



Town of Whitby Procedure

Procedure Title:	Employee Exit Electronic Records Procedure
Procedure Number:	CA 030-002
Reference:	Records Classification and Retention By-law No.7707-20, Information Governance Policy (CA 030) Access and Privacy Policy (CA 060)
Date Approved:	May 19, 2021
Date Revised:	Click here to enter a date.
Approval:	Chief Administrative Officer
Point of Contact:	Manager, Information & Content Services

Purpose

The purpose of this Procedure is to outline consistent standards and practices by the Town for the efficient final management of Electronic Records of former employees in accordance with the Town's relevant policies and the Records Classification and Retention By-law.

This Procedure serves to:

- Provide guidance to employees who are leaving the Town's employment and assistance to supervisors in effectively capturing Official Records stored electronically prior to the termination of employment; and,
- Provide guidance on the responsibility of ensuring Official Records stored electronically by former employees have been captured.

Scope

Electronic records are created by staff through the course of their employment with the Town. It is the responsibility of the staff to capture Official Records, regardless of format, in accordance with the Town's Information Governance Policy, and Records Retention and Classification By-law. The Town of Whitby is mandated, through the Municipal Act 2001, as amended, and the Municipal Freedom of Information and Protection of Privacy Act 1990, as amended, to preserve Records in its custody and control. Following an employee leaving the Town's employment, it is important that personally managed areas of electronic content, such as their business email account and personal file storage location (U:\), be reviewed to ensure all Official Records have been captured prior to the deletion of their personally managed accounts one (1) year following the last day of employment.

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1. Definitions

Corporate Repository means a corporate standard database or application used for capturing content that is approved by the Town Clerk.

Electronic Message means any form of information created, stored, received, or transmitted through an electronic or digital messaging system. This includes any attachments (i.e. word processing documents, PDFs, etc.).

Email means an electronic message sent or received using an email system.

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.

Official Records means Records in the custody and control of the Town that have 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, operational and other official requirements, or providing evidence of obligation, responsibilities, decision, and actions.

Personal Records means a record that relates to a private or personal matter, and has no relevance to the business of the Town. All Personal Records are categorized as Transitory Records.

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 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 Records of 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.

2. General

2.1 Prior to an employee leaving the employment of the Town, they shall complete a review of Records in their possession in order to ensure that all Official Records have been captured, and managed in accordance with the Information Governance Policy and Records Retention and Classification By-law. Prior to an employee's last day, they shall provide a report to their Supervisor on the state of their email and personal file storage location (U:\).

2.2 Following an employee's last day of employment, their email and personal file storage location (U:\) will remain accessible to their direct Supervisor for one year in the event that it becomes necessary to access Records that were not properly captured and managed in accordance with the Information Governance Policy and Records Retention and Classification By-law.

2.3 Notwithstanding Section 2.2, the email and personal file storage location (U:\) for the Chief Administrative Officer, Commissioners and Clerk shall be retained for seven (7) years in order to align with the retention of financial records, regardless of the actual classification. The seven (7) year period for this group of employees acknowledges that it is highly likely that a greater portion of records in their email and personal file storage location (U:\) would be deemed Official Records.

2.4 Records will be retained indefinitely in the case of anticipated litigation or if they are under a Legal Hold. Records may resume management under their lifecycle when the litigation related hold is lifted.

2.5 Technology and Innovation Services ("TIS") will coordinate with relevant Supervisor following the exit of the employee to facilitate proper access to the former employee's email and personal file storage location (U:\) and advise when the accounts will be deleted.

2.6 Mayor and Councillor Records: Records of the Mayor or Councillors are considered to be constituency, political, or personal Records, except where the Member is acting in their capacity 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 not subject to the Town's records and information management program. In the event that the Mayor or a Councillor resigns their position or is not returned following a general election, the Town shall provide the outgoing Member with access to their email account until their last day in office and assist where possible in facilitating transfer of any constituency, political, or personal Records the member wishes to retain in their personal possession, following which the email account and all of its contents shall be deleted.

3. Responsibilities

Senior Leadership Team will:

- Support staff and Supervisors in fulfilling this Procedure by providing guidance and recommendations when sought.

Human Resources & Legal Services will:

- Promptly review and provide any objections to the annual final notice list provided by TIS. The objective of this final review is to ensure there is no

ongoing investigation or litigation that relates to the personal accounts and data being destroyed.

Manager of Information & Content Services will:

- Provide guidance to Supervisors during their one year review period on review strategies, record classification and storage requirements.
- Support TIS in the final disposition of personally managed electronic storage locations.

Technology and Innovation Services will:

- Provide access to the email and personal file storage location (U:\) to the direct Supervisor of a former employee for one year from the last day of employment in order to ensure Official Records have been captured.
- TIS shall retain personally managed accounts for the current year plus one year, allowing for an annual lifecycle management process occurring in the first quarter of the destruction year.
- Prior to destruction of any personally managed data/accounts, TIS will provide final notice listing to Legal Services and Human Resources for their awareness. If no objections are received, TIS will delete the personally managed accounts, including the user account, U:\ drive, and email, of former employees by the end of first quarter of the destruction year.

Supervisors are responsible for:

- Reviewing the email and personal file storage location (U:\) of former employees, if necessary, to access and retain Official Records following the employee's exit from the organization.
- Ensuring Official Records of former employees are captured within one year after an employee leaves the organization.

Staff are responsible for:

- Completing a review of their own records in order to sort and ensure the retention of Official Records before their last day and providing a report to their Supervisor on the state of their email and U:\ drive prior to leaving.

4. Capturing Official Records

4.1 Standard Practices

Official Records must be classified and retained in a physical or Corporate Repository for the lifecycle of the Record.

Transitory Records do not need to be captured and can be destroyed when reference to them ceases. All Personal Records are deemed to be Transitory Records.

Any Record held in a former employee's personally managed accounts that remains after one (1) year from the employee's exit is deemed to be a Transitory Record.

4.2 Exceptions to Standard Practices

In the event that there are challenges to saving a record in its native format or with associated metadata, alternative methods to capture Official Records can be used. Refer to internal reference material or contact the Manager, Information and Content Services, for standards and best practices.

5. Application of this Procedure and Retroactivity

5.1 This procedure comes into effect the date of signing and will be reviewed and revised as necessary alongside the Information Governance Policy and subsidiary procedures.

5.2 The retention practices for personal email and file storage locations outlined in this procedure apply retroactively. Account of former employees who left the Town's employment over one year ago from the date this procedure comes into effect will be deemed Transitory and deleted. Those accounts of former employees with a seven (7) year retention in accordance with Section 2.3 will be deleted when the seven (7) year timeframe expires.

5.3 Supervisors will be provided with broad notice of the enactment of this procedure along with a listing of all impacted accounts of former employees. If requested within the notice timeframe provided, the relevant Supervisors may request that TIS provide access to a former employee's personal email and file storage location in order to review the account for Official Records.

Original Approved and Signed.

Matthew Gaskell, Chief Administrative Officer, x2211

May 19, 2021

Date