



ADMINISTRATIVE REPORT

Report Date: June 1, 2017
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VanRIMS No.: 08-2000-20
Meeting Date: June 27, 2017

TO: Vancouver City Council
FROM: City Clerk
SUBJECT: Records Management By-law Amendments

RECOMMENDATION

- A. THAT Council approve changes to the Records Management By-law generally as set out in Appendix A of this report.
- B. THAT the Director of Legal Services be instructed to bring forward an amendment to the by-law for consideration by Council generally in accordance with Appendix A.

REPORT SUMMARY

The existing Records Management By-law was last reviewed and updated in 2005. The By-law establishes the authority for corporate records management at the City of Vancouver. Staff are proposing changes to the Records Management By-law to align the by-law with current corporate records management practice and procedure.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The Records Management By-law No. 9061 was enacted in 2005. There are currently no other By-laws related to corporate records management.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

REPORT

Background/Context

On November 18, 1969, the City's By-law to provide for destruction of documents was enacted. This is the first instance of a City By-law addressing the management of corporate records. It was not until the 1969 By-law was replaced by the Records Retention and Destruction By-law in 1978, By-law No. 5201, that the By-law governed the full life-cycle of a corporate record, specifying conditions and actions required to maintain and protect the records. Since 1978, the By-law has undergone occasional review and updates, with the most recent in 2005. Since 2005, the move from paper to electronic records has gained momentum, an electronic records management system was implemented, and there have been organizational changes impacting corporate records management.

Strategic Analysis

In June 2016, an independent review of the Records Management By-law was completed. The review included comparisons with other municipal record management bylaws and best practices using specific benchmarks for a strong corporate records management program. The review concluded that City documentation and processes compare well with the benchmarks and with the comparator municipalities. The final report included recommendations to improve upon the City's program and noted instances where the By-law needed to be updated to reflect current City corporate records management practices and procedures.

Based on the review, staff are proposing changes to the Records Management By-law. The amendments are expected to better align the by-law with existing corporate records management processes. The proposed amendments are attached as Appendix A.

Specifically, the following changes are proposed:

- Removal of the definition of "record" from the bylaw as it is covered by governing Provincial legislation.
- Correction of language to bring clarity to terminology. See sections 2(b) & 6 of Appendix A.
- Removal of items that refer to obsolete processes and addition of items to accurately reflect the current processes. See sections 4 & 5 of Appendix A.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

CONCLUSION

The existing Records Management By-law was last reviewed and updated in 2005. The By-law establishes the authority for corporate records management at the City of Vancouver. Staff are proposing changes to the Records Management By-law to align the by-law with current corporate records management practice and procedure.

BY-LAW NO. _____

A By-law to amend the Records Management By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 9067.
2. In Section 2, Council:
 - (a) strikes out the definition of "record"; and
 - (b) in the definition of "record schedule", between the words "record" and "including", adds "series".
3. In Section 3, Council:
 - (a) strikes out subsection (b);
 - (b) renames subsections (c) and (d) as (b) and (c) respectively; and
 - (c) in renamed subsection (c), strikes out "7" and substitutes "6".
4. Council strikes out Section 5 and re-numbers Sections 6 and 7 as Sections 5 and 6 respectively.
5. After re-numbered section 6, Council adds:

"7. The City Clerk is authorized to delegate any duty, power or function assigned to the City Clerk under this By-law, except that the delegation:

 - (a) must be in writing; and
 - (b) may be subject to such conditions and restrictions as the City Clerk considers appropriate."
6. Council strikes out the words "records committee" wherever they appear and substitutes "corporate records committee".
7. A decision by a court that any part of the by-law is illegal, void, or unenforceable, severs that part from this by-law, and is not to affect the balance of this by-law.
8. This By-law is to come into force and take effect on the date of its enactment.

