THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 59-2026

Being a By-law to Establish a Records Management Program, adopt a Records Classification and Retention Schedule, and repeal By-law 30-2017

WHEREAS section 254(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner and, if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for complying with that subsection; and

WHEREAS section 255 of the Municipal Act, 2001 provides that the records of a municipality or local board may only be destroyed in accordance with that section; and

WHEREAS subsection 255(2) of the Municipal Act, 2001 provides that, despite section 254, a record of a municipality may be destroyed if a retention period for the record has been established under that section and:

(a) The retention period has expired; *or*
(b) The record is a copy of the original record;

AND WHEREAS subsection 255(3) of the Municipal Act, 2001 provides that a municipality may, subject to the approval of the municipal auditor, establish retention periods during which the records of the municipality and its local boards must be retained and preserved in accordance with section 254; and

WHEREAS section 23.1(1) of the Municipal Act, 2001 authorizes a municipality to delegate its powers and duties to a person, subject to the restrictions set out in that Act; and

WHEREAS Council deems it desirable to establish a corporate Records Management Program and a records classification and retention framework for the effective retention, preservation, and lawful disposition of municipal records;

WHEREAS Council considered Staff Report LLS-35-26 at its Meeting of September 15, 2026;

NOW THEREFORE the Council of The Corporation of the Municipality of Port Hope enacts as follows:

1. SHORT TITLE

1.1 This By-law may be cited as the “Records Management and Retention By-law”.

2. DEFINITIONS

2.1 In this By-law:

“Clerk” means the Municipal Clerk of the Municipality of Port Hope or designate.

“Municipality” means The Corporation of the Municipality of Port Hope.

“Record” means information, however recorded, created or received in the course of municipal business and retained as evidence of activities, decisions, transactions, obligations, or operations.

“Records Management Program” means the Municipality’s corporate framework for the classification, retention, preservation, storage, access, and lawful disposition of records.

“Retention Schedule” means the Municipality’s records classification and retention schedule adopted by this By-law and amended from time to time in accordance with this By-law and applicable law.

3. PURPOSE

3.1 The purpose of this By-law is to establish a corporate framework for the classification, retention, preservation, and lawful disposition of municipal records.

4. APPLICATION

4.1 This By-law applies to all records created, received, maintained, used, or under the custody or control of the Municipality in the course of municipal business, regardless of medium, format, or storage location.

4.2 This By-law applies to all officers and employees of the Municipality and, where applicable, to contractors, consultants, students, volunteers, appointees, and any other persons acting on behalf of the Municipality in relation to municipal records.

4.3 Retention and disposition requirements shall be determined by the content, evidentiary value, and business function of a record, and not by its format or medium.

5. RECORDS MANAGEMENT PROGRAM

5.1 A corporate Records Management Program is hereby established for the Municipality.

5.2 Municipal records shall be managed in accordance with this By-law, Schedule “A”, Schedule “B”, and any policies, procedures, standards, forms, and guidelines issued by the Clerk, or designate.

6. SCHEDULES

6.1 Schedule “A”, being the Definitions and Program Provisions, is hereby adopted and forms part of this By-law.

6.2 Schedule “B”, being the Municipality’s records classification and retention schedule, is hereby adopted and forms part of this By-law.

6.3 The Clerk, or designate, may maintain and amend Schedule “A” from time to time for administrative clarity and consistency with this By-law.

6.4 The Clerk, or designate, may maintain and amend Schedule “B” from time to time, subject to any approvals required by law, including approval of the municipal auditor where applicable.

7. ADMINISTRATION

7.1 The Clerk shall administer this By-law and the Records Management Program.

7.2 The Clerk may issue policies, procedures, standards, forms, and guidelines for the implementation of this By-law.

7.3 The Clerk, or designate, is authorized to:

(a) interpret and apply this By-law and the schedules;

(b) establish requirements for the classification, storage, retrieval, retention, and disposition of records;

(c) identify approved recordkeeping systems and repositories;

(d) coordinate records disposition, archival transfer, and records holds; and

(e) take such administrative steps as necessary to implement this By-law.

7.4 The Clerk, or designate, shall coordinate the Municipality's administration of access requests and privacy matters under the *Municipal Freedom of Information and Protection of Privacy Act* in accordance with the authority of the head under that Act and any written delegation made under section 49(1) of that Act.

