

By-law Number 40-2023
of The Regional Municipality of Durham

Being a by-law to establish a corporate records classification system and retention periods by way of corporate policy and to repeal by-law #02-2020.

Whereas Subsection 254(1) of the Municipal Act, 2001 (the “Act”) provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner and, if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for complying with this subsection;

Whereas Subsection 255(1) of the Municipal Act, 2001, S.O. 2001, c.25 (the “Act”), as amended provides that except as otherwise provided, a record of a municipality or local board may only be destroyed in accordance with this section;

Whereas Subsection 255(2) of the Act states that despite Section 254, a record of a municipality or a local board may be destroyed if a retention period for the record has been established under this section and, a) the retention period has expired; or b) the record is a copy of the original record;

Whereas in accordance with Subsection 255(3) 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; and

Whereas delegation of authority by-law #04-2023 delegates authority to the Director of Legislative Services & Regional Clerk to adopt a policy establishing the classification, management, retention and disposition of corporate records, and to make updates to the policy as required in accordance with section 255 of the *Municipal Act, 2001, S.O. 2001, c. 25*;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That the policy adopted by the Director of Legislative Services & Regional Clerk shall constitute the corporate records classification scheme and retention periods for which the records of the municipality shall be retained.
2. That any reference to the corporate records classification scheme and retention by-law of the Regional Municipality of Durham contained within policies, procedures, or other documents of the Region shall be deemed to be a reference to the corporate records classification scheme and retention policy adopted by the Regional Clerk.
3. That By-law #02-2020 is hereby repealed.

This By-law Read and Passed on the 24th day of May, 2023.

J. Henry, Regional Chair and CEO

C. Bandel, Deputy Regional Clerk