

Subject: Records retention schedule
Attachments: Finance0501_17_8.pdf; ATT00001.htm

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Communication
COUNCIL: May 16/17
FAA Rpt. No. 5 Item 8

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Subject: Records retention schedule

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/Finance0501_17_8.pdf

1) Inadequate public notice

This is an item that requires a public meeting due to the serious impact on the public of destruction of public records.

2) Chaotic and confusing guidelines and bylaw

The recommendations are confusing and lack a cohesive approach. It can't be clearly determined at what point records can be destroyed. The confusing notations and classifications can very well be manipulated according to individual self-interest.

3) Law and application to record

This report does NOT address any legislated legal requirements for records and makes vague reference to privacy and freedom of information etc.

All applicable laws need to be spelt out for their requirements. Even mundane records retention requirements for other levels of government and private sector are 20-25 years and this bylaw fails to meet that legislated standard.

All finances of the municipality and tenders and awards of bid documents, etc are subject to legislation that has not even been considered.

There are provincial laws, inter-provincial laws, federal laws that have not in any way been considered.

Destroying records is a very serious matter, particularly when there are known investigations underway.

4). Classifications

The classification category of records for each general area where records are not found to relate to any category have inadequate retentions.

When records cannot be categorized, they need to be held to HIGHEST record retention requirement, NOT an arbitrary minimum retention

5) Conflict of Decision makers

Having people with vested interest in records' destruction on a Committee responsible for destruction of records is a clear conflict.

The destruction decision making should ONLY be decided by independent auditors, and external auditors.

External auditors CANNOT include KPMG who also has a vested interest in destroying records that they have already made audit decisions and findings on.

As an example: destroying records pre-1997 means that hospital finance and committee and task force records may have already been destroyed. These records are still required and will still be required in the future.

Another example is destroying records from committees etc after 2 years? These records and minutes and reports feed into council and bylaws. Destroying these records leaves the city with no historical data on bylaws and council decisions.

As another example, under existing Ontario law, there are NO restrictions or time limits on closed meetings complaints. Complaints can be filed back to when the law was enacted and the previous law that the current law is evolved from.

No closed meetings can be destroyed, or reports to closed meetings or minutes or any other records that have anything to do with closed meetings of council, Committee of Adjustment, CofW etc and anywhere closed meetings legislation applies.

6) Cost savings

Where in the report are actual cost savings addressed? There are no if any cost savings on destroying records particularly electronic records.

This records retention bylaw is quite likely illegal. It is noted that penalties under various legislations (including the criminal code) are serious and have not even been mentioned in the report.

I highly recommend Council take a very serious look at changing the destruction of records bylaw.

Thank you

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