By-law No. ____/_____

THE CITY OF WINNIPEG

RECORDS MANAGEMENT BY-LAW NO. ____/_____

A By-law of THE CITY OF WINNIPEG to provide for the management, retention, safekeeping, disposition and destruction of records.

WHEREAS *The City of Winnipeg Charter*, S.M. 2002, c.39, requires Council to pass a by-law for the management, retention, safekeeping, disposition and destruction of records;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Title

1. This By-law may be referred to as the **"Records Management By-law"**.

Definitions and Interpretation

2. In this By-law:

"archival City records" are City records that have archival value.

"archival value", in relation to a record, means that the record warrants continued preservation because of its significant or enduring historical, administrative, fiscal, legal or other worth, as determined by the City Archivist.

"City Archivist" means the employee designated under subsection 110(1) of *The City of Winnipeg Charter*.

"City record" means a record created or received by or for the City in carrying out its activities, transactions and decisions and does not include

(a) a personal record of a member of council or of a City employee;
(b) a record made by or for a member of council relating to constituency matters;
(c) artifacts;
(d) library materials which are available for borrowing or reference by the public;
(e) records of archival value received or acquired from a person or organization.

"Council" means the council of the City of Winnipeg continued by *The City of Winnipeg Charter*;

"destruction" means the deletion or extinguishment of records, beyond any possible reconstruction.

"disposition", in relation to a record, means its transfer or other parting by the City with its possession, custody or control.

"electronic form", in relation to a record, means created, recorded, transmitted or stored in

digital or other intangible form by electronic, magnetic or optical systems, or other systems that may exist as technology develops;

"member of council" means a City councillor or the mayor of the City.

"non-City record" means any record that is not a City record.

"non-transitory City record" means any City record that is not a transitory City record.

"person" includes a firm, partnership, association or other body, whether incorporated or unincorporated;

"record" means information or data created, recorded, transmitted or stored in any tangible or intangible form, including electronic form, and includes part of a record or a copy of a record, but does not include a mechanism or system for generating, sending, receiving, storing or otherwise processing records.

"Records Committee" means the committee appointed under subsection 110(2) of *The City of Winnipeg Charter*.

"records management system" means a comprehensive set of processes, methods, procedures, standards and practices to identify, classify, retain, preserve, convert, store, dispose of and destroy records.

"transitory City record" means a City record that conveys information of a temporary or insignificant value and is not required to meet statutory obligations or support administrative or operational functions.

Records Management Principles

3. A records management system that supports accountable and effective City administration within a budget approved by Council shall be established and maintained. The records management system must be capable of being modified as and when necessary or desirable to adapt to changes in City functions or operations. The records management system must comply with all applicable legislation.

4. Records shall be collected, maintained, retained, preserved, converted, stored, disposed of, destroyed or otherwise dealt with in accordance with the records management system.

5. All records must be classified as City records or non-City records. All City records must be classified as transitory City records or non-transitory City records. Other classes or groupings for records may be created and delineated in the records management system.

6. The records management system shall include guidance and direction on the classification of records, requisite or appropriate retention periods, the conversion of records from one form into another, and their destruction, transfer to City archives or other disposition after expiry of their respective retention periods. As a general rule, City archival records shall have the longest retention periods and transitory City records shall have the shortest. Detailed information about the record

management system shall be published by the City archives.

7. If the City ceases to carry out an activity, function or operation and another person or organization becomes responsible for so doing, City records required for such activity, function or operation may be transferred to the person or organization.

8. City records that have or potentially have archival value must be transferred to the City archives. Archival City records must be preserved in the City archives except if they have deteriorated beyond a point of reasonable conservation. Records that have deteriorated beyond a point of reasonable conservation efforts may be destroyed. Records of no archival value may be destroyed after expiry of the requisite retention period, if any, set out for them in the records management system or at any time if no retention period has been specified. City records may be transferred to another person or organization after expiry of the requisite retention period if they would be more appropriately held or preserved by the other person or organization. Non-City records of archival value in the custody of the City Archives may be transferred to another person or organization if they would be more appropriately held or preserved by the other person or organization.

