Minutes – Executive Policy Committee – December 9, 2020

REPORTS

Item No. 22 Records Management By-law

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That a new Records Management By-law (draft attached), which will replace the Records Management By-law No. 86/2010 and will come into force on January 1, 2021, be enacted.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

ADMINISTRATIVE REPORT

Title: Records Management By-law

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Krahn	M. Lemoine	N/A	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The City of Winnipeg Charter requires that "Council must pass a by-law providing for the management, retention, safekeeping, disposition and destruction of records". Previous versions of the Records Management By-law, including the existing one, contain lengthy schedules setting out the various categories of records created by the Public Service and setting out time tables for their destruction. Including these in the by-law itself made it extremely difficult to keep up with changes to the categories of records being generated by the Public Service; something as simple as a change of someone's title or job description, the addition of a new function or a small reorganization within an administrative unit would require a by-law amendment. The adoption of new information technologies has only added to this problem.

The proposed new Records Management By-law (draft attached) adopts a new approach. By delegating the function of creating and approving a records management system to the City Archivist and the Records Committee, the proposed by-law will make it much easier for the system to keep up with any changes to records being created and will help to ensure that the records management system is responsive to the needs of the City.

RECOMMENDATIONS

1. That Council enact a new Records Management By-law (draft attached) which will replace the Records Management By-law No. 86/2010 and will come into force on January 1, 2021.

2. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Section 109 of the City of Winnipeg Charter states that Council must pass a by-law providing for the management, retention, safekeeping, disposition and destruction of records.

Section 110(2)(b) states that the Records Committee shall make recommendations to Council, and implement policies and procedures approved by Council, for the management, retention, safekeeping, disposition and destruction of records.

The Records Committee has endorsed the draft new Records Management By-law (attached) as a means of ensuring flexible and agile records management rules and practices that keep pace with changes in administrative structures, regulatory requirements, and information technologies.

IMPLICATIONS OF THE RECOMMENDATIONS

Approval of the proposed by-law will make it much easier for the system to keep up with any changes to records being created and will help to ensure that the records management system is responsive to the needs of the City.

HISTORY/DISCUSSION

The City of Winnipeg Charter, and before it, The City of Winnipeg Act, requires the City to pass a by-law for the management, retention, safekeeping, disposition and destruction of records. The City has had such a by-law in place since 1975. By-law 937/75 contained five schedules and guidelines for the “safe-keeping and destruction of documents”. Its replacement, By-law 6875/96, reduced the number of schedules to two - “temporary’ and “permanent” records. Those records identified as temporary had designated retention periods ranging from 2 to 20 years. This By-law was in turn repealed by By-law 8150/2002 on December 11, 2002, which was repealed by By-law 166/2003 on December 17, 2003, which was repealed by By-law No. 86/2010 on July 21, 2010.

The Charter specifically requires the designation of an employee as the City Archivist, who must establish and administer a system of records management to serve the current and long-term requirements and interests of the City, as well as to perform other duties and functions and exercise such other powers as may be assigned by Council. The Charter also establishes a Records Committee, composed of the City Archivist and other such individuals, which may make recommendations to Council, and to implement policies and procedures approved by Council, for the management, retention, safekeeping, disposition, and destruction of records.

In its current form, By-law No. 86/2010 contains over 400 distinct records retention schedules. Continuous changes to administrative structures, regulatory requirements, and information technologies have resulted in records management rules and practices which are out of date and do not reflect current fiscal, legal, and operational requirements. Maintaining current, accurate, and appropriate retention schedules in the Records Management By-law in this environment is no longer practicable.

The Records Committee, chaired by the City Archivist and composed of the Chief Administrative Officer, the City Clerk, the Chief Financial Officer, the City Auditor, the Director of Innovation and Technology Services, City Solicitor, and 2 citizen members, has the skills and expertise to review and approve retention schedules that meet the City’s legal, operational, and ethical requirements more regularly and more efficiently.

Although the approach proposed under the revised Records Management By-law is a significant departure from the current practice, it is consistent with other jurisdictional models, including The City of Vancouver (Records Committee reviews and approves retention schedules), the City of Edmonton (City Manager is responsible), the City of Calgary (City Clerk is responsible), the Province of Manitoba (Provincial Archivist is responsible).

In order to ensure a smooth transition, the Records Committee, has already moved a motion to continue the records listed and described in Schedules “B” and “C” of Records Management By-law 86/2010 in force until such time as a new records management system has been established under the proposed new Records Management By-law. In the interest of continued transparency, these retention schedules, along with any future revisions, will be published on the City Clerk’s Department website or similarly publicly accessible location.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 13, 2020

Project Name:
Records Management By-law NO. 86/2010

COMMENTS:

There are no financial implications associated with the recommendation in this report.

Electronically signed by T. Yanchishyn
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

City of Winnipeg Records Committee

City Departmental Staff, including:
- Office of the CAO
- Office of the CFO
- Legal Services
- Audit

OURWINNIPEG POLICY ALIGNMENT

5.9 Heritage Conservation
1.5 Evidence-Informed Decisions

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: City Clerk's Department
Division: Archives and Records Control
Prepared by: Konrad Krahn
Date: November 16, 2020
File No:

Attachments: