



CITY OF RICHMOND

***CORPORATE RECORDS
MANAGEMENT PROGRAM BYLAW***

BYLAW NO. 7400

EFFECTIVE DATE – JULY 29, 2002

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CITY OF RICHMOND

**CORPORATE RECORDS MANAGEMENT PROGRAM
BYLAW NO. 7400**

The Council of The City of Richmond enacts as follows:

PART ONE: BYLAW AUTHORITY

1.1 The Local Government Act

- 1.1.1 In accordance with the provisions of the *Local Government Act*, the **City Clerk** is responsible for ensuring:
- (a) that accurate minutes of the meetings of **Council** and its committees are prepared and that the minutes, bylaws and all other records of the business of **Council** and its committees are maintained and kept safe; and
 - (b) that access is provided to all **records** of **Council** and its committees, as required by law or authorized by **Council**.

1.2 The Freedom of Information and Protection of Privacy Act

- 1.2.1 The **City Clerk** is designated as the head of the **City** for the purposes of meeting the requirements of the *Freedom of Information and Protection of Privacy Act*.
- 1.2.2 In accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, the **City Clerk** must:
- (a) make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely; and
 - (b) protect personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

PART TWO: BYLAW SCOPE AND ESTABLISHMENT OF PROGRAM

2.1 Establishment of Records Management Program

- 2.1.1 A **corporate records management** program, as specified in Parts Two through Four inclusive, is established under the direction of the **City Clerk** as provided for in the *Local Government Act*, for the purpose of managing:

- (a) **City records** in accordance with **international standards** throughout their lifecycle, from creation or receipt, through to final **disposition**; and
- (b) **records** of the community and other public bodies where such **records**:
 - (i) are **inactive**; and
 - (ii) are, in the opinion of the **City Clerk**, of long term value to the **City** or the community, as specified in subsections 3.2.2 and 3.2.3.

2.2 Establishment of Micrographics and Electronic Image Management Program

- 2.2.1 A Micrographics and Electronic Image Management Program as specified in this section, is established in accordance with the requirements of the *Microfilm and Electronic Images as Documentary Evidence* standard established by the Canadian General Standards Board.
- 2.2.2 The **City Clerk** is designated as being responsible for ensuring that the Micrographics and Electronic Image Management Program conforms to the standard established in subsection 2.2.1, to ensure the **reliability** and **authenticity** of all **records** on **microfilm** or those **scanned** or otherwise captured as electronic images.
- 2.2.3 All **microfilm** and electronic images created in accordance with the Micrographics and Electronic Image Management Program established under subsection 2.2.1 are declared to form a part of the usual and ordinary course of business of the **City**.
- 2.2.4 The **Director of Information Technology** is designated as being responsible ensuring that the computer systems of the **City** meet the requirements of the Canadian General Standards Board standard specified in subsection 2.2.1.

2.3 Exclusions

- 2.3.1 This bylaw does not apply to **records**:
 - (a) of the Richmond Detachment of the RCMP;
 - (b) created or received by a member of **Council**, other than those **records** created or received in their capacity as a member of **Council**;
 - (c) of the Richmond Public Library Board; or
 - (d) of incorporated societies, including community associations, which have an operating agreement with the **City**,where such **records** are not in the **custody** and **control** of the **City**.
- 2.3.2 This bylaw does not apply to **records** created or received by employees of the **City** in connection with membership in a professional association or collective bargaining unit, and not as part of their job duties.

PART THREE: PROGRAM COMPONENTS

3.1 Custody and Control of Records

- 3.1.1 All **records** in the **custody** and **control** of employees of the **City**, which are created or received in the context of their functional responsibilities, are the property of the **City**.
- 3.1.2 Any contract between an outside agency or contractor and the **City**, for the provision of goods or services, must specify the conditions for the **custody** and **control** of the **records** resulting from such contract.

3.2 Creation or Receipt of Records

- 3.2.1 All **records** either:
 - (a) created by employees of the **City**; or
 - (b) received by employees of the **City** in the context of their functional responsibilities, by standard mail, courier, hand-delivery, electronic mail, facsimile, **scanning**, or by any other means,are **City records**; and subject to the maintenance and **disposition** provisions of this bylaw.
- 3.2.2 **Records** will only be **accessioned** by the **City Archives** from a source other than the **City** where, in the opinion of the **City Clerk**, such **records** either:
 - (a) reflect the social, political and economic life of the **City**; or
 - (b) provide informational, research, or historical value to the community;or both, and provided such **records** are not required by their originating body for such body's current administrative purposes.
- 3.2.3 All **records** which have been **accessioned** by the **City Archives** in accordance with subsection 3.2.2, are:
 - (a) the property of the **City**; and
 - (b) held in trust for the public and for the benefit of future generations.
- 3.2.4 **Records accessioned** by the **City Archives** may be **de-accessioned** where, in the opinion of the **City Clerk**, such **records**:
 - (a) do not meet the criteria specified in clauses (a) or (b) of subsection 3.2.2; or
 - (b) have physically deteriorated beyond the point of reasonable conservation efforts; or
 - (c) would be more appropriately preserved by another institution.

