



Town of Whitby Policy

Policy Title:	Information Governance Policy
Policy Number:	CA 030
Reference:	Municipal Act, Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), Records Classification and Retention By-law, Electronic Records as Documentary Evidence Standard (CAN/CGSB-72.34-2017), Council Resolutions #205-83, #283-83, #576-17, and #270-20.
Date Approved:	December 14, 2020
Date Revised:	Not Applicable
Approval:	Council
Point of Contact:	Manager, Information & Content Services

Policy Statement

The Corporation of The Town of Whitby is committed to establishing best practice Information Governance to promote and facilitate the responsible management of Records throughout their Life Cycle in order to support accountable and effective delivery of services and decision making.

Purpose

The Town of Whitby is subject by legislation to ensure proper record keeping and information management. The Municipal Act, 2001 ("Municipal Act"), Section 254, requires the Town to "...retain and preserve the records of a municipality and its local boards in a secure and accessible manner." The Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), Section 4.1, states that the Town must "...ensure that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any recordkeeping or records retention requirements, rules or policies, whether established under an Act or otherwise..." This Information Governance Policy ensures that Records of the Town of Whitby will be managed throughout their Life Cycle according to the requirements of the Information Governance program and applicable legislation.

This policy sets a framework that establishes standards to ensure good governance, transparency, accountability and is the foundation of the Information Governance (IG) Program. The adoption of this framework will ensure that records are created captured, and managed, through disposition, while supporting effective decision-making

and meeting operational and legal rights/obligations. This policy will be supported by a procedural framework that will continue to evolve alongside the Town's development of responsible Information Management while addressing the requirements set forth by the Municipal Act, MFIPPA, and other relevant legislation.

Scope

The Records of the Town of Whitby are a valuable corporate asset. This Information Governance Policy shall apply to the management of all Records in the custody and control of the Town, but does not include Records of the Whitby Public Library Board.

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1 Definitions

Archival Record means a Record that is no longer required to be kept for any fiscal, legal or business value reason that is deemed to have historical value to the Town, thereby justifying its preservation in archives.

Department means a major administrative grouping of employees and/or operational component of the Town that is overseen by an officer or employee of the Town who will generally hold the title of Commissioner.

Departmental Record Lead(s) (DRL) are designated staff that participate on the Records and Information Management Core Team.

Disposition means to destroy or otherwise dispose of a Record after its retention period has expired in accordance with the Records Classification and Retention By-law. To 'otherwise dispose of a Record' means to:

1. Archive - to deem a Record has historical value to the Town, justifying its preservation in an archive;
2. Suspend - delaying the Disposition due to a Legal Hold or operational reasons in accordance with this Policy.

Electronic Document Records Management System (EDRMS) means a content management system that refers to the combined technologies of document management and records management as an integrated system.

Information Governance means specification of decision rights and accountability framework to facilitate the creation, storage, use, archiving and deletion of information. This is inclusive of systems, activities, policies and procedures that maximize the value of Records held in the custody and control of the Town in order to meet immediate and future regulatory, legal, risk, environmental, and operational requirements.

Legal Hold means a Record being secured and not destroyed for a period of time in the event of, or in anticipation of, an audit, investigation, litigation or order by a decision making body or tribunal to examine or otherwise require the Record as part of a proceeding or as evidence.

Life Cycle means the life span or time period from the creation or receipt of a Record through its useful life to its final Disposition. The Life Cycle stages of a Record include: 1) creation or collection; 2) maintenance and use; 3) storage and retrieval; and, 4) retention and disposition.

Official Record means a Record in the custody and control of the Town that has business value in that it serves important functions, such as supporting program delivery or policy development, committing the Town to an action, meeting legal, financial, and operational and other official requirements, or providing evidence of obligations, responsibilities, decisions and actions.

Transitory Record means a Record that does not document a business decision, transaction or activity and is useful for only a short time. These records are not required to meet statutory obligations, set policy, established guidelines or procedures, certify a transaction, commit the Town to an action, become a receipt, or provide evidence of legal, financial, operations or other office requirements for the Town of Whitby. Transitory Records may include, but are not limited to, personal emails, drafts, unsolicited advertising, convenience copies of Official Records, or matters not related to the business of the Town.

Record means any information, however recorded, whether in printed form, on film, by electronic means or otherwise as defined in Section 2 of the Municipal Freedom of Information and Protection of Privacy Act.

Records and Information Management means a management framework of organizational processes and systems to acquire, create, organize, distribute and use information in the form of Records, and includes activities required for systematically controlling the Life Cycle of Records.

Technology Innovation Services provides IT systems and services in support of Information Governance.

Vital Record means a Record containing information essential to continuing the Town's business operations in the event of a disaster.

