



Policy #75

Policy Title: Information Governance Policy

Approved by Council on: February 6, 2019

Policy Statement:

The Corporation of the Township of Southgate and its local boards and committees are committed to ensuring accountable and transparent records management practices relating to electronic mail and electronic messaging. Effective policies assist in the management of municipal records.

Scope:

This policy applies to members of Council and its local boards and committees, Township and local board employees.

This Policy applies to:

- All Records created, received, maintained, or under the custody or control of Southgate;
- All Records, regardless of the medium (e.g., paper, digital, e-mail, microfiche, tape) or location (e.g., on-site, commercial storage facility, cloud) in which they are held; and
- All Southgate Staff, Members of Council, Mayor, and Agents who have access to, create and/or use Records in the course of their duties.

Purpose:

Under Section 254 of the *Municipal Act, 2001* ("Municipal Act") Southgate is required to "...retain and preserve the records of a municipality and its local boards in a secure and accessible manner."

Further to this, Southgate is also required, pursuant to Section 4.1 of *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") to "...ensure that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any recordkeeping or records retention requirements, rules or policies, whether established under an Act or otherwise...."

The purpose of the Information Governance Policy is to establish a framework for the creation and ongoing implementation of an Information Governance Program to meet Southgate's obligations under Section 254 of the Municipal Act and Section 4.1 of *MFIPPA*.

This Policy describes the Records and Information Management standards of practice to ensure good governance, accountability and transparency, and is the foundation of the Information Governance Program. This Policy and the

Information Governance Program will support the creation, capture, management and disposition of authentic, reliable and useable Records that possess integrity, support and enable business activity, mitigate risks, meet regulatory and evidentiary requirements, enforce legal obligations and respect personal privacy and confidentiality.

Policy Principles:

The Information Governance Policy is based on the following principles:

- Records are valuable corporate assets;
- Accurate and reliable Records are required to support business decision-making, meet stakeholder expectations, mitigate risks, comply with legislative and regulatory requirements, and support Southgate's legal obligations and positions; and
- All parties are responsible for retaining and managing all Records to support efficient, effective, and accountable operations across the organization.

Definitions:

1. "**Agent**" means any individual, volunteer, workgroup or organization responsible for, or involved in, Record creation, capture and/or records management processes for the Township of Southgate that is not directly employed by the municipality. An Agent includes any third-party consultant, contractor and/or third-party vendor working under an agreement with Southgate to provide goods and/or services.
2. "**Archival Record**" means a Record that is no longer required to be kept for any fiscal, legal or business value or reason, but that is deemed to have enduring value to the Township of Southgate in order to provide a historical context and/or has some provenance to Southgate's history. Archival Records are kept for historical purposes.
3. "**Clerk**" means the person appointed by Southgate Council pursuant to subsection 228(1) of the Municipal Act, or his or her designate.
4. "**Information Governance**" means the systems, activities, policies and procedures that maximize the value of Records held in Southgate's custody and control in order to meet immediate and future regulatory, legal, risk, environmental and operational requirements.
5. "**Municipal Act**" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
6. "**MFIPPA**" means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56, as amended.
7. "**Official Record**" means a Record that documents a business transaction, activity or decision and has enduring value. Official Records may set policy or procedures, or be required for legislative, regulatory, legal, fiscal or operational purposes. Examples of Official Records are

documents that: initiate, authorize, approve or complete a business transaction; provide advice or recommendations to support decisions; commit the Township of Southgate to an action or expenditure; or, relate to interactions or communications with external third parties.

8. **"Record"** means information and documentation created, modified and/or received by Southgate during the course of business operations, and that is kept, used and maintained for a period of time. A Record may be in physical or electronic format or some other medium. This Policy categorizes Records as Archival Record, Official Record or Transitory Record, and Records will be handled in accordance with the categorization assigned to them.
9. **"Southgate"** means the Corporation of the Township of Southgate.
10. **"Southgate Staff"** means any individual employed by the Township of Southgate. For the purposes of this Policy, this also includes the Mayor. Members of Council are generally excluded from this definition and overall consideration in this Policy, except where they create, receive or maintain electronic message Records that relate to Township matters. In those specific cases, Members of Council may be interpreted as "Southgate Staff" insofar as this Policy is concerned.
11. **"Transitory Record"** means a Record that does not document a business transaction, activity or decision and has only temporary value. Transitory Records do not set policy or procedures, and are not required for legislative, regulatory, legal, fiscal or operational purposes. Documents that are needed for a limited time to complete a routine action or to prepare an Official Record are considered transitory and can be destroyed when the accuracy or completeness of the action has been verified or deemed correct. Some examples include the following: personal messages, miscellaneous notices, messages on upcoming special events, minor administrative details, convenience or duplicate copies of Official Records, publications and manuscripts, unsolicited advertising, and preliminary drafts which do not introduce significant changes in preparation of a final document and do not document official decisions.

Policy:

This Policy governs the management of all Records from creation or receipt and capture to final disposition, regardless of media, format or location. All Records must be maintained, used, disseminated and disposed throughout their lifecycle in accordance with this Policy, and any subsidiary policies and procedures.

Information Governance Program Mandate

Southgate will comply with all applicable Canadian Federal and Provincial statutory and regulatory requirements with respect to Records. The Information Governance Program will make all reasonable efforts to conform to

Information Governance industry standards and best practices to support the management of Records that are accurate, reliable, authentic and available to be accessed and audited as required.

Records Ownership

All Records created, acquired, and used by Southgate Staff or Agents in the course of their duties, regardless of their source, medium or location, remain the property of Southgate and must be managed in compliance with Southgate policies and procedures.

Councillor Records

Records created or received by a Member of Council relating to constituency matters, or where the Councillor is not acting as an officer or employee of Southgate and is not performing a duty assigned by Council are not generally considered to be Records under the custody or control of Southgate unless those Records are forwarded and/or transferred to the Mayor or Southgate Staff.

However, a Record created or received by a Member of Council where the contents of the Record relates to a Township matter may be a Record under the custody and control of Southgate, irrespective of whether these Records are held, created in or maintained on a medium not owned, maintained or serviced by Southgate Staff.

Records Classification and Retention Schedule

Official Records will be identified by and retained according to an approved Records Classification and Retention Schedule in order to appropriately retain and preserve the Record as required by applicable legislation or business needs.

Security Classification

Official Records in all forms or media will be assigned an information security classification which will correspond with the specific levels of protections required for the Records. The specific requirements to protect Official Records based on their security classification will be identified in a subsidiary policy and/or procedure.

Recordkeeping Repositories

Official or Archival Records must be maintained within repositories that are appropriate to the use, sensitivity and lifecycle rules associated with the function from which they arise as defined by the respective Department or Division in consultation with the Clerk. E-mail archives and any repositories accessible solely by an individual employee are not appropriate repositories for Official or Archival Records.

Retention and Disposition

Retention requirements are based on the content of a Record, not the medium in which it is stored. Official Records will be disposed of only when all retention requirements have been satisfied and will be destroyed in accordance with the

Records Classification and Retention Schedule after the appropriate reviews have been completed.

All Records will be disposed in a manner appropriate for the security and privacy requirements of the information contained in the Records. Destruction methods of Records on any media, including electronic images, must be capable of destroying both the Record and the locator, although Records of destruction and amendment activities will be retained to document destruction. Official Records will be disposed of by the Clerk in accordance with subsidiary policies and procedures. Transitory Records can be disposed of by Staff or Agents when they are no longer useful.

Suspension of Disposition

The Clerk has the authority to suspend scheduled record destructions when required to address legal requirements, current or potential litigation, compliance, audit or other issues as determined. When appropriate, the Clerk also has the authority to restart scheduled record destructions when all issues have been addressed and/or resolved. The decision to suspend or restart destruction will be made with input from other Departments and legal counsel, as appropriate.

Archival Records

Archival Records may be maintained despite the disposition process according to the retention schedule and transferred to an archive.

Use of Imaging and Electronic Records

Imaged and electronic records are acceptable as Records and can fulfill evidentiary requirements if they are created and maintained according to acceptable Southgate standards as defined in a subsidiary policy and procedure.

Offsite Records Storage

Off-site repositories such as commercial records centres and cloud-based systems are expected to provide storage environments that comply with the requirements identified in subsidiary policies.

Agents

Agents are required to comply with this Policy and related subsidiary policies and procedures as defined by Southgate. This requirement will be included in any agreement governing the relationship between the Agent and Southgate, including a requirement that the Agent will demonstrate proof of compliance. Southgate will have the right to audit, inspect, document deficiencies and approve of actions to resolve any identified issues.

Departing Employee Records

Any information maintained in personal repositories (e.g., email, hard drive, paper files, and personal folders on shared drives) for departed employees will be reviewed by the appropriate supervisory or management staff to ensure all Official Records have been removed and placed into the appropriate repository.

Any remaining Records may be deemed Transitory and may be destroyed.