3.3 Maintenance of Records

3.3.1 All **City records**:

- (a) are to be classified in accordance with the **Uniform Classification and Retention System (UCRS)**; and
- (b) must be handled and stored in a manner which ensures their **reliability** and **authenticity**.

3.4 Scanning and Microfilming of Records

3.4.1 Where a **source record** is converted to **microfilm** or an electronic form:

- (a) the conversion process must meet the *Microfilm and Electronic Images as Documentary Evidence* standard, established by the Canadian General Standards Board; and
- (b) the **disposition** of the **source record** must be carried out in accordance with:
 - (i) the **Uniform Classification and Retention System**; or
 - (ii) the provisions of subsection 3.2.4.

3.4.2 The **Director of Information Technology** is responsible for ensuring that the standards for converting **source records** into electronic images established in clause (a) of subsection 3.4.1, are met.

3.5 Access to Records

3.5.1 General Access and Security Requirements

3.5.1.1 All **City records** must:

- (a) be accessible in accordance with the *Freedom of Information and Protection of Privacy Act*; and
- (b) be handled and stored in a manner that ensures the security and integrity of such **records**.

3.5.2 Active and Semi-Active City Records

3.5.2.1 All **active City records** and **semi-active City records** must be maintained either:

- (a) on computer systems approved by the **Director of Information Technology**; or
- (b) if existing in hard copy form, in filing systems approved by the **City Clerk**.

3.5.2.2 Where it is not possible to accommodate **semi-active City records** in accordance with subsection 3.5.2.1, such records may be stored in either:

(a) a commercial records storage facility; or

(b) a City-owned or leased space,

approved by the **City Clerk**.

3.5.2.3 Access to both **active City records** and **semi-active City records** stored in accordance with subsection 3.5.2.2 is managed by the **City Clerk**.

3.5.3 Archival Records

3.5.3.1 **Archival records** under the **custody** and **control** of the **City** are to be made accessible by the **City Clerk** at the **City Archives**, and to ensure the provision of access to, and protection against loss or damage, such **archival records** must not be loaned for access beyond the **control** of the **City Clerk**.

3.5.3.2 Notwithstanding the provisions of subsection 3.5.3.1, the **City Clerk** may impose restrictions on access and use of **archival records**:

(a) where such restrictions have been negotiated with the donor of such **archival records**, or

(b) to protect the privacy of individuals named in such **archival records**.

3.5.3.3 Where, in the opinion of the **City Clerk**, preservation concerns exist for particular **archival records**, access to such records may be limited or provided by means of copies.

3.6 Disposition of Records

3.6.1 Uniform Classification and Retention System

3.6.1.1 All **City records**, including those in electronic form, are to be appraised for retention under the direction of the **City Clerk** and retained in accordance with the **Uniform Classification and Retention System**.

3.6.2 Destruction

3.6.2.1 **City records** must only be destroyed with the written approval of the **City Clerk**, and in accordance with the **Uniform Classification and Retention System**.

3.6.2.2 **City records** identified for destruction under the **Uniform Classification and Retention System** are to be destroyed under the direction of the **City Clerk**, to ensure protection of confidentiality and completeness of destruction.

3.6.2.3 In the case of **City records** in electronic form, the **Director of Information Technology** must ensure that destruction includes all copies, versions, and backups of such records.

3.6.3 Transfer to City Archives

3.6.3.1 **City records** identified for retention as **archival records** in the **Uniform Classification and Retention System** are to be transferred to the **City Archives**.

3.7 Preservation of Records

3.7.1 Migration and Conversion

3.7.1.1 **City records** in electronic form which are identified by the **City Clerk** through the **Uniform Classification and Retention System** for long-term preservation must, under the direction of the **Director of Information Technology**, be **migrated** or **converted** from their original electronic system to each successive generation of system, or, where appropriate, output to a stable non-electronic form such as **microfilm**.

3.7.1.2 Each **migration** or **conversion** of a **City record** which is in electronic form must capture all **metadata** necessary to replicate the form and content of the original **record**.

3.7.2 Vital Records

3.7.2.1 **City records** identified by the **City Clerk** as **vital records** through the **Uniform Classification and Retention System** must be identified for priority recovery and access in the event of an **emergency** or **disaster** and:

(a) if in paper form:

- (i) be created using appropriate stable output materials;
- (ii) be copied to preservation **microfilm**, with at least one duplicate maintained at a secure off-site facility approved by the **City Clerk**; and
- (iii) be maintained in their original form at a facility approved by the **City Clerk**; and

(b) if in electronic form, be copied to a backup medium approved by the **Director of Information Technology** for storage at a remote location approved by the **Director of Information Technology**, in accordance with **City** policy.

