
Municipality of the County of Inverness

Records Management Policy

Title

1. This policy may be cited as the “Records Management Policy.”

Interpretation

2. In this policy:

- (1) “Council” means the council of the Municipality of the County of Inverness;
- (2) “Designated Officer” means the person designated and authorized by the Chief Administrative Officer of the Municipality of the County of Inverness, to act on behalf of the Municipality of the County of Inverness to manage and maintain the Records Management System;
- (3) “Manual” means the AMA Records Management Manual, second edition, as amended from time to time;
- (4) "record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;
- (5) “Records Management System” means an electronic or paper-based system used by the Municipality of the County of Inverness to manage the records of the Municipality of the County of Inverness from record creation through to records disposal;

Records Management System Established

3. The Municipality of the County of Inverness, in accordance with the Nova Scotia Municipal Government Act adopts the Association of Municipal Administrators Records Management Manual, Second Edition, 2013 as its authorized classification system and records retention schedule.

Compliance with Records Management System

4. All records in the custody and control of the employees of the Municipality of the County of Inverness are the property of the Municipality of the County of Inverness. All records of the Municipality of the County of Inverness must comply with the Records Management System and this policy. All employees and management of the Municipality of the County of Inverness must comply with this policy.

Designated Officer

5. The Designated Officer is responsible for the management and maintenance of the Records Management System.

Adoption of the Manual

6. The Designated Officer is authorized to adopt and maintain the Manual as part of the Records Management System. Records of the Municipality of the County of Inverness must be created, accessed, maintained and disposed of only as provided by the Manual. The Manual includes a Records Retention Schedule that prescribes the period of time that records are kept to meet the operational, legal, regulatory, financial or other requirements of the Municipality of the County of Inverness. The Records Retention Schedule also provides instructions as to the manner and time of the disposition of a record.

Integrity and Authenticity Maintained

7. The Records Management System must maintain the integrity and authenticity of records made or kept in the usual and ordinary course of business.

Authorization to Amend Manual

8. The Designated Officer is authorized to amend the Manual.

Disposal by Designated Officer

9. When the Designated Officer determines that the retention period for a given record described in the Records Retention Schedule has ended, the Designated Officer may allow the record to be destroyed or otherwise disposed of in accordance with the instructions outlined in the Records Retention Schedule and in consultation with stakeholders within the organization as detailed below:

- (1) The destruction actions must always be authorized, allowing for staff to intercede if specific issues such as a government investigation, audit, freedom of information access request, litigation or legal claim require that destruction must be halted. A sample records destruction approval form is included in Appendix B – Forms and Samples to the Manual;
- (2) Records pertaining to any actual or pending government investigation, audit, freedom of information access request, litigation or legal claim should not be destroyed. There should be processes to impose a “legal hold” when specific requirements arise;
- (3) Records destruction should be undertaken in a manner that preserves the confidentiality of records, including the privacy of information about individuals;
- (4) All copies of records that are authorized for destruction, including security, preservation and backup copies, should be destroyed as soon as reasonably possible; and
- (5) Records should be maintained to document the destruction actions. Certificates of destruction are generally provided by service agencies, and these are retained permanently, along with information about the records series title, date range and date of destruction

10. Records that are required by any enactment to be kept, and all minutes, by-laws, policies and resolutions of Council shall not be destroyed.

Records Management Policy

Editor's Annotations

Enabling Legislation

Municipal Government Act, R.S.N.S. 1998, c. 18:

34 (1) The council may adopt a policy for the management and destruction of records.

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Important Notice

The reader is cautioned that editorial and drafting choices involve interpretation of the law. Municipal units should consult with their own legal advisors before relying upon, and applying to their own circumstances, the comments or drafts contained in this Manual.

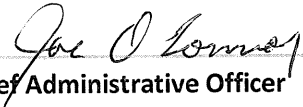
Comments

- This Model Records Management Policy is premised on municipalities adopting the AMA Records Management Manual, as amended from time to time, as its Records Management System. If a municipality uses, or plans to use a records management system other than the AMA Records Management Manual, the municipality must alter its Records Management

Policy accordingly.

- If a municipality adopts this Model Records Management Policy and the AMA Records Management Manual as its Records Management System, the municipality must be sure to follow it. In such a situation, the municipality may be found to be liable if the municipality destroys records contrary to its own policy and Records Management System in place.
- Municipalities in Nova Scotia are bound by the *Freedom of Information and Protection of Privacy* provisions of Part XX of the *Municipal Government Act*. Municipalities are not bound by the provincial *Freedom of Information and Protection of Privacy Act*.
- In addition to the *Municipal Government Act*, municipalities should consult the following Nova Scotia legislation regarding the duty to keep records:
 - *Government Records Act*
 - *Personal Information International Disclosure Protection Act*
- Section 3 of the Records Management Policy (the “Policy”) establishes and authorizes the Records Management System. If a municipality has an existing Records Management System in place, the alternate wording should be used in section 3 to authorize the existing system.
- Pursuant to section 4 of the Policy, all records in the custody and control of the municipality are the property of the municipality. Section 4 also requires that all records comply with the Records Management System and Policy. All employees and management of the municipality must comply with the Policy under section 4.
- Under section 5, the Designated Officer is responsible for the management and maintenance of the Records Management System.
- Section 6 authorizes the Designated Officer to adopt and maintain the AMA Records Management Manual. Pursuant to section 6, records of a municipality must only be created, accessed, maintained and disposed of in accordance with the Manual. The AMA Records Management Manual includes a Records Retention Schedule that prescribes the period of time that records are kept as well as instructions as to the manner and time of the disposition of a record.
- Section 7 requires that the Records Management System in place in a municipality maintains the integrity and authenticity of records made or kept in the ordinary course of business.
- Section 8 gives the Designated Officer of a municipality the authority to amend the AMA Records Management Manual in order to keep it current.
- Section 9 gives the designated officer the authority to order a record destroyed or to be otherwise disposed of when the retention period has ended, so long as it complies with the instructions set out in the AMA Records Management Manual’s Records Retention Schedule and in consultation with stakeholders within the organization as detailed in subsections 9(1) to 9(5).

- Section 10 prohibits the destruction of records required by any enactment to be kept by the municipality, as well as all minutes, by-laws, policies and resolutions of Council.
- See the User's Guide found at the beginning of this Manual regarding the appropriate insert to make where "**Municipality of the County of Inverness**" appears.
- The Chapter # in the By-Law title bar should be replaced by each municipal unit with the chapter # it assigns to this By-Law.

<p>Approval:</p> <p>Policy Committee Review: May 29, 2015 Council – 7 Day Notice: January 4, 2016 Council Approval: February 1, 2016</p>	<p>This is to certify that the above policy was Approved by Municipal Council on the 1st Day of February, 2016</p> <p> Chief Administrative Officer</p>
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