Procedure Documentation

The Clerk shall document and maintain all recordkeeping procedures.

Monitoring and Audits

There will be regular and routine monitoring and periodic audits of the Information Governance Program by the Clerk.

Compliance

Southgate is committed to complying with this Policy and any other subsidiary policies and related procedures in order to:

- Protect, defend and preserve its legal, economic, financial and competitive positions, rights and obligations;
- Support business decision-making;
- Protect and secure personal, confidential and sensitive information; and
- Meet stakeholder expectations.

Roles and Responsibilities

Council

Council will:

- Be responsible for approving this Policy.

Department Heads

Department Heads will:

- Endorse and actively support this Policy and all related subsidiary policies and procedures;
- Advise the Clerk of new or amended legislation and policies affecting their Department's business that may have an impact on the Information Governance Program;
- Advise the Clerk of any pending or known issues and/or litigation that may result in the need to suspend record destruction;
- Address non-compliance with this Policy and all related subsidiary policies and procedures according to the Employee Code of Conduct Policy or other human resources policies;
- Follow this Policy and subsidiary policies and procedures;
- Ensure Southgate Staff and Agents understand and apply effective Information Governance practices in daily operations and that these responsibilities are included in performance objectives;
- Ensure Information Governance requirements are included in the contractual terms and conditions for contractors and others engaged in work on behalf of Southgate;
- Communicate the need to suspend destruction of any Records that may potentially be required for litigation, compliance, regulatory or other need to the Clerk;
- Review and comment on Official Record destruction requests, as required;
- Determine appropriate permissions and access for users and user

groups in consultation with the Clerk;

- Ensure that hold notices relating to current, future and potential litigation and other issues are delivered to the appropriate parties, including the Clerk in case of investigations and pending or actual litigation.

Clerk

The Clerk will:

- Be responsible for interpreting this Policy;
- Develop and approve and update subsidiary policies and procedures;
- Maintain the list of subsidiary policies and procedures attached to this Policy;
- Establish and provide guidance to sustain the Information Governance Program in accordance with legislative requirements and best practices;
- Provide notice to appropriate parties to suspend disposition and retain Records beyond the approved retention timeframe to address legal requirements, current or potential litigation, compliance, audit or other issues;
- Develop and approve the Records Classification and Retention Schedule with guidance from legal and other Departments;
- Issue management and quality control reports on the status of the Information Governance Program;
- Develop, maintain and operationalize the Information Governance Program and subsidiary policies and procedures;
- Ensure that services are in place to implement the Information Governance Program;
- Provide advice, support and training to Staff and Agents as they fulfill their Information Governance roles and responsibilities;
- Create and maintain the Records Classification and Retention Schedule; and
- Monitor and audit the Information Governance Program.

Southgate Staff, Agents, Mayor and Members of Council

All Southgate Staff, Agents, Mayor and Members of Council will:

- Recognize that Records maintained by Southgate have value;
- Adhere to this Policy and subsidiary policies and procedures;
- Apply effective Information Governance practices to Records in their custody or control;
- Keep accurate, complete and up-to-date Records;
- Comply with Information Governance requirements in the contractual terms and conditions while engaged in or upon termination of work on behalf of Southgate; and
- Treat Records in a manner that facilitates access while ensuring privacy and security requirements are met.

Information Technology (Electronic Data Records Management System)

Electronic Data Records Management System (EDRMS) will:

- Establish, maintain and support electronic information systems that include controls to ensure the security, accuracy, trustworthiness, reliability, quality and integrity of electronic data and Records the systems produce;
- Manage access and permissions to electronic record repositories in order to ensure that confidentiality, privacy and sensitivity requirements are met;
- Ensure that reasonable measures are in place to achieve system functionality that can facilitate record lifecycle management activities, including storage and destruction of Records; and
- Consult with the Clerk prior to the acquisition of new systems, migration or conversion of Records to alternate media or systems or decommissioning of systems to ensure that the original content, context and structure of these Records are maintained and preserved.

Related Documents:

Southgate's Electronic Management Policy takes into consideration the following Related Policies, Standards and Documents:

Legal and Regulatory Requirements:

- Municipal Act, 2001, S.O. 2001, c. 25
 - Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56
 - Other legislation as identified in the Southgate Records Classification and Retention Schedule
- Related Policies and Standards:
- Access and Privacy Policy
 - Use of Corporate Resource Policy
 - Council and Committee Code of Conduct
 - Electronic Records Policy
 - Employee Code of Conduct
 - Cell Use Policy
 - Records Classification and Retention Schedule