

**Authority:** Item 3, Audit, Finance & Administration  
Committee Report 18-013 (CL18009)  
CM: September 26, 2018

**Bill No. 310**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-310**

#### **TO AMEND BY-LAW NO. 11-040 TO ESTABLISH RETENTION PERIODS FOR RECORDS OF THE CITY OF HAMILTON**

**WHEREAS** the Council of the City of Hamilton enacted by-law 11-040 being a By-law to Establish Retention Periods for Records of the City of Hamilton, on January 26, 2011, pursuant to section 255, of the *Municipal Act*, 2001;

**AND WHEREAS** the Council of the City of Hamilton, in adopting item 3 of Report 18-013 of the Audit, Finance & Administration Committee, at its meeting held on the 24<sup>th</sup> day of September, 2018, recommended that Records Retention By-law 11-040 be amended as hereinafter provided;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the following file classifications in Schedule A to Records Retention By-law 11-040 be amended as follows:
  - (a) **AD08 - Strategic Planning/Management**  
Retention changed from 10 years to Superseded +10, subject to archival review
  - (b) **AD12 - Accessibility of Records – Information Requests**  
Retention changed from T+3 years to T+2 years. T= close of file
  - (c) **CO06 - Council/Standing Committee Meeting Recordings**  
Retention changed from 'temporarily suspended pending review' to permanent subject to archival review at end of term of council

- (d) **EM06 01 – Emergency Preparedness Planning**  
Scope notes: Records associated with information related to Emergency Preparedness Planning.  
Includes: Mock/training exercises, emergency preparedness plans and business continuity plans.  
Excludes: Operational responses (see EM06 02 - Emergency Response)  
Retention unchanged
- (e) **PE04 01 - Building, Grading and Structural Inspections**  
Retention changed from C+17 to Permanent
- (f) **PE08 02 - Building Plans and Specifications**  
Retention changed from C+17 to Permanent

2. That Schedule A to Records Retention By-law 11-040 be amended by adding the following file classifications:

- (a) **CO09 02 - Vital Statistics – Documentation**  
Scope Notes: Includes records of vital events including marriage applications, voided marriage licenses and death registration paperwork. This series does not include Marriage and Death Registers.  
  
Total Retention C + 3 years
- (b) **EM06 02 - Emergency Response**  
Scope Notes: Records associated with information related to operational responses to emergencies where either the City or individual Department is one of the lead record holders for activation or partial activation of the Incident Management System (IMS).  
  
Excludes: Mock/training exercises, emergency preparedness plans and business continuity plans. (see EM06 01 - Emergency Preparedness Planning).  
New file class developed to incorporate records related to operational responses to emergencies.  
  
Total Retention is T+15. T= end of emergency
- (c) **HR14 - Volunteer and Unpaid Student Files**  
Scope Notes: Records associated with the administration, coaching, mentoring, precepting, supervising, delivery, screening, orientation and maintenance of volunteers and unpaid student placements.  
  
Includes: Volunteer requests and role descriptions, volunteer applications, unpaid student placement applications, interview questions, references

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verification, orientation materials, scheduling, and individual volunteer performance monitoring, supervision notes, health and safety certificates.

Excludes: Volunteer or Student Placement policies and procedures. (see AD 07 Policies and Procedures); Police Background Checks (retained by Human Resources); Paid Students (e.g. Internships) who must be processed through Human Resources (see HR 03 01).

Total Retention is T+7. T = last day of employment

**(d) TS14 - Motor Vehicle Accident Reports**

Scope Notes: Records associated with Motor Vehicle Accident Reports.

Total Retention is T+4. T = completion of investigation

3. That Schedule A to Records Retention By-law 11-040 be amended by deleting file classification **SH08 - Public Health** and adding a File Plan category entitled Public Health Services including all corresponding file classifications as provided in Schedule A to this by-law.
4. This By-law comes into force on the day it is passed.

**PASSED** this 26<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

Public Health Services

Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	01	01	Client and Case Files	<p>Records associated with clients who have had interaction with Public Health Services programs and services (including Records Access Requests).</p> <p><u>Includes, but is not limited to:</u></p> <ul style="list-style-type: none"> <li>- Community as client (i.e. where a community or group is the client such as schools, workplaces, daycares or community organizations)</li> <li>- Individual client records (i.e. where the client is a person; these records include referral forms, consent forms, correspondence, etc.)</li> <li>- Chronic Disease Prevention Client Records</li> <li>- Prevention of Injury and Substance Misuse Client Records</li> <li>- Reproductive and Child Health Client Records</li> <li>- Infectious Diseases Clients Records</li> <li>- Sexual Health and Sexually Transmitted Infections Client Records</li> <li>- HIV/AIDS Client Records</li> <li>- Syphilis Client Records</li> <li>- Tuberculosis Client Records</li> <li>- Tobacco Cessation Client Records</li> <li>- Telephone logs relating to personal health information from clients</li> <li>- Human/Animal Contact Exposure Client Records</li> <li>- Mental Health Client Records (including raw data)</li> <li>- health promotion materials, curriculum and meeting minutes referred to in client records (when charting by reference)</li> </ul> <p><b>Excludes:</b> Dental Client Records (see PH-01-02); Vaccine Preventable Diseases Client Charts (incl. Adverse Event Following Immunization (AEFI) (see PH-01-03)</p>			T + 15*	Y	N	Public Health	<p>*  <b>For clients 18 years and over:</b>                      T = client's last visit, or discharge  <b>For clients under age 18:</b>                      T = 18 minus age of client discharge</p> <p><b>Statements of Conscience: under 18</b>                      T= 18 minus age of client at date of completion of form  <b>18 yrs &amp; over</b>                      T= completion of form</p> <p><b>Infectious Diseases</b>                      T = Discharge of client/ closure of annual file</p> <p>Total Retention = up to 33 years</p>