2 Responsibilities

Council is responsible for:

- Approving this policy

Senior Leadership Team is responsible for:

- Endorsing and actively supporting this policy and all related subsidiary policies and procedures;
- Advising the Clerk of any new or amended legislation and policies affecting their Departments business that may have an impact on the Information Governance Program;
- Advising the Clerk of any pending or known issues and/or litigation that may result in the need to place a legal hold on a record;
- Addressing non-compliance with this Policy and all related subsidiary policies and procedures; and,
- Reviewing and approving destruction authorization issues that have been escalated.

Town Clerk is responsible for:

- Interpreting this Policy;
- Approving the creation and updates of all related subsidiary procedures to the Information Governance Policy;
- Providing leadership, direction and vision to the Town's overall Information Governance programs;
- Advocating Information Governance and responsible corporate record keeping at the Senior Leadership level and in consultation with Technology and Innovation Services to support corporate adoption;
- Ensuring that all reasonable measures are implemented to promote the preservation, security and disposition of Records in accordance with the Records Classification and Retention By-law and any other legal requirements;
- Providing notice to appropriate parties to suspend the disposition and retain records beyond their approved retention timeframe to address legal requirements, potential litigation, compliance, audit or other issues;
- Approving amendment to the descriptions of classifications within the Records Classification and Retention By-law with guidance from the Departments, Manager of Information & Content Services and the Town Solicitor; and,
- Delegating responsibilities to the Manager of Information & Content Services to oversee the Information Governance Program and related systems.

Office of the Town Solicitor is responsible for:

- Providing legal guidance and review, upon request, to ensure legal compliance with information and records management needs; and,
- Working with the Manager of Information and Content Services and the Town Clerk to respond to matters involving the Office of the Information Privacy Commissioner.

Manager of Information & Content Services is responsible for:

- Advising the Town Clerk on policies, procedures, guidelines, standards and practices for Information Governance;
- Administering of the Town's Information Governance Program, inclusive of Town's records management, privacy and access to information programs;
- Developing, maintaining and operationalizing the Town's Information Governance Program and subsidiary policies and procedures;

- Creating and maintaining the Records Classification and Retention By-law;
- Advising Technology Innovation Services on: The development and maintenance of the corporate Electronic Document Records Management System (EDRMS) and management of corporate data/records;
- Serving as a corporate Subject Matter Expert on Corporate Information Privacy design standards;
- Advising on security classification or designation levels associated to records and keeping an updated listing of the Town's Personal Information Banks;
- Deploying consistent standardized practices for file transfers, requests, interfiles and destruction of Records in accordance with the Records Classification and Retention By-law;
- Arranging for secure and safe storage of corporate records including Archival Records and/or Vital Records;
- Bringing to the attention of the Town Clerk non-compliance by Departments or Town staff in regards to the Information Governance Policy and the Record Classification and Retention By-law;
- Providing advice, support and training to Staff and Department Record Leads as they fulfill their Information Governance roles and responsibilities; and,
- Monitoring and auditing the Information Governance Program, reporting to the Senior Leadership Team; and,
- Overseeing the Freedom of Information program, including coordinating and responding to matters involving the Office of the Information Privacy Commissioner.

Office of the Town Clerk Staff are responsible for:

- Processing and responding to Freedom of Information Requests;
- Advising on Information, Data and Record Management practices and procedures;
- Advising on Privacy and Access to information;
- Managing physical corporate records stored at in the Town Hall Records room, Records Vault and with Third Party Storage services;
- Maintaining up to date inventory of all corporate records under the oversight of the Office of the Town Clerk;
- Facilitating the final disposition of corporate records;

- Liaising regularly with the Records and Information Management Core Team; and,
- Overseeing the secure shred process of documents within Town facilities;

Records and Information Management (RIM) Core Team:

- Is composed of Department Record Leads and Records Section staff and are responsible for:
- Participating in meetings and training held by the Records Section to further Information Governance initiatives; and,
- Providing insight into Records and Information Management challenges and opportunities within the Town.

Departmental Record Lead(s) are responsible for:

- Providing position appropriate support for users of the Information Governance program to ensure that the Departmental records are appropriately managed through their Life Cycle;
- Serving as the primary link between their Department, the Records Section and the RIM Core Team;
- Identifying the Records required to be maintained by the Department, and communicate within their Department the specific requirements relating to Official Records;
- Promoting and communicating the requirements of this Policy, the Records Classification and Retention By-law and any subsidiary/related policies or procedures within the Department;
- Ensuring that any Records subject to a Legal Hold are immediately identified and safeguarded;
- Assisting with searches for Records pertaining to Freedom of Information requests, litigation, compliance, audits, regulatory processes or any other purposes; and,
- Facilitating the appropriate Disposition of Records, under the direction of the Records Section.

Technology Innovation Services is responsible for:

- Establishing, maintaining and supporting electronic information systems that include controls to ensure security, accuracy, integrity and quality of electronic data and records that are produced by the systems;

- Managing access and permissions to electronic corporate record repositories in order to ensure access and privacy is maintained inline with the sensitivity of the information held within the records;
- Ensuring that reasonable measures are in place to achieve system functionality that facilitates the management of a record through their life cycle, including final disposition;
- Consulting with the Records Section prior to the acquisition of new systems, migration/conversion of records to alternative solutions, or decommissioning of systems to ensure the records are preserved based on our corporate retention and privacy needs; and,
- Where possible, integrating sources of Records with corporate standard content repositories to facilitate the collection and management of Records.

