

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2026-25

A BY-LAW TO ESTABLISH A NEW
RECORDS RETENTION SCHEDULE FOR
THE CITY OF WELLAND, AND TO
REPEAL BY-LAW NO. 9314 AND ALL
AMENDMENTS THERETO

WHEREAS Section 254(1) of the *Municipal Act, 2001*, c. 25 ("*Municipal Act*"), as amended, provides that municipalities retain and preserve records in a secure and accessible manner;

AND WHEREAS Section 255(3) of the *Municipal Act* provides that a municipality may establish retention periods during which its records must be retained and preserved;

AND WHEREAS Section 255(2) of the *Municipal Act* provides that a municipality's records may be destroyed if a retention period for the record has been established and the retention period has expired;

AND WHEREAS Section 23.1 of the *Municipal Act* authorizes a municipality to delegate its powers to a person;

AND WHEREAS Council of the City of Welland deems it expedient to grant the Clerk delegated authority to establish, amend, and maintain the Records Classification and Retention Schedule for the purpose of effective and efficient management of municipal records;

AND WHEREAS such delegated authority shall be limited to administrative and legislative updates required to maintain accuracy, compliance, and operational effectiveness;

AND WHEREAS any material or substantive amendments to the Records Classification and Retention Schedule shall be subject to Council approval;

AND WHEREAS the Clerk shall inform Council of any administrative or legislative updates made under delegated authority;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. Definitions:

In this by-law,

(1) "**classification**" means the systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods, and procedural rules, represented in a classification system, in accordance with Section 2.

(2) "**official record**" means the recorded information in any format or medium that documents the City's business functions, activities, transactions, rights, obligations or responsibilities or records information that was created, received, distributed, or maintained by

the City, and follows legal obligations to which the Records Classification and Retention Schedule is applied.

(3) **“record”** means any record of information, however recorded, whether in printed form, on film, by electronic means, or as otherwise defined under the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M5

(4) **“retention period”** means the period of time records must be kept fulfilling operational, legal, regulatory, fiscal or other requirements before they are eligible for disposition.

(5) **“records classification and retention schedule”** means a schedule defining the record series (categories) and the period of time each series must be kept. The schedule is used to classify records and establishes the legal authority for the destruction of records after the retention period has expired.

2. That no official records shall be destroyed unless first classified according to Schedule “A” of this by-law, and their destruction has been authorized by the Clerk;
3. All records shall be destroyed in a manner that preserves the confidentiality of any information contained in such records;
4. Any record pertaining to pending or actual litigation or investigation or a request under privacy legislation shall not be destroyed until such a record is no longer required under such purpose;
5. That authority for amending the Records Classification and Retention Schedule for the City of Welland shall be delegated to the Clerk, or his/her designate;
6. That the Clerk shall report to Council on any material or substantive amendments to the Records Classification and Retention Schedule; and
7. That By-law 9314 be repealed, and all amendments thereto (By-laws 2002-164, 2002-203, 2009-36, 2016-56, 2017-120, and 2021-99.)

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY
COUNCIL THIS 14TH DAY OF JULY, 2026.**

MAYOR

per _____
CITY CLERK