, classifying, storing, securing, retrieving, tracking and destroying or permanently preserving records. Records management ensures compliance with operational and legal requirements.

Why is it important?

Municipalities are responsible for complying with records management provisions in various legislation, including the Act and the *Municipal Freedom of Information and Protection of Privacy Act*. Both pieces of legislation contain provisions to ensure that records management activities are properly developed and documented, that the records themselves are managed appropriately, that appropriate retention periods are established and that records are not kept too long to become a privacy risk.

Overview of the By-Law and Schedules

The purpose of the proposed By-Law is to define a set of retention practices by which Town staff manages corporate records, both paper and electronically, to ensure their control and disposition. It provides an overview of the management of corporate records to ensure regulatory, legislative and operational compliance.

The Records Retention Schedule included in the proposed By-Law defines a system for classifying and retaining all corporate records based upon the Town's activities and legislative responsibilities. It guides the classification, retention and destruction of records in the custody and control of the Town of Essex and is integral to the By-Law. It applies equally to both paper and electronic records.

The Records Retention Schedule groups corporate records into primary and secondary classifications with a Class Code for each. The Class Code indicates how long records should be kept (retention) and whether they will be destroyed at the end of the retention period (disposition). Each Class Code includes a description of what types of documents are included within the category.

The retention periods and disposition methods imposed by the By-Law are determined based on information gathered from several sources including legislation, ministry policies and directives, industry and association standards, business practices, and consultation with Town administration.

Authority to Amend Retention Schedule

Upon review, most municipalities in Ontario have delegated the authority to the Clerk to establish and amend the Records Retention Schedule. As such, it is proposed that the Town also delegate such authority to the Clerk to ensure that the Town captures everchanging retention requirements from legislation or operational needs. This ensures that the By-Law accurately

reflects retention and disposition requirements of corporate records in a timely and efficient manner.

Financial Impact

The ongoing implementation of the Retention By-Law has no direct financial impact beyond the approved 2025 operating and capital budgets.

Consultations

Kate Giurissevich, Chief Administrative Officer

Joe Malandrucolo, Director, Legal and Legislative Services

Lori Chadwick, Director, Development Services

Kevin Girard, Director, Infrastructure Services

Jake Morassut, Director, Community Services

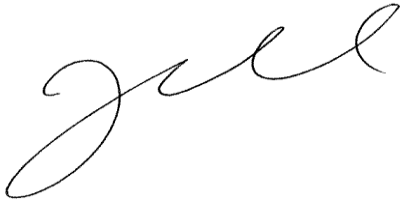
Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Retention and Disposition of Records - Legal and Legislative Services-2025-11.docx
Attachments:	- By-Law 2463 Records Retention By-Law.pdf
Final Approval Date:	Jul 12, 2025

This report and all of its attachments were approved and signed as outlined below:



Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - Jul 4, 2025 - 2:40 PM



Kate Giurissevich, Chief Administrative Officer - Jul 12, 2025 - 1:06 PM