PART FOUR: INTERPRETATION

4.1 In this bylaw, unless the context otherwise requires:

ACCESSION/ACCESSIONED	means the transfer of ownership and/or the establishment of administrative control over records accepted into the custody and control of the City Archives .
ACTIVE CITY RECORDS	means current City records which are frequently referred to, and which must be readily accessible to employees of the City , as specified in the Uniform Classification and Retention System .
ARCHIVAL RECORDS	means: (a) City records of long term value to the City ; or (b) records of the community and other public bodies which meet the requirements of subsection 3.2.2
AUTHENTIC/AUTHENTICITY	in relation to a record means that such record : (a) is what it purports to be; (b) is unalterable, or is made unalterable; and (c) has not been manipulated, substituted, falsified, or tampered with, either intentionally or unintentionally, in any way.
CITY	means the City of Richmond.
CITY ARCHIVES	means the City of Richmond Archives.
CITY CLERK	means the Municipal Officer assigned responsibility for corporate administration under Section 198 of the <i>Local Government Act</i> .
CONTROL	in relation to a record means the authority to manage the access to, and the maintenance, preservation, disposition and security of, such record .
CONVERT/CONVERSION	means the process of changing records from one medium to another or from one format to another in accordance with international standards .

**CORPORATE RECORDS
MANAGEMENT**

means the systematic control over **records** throughout their life cycle, including but not limited to forms management, manuals management, records inventorying, filing systems development and implementation, file maintenance procedures development, filing equipment selection, correspondence and reports maintenance, and records scheduling and **disposition**.

COUNCIL

means the Council of the **City**.

CUSTODY

in relation to a **record** means having physical possession of such **record**, which includes responsibility for physical aspects of accessing, maintaining, preserving, disposing of, and securing such **record**.

**DE-ACCESSION/
DE-ACCESSIONED**

means:

- (a) the transfer of a **record** to another agency;
or
- (b) the destruction of a **record** previously **accessioned** by the **City Archives**.

**DIRECTOR OF
INFORMATION
TECHNOLOGY**

means the person appointed to the position of Director of Information Technology in the Finance & Corporate Services Division of the **City**, or an alternate.

DISASTER

means a present or imminent calamity which extends beyond the boundaries of the **City** which:

- (a) is caused by accident, fire, explosion or technical failure, or by the forces of nature; and
- (b) has resulted in serious harm to health, safety or welfare of people, or in widespread damage to property.

DISPOSITION

means:

- (a) the destruction of a **City record**; or
- (b) the transfer of a **City record** of enduring value to the **City Archives**.

EMERGENCY

means a present or imminent event located within the boundaries of the **City** which:

- (a) is caused by accident, fire, explosion or technical failure, or by the forces of nature; and

(b) requires prompt co-ordination of action or special regulation of persons or property, to protect the health, safety or welfare of people, or to limit damage to property.

INTERNATIONAL STANDARDS

means the International Organization for Standardization standard "ISO 15489-1 and ISO 15489-2 Information and documentation – Records management".

METADATA

means information or data that is about, or interprets, other information or data.

MICROFILM

means all microforms, including but not limited to microfiche, aperture cards, and computer output microfilm (COM).

MIGRATE/MIGRATION

means the act of moving records from one system to another, while maintaining the records' **authenticity**, integrity, **reliability** and usability, in accordance with **international standards**.

RECORD/RECORDS

means recorded information in any form or medium, created or received in the transaction or conduct of business, and kept as evidence of such activity.

RELIABLE/RELIABILITY

means, with respect to a **City record**, that such **record** has been created or received in the usual and ordinary course of business by an employee who has the authority to create such **record**.

SCANNED/SCANNING

means the process of converting hard-copy documents to an electronic format.

SEMI-ACTIVE CITY RECORDS

means **City records** which are not accessed regularly or often, but which must be retained for administrative, legal or financial reasons, as specified in the **Uniform Classification and Retention System**.

SOURCE RECORD

means a **record** or any facsimile of such record used in a **microfilming** or **scanning** process.

UNIFORM CLASSIFICATION AND RETENTION SYSTEM

means the current classification and retention system implemented by the **City Clerk**, used throughout the **City** for the identification, grouping, retrieval, management and **disposition** of **City records** in both paper and electronic forms.

VITAL RECORD

means those **City records** that are essential for the ongoing business of the **City**, without which, in the opinion of the **City Clerk**, the **City** could not continue to function effectively, and which must be recoverable and accessible after an **emergency** or **disaster**.

PART FIVE: SEVERABILITY AND CITATION

- 5.1** If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 5.2** This bylaw is cited as "**Corporate Records Management Program Bylaw No. 7400**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CITY CLERK