

Town of Whitby

Staff Report

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Report Title: Amendments to the Records Classification & Retention By-law

Report to: Committee of the Whole

Date of meeting: June 9, 2025

Report Number: CLK 04-25

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

Chris Harris, Director, Legislative Services/Town Clerk

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

Jackie Bennett, Manager, Records & Privacy

1. Recommendation:

1. That Report CLK 04-25 of the Office of the Town Clerk be received for information;
2. That the Clerk be directed to bring forward a by-law to repeal By-law #7707-20 and replace it with the draft Records Classification & Retention By-law substantially in the form appended as Attachment # 1 to Report CLK 04-25.

2. Highlights:

- The purpose of this report is to recommend updates to the Records Classification and Retention By-law as shown in Attachment 1.
- Following adoption of the revised By-law, the Office of the Town Clerk will collaborate extensively with internal stakeholders to provide training and education in preparation of rolling out more robust electronic records management within the organization.

3. Background:

In accordance with the requirements set forth in the Municipal Act, 2001, a municipality and its local boards are mandated to retain and preserve their records in a secure and accessible manner. The Act further specifies that records may only be destroyed either after a retention period has expired or if the record is a copy of the original.

Municipalities have the authority to establish retention periods for their records, and Whitby has done so through the Records Classification and Retention By-law.

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) also sets principles for records management, including providing public access to information while limiting exemptions, and protecting the privacy of personal information held by institutions.

Over the last few months, Staff undertook a review of the Records Classification and Retention By-law (#7707-20) primarily to align recordkeeping practices with operational needs and to prepare for the implementation of its Enterprise Content Management (ECM) project.

Enterprise Content Management (ECM) is defined as the methods and technology used to manage electronic content and documents related to organizational processes, supporting them through their entire lifecycle. ECM is needed because managing the ever-growing volume of unstructured digital data in an increasingly complex information landscape presents significant challenges. An ECM will manage the findability, delivery, and risk of content across organizational processes and is vital for ensuring compliance with statutory responsibilities and regulatory requirements, such as those under the Municipal Act, 2001 for retaining and preserving records securely and accessibly, and under MFIPPA for access and privacy.

4. Discussion:

The Enterprise Content Management (ECM) project is a strategic initiative between the Office of the Town Clerk, Technology & Innovation Services (TIS), and Legal & Enforcement Services. As a critical first step in the broader ECM initiative, it is necessary to ensure that the Records Classification & Retention By-law reflects current business functions, aligns with legislative obligations, and prepares the organization for the transition to electronic records management.

Reviewing the By-law's Schedule A led to meaningful updates as shown in Attachment 1, including the removal of six outdated record series, the addition of nine new series, and aligning the classification structure with how Town staff currently create, manage, and access information, resulting in a grand total of 197 record series.

The review process began with outreach to each department, resulting in fifteen initial interviews. In total, twenty-seven consultations were conducted to build a comprehensive understanding of current practices. These consultations focused on how

records are managed, where they are stored, and in what formats—covering both physical storage (on-site and off-site) and digital environments such as network drives, email, and corporate applications (both on-premises and cloud-based).

Furthermore, to align with industry standards, a municipal scan was undertaken. This included independent research to gather publicly available retention schedules and direct outreach to Records and Information Management (RIM) leads in other Ontario municipalities. The scan focused on classification methods, coding structures, descriptions, and legislative references found in File Retention and Classification Systems (FRCS). These findings, combined with legislative requirements and internal consultation feedback, informed the revised Schedule A in Attachment 1 that is more tailored to the Town's operational, compliance, and governance needs.

The proposed changes to the By-law will serve as a cornerstone of the ECM project, in which the classification scheme will be directly embedded into Microsoft SharePoint, which has been identified as the Town's ECM solution. Records will be automatically categorized based on their location and metadata, initiating system-driven retention and disposition workflows. Importantly, while these processes will be largely automated, staff will retain final review authority to maintain appropriate oversight and control.

To ensure flexibility going forward, delegated authority has been maintained for the Town Clerk to approve updates to descriptions or scope within Schedule A when no structural changes are required. However, more substantial changes, such as adding or removing record series or changes to retention periods will continue to be brought to Council for approval.

Ultimately, this review reaffirmed the Town of Whitby's critical need for a modernized records management program, which includes a centralized repository for electronic records management. The revised By-law which will be embedded in the proposed ECM solution will enhance oversight by the Records and Information Management team, enable timely and defensible disposition of electronic records, support efficient eDiscovery for Legal Services, and ensure consistent and comprehensive capture of the Town's official records.

5. Financial Considerations:

Not applicable. The proposed updates to the Town's Records Classification and Retention By-law was completed by Town Staff.

6. Communication and Public Engagement:

As management of the Town's records is primarily a consideration for Town Staff and is required to ensure legislative compliance, no public communication or engagement is proposed. Should the public require to access Town records, they can contact departments to request access through a routine disclosure process or [file a freedom of information request](#).

7. Input from Departments/Sources:

The review of the Records Classification & Retention By-law took place over an eight-week period and involved consultation with each department. This process included a series of meetings and opportunities for feedback to ensure that the proposed changes accurately reflect the operational and records management needs of the organization.

8. Strategic Priorities:

Amending By-law #7707-20 aligns with Strategic Pillar 4 of the Community Strategic Plan – Accountable and Responsive Government. These updates to the Records Classification and Retention By-law support streamlined operations and readiness for future technological advancements, ultimately strengthening the Town of Whitby's information governance framework for greater efficiency and effectiveness.

9. Attachments:

Attachment 1 – Revised Schedule “A” - Records Classification and Retention By-law