8. RETENTION AND PRESERVATION

8.1 Municipal records shall be retained and preserved for at least the minimum retention periods established in Schedule "B", subject to any applicable hold, statutory requirement, court order, or other preservation obligation.

8.2 Municipal records shall be maintained in a secure and accessible manner for the full retention period.

9. DISPOSITION

9.1 No municipal record shall be destroyed or otherwise disposed of except in accordance with this By-law, Schedule "B", and procedures established by the Clerk.

9.2 Where the applicable retention period has expired, the Clerk, or designate, may authorize the destruction, archival transfer, or other lawful disposition of the record.

9.3 The Clerk shall maintain a permanent record of authorized destruction.

10. RECORDS HOLDS

10.1 Despite section 9, no record shall be destroyed, altered, deleted, or otherwise disposed of where it is or may be required for:

(a) an access request under the *Municipal Freedom of Information and Protection of Privacy Act*;

(b) an investigation, inspection, audit, or compliance review;

(c) actual, threatened, or reasonably contemplated litigation; or

(d) any other matter requiring its preservation.

10.2 The Clerk, or designate, may issue, administer, and lift records holds and may direct departments regarding preservation requirements.

11. REPEAL

11.1 By-law No. 30-2017 is hereby repealed.

12. EFFECTIVE DATE

12.1 This By-law comes into force and effect on the date it is passed.

BYLAW READ AND PASSED in Open Council this 15th day of September, 2026.

_____
Olena Hankivsky, Mayor

_____
Shrishma Davé, Clerk

By signing this by-law on the 15th day of September, 2026, Mayor Olena Hankivsky will not exercise the power to veto this by-law.

SCHEDULE “A” to By-law 59-2026

DEFINITIONS AND PROGRAM PROVISIONS

A1. DEFINITIONS

For the purposes of this By-law:

“Active Record” means a record referred to and used on a regular basis and generally maintained within a department for current business purposes.

“Approved Recordkeeping System” means any repository, system, application, or environment approved by the Clerk for the creation, capture, storage, maintenance, retrieval, retention, and disposition of official municipal records.

“Archival Record” means a record of enduring significance that has historical, cultural, legal, evidentiary, or community value warranting permanent preservation.

“Class Code” means the reference number assigned to a records series under TOMRMS and the Municipality’s corporate records classification system.

“Disposition” means the final action taken with respect to a record, including secure destruction, transfer to archives, permanent retention, or other authorized disposition in accordance with this By-law and Schedule “B”.

“Disposition Hold” means a direction suspending the routine or scheduled destruction, deletion, alteration, or transfer of records because the records are or may be required for an access request, investigation, audit, litigation, review, or other preservation requirement.

“Non-record” means recorded information that is not required to meet legal, fiscal, operational, evidentiary, or historical requirements of the Municipality and that is not part of an official records series, including duplicate convenience copies, reference material kept only for convenience, blank forms, and unsolicited publications.

“Official Record” means the record designated by the Originating Department as the authoritative record of the Municipality for a particular business activity, transaction, decision, or obligation.

“Orphan Data” means data that:

(a) is not machine readable by any of the Municipality’s available computer systems because the data exists with no identifiable application that can receive it; or

(b) is machine readable but lacks sufficient content, context, or structure to render it understandable by an experienced employee knowledgeable about the business function to which the data relates.

“Records Series” means a group of records relating to a particular function, activity, transaction, or subject that are filed together and retained for the same period of time.

“Originating Department” means the department or functional area that creates the record and/or is responsible for maintaining the Official Record.

“Retention Period” means the minimum period of time a records series must be kept before disposition, calculated from the applicable close date of the record in accordance with Schedule “B” and related procedures.

“Superseded” means retained until replaced by more current information, at which time the prior version may be disposed of in accordance with this By-law and applicable procedures.

“TOMRMS” means the most recent version of the Ontario Municipal Records Management System as adopted by the Municipality.

“Transitory Record” means a record of temporary usefulness created or received for the purpose of carrying out a routine action, preparing another record, or conveying information of short-term value, and which is not required to meet legal, evidentiary, operational, fiscal, audit, or historical requirements.

“Vital Record” means a record essential to the continuation or resumption of municipal operations in the event of a disaster, emergency, or service interruption.

