

# City of St. John's Corporate and Operational Policy Manual

<b>Policy Title:</b> Records and Information Management	<b>Policy #:</b> 01-04-01
<b>Last Revision Date:</b> June 19, 2017	<b>Policy Section:</b> Organization / Records and Information Management
<b>Policy Sponsor:</b> City Clerk	

## 1. Policy Statement

- a) This policy provides standardized, accountable, and transparent governance for Records and Information Management for the City.
- b) The policy, its associated procedures and related documents provide direction on the appropriate management of all City Records throughout their lifecycle, consistent with legislated requirements.

## 2. Definitions

**“Archival Record”** means a Record that has been appraised for permanent retention because of its enduring legislative, historical, informational, evidential, research, or other value.

**“Employee”** means any person employed by the City of St. John's as a permanent, term, part-time, casual, contract, seasonal, temporary, or student worker.

**“Metadata”** means data that provides information about a Record to make it easier to retrieve, use, or manage; it includes, but is not limited to: means of creation of the data, purpose of the data, time and date of creation, and creator or author of data.

**“Official Record”** means any Record created, received, and/or maintained by the City that is needed for legal, operational, fiscal, or archival purposes or to provide evidence of decision-making.

**“Record”** shall have the same meaning as the Access to Information and Protection of Privacy Act, 2015, that is, “a record of information in any form, including a dataset, information that is machine readable, written, photographed, recorded, or stored in any manner, but does not include a computer program or a mechanism that produced records on any storage medium.” A Record includes a Transitory Record, a Vital Record, an Official Record, and an Archival Record.

**“Transitory Record”** means a Record of temporary usefulness, and one that is not needed for legal, operational, fiscal, or archival purposes or to provide evidence of decision-making.

**“Vital Record”** means any Record that is essential to maintain and continue the operations of the City, to establish or recreate the City’s legal or financial position, and/or to preserve the rights of the City, its employees, and the members of the public.

### **3. Policy Requirements**

#### **3.1 Planning and Oversight**

- a) The Senior Executive Committee (SEC) shall appoint the Records and Information Management Governance Team (RIMGT), which shall operate as detailed in the **RIMGT Terms of Reference** approved by the SEC.
- b) The Archives and Records Management (ARM) Division shall develop standards, procedures, and guidelines for records management as detailed in the **Records and Information Management Procedures**.

- c) The ARM Division shall manage Records as detailed in the **Records and Information Management Procedures** and in accordance with the City of St. John's Act.
- d) The ARM Division shall be the official repository for City Records, as well as for private records of enduring archival value donated to the Division. Access to and donations to the City Archives shall be managed as detailed in the **Records and Information Management Procedures**.

### **3.2 Types of Records and Their Management**

- a) Once an Employee creates or receives a Record in the normal course of business, it shall be deemed to be in the ownership, custody, and control of the City.
- b) All Records and their Metadata, including but not limited to Official Records, Archival Records, and Transitory Records, shall be managed as detailed in the **Records and Information Management Procedures**.
- c) Transfer of original Transitory Records or Official Records into the possession of private organizations or individuals shall be prohibited except for the purposes of microfilming, imaging, duplication, format conversion, binding, conservation, or other records management and preservation procedures or where authorized by bylaw, legislation, or contractual agreement. Any transfers to other organizations or individuals shall be managed as detailed in the **Records and Information Management Procedures**.

### **3.3 Recognition of Electronic Records as Official Records**

- a) Electronic Records may be retained as Official Records provided that they comply with the requirements detailed in the **Records and Information Management Procedures**.

### **3.4 Vital Records**

- a) The ARM Division and departments shall identify Vital Records.
- b) The ARM Division shall work with Emergency and Safety Services to support the protection and management of Vital Records.

### **3.5 Legal Holds**

- a) An Employee who becomes aware of potential legal proceedings shall advise their Manager, who shall inform the Office of the City Solicitor.
- b) The Office of the City Solicitor shall advise whether a legal hold shall be required and Employees shall manage legal holds as detailed in the **Legal Hold Procedures**.

### **3.6 Policy and Legislative Compliance**

- a) All Records shall be managed and maintained in accordance with all applicable legislation, policies, and/or related procedures.

## **4. Application**

- a) This policy applies to all Records created or received by an Employee in the course of official business, including, but not limited to reports, studies, and/or artwork commissioned by the City by an external consultant, which shall become the absolute property of the City upon delivery.

## **5. Responsibilities**

### **5.1 The Archives and Records Management Division**

The Archives and Records Management Division shall be responsible for:

- a) establishing and coordinating Records Management activities throughout The City and managing The City's Archives.
- b) providing Departments and Employees with direction related to Records and Information Management, including appropriate communications regarding RIM policies, procedures, and associated documents.
- c) managing, maintaining and monitoring the policy, procedures, and associated documents for effectiveness and compliance.

### **5.2 Department Heads**

Department Heads shall be responsible for:

- a) complying with the policy, procedures, and related documents and making their Employees aware of them and advise them to comply with them, including those Employees who are Direct Supervisors.

### **5.3 Direct Supervisors**

Direct Supervisors shall be responsible for:

- a) being aware of, complying with, and advising their Employees of the requirements of the policy, procedures, and related documents and the requirement they comply with them.

### **5.4 Employees**

Employees shall be responsible for:

- a) complying with the policy, procedures, and related documents.

## 6. References

- a) Records and Information Management Governance Team Terms of Reference
- b) Other City Policies:
  - i. Emergency and Continuity Management Policy
  - ii. Information Technology Policy
  - iii. Privacy Management Policy
- c) Refer to the **Legal and Regulatory Framework for Records Management** document for other related information and regulatory requirements.

## 7. Approval

- Policy Sponsor: City Clerk
- Policy Writer: Policy Analyst; Manager, Archives and Records Management
- Date of Approval from
  - Corporate Policy Committee: December 18, 2023
  - Senior Executive Committee: January 5, 2024
  - Committee of the Whole: January 30, 2024
- Date of Approval from Council: February 6, 2024

## 8. Monitoring and Contravention

- a) The Office of the City Clerk shall monitor the application of the policy and procedures.
- b) Any contravention of the policy or procedures may be brought to the attention of the Office of the City Clerk, Department of Finance and Corporate Services (Human Resources Division), Office of the City

Solicitor, and/or the City Manager for further investigation and potential follow up disciplinary or legal action, up to and including dismissal.

**9. Review Date**

Every four years