Public Health Services

Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	01	02	Dental Client Records	Records associated with clients who have had interaction with Public Health Services Dental Programs (includes Records Access Requests). <u>Includes:</u> Dental Screening assessment; Dental Health Client Records (including assessment of dental screening for clients referred for other services, referrals, parent notification; dental follow up			<b>Dental Screening</b> T+3*  <b>Dental Health Client Records</b> T+15**				<b>*Dental screening</b> T= end of school year  <b>**Dental Health Client Records Adult (18 &amp; over)</b> T = Discharge of Client <b>Under age 18</b> T = 18 minus age of client at discharge

Public Health Services

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PH	01	03	Vaccine Preventable Diseases Client Charts (incl. AEFI)	<p>Records associated with vaccinations, and interactions with clients related to vaccine preventable diseases (includes Records Access Requests).</p> <p><u>Includes:</u> Group vaccinations clinics where clients range in age - (e.g. community clinics, mass school immunizations, pandemic), vaccinations by single cohort; adverse event following immunization intervention (AEFI) records .</p> <p><u>Excludes:</u> Cold Chain Inspection Records (see PH 05 03 (Vaccine Cold Chain))</p> <p>NOTES:                      1. Retention periods for client records are dictated by whomever is the client.                      2. If there is no Date of Birth indicated for a record and an age needs to be determined, consider the type of service that is being delivered to the client and base client's age on past practices associated with that service (e.g. in case of school vaccination records for which there is no date of birth for an individual, data of birth would be based on school grade level).</p>	T+2		T+15				<p><b>Clinics with a range of ages:</b>  <b>If youngest client is 18 or over:</b>                      T = date of clinic  <b>If youngest client is under 18:</b>                      T = 18 minus the age of the youngest client</p> <p><b>Immunization clinics of single cohort:</b>  <b>For age 18 &amp; over:</b>                      T = end of school year  <b>Under 18 years:</b>                      T = 18 minus age of youngest client</p> <p><b>Consents</b>                      T = end of calendar year</p> <p><b>Statements of Conscience:</b>  <b>If under age 18:</b>                      T = 18 minus age of client as of date of completion of form                      If age 18 or over:                      T = date of completion of form</p> <p>1, 2, 3, 4, 5, 6, 7, 8, 10, 13</p>

Public Health Services

Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	02		Medical Directives and Medical Delegations	<p><u>Medical Directive:</u> A formal written order for a procedure or a series of procedures that may be implemented for a number of clients when specific circumstances exist. A directive is always written by a regulated health professional who has the legislative authority to order the procedure for which she/he has ultimate responsibility.</p> <p><u>Medical Delegation:</u> A formal written document in which a regulated health professional who has the authority and competence to perform a procedure under one of the controlled acts delegates the performance of that procedure to another individual.</p>			P			Public Health	
PH	03		Program Operations	<p>Records associated with program management, administration and service delivery of the full range of programs operating within Hamilton PHS.</p> <p><u>Includes:</u> All record types related to the management and administration of Public Health Services programs; operational plans; day planners*; paper notebooks*, electronic notebooks* capturing transitory information; personal health information captured in the referral/intake process where the individual never becomes a client (voluntary programs only); client scheduling; medical equipment maintenance records***.</p> <p><u>Excludes:</u> Financial records (see <i>Finance and Accounting FA</i>); Contracts and Agreements (see <i>Legal Affairs LA 03 01/ LA 03 02</i>); Employee Records (see <i>Human Resources HR</i>); Ministry Reporting (see <i>AD 11 Intergovernmental Relations</i>); clients referred for mandatory follow-up (see <i>PH 01 01 to PH 01 01 03 Client &amp; Case Files</i>)</p>	C+2	4	C + 6*  Dental Sterilization equipment C+10 yrs***	Y	Y**	Public Health	<p>*Day planners /Notebooks/ Electronic notes are maintained for C + 2 years then destroyed.</p> <p>***Maintenance Records for Sterilization equipment (dental) C+ 10 yrs</p> <p>**Archival Review: Minutes, plans and reports related to the development and management of specific programs</p>