“Working Papers” means rough notes, work preparation materials, instructions, calculations, preliminary drafts, rough research notes, and similar materials used in preparing a final record, provided they do not record official decisions or constitute significant stages in the development of the final record.

A2. RECORDS OWNERSHIP

A2.1 All records created, received, used, or maintained by officers and employees in the course of their duties on behalf of the Municipality are the property of the Municipality, subject to applicable law.

A2.2 Employees leaving their positions with the Municipality shall leave all municipal records for their successors, whether the departure is temporary or permanent, including transfers within the organization.

A3. ROLES AND RESPONSIBILITIES

A3.1 All employees shall manage records created, received, maintained, or used in the course of municipal business in accordance with this By-law and related procedures.

A3.2 Each Originating Department shall:
(a) ensure records are classified in accordance with the corporate classification system;
(b) identify and maintain the Official Record;
(c) ensure records are stored in an Approved Recordkeeping System or in another location approved by the Clerk;
(d) ensure records remain complete, accessible, and reliable for the full Retention Period; and
(e) participate in disposition reviews and confirm whether any Disposition Hold applies.

A3.3 The Clerk, or designate, shall:
(a) administer and maintain the Records Management Program;
(b) provide records and information management guidance, training, and procedures;
(c) coordinate records disposition and maintain permanent evidence of authorized destruction;
(d) coordinate the identification and transfer of Archival Records; and
(e) issue, administer, and lift Disposition Holds.

A4. APPROVED RECORDKEEPING SYSTEMS

A4.1 Municipal records shall be stored and managed in Approved Recordkeeping Systems identified by the Clerk in consultation with Originating Departments and Information Technology.

A4.2 Email messages, attachments, messages in collaboration platforms, forms, workflows, and similar communications that document municipal business, decisions, approvals, transactions, or obligations are records and shall be captured in the appropriate Approved Recordkeeping System where required by municipal procedure.

A4.3 Communication platforms are not the corporate repository for Official Records unless expressly approved by the Clerk for that purpose.

A4.4 Where records reside in line-of-business systems, shared drives, cloud services, portable devices, or vendor-hosted platforms, the Originating Department shall ensure retention, preservation, accessibility, and disposition are managed in accordance with this By-law and applicable procedures.

A5. STORAGE, SECURITY, AND ACCESSIBILITY

A5.1 The Municipality shall store records in a manner that:

(a) prevents loss through misplacement, deterioration, accidental destruction, and theft;

(b) prevents unauthorized access, use, alteration, deletion, or disclosure; and

(c) ensures readability, retrievability, and accessibility for the full Retention Period.

A5.2 Where records contain personal information, confidential information, or other sensitive content, appropriate administrative, physical, and technical safeguards shall be implemented having regard to the sensitivity of the information.

A6. DIGITIZATION AND CONVERTED RECORDS

A6.1 Where records are digitized or converted into another format, documented procedures shall be maintained to ensure the resulting record is complete, accurate, accessible, and trustworthy for business, legal, and evidentiary purposes.

A6.2 Source records may be destroyed following successful conversion only where:

(a) the Retention Schedule permits destruction;

(b) no Disposition Hold or other legal requirements apply;

(c) quality assurance requirements have been met; and

(d) the converted record has been designated as the Official Record in accordance with Clerk-approved procedures.

A7. DISPOSITION HOLDS

A7.1 Where a Disposition Hold applies, destruction or other disposition of affected records shall be suspended until the hold is lifted by the Clerk or designate.

A7.2 The Clerk, or designate, may issue, administer, and lift Disposition Holds and direct departments regarding preservation steps.

A8. DESTRUCTION AND DISPOSAL

A8.1 Records shall be destroyed, transferred to archives, or otherwise disposed of only in accordance with this By-law, Schedule “B”, and Clerk-approved procedures.

A8.2 Prior to destruction, the Originating Department shall confirm in writing, in the form prescribed by the Clerk, that:

(a) the records have been correctly classified;

(b) the minimum Retention Period has expired;

(c) no Disposition Hold or other preservation obligation applies; and

(d) destruction is authorized under this By-law.

A8.3 Destruction shall be carried out in a secure manner appropriate to the sensitivity and format of the records such that the records cannot be reconstructed or retrieved through reasonable means.

