

Records Classification and Retention By-law

Being a By-law to establish a classification structure and retention periods for records of The Regional Municipality of Durham Police Service Board.

WHEREAS Subsection 31(6) of the Police Service Act, R.S.O. 1990, c. P. 14, states that the Regional Municipality of Durham Police Services Board ("DRPSB") may, by By-law, make rules for the effective management of the police force;

AND WHEREAS Subsection 254(2) of the Municipal Act (the "Act") states that the DRPSB shall retain and preserve records in a secure and accessible manner;

AND WHEREAS Subsection 255(2) of the Act states that despite section 254(2) the DRPSB may destroy a record if a retention period for the record has been established and:

- a) the retention period has expired; or
- b) the record is a copy of the original record.

AND WHEREAS subsection 255(3) of the Act states that a municipality may establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with section 254 of the Act;

AND WHEREAS Subsection 30(1) of the Municipal Freedom of Information and Protection of Privacy Act R.R.O. 1990 ("MFIPPA") states that personal information that has been used by the DRPSB, shall be retained after use for the period prescribed by Regulation, in order to ensure that the individual has reasonable opportunity to obtain access to the personal information;

AND WHEREAS Section 5 of Regulation 823 of MFIPPA states that personal information that has been used by the DRPSB, shall be retained a minimum of one year or a period as set out in a by-law unless the individual to who the information relates, consents to earlier disposal;

AND WHEREAS the Durham Regional Police Service Board deems it necessary and expedient to establish a classification scheme and retention periods for the DRSP;

NOW, THEREFORE, BE IT THAT the Durham Regional Police Service Board hereby enacts the following:

1. Definitions

In this By-law,

Municipal Act means the Municipal Act, 2001, S.O. 2001, as amended or replaced from time to time;

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

Transitory Records means a Record that is useful for only a short time and has minor importance by not being required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, commit the DRPS to an action, becomes a receipt or provide evidence of legal, financial, operations or other office requirements for the DRPS.

Transitory Records may include, but are not limited to, personal emails, drafts, unsolicited advertising, convenience copies of Business Value Records, or matters not related to the business of the DRPS.

2. General

- 2.1. That the retention periods for all records under the custody and control of the DRPS are hereby established in accordance with Schedule "A" attached hereto and forming part of this By-law.
- 2.2. That DRPS departments/sections/units, or designates, are responsible for the appropriate classification of records, in consultation and/or advise from the Records Manager and/or Records Unit, taking into account the legal, financial, administrative, operational and permanent values of each record.
- 2.3. That Schedule A be reviewed on an annual basis and brought forward for approval if any changes to Schedule A warrant the Boards approval
- 2.4. That the Chief of Police shall have ultimate authority over all records in the custody and control of the DRPS as they relate to this by-law and in accordance with the Records and Information Management Policy.
- 2.5. That the Records Manager be authorized to make technical amendments to the scope notes in the "Description" column of Schedule A.
- 2.6. That the following principles shall govern the destruction of records:
 - 2.6.1. Records of the DRPS may be destroyed in accordance with Schedule "A" of this By-law; or
 - 2.6.2. The record is a Transitory Record;
 - 2.6.3. All Records shall be destroyed in a manner that preserves the confidentiality of any information contained in such a Record; and
 - 2.6.4. A Record shall not be destroyed if it pertains to a pending or actual litigation or investigation or a request under any privacy legislation until such record is no longer required for such purpose.

3. Schedule

- 3.1. Schedule A - Classification and Retention Schedule

4. Short Title

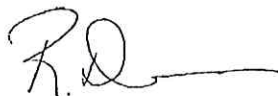
- 4.1. This By-law may be referred as to the Records Classification and Retention (RCR) By-law

5. Repeal of Existing By-law

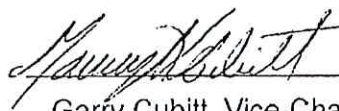
- 5.1. That DRPSB By-law # 03-2014 be repealed.

6. Effective Date

- 6.1. This by-law shall come into force and take effect on January 1, 2022.



Bobbie Drew, Chair



Garry Cubitt, Vice-Chair