

ONE JOINT INVESTMENT BOARD

BY-LAW NO. XX

(NOTE: for consideration/adoption at Feb 28, 2024 ONE JIB Meeting)

A by-law to establish retention periods for records of ONE Joint Investment Board

WHEREAS ONE Joint Investment Board (the “Board”) is a local board within the meaning of the *Municipal Act, 2001* (the “Act”) for more than one municipality;

AND WHEREAS Section 254(1) of the Act provides that if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for retaining and preserving the records of the local board in a secure and accessible manner;

AND WHEREAS Section 254(2) of the Act provides that despite Section 254(1), a local board that has ownership and control of its records shall retain and preserve them in a secure and accessible manner;

AND WHEREAS Section 255(2) of the Act provides that a local board’s records may be destroyed if a retention period for the record has been established and the retention period has expired;

AND WHEREAS Section 255(4) of the Act provides that if a local board is a local board of more than one municipality, a majority of the affected municipalities may establish retention periods during which the records of the local board must be retained and preserved in accordance with Section 254;

AND WHEREAS ONE Investment, pursuant to section 2.3 (a) of a Services Agreement with the Board dated May 19, 2020 is responsible for the maintenance of proper and complete records in connection with the ONE Prudent Investment Program that is governed by the Board;

AND WHEREAS Section 23.1 of the Act provides that a municipality may delegate its powers to a person, subject to certain restrictions;

NOW THEREFORE the ONE Joint Investment Board hereby enacts as follows:

1. In this by-law:

“disposition” means the secure destruction of records;

“record” means any record of information, including a transitory record, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, metadata, any other documentary material regardless of physical form or characteristics, and any copy thereof; and
- (b) subject to any regulations under the *Municipal Freedom of Information and Protection of Privacy Act*, any record that is capable of being produced from a machine-readable record under the control of the Board by means of computer hardware and software or any other storage equipment ordinarily used by the Board;

“retention schedule” means the schedule prescribing retention periods for records set out in Schedule “A” to this by-law;

“Secretary” means the Board Secretary appointed by the Board, or designee;

“transitory record” means a record only having temporary value and that is not required for legal, financial, operational or official reasons, including:

- (a) miscellaneous notices or memoranda, including emails on minor administrative matters;
- (b) drafts of letters, memoranda or reports which do not record official positions or decisions;
- (c) duplicate copies of documents produced only for distribution or convenience, including multiple copies of reports, memoranda, agendas and minutes;
- (d) records of a personal nature not related to the Board’s business;
- (e) reference publications, including administrative manuals, directories, catalogues, newsletters, pamphlets and periodicals; and
- (f) unsolicited advertising, including brochures and flyers.

2. All staff who create records pertaining to the Board are responsible for the filing, retention, preservation and disposition of these records in accordance with this by-law.
3. Transitory records may be destroyed at any time. Where a record is destroyed upon expiry of the retention period described in Schedule "A" any corresponding transitory record shall also be destroyed.
4. Any record in a Class of Records set out in Schedule "A" shall be retained for the period set out opposite such Class and may thereafter be subject to disposition.
5. Any Board record relating to pending or actual litigation, investigation or a request under any access and privacy legislation shall not be destroyed until such record is no longer required for such purpose.
6. The Secretary, in consultation with the appropriate officials of ONE Investment, is responsible for establishing procedures for the retention and disposition of the Board's records, including but not limited to the establishment of archival appraisal and selection criteria, considering the legal, financial, operational and historical value of the records.
7. The Secretary is hereby delegated the authority to establish, in consultation with the appropriate officials of ONE Investment, Classes of Records and to amend any Classes of Records and retention periods set out in Schedule "A".
8. The Secretary is hereby authorized to amend Schedule "A" from time to time to reflect a decision made by the Secretary under section 7 of this by-law.
9. Schedule "A" is attached to and forms part of this by-law.
10. This by-law shall be known as the "Records Retention By-law".

ENACTED AND PASSED on February 28, 2024.

Board Chair

Board Secretary