A8.4 The Clerk shall maintain a permanent record of authorized destruction, including sufficient information to identify the records series, date range, disposition authority, date of destruction, and method of destruction.

A8.5 Records identified for permanent retention or archival preservation shall not be destroyed and shall be transferred in accordance with Clerk-approved procedures.

A9. ORPHAN DATA

A9.1 Prior to the destruction of Orphan Data, the following information shall be documented to the extent obtainable:
(a) title or description of the data;
(b) identification of the department responsible for its creation or use;
(c) a brief description of its purpose and relationship to any related data;
(d) the format or software in which it is stored; and
(e) written approval authorizing destruction from the Originating Department manager for the related business function.

A10. EXCLUSIONS AND INTERPRETIVE NOTES

A10.1 Port Hope Library Board
For greater certainty, records retention periods for the Port Hope Library Board shall be governed by any separate records retention by-law, policy, or schedule adopted by the Board, as applicable.

A10.2 Police Services Board / Law Enforcement Records
To the extent applicable, records directly related to law enforcement activity are excluded and are subject to the governance of the appropriate police services board and applicable legislation.

A10.3 Records of Historical Interest
A record not designated for permanent retention but of potential historical interest may be transferred by the Clerk to an appropriate archives, museum, or library after expiry of the Retention Period, where lawful and appropriate.

A10.4 Non-records and Transitory Records
Non-records and Transitory Records may be destroyed when no longer required, provided they are not subject to a Disposition Hold or other legal requirement.

A10.5 Blank Forms
Blank forms are not records unless completed, annotated, or used to document municipal business.

SCHEDULE “B” to By-law 59-2026

RECORDS CLASSIFICATION AND RETENTION SCHEDULE

B1. ADOPTION AND APPLICATION

B1.1 Schedule “B” shall consist of the most recent version of the Ontario Municipal Records Management System (“TOMRMS”) as adopted by the Municipality, as supplemented by Municipality-specific records series, local class codes, and amendments approved in accordance with this By-law.

B1.2 Where a Municipality-specific class code has been established for a records series not expressly addressed in TOMRMS, or where additional local specificity is required for operational, legal, historical, evidentiary, environmental, or administrative purposes, the Municipality-specific class code shall apply.

B1.3 Unless otherwise stated, the retention periods in this Schedule apply to the Official Record.

B1.4 Retention periods in this Schedule are minimum retention periods and shall be calculated from the applicable trigger event, close date, or supersession date in accordance with municipal procedures and the applicable TOMRMS rule.

B1.5 Where more than one retention requirement may apply to a record, the longer retention period shall apply unless otherwise directed by the Clerk or legal counsel.

B2. GENERAL DISPOSITION RULES

B2.1 No record shall be destroyed, altered, deleted, or otherwise disposed of except in accordance with this By-law, Schedule “A”, this Schedule, and applicable municipal procedures.

B2.2 No record shall be destroyed or otherwise disposed of where a Disposition Hold, statutory requirement, court order, audit requirement, access request, investigation, litigation matter, or other preservation obligation applies.

B2.3 Duplicate convenience copies, Non-records, and Transitory Records may be destroyed when no longer required, provided they are not subject to a Disposition Hold or other legal requirement and are not the Official Record.

B2.4 Records identified for permanent retention, archival preservation, or archival review shall not be destroyed except in accordance with this By-law and Clerk-approved procedures.

B3. MUNICIPALITY-SPECIFIC CLASS CODES

B3.1 In addition to the records series and retention rules established through TOMRMS, the Municipality hereby adopts the following Municipality-specific class code:

Class Code	**Activity**	**Office of Primary Interest (OPI)**	**Total Retention**	**Retention Justification**
E30	Environmental Remediation – LLRW Clean-up	Originating	Permanent	long-term legal, environmental, and historical significance

B4. INTERPRETATION

B4.1 For greater certainty, records classified under class code E30 shall be preserved permanently and shall not be destroyed.

B4.2 The Clerk, or designate, may issue procedures, classification guidance, and interpretive direction respecting the application of TOMRMS and Municipality-specific class codes under this Schedule.

B4.3 Where necessary for the proper administration of this Schedule, the Clerk, or designate, may determine the most appropriate class code for a record or records series, subject to this By-law and any applicable legal requirements.