People Leaders are responsible for:

- Following this policy and subsidiary policies and procedures;
- Ensuring that Town staff understand and apply effective Information Governance practices in the daily operations;
- Communicating the need to suspend destruction of any Records that may potentially be required for litigation, compliance, regulatory or other need to the Clerk and the Manager of Information & Content Services;
- Reviewing and commenting on Official Record Destruction requests within the timeline outlined in the related procedure, failing which the destruction authorization will be escalated;
- Determining appropriate permissions and access to records for users and user groups in consultation with the Manager of Information & Content Services and Technology & Innovation Services;
- Providing guidance to the Manager of Information & Content services to ensure that the Records Classification and Retention by-law is adequate to address business needs and mitigate corporate risk;
- Ensuring that legal hold notices relating to current, future and potential litigation and other issues are delivered to the appropriate parties, including the Clerk and Manager, Information & Content Services; and,
- Advising the Manager of Information & Content Services of any personal information that is being collected in the course of business and how it is being managed to facilitate the maintenance of the Town's Personal Information Banks.

Town Staff and those acting on behalf of the Town are responsible for:

- Recognizing that Records are a corporate asset;
- Ensuring the proper classification, transmission, maintenance, storage and protection of Official Records;
- Effectively managing Records in accordance with this Policy, supporting procedures and the Records Classification and Retention By-law;
- Applying effective Information Governance practices to Records in their custody or control while keeping records accurate, complete and up to date;
- Managing, securing and protecting Records in a manner that facilitates access while ensuring privacy and security requirements are met;
- Immediately reporting any concerns over privacy and security of Records to the Manager of Information & Content Services;
- Returning all Records upon termination of employment or contractual relationship with the Town;
- Attending Information Management and Privacy training sessions as required; and,
- Being aware of the Municipal Freedom of Information and Protection of Privacy Act and the requirements it places on the Town and its employees.

3 Policy Requirements

Records Classification Structure and Retention Schedule

- i. A Records Classification Structure and Retention Schedule are established through the Town's Records Classification and Retention By-law. The schedule is based on an approved corporate file classification scheme, and defines the management of all Official Records from the beginning to the end of the Record Life Cycle.
- ii. The Records Classification and Retention By-law will be reviewed annually to ensure legal compliance. Classification categories and scope will be added or amended based on business needs. Changes to classification categories and retention will be brought to Council for approval. Descriptive changes will be approved by the Town Clerk.
- iii. Implementation of security measures will take place to ensure all Town records are stored and destroyed in a manner that is appropriate to the level of sensitivity. These security measures must ensure Record integrity, protect sensitive and personal information from unauthorized access or disclosure and protect records from damage or loss.

Mayor and Councillor Records

- i. Records of the Mayor or Councillors are considered to be constituency or personal Records, except where the Member is acting as an officer of the Corporation. Further information on Mayor and Councillor Records may be provided through decisions and publications of the Information and Privacy Commissioner (IPC), and such Records are outside the scope of this Policy and not subject to the Town's Information Governance program.

Records Disposition

- i. The Disposition of a Record may occur when the Record has met its specified retention period based on the Records Classification and Retention By-law.
- ii. Records that have met their retention cannot be destroyed if they are needed or part of a Legal Hold.
- iii. Transitory Records can be destroyed at any time and outside the scope of a formal Disposition procedure.
- iv. Where an Official Record is eligible for Disposition as per the Records Classification and Retention By-law, Staff shall follow such procedure or processes as established for the formal disposition of Official Records.
- v. The Town Clerk has the authority to identify any records as an Archival Record, or upon recommendation from a Department, postpone the Disposition of a Record indefinitely for operational or other reasons.

Technology

- i. The Town may implement and maintain technological platforms or solutions to serve as a corporate record repository for the administration and management of electronic Records. Technology may:
- ii. Provide a means of applying the Town's approved retention schedule to all electronic Records;
- iii. Provide an audit trail of recordkeeping activities;
- iv. Minimize or eliminate the duplication of Records in electronic and physical formats;
- v. Ensure authenticity so that records retain their legal integrity; and,
- vi. Manage the Life Cycle of all Records, from creation through to Disposition.

Monitoring and Reporting

- i. This Policy will be formally reviewed and updated if necessary at least once each Council term.

Enforcement and Consequences of Non-Compliance

- i. Failure to comply with this Policy may result in actions by the Town in accordance with Human Resources' policies and procedures, or as required by the Town's auditor or legal counsel to otherwise address the non-compliance.

This Policy is hereby approved by Council Resolution # 270-20 on this 14th day of December, 2020.