THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2026 - 47

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

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 Fire Department 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;

"Fire Chief" means the lead technical, administrative, and supervisory authority for the Magnetawan Fire Department. Responsible for planning, organizing, directing, and implementing fire prevention, suppression, and emergency medical services to prevent or minimize the loss of life and property by fire and emergency medical conditions. Also responsible for all Fire Department staff and volunteers.

"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 a written assessment prepared in accordance with *MFIPPA* respecting 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 Record(s)" means records of temporary usefulness that are not required to document decisions, transactions, rights, obligations, policies or substantive municipal business and may be destroyed when no longer required, subject to any Legal Hold 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 Magnetawan Fire Department are stated in Schedule "A" which forms part of this By-law.
b) The Fire Chief 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 Fire Department 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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **CORPORATE MFIPPA AND PRIVACY RECORDS**

Where a record relating to a Fire Department privacy matter forms part of an official corporate MFIPPA, privacy breach, Privacy Impact Assessment or IPC file maintained by the Clerk, the official corporate record shall be retained in accordance with the Municipality's corporate retention schedule. Any duplicate Fire Department copy may be disposed of when no longer required, subject to any applicable Legal Hold.

10. **ADMINISTRATIVE CORRECTIONS**

That the Fire Chief of the Magnetawan Fire Department in consultation with the CAO/Clerk 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.

11. **REPEAL**
By-law 2025-61 and any previously conflicting By-laws are hereby repealed.

12. **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 18th day of November 2026.

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN

Mayor

CAO/Clerk

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
SCHEDULE "A" TO BY-LAW 2026-

MAGNETAWAN FIRE DEPARTMENT RECORDS RETENTION SCHEDULE

T = Trigger event identified in the second column. Retention periods are subject to any Legal Hold and applicable legislation.

FIRE CHIEF'S RECORDS	TRIGGER (T)	YEARS TO BE RETAINED
Fire Incident/Call Reports	Date of call (T)	T + Six (6) years Extend where required for legal, insurance or investigation purposes
Fire Investigation Files	Closure of case (T)	T + Ten (10) years Significant/major incidents may be selected for permanent archival retention
Emergency Medical Response	Date of response (T)	T + Ten (10) years Subject to confirmation of any applicable health information or other statutory requirements
EQUIPMENT LOGS / RECORDS	**TRIGGER (T)**	**YEARS TO BE RETAINED**
Apparatus Inspection Logs	Date of inspection (T)	T + Three (3) years
Equipment Maintenance Logs	Date of maintenance (T)	T + Six (6) years
HUMAN RESOURCES/PERSONNEL RECORDS	**TRIGGER (T)**	**YEARS TO BE RETAINED**
Firefighter Training Records	Separation of Employee (T)	Permanent
Employees Personal History Files (including ROE's)	Termination date (T)	Permanent
Grievances/Harassment/Violence (includes records detailing with grievance, harassment and/or violence complaints by or against employees of the Fire Department. 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
W.S.I.B. Forms / Occupational Injury Reports	Resolution/closure (T)	Permanent
PRIVACY/MFIPPA RECORDS	**TRIGGER (T)**	**YEARS TO BE RETAINED**
Fire Department Privacy Incident / Breach Working Records	Final resolution/closure (T)	T + Seven (7) years or retain under corporate privacy breach file, as applicable
RROSH Assessments	Final resolution/closure (T)	Retain with related privacy breach file
Privacy Impact Assessments and Updates relating specifically to Fire Department programs/processes	Program/process/system discontinued or PIA superseded (T)	T + Seven (7) years or retain under corporate PIA file, as applicable
IPC Privacy Breach Reports and Correspondence	Final resolution/closure (T)	T + Seven (7) years or retain under corporate privacy breach file, as applicable
Affected Individual Privacy Breach Notifications	Final resolution/closure (T)	Retain with related privacy breach file

Privacy Breach Register/Tracking Records	End of calendar year (T)	T + Seven (7) years, corporate master maintained by Clerk
Annual Privacy Breach Statistical Reports to IPC	Date submitted (T)	T + Seven (7) years, corporate master maintained by Clerk
Privacy Complaints and IPC Investigations/Reviews	Final resolution/closure (T)	T + Seven (7) years or retain under corporate file, as applicable
MFIPPA Access Requests, Decisions and Appeals relating to Fire Department records	Final resolution (T)	T + Seven (7) years or retain under corporate MFIPPA file, as applicable
Privacy / MFIPPA Training Records	Separation of employee/volunteer (T)	T + Seven (7) years or retain under corporate training record, as applicable