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Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	04		Health Promotion & Program Delivery	<p>Records associated with information on the development, implementation and evaluation of programming of the following:</p> <ul style="list-style-type: none"> <li>- Healthy Eating</li> <li>- Healthy Weights</li> <li>- Comprehensive Tobacco Control (includes prevention, cessation and control of tobacco use)</li> <li>- Food Handling and Safety</li> <li>- Physical Activity</li> <li>- Exposure to ultraviolet radiation</li> <li>- Workplace Wellness Programs</li> <li>- School Health</li> <li>- Prevention of Injury and Substance Misuse</li> <li>- Violence Prevention and Mental Health Promotion</li> <li>- Reproductive Health</li> <li>- Child Health</li> <li>- Dental Health</li> <li>- Infectious Disease Prevention &amp; Control (includes promotion of infection control practices)</li> <li>- Rabies Prevention and Control</li> <li>- Sexual Health, STI's, and Blood-borne Infections Prevention</li> <li>- Tuberculosis Prevention</li> <li>- Vaccine Preventable Disease Promotion</li> <li>- Safe Water</li> <li>- Emergency Preparedness (health promotion activities only)</li> <li>- Epidemiology (health promotion activities only)</li> <li>- Determinants of Health</li> </ul> <p><u>Includes:</u> Documents related to the development of healthy public policies, initiatives, distribution lists, correspondence, presentations, inventories of program materials.</p> <p><u>Excludes:</u> PH 01 Client &amp; Case Files; Rabies investigation records (see PH 11 Vector Borne Disease Investigations &amp; Rabies Investigations); boil water advisories (see PE 05 Premise Inspections and Enforcement); emergency preparedness plans, business continuity plans, and emergency preparedness mock/training exercises (see EM06 01 - Emergency Preparedness Planning); Research and Evaluation (see PH 04 Research, Evaluation).</p>	T+2	4	T + 6	Y	Y*	Public Health	*Archival review: include but not limited to reports of the Medical Officer of Health; statistical research reports on program effectiveness



Public Health Services

Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	05		Research and Evaluation	<p>Records associated with research and evaluation activities conducted by PHS Programs.</p> <p><u>Includes:</u> Research and evaluation projects and plans, situational assessments, program reviews, questionnaires, surveys, needs assessments, research ethics, research data, literature searches and references, findings reports, dissemination strategies and information, benchmarking, resources, tools, workshops, in-services, presentations related to research and evaluation methods and best practices for specific research and evaluation project, and research funding opportunities.</p> <p><u>Excludes:</u> Financial research proposal and submissions (see <i>Grants &amp; Loans FA 11</i>)</p>	C +2	5	T + 7 up to P*	y	Y**	Public Health	<p>T = Completion of research.</p> <p>*Retention of research conducted through a Research Ethics Board may be determined by the agreement signed off by the investigating parties; or assessed on a case by case basis.</p> <p>** Archival Review: Records which describe research protocols, findings and research evaluation</p>
PH	06	01	Premise Inspections and Enforcement	<p>Records associated with information related to premise inspections and documentation related to complaints/service requests on food safety, safe water, health hazards, and infectious diseases.</p> <p><u>Includes, but not limited to:</u> All records, related to inspection of food service settings, long term care facilities, retirement homes, day care centres, hospitals, detention centres, personal service settings, funeral homes, pools, spas, septic systems, boil water advisories, and individual complaints or service requests (e.g. for an inspection).</p> <p>NOTE: Court files of charges/tickets that have been resolved are considered transitory notes since the original records are given to the court. Therefore these copies can be destroyed after 1 to 2 years.</p> <p><u>Excludes:</u> Outbreak client records or records related to personal illness (see <i>PH 01 Client Records</i>); Records related to Smoke Free Ontario Act (see <i>PH 09</i>); Black Books (see <i>Inspectors'/Officers' Notes PH 05 02</i>); Cold Chain Inspections (see <i>PH 05 03</i>)</p>	T+2		T + 15	Y	N	Public Health	<p>Complaints/Service Requests: 2</p> <p>Boil Water Advisories: 9</p>

Public Health Services											
Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	06	02	Inspectors'/ Officers' Notes	Note books (Black Books/field notes) used to document relevant data in the process of conducting inspections and enforcement which may be used as by inspectors or officers as memory aids to present evidence in legal proceedings.  <u>Includes, but not limited to:</u> Notes and photgrpahs made electronically when the officer uses a computer or other electronic devices to records noes in place of notebooks.			T+15			Public Health	T = date of last entry 2
PH	06	03	Vaccine Cold Chain	Records associated with vaccine cold chain inspections.			T+15			Public Health	2
PH	07		Accreditation and Continuous Quality Improvement	Records associated with compiling, researching and submitting all information subject to accreditation processes, including accreditation review and assessment.  <u>Includes:</u> Correspondence re: Accreditation, summary reports; Accreditation project files; final assessmsent; project scope and planning; Ontario Public Health Organizational Standards assessment and related materials.  <u>Excludes:</u> Original corporate or departmental policy documents. (See AD 07 Policies & Procedures); business process reviews (see PH 16 Project Management)	C + 1	6	T + 