

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2016-80

"A BY-LAW TO ESTABLISH A COUNCIL RECORD KEEPING POLICY"

WHEREAS the Council of the Corporation of the Township of Edwardsburgh/Cardinal deems it advisable to adopt a Council Record Keeping Policy;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. The Council Record Keeping Policy attached hereto as Schedule "A" shall form apart of this by-law.
2. That this By-law shall come into force and take effect upon passing.

Read a first and second time in open Council this 28th day of November, 2016.

Read a third and final time, passed, signed and sealed in open Council this 28th day of November, 2016.

Mayor

Deputy Clerk

Schedule “A”

By-law 2016-80

Council Record Keeping Policy

1. Purpose:

The purpose of this policy is to ensure that accurate records relating to the activities and decisions of the Mayor and Council Members in the course of their council duties are created, captured, managed and disposed of appropriately to meet the organization’s needs, the requirements of the Municipal Freedom of Information and Protection of Privacy Act and the Office of the Information and Privacy Commissioner of Ontario recommendations.

2. Scope:

This policy applies to the Mayor and Council Members of the Township of Edwardsburgh Cardinal, including records and emails of the Mayor and Council Members when acting in relation to municipal affairs of the municipality.

3. Policy Statement:

The Township of Edwardsburgh Cardinal is committed to a consistent and uniform process to manage and retain emails from the Mayor and Council Members when such emails are in relation to municipal affairs and business.

4. Definitions:

“Custody” – means that it implies possession and a right to deal with the record; integrated into the municipal corporation’s record keeping system.

“Control” – means that it implies authority to manage the records, including who gets access to it, and the decision-making authority to maintain it or destroy it; integrated into the municipal corporation’s records system.

“Constituency records” – means the interactions with constituents, activities of council, or records respecting matters that further the interests of the individual Councillor, as opposed to the interests of the municipal corporation. For example: emails from a constituent requesting assistance, files regarding constituency matters, organized community events.

“Personal records” – means records created as a private individual including interactions with family, personal appointment records, speeches and

papers/articles written by or on behalf of a Councillor, unrelated business(es) owned or operated by a Councillor, professional records, election records.

5. Application:

This policy applies to the records of the Mayor and Council Members that are subject to MFIPPA.

This policy applies to:

- The Mayor or Council Member who is acting as an officer or representative of the municipality, or performs a duty assigned by council
- The records that are in the custody or control of the municipality
- The records that relate to the affairs or business of the municipality
- The records from a constituent forwarded to staff
- The records and/or contents of the document that relate to a municipal/departmental matter

This policy does not apply to:

- Party political records
- Personal records as defined above
- Records relating to electoral issues
- Records relating to attendance at events, including speeches

6. Management of Records:

The Township of Edwardsburgh Cardinal will manage records/emails of Council business. The records/emails relating the municipal affairs or business shall be forwarded by council members as soon as practicable to the Township office and will then be filed into the municipality's electronic filing system. If records are of a sensitive or confidential nature, the Mayor or Council Member should note this on the record/email so that appropriate security measures are applied to the document.

7. Disposal of Records:

Records shall be retained in accordance to the Township of Edwardsburgh Cardinal Record Retention schedule. Records shall be retained for the specified period, then destruction is undertaken and disposal decisions are documented. Township staff will provide access to a secure area at the Township office for Council Members who wish to dispose of duplicate copies of their records.