THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2026 - 45

BEING A BY-LAW TO ESTABLISH A SCHEDULE OF RETENTION PERIODS FOR RECORDS, DOCUMENTS AND OTHER PAPERS FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

WHEREAS Section 254, of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, 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;

AND WHEREAS Section 255, of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may, subject to the approval of the Municipal Auditor, 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 the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") establishes requirements respecting the collection, use, disclosure, retention, protection and disposal of personal information;

AND WHEREAS the Municipality considers it appropriate to establish retention and disposition requirements that support compliance with applicable records-management and privacy legislation;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN AS FOLLOWS:

1. This By-law maybe be referred to as **"The Retention By-law"**

2. **DEFINITIONS**

"Auditor" means the person or firm appointed by the Council of the Municipality of Magnetawan from time to time to perform the annual audit of the records;

"Clerk" means the Municipal Clerk or their designate(s);

"Destroy" means the secure and permanent destruction or deletion of a record in a manner appropriate to its format and sensitivity so that the recorded information cannot reasonably be reconstructed, recovered or accessed;

"Legal Hold" means the suspension of the normal destruction or disposition of a record because the record is or may reasonably be required for an access request, appeal, complaint, investigation, audit, litigation, privacy breach, IPC proceeding or other legal or administrative proceeding;

"Municipal Record(s)" means recorded information in any format or medium that documents the municipality's business activities, rights, obligations or responsibilities or recorded information that was created, received, distributed, or maintained by the municipality in compliance with a legal obligation;

"Permanent" means that the record is to be retained indefinitely unless otherwise authorized by law. In relation to employee records, files, and/or records, means the lifetime of the employee until death plus two (2) years.

"Personal Information" has the same meaning as in the *Municipal Freedom of Information and Protection of Privacy Act*;

"Privacy Breach" means the theft or loss of, or unauthorized use or disclosure of, personal information in the custody or under the control of the Municipality;

"Privacy Impact Assessment or PIA" means an assessment undertaken in accordance with MFIPPA to identify and address privacy and security risks associated with the collection, use, disclosure, retention and protection of personal information;

"Record(s)" also known as **"Files"** as defined in the *Municipal Act* means information, however recorded, or stored, whether in printed form, on film, by electronic means or otherwise, including documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs, film, architectural drawings, email, machine readable records, and any other documentary material regardless of physical form or characteristics, and including "official records" and "transitory records";

"Retention Schedule" means a control document that describes the municipality's records at a series level and indicates the length of time that each series shall be retained before its final disposition. It specifies those records to be preserved for their archival or legal values and authorizes on a continuing basis the destruction of the remaining records after the lapse of a specified retention period or the occurrence of specified actions or events. Records retention schedules serve as the legal authorization for the disposal of the municipality's records;

"RROSH" means a real risk of significant harm to an individual resulting from a privacy breach, as determined in accordance with MFIPPA and applicable regulations;

"Transitory Records" means records kept solely for convenience of reference and of limited value in documentation the planning or implementation of Municipal Policy or programs such as:

a) Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
b) Information copies of widely distributed materials, such as minutes, agendas and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;
c) Preliminary drafts of letters, memoranda or reports and other informal notes which do not represent significant steps in the preparation of a final document, and which do not record decisions;
d) Duplicate copies of documents in the same medium which are retained only for convenience or future distribution;
e) Voice mail messages;
f) Email messages and other communications that do not relate to Municipal business;
g) Copies of publications, such as, published reports, administration manuals, telephone directories, catalogues, pamphlets or periodicals;
h) Duplicate stocks of obsolete publications, pamphlets or blank forms;
i) Unsolicited advertising materials, including brochures, municipal profiles and price lists.

3. **RETENTION SCHEDULE**

a) The retention periods for the records of the Municipality of Magnetawan are stated in Schedule "A" which forms part of this By-law.
b) The Clerk is responsible for administering this By-law and will ensure that the retention periods set out in Schedule 'A" attached hereto comply with all relevant legal requirements for records retention.
c) Where a record is not specifically identified in Schedule "A", the record shall not be deemed transitory solely because it is not listed in the Schedule. The record shall be classified according to its function, purpose and content and retained in accordance with applicable legislation and Municipal policies. Where no appropriate classification exists, the Clerk shall determine the appropriate classification and retention requirements prior to disposition.

4. **EMPLOYEE RESPONSIBILITIES**

a) All Municipal employees who create, work with, or manage records, will:
    i. Comply with the retention periods as specified in Schedule "A" attached hereto;
    ii. Ensure that official records in their custody or control are protected against unauthorized destruction, loss, alteration or disposal;
    iii. Ensure the transitory records in their custody or control are destroyed when they are no longer needed for short-term reference;
    iv. Take reasonable steps to protect records containing personal information against theft, loss, unauthorized access, use, disclosure, copying, modification or disposal;
    v. Ensure transitory records are securely destroyed when they are no longer required;

vi. Comply with any Legal Hold or direction issued by the Clerk; and
vii. Immediately report a suspected privacy breach in accordance with the Municipality's applicable privacy policies and procedures

PROTECTION OF PERSONAL INFORMATION

a) Records containing personal information shall be collected, used, disclosed, retained, safeguarded and disposed of in accordance with *MFIPPA*, its regulations, this By-law and applicable Municipal policies and procedures.
b) Reasonable administrative, technical and physical safeguards appropriate to the sensitivity of the personal information shall be used to protect records containing personal information.
c) Records containing personal information shall be securely destroyed or disposed of in a manner that prevents unauthorized access, use, disclosure or recovery of the information.

5. **SUSPENSION OF DESTRUCTION/LEGAL HOLD**

Notwithstanding any retention period established by this By-law, destruction or disposition of a record shall be suspended where the record is or may reasonably be required in connection with:

a) An MFIPPA access request or appeal;
b) A privacy complaint or investigation;
c) A privacy breach or RROSH assessment;
d) An IPC review, investigation or order;
e) A litigation or anticipated litigation;
f) An audit, investigation or regulatory proceeding; or
g) Any other legal obligation requiring preservation of the record.

The record shall not be destroyed until the applicable hold has been released and all applicable retention requirements have been satisfied.

6. **PRIVACY IMPACT ASSESSMENTS**

Where a Privacy Impact Assessment is required under MFIPPA, the PIA and any related updates, approvals and supporting documentation shall constitute official Municipal records and shall be retained in accordance with Schedule "A" or the Municipality's corporate retention schedule, as applicable.

7. **PRIVACY BREACH RECORDS**

Records relating to a privacy breach shall be maintained in accordance with Schedule "A", the Municipality's corporate retention schedule and applicable Municipal privacy policies and procedures. Such records may include the initial incident report, containment measures, investigation records, RROSH assessment, determination, correspondence, reports to the Information and Privacy Commissioner of Ontario, notifications to affected individuals, corrective actions and records required for annual statistical reporting.

8. **ADMINISTRATIVE CORRECTIONS**

That the Clerk of the Municipality of Magnetawan is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the By-law and Schedule(s) as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law;

9. **REPEAL**
By-law 2023-08 and any previously conflicting By-laws are hereby repealed.

10. **EFFECTIVE DATE**
This By-law shall come into force and effect on January 1, 2027.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 18 day of November 2026.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN

Mayor

Kerstin Vroom

CAO/Clerk

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

SCHEDULE "A" TO BY-LAW 2026-

RECORDS RETENTION SCHEDULE

T = Trigger event identified in the retention period

A record is not transitory solely because it is not specifically listed in this Schedule.

CLERK'S RECORDS	YEARS TO BE RETAINED
Accessibility of Services (includes records relating to the accessibility of Municipal buildings, services, and information to disabled persons)	Seven (7) years
Agreements (if not part of a By-law, after completion)	Seven (7) years
Animal Control Files	Seven (7) years
Appointments	Seven (7) years
Committee Minutes (including Rough Notes)	Seven (7) years
Contracts (if not a part of a By-law, after completion)	Seven (7) years
Correspondence (General)	Seven (7) years
Fence Viewers Awards and Files	Seven (7) years
Insurance Records (including claims, after expiry)	Seven (7) years
Consent Forms/Waivers	Seven (7) years
Licenses (Applications, after expiry)	Seven (7) years
Livestock Affidavits	Seven (7) years
Local Improvement Appeals and Notices (after Debenture finished)	Seven (7) years
Petitions (Unless included in the Agenda Package)	Seven (7) years
Proposal, Quotations, Tender Files (Successful)	Seven (7) years
Leases (after expiration and if not part of a By-law)	Seven (7) years after the completion of the lease
Resolutions (includes resolutions from Council and Committees of Council)	Seven (7) years
Proposal, Quotations, Tender Files (Unsuccessful)	Two (2) years
O.H.R.P. Agreements	Destroyed After Loan Paid in Full
Election Records (includes returned notices, lists of official, voters list, nominations, election results, preliminary voters lists and advertising)	As per the *Elections Act*
Election Records Councillor and Candidates (includes financial forms, nomination records and oaths taken by Council members)	As per the *Elections Act*
Agenda Packages (for Council and the Committees of Council)	Fifteen (15 Years)
Annexation/Amalgamation Files (includes all records pertaining to the annexing and amalgamating of land adjacent to Municipal Lands to accommodate growth. Also includes amalgamation of the Municipality)	Permanent
Applications to Province	Permanent
Assessment Roll	Permanent
By-laws (Original)	Permanent
Cemetery Records (including Burial Permits, maps plot ownership records, interment registers, indexes, cemetery board documentation and related records to the property)	Permanent
Civic/911 Addressing (includes records regarding requests for and assignment of new subdivision road dedications and other street names and numbers. May include correspondence, reports, drawing and copies of related By-laws)	Permanent
Consents (includes records regarding the granting of severances to parcels of land including applications for severance, SCIF's and surveys)	Permanent
Court of Revision Records	Permanent
Deeds (if not part of a By-law)	Permanent

CLERK'S RECORDS	YEARS TO BE RETAINED
Easements (if not part of a By-law includes all records on Right of Ways and Easements concerning Municipal Ownership of private lands)	Permanent
Encroachments (includes all records regarding private properties encroaching on Municipal lands. Also includes surveys and any other related documentation)	Permanent
Facilities Construction and Renovations (includes records for the Planning and construction of Municipal facilities, site meetings, consultant reports and cost reports. Also includes architectural and engineering drawings)	Permanent
Ministry of the Environment (MOE) Certificates (includes records and correspondence relating to the Ministry of Environment and impacting the Municipality of Magnetawan)	Permanent
Minor Variances (includes the records related to the granting of minor variances to the Zoning By-law by the committee of adjustment)	Permanent
Minutes (Council Open and Closed)	Permanent
Notice of Change of Land Titles (if not part of a By-law)	Permanent
Official Plans (includes the official plan and amendments to the official plan, background reports, notes, and research, Also includes secondary plans and amendments, containing detailing objectives and policies concerning the planning, development, and specific redevelopment)	Permanent
Real Estate Files (if not part of a By-law)	Permanent
Site Plan Approval (Agreements and Applications)	Permanent
Subdivision Plans and Files	Permanent
Vital Statistics (includes registers of birth, death, and marriages within the Municipality	Permanent
Zoning By-law (Amendment and Applications includes records regarding the granting of amendments to the Zoning By-law)	Permanent
FINANCIAL RECORDS	**YEARS TO BE RETAINED**
Account Receivable Ledger Cards	Seven (7) years
Bank Reconciliations	Seven (7) years
Bank Statements	Seven (7) years
Cash Books	Seven (7) years
Cash Payment Journal	Seven (7) years
Cheque Register	Seven (7) years
Cheque Stubs	Seven (7) years
Correspondence (General)	Seven (7) years
Debenture Register	Seven (7) years
Debenture Summaries	Seven (7) years
Debenture Working Papers	Seven (7) years
Deposit Book (Pass)	Seven (7) years
Deposit Slips	Seven (7) years
Final Budgets (Operating and Capital)	Seven (7) years
Final Tax Billing	Seven (7) years
General Journal	Seven (7) years
Government Remittances	Seven (7) years
Investment Files	Seven (7) years after end of investment
Mortgage Lists	One (1) year
Municipal Tax Credits	Seven (7) years
Paid Accounts Summary Sheet	Seven (7) years
Paid (Cancelled) Cheques	Seven (7) years
Paid Debenture and Coupons (upon maturity)	Seven (7) years
Paid Invoices	Seven (7) years
Payroll Journal Register	Seven (7) years
Payroll Remittances	Seven (7) years
Petty Cash Vouchers	Seven (7) years
Posting and Distribution Journals	Seven (7) years

FINANCIAL RECORDS	YEARS TO BE RETAINED
Receipt Books	Seven (7) years
School Tax Credits	Seven (7) years
Subsidy and Tax Application Forms	Seven (7) years
Tax Arrears Listing	Seven (7) years
Tax Assistance Adjustment	Seven (7) years
Tax Certificate	Seven (7) years
Tax Receipts	Seven (7) years
Assets (includes the records regarding current and fixed assets, including inventories as well as records of initial expenditure, depreciation, amortization, disposal)	Permanent
Assessment Review Board (includes records relating to Requests for Consideration, Tax Credit Records, Assessment Review Bord decisions, etc.)	Permanent
Audited Financial Statements	Permanent
General Ledger	Permanent
Tax Roll and Records (includes taxation records of long-term importance, such as assessment rolls, tax sale records, tax sale deeds, property tax registrations and tax ledgers)	Permanent
Loan Agreements	Permanent
Successful Grant Applications (includes application, reporting, details of grant)	Permanent
Unsuccessful Grant Application (includes application, and details of grant)	Two (2) years
HUMAN RESOURCES/PERSONNEL RECORDS	**YEARS TO BE RETAINED**
Bi-weekly Payroll Summary	Seven (7) years
Employees Income Tax Deductions	Seven (7) years
Garnishees (re: employees)	Seven (7) years
Medical Files	Seven (7) years
Overtime Sheets	Seven (7) years
Sick Leave	Seven (7) years
Timecards	Seven (7) years
Time Distribution Sheets	Seven (7) years
Time Sheets (Daily and Weekly)	Seven (7) years
U.I.C Records	Seven (7) years
TD-1 Forms	Upon replacement
Disability Management (AODA) (includes all records related to AODA, accessibility standards, complying with standard, municipal accessibility, and Human Rights Code)	Permanent
Employees Personal History Files (including ROE's)	Permanent
Grievances/Harassment/Violence (includes records detailing with grievance, harassment and/or violence complaints by or against employees of the Municipality. It includes documents such as the complaint, investigation, reports, and final resolution)	Permanent
Health and Safety (includes records regarding the occupational health and safety of Staff. Includes accident reports, WSIB reports and information on Health and Safety Programs for Staff)	Permanent
Labour Relations – Employment Management (includes records regarding the relationship between labour and management. Includes collective bargaining, correspondence with unions and negotiations)	Permanent
Pension Records -OMERS (includes records detailing obligations to individuals under OMERS, includes pension information of retired personnel, including registration and records)	Permanent
Salary Planning – Pay Equity (includes records regarding the planning and scheduling of salaries, such as job evaluations, job classification systems, salary surveys and schedules. Also includes any reference material retained regarding issues related to pay equity)	Permanent
T-4 (Slips and Summaries)	Permanent
W.S.I.B. Forms	Permanent

LEGAL RECORDS	YEARS TO BE RETAINED
Appeals and Hearings (includes all transcripts and related documentation regarding appeals, hearings, and legal proceedings. Includes final judgements. Includes zoning appeals, official plan appeals, and Committee of Adjustment appeals. Also includes orders issued by the Ontario Municipal Board (OMB), regulatory bodies and boards)	Permanent
By-Law Enforcement (includes records of municipal efforts to enforce by-laws such as order to comply, stop work order, working notes, correspondence, exhibits photographs etc.)	Permanent
Court Cases Claims Against the and Claims by the Municipality (includes all litigation made by other parties against the Municipality and all litigation made against other parties by the Municipality. Includes insurance claims and by-law enforcement and prosecution)	Permanent
Exchange of Land Files	Permanent
Heritage Preservation (includes records regarding heritage and historical development, includes the designations of building, districts, and cemeteries)	Permanent
Land Acquisition and Sale (includes records regarding real estate transactions and conveyance of land whether through voluntary transactions or expropriation. Includes leases, deeds and expropriation plans, purchase letters and appraisals)	Permanent
Land Tribunal Notices of Decision (LPAT)	Permanent
Local Improvement Files (s.22, *Local Improvement Act*)	Permanent
Municipal Emergency Response (includes records of response issued by the Municipal, Provincial, or Federal Government associated with non-declared and declared emergencies, Records may include incident reports, status reports, situation reports, action plans, position logs, maps, resource requests and tracking, and event and status boards. Records of particularly significant community emergencies such as infectious diseases, natural disasters, and environment exercises)	Permanent
Road Closing Files (includes all records regarding the sale or granting of municipal shore road or road allowances)	Permanent
Statement of Claims	Permanent
Writs	Permanent
Building and Structural Inspections (includes inspection reports such as building, plumbing, fire prevention and other structural inspections)	Fifteen (15) years or more at the discretion of the CBO
Building Permits (includes permits issued to builders, contractors and residents giving them permission to build, renovate or demolish.	Fifteen (15) years or more at the discretion of the CBO
PUBLIC WORKS RECORDS	**YEARS TO BE RETAINED**
Contract Files (upon completion of contract)	Seven (7) years
Equipment Distribution Sheets	Seven (7) years
Fuel Tickets	Seven (7) years
Gravel Tickets	Seven (7) years
Material Distribution Sheets	Seven (7) years
Monthly Road Reports	Seven (7) years
Public Works Contract Forms	Seven (7) years
Truck Hire (Time Reports and Summaries)	Seven (7) years
Vehicle Distribution Sheets	Seven (7) years
Weed Control Reports (until updated)	Seven (7) years
Bridges (includes estimates, studies, and other records regarding projects specifically for bridge construction, repairs, maintenance, and replacement)	Permanent
Contaminated Sites (includes site records and information on properties withing the municipality with contaminated soil/sites)	Permanent
Hazardous Materials (includes information and reports on chemicals and substances that pose fire hazards. Also include records dealing with toxic substances control, transportation, and effects, May include HAZMAT information)	Permanent

PUBLIC WORKS RECORDS	YEARS TO BE RETAINED
Landfill Monitoring (includes the consulting, monitoring surveys, and annual reports to MOECC)	Permanent
Road Construction Records (after completion includes records and studies regarding construction projects on roads. Includes the construction of new roads and major improvements to existing roads, such as resurfacing, widening, bridges, road study, etc.)	Permanent
Road Design and Planning (includes estimates, studies and other records regarding the design and planning of specific road construction projects. Also includes design of curbs, sidewalks, cycle ways, footpaths, etc. Includes MTO and Highway 11 expansion records)	Permanent
Waste Management – Property File (includes all building permits, project notes, MOECC ECA Applications, MOECC ECA Approvals, documents, and related correspondence)	Permanent
PRIVACY/MFIPPA RECORDS	**YEARS TO BE RETAINED**
Privacy Impact Assessments, updates, approvals and supporting documents	T + 7 years after program/process/system discontinued or PIA superseded
Privacy Breach Incident Files – incident, containment, investigation, findings and corrective actions	T + 7 years after final resolution/closure
RROSH Assessments	Retain with related Privacy Breach Incident File
IPC Privacy Breach Reports and Correspondence	T + 7 years after final resolution/closure
Affected Individual Privacy Breach Notifications	Retain with related Privacy Breach Incident File
Privacy Breach Register/Tracking Records	T + 7 years after end of calendar year
Annual Privacy Breach Statistical Reports to IPC	T + 7 years after submission
Privacy Complaints and IPC Investigations/Reviews	T + 7 years after final resolution
MFIPPA Access Requests, Decisions and Appeals relating to Fire Department records	T + 7 years after final resolution
Privacy / MFIPPA Training Records	T + 7 years after separation or superseded