9. City records must not be destroyed or removed from the custody or control of the City unless destruction or removal is permitted under this by-law.

Records Committee

10. The following individuals collectively constitute the Records Committee:

(a) City Archivist;
(b) City Clerk, or representative designated by the Clerk;
(c) Chief Administrative Officer, or representative designated by the Officer;
(d) Chief Financial Officer, or representative designated by the Officer;
(e) City Auditor, or representative designated by the Auditor;
(e) Director of Innovation and Technology Services, or representative designated by the Officer;
(f) City Solicitor, or representative designated by the Solicitor;
(g) those individuals, if any, appointed under section 12 below.

11. If the title of an office set out in section 10 should be changed or the office itself be eliminated, the Records Committee shall identify and record the title of the office that is the successor to the responsibilities of the changed or eliminated office, and the individual holding such office shall thereafter be a member of the Records Committee.

12. The Records Committee members identified in clauses 10(a) to 10(f) inclusive are hereby authorized to appoint up to two individuals to the records committee, at any time and from time-to-time and for such period as they consider appropriate, to provide complementary or supplementary expertise or representation.

13. The Records Committee shall
(a) develop and approve records management policies or procedures and agreements consistent with the records management principles set out in this By-law, and oversee

their implementation;

(b) oversee the establishment and administration of the records management system by the City Archivist;

(c) approve and specify the date on which a records management policy or procedure, record classification, record retention, disposition and destruction schedule, decision, directive or approval of the records committee or of the City Archivist, or any other aspect of the records management system is, or is to become, effective; and

(d) report to Council annually.

14. The Records Committee may:

(a) recommend records management policies or procedures to Council for approval;

(b) issue, or authorize the City Archivist to issue, directives not inconsistent with this by-law or policies or procedures approved the Records Committee or Council concerning records management or any aspect of records management;

(c) approve the destruction or removal of a record, if the destruction or removal of the record is not governed by an existing records policy, procedure, directive or authorization;

(d) authorize the City Archivist to enter into an agreement with a person or organization to receive or acquire and hold their records of archival value on terms or conditions set out in the agreement, so long as such terms or conditions do not constrain the authority contained in clause (e);

(e) authorize the City Archivist to enter into an agreement with a person or organization to transfer non-City records of archival value in the custody of the City Archives to the person or organization if the committee considers that the records would be more appropriately held or preserved by the such person or organization;

(f) authorize the City Archivist to enter into an agreement with a person or organization to transfer City records after expiry of the requisite retention period if they would be more appropriately held or preserved by the other person or organization;

(g) subject to this By-law, make rules on when, where and how often it will meet, how it will govern itself and make decisions, length of terms of members appointed under section 12 (if any), and any other matters necessary to carry out its mandate.

Role, Responsibility and Authority of City Archivist

15. The City Archivist is responsible for establishing and administering the records management system in a manner that is consistent with applicable legislation, this by-law, policies or procedures approved by the Records Committee or Council concerning records management, and directives of the Records Committee. The records management system may prescribe such standards for the retention, preservation, storage, conversion or destruction of records as the City Archivist considers appropriate.

16. The City Archivist is authorized to assess or direct the assessment of all records as to their archival value or potential archival value, their condition or extent of deterioration or their appropriate custodians, as may be required to apply the records management principles set out in this By-law. The City Archivist is responsible for facilitating access to City records in accordance with any rights of access provided by law or by the terms or conditions of an agreement.

17. The City archives, which serves as a repository for archival City records, are under the direction of the City Archivist. The City Archivist is responsible for managing and preserving archival City records, for promoting, exhibiting, publishing or otherwise making such records known, and for facilitating access to them as is lawful and appropriate considering their content, nature or form.

18. The City Archivist shall serve as Chair of the records committee. The City Archivist shall carry out such other duties as the records committee may authorize or assign.

By-law No. 86/2010 repealed

19. The Records Management By-law No. 86/2010 is repealed.

Coming into force

20. This By-law comes into force on January 1, 2021.

DONE AND PASSED in Council assembled, this ____ day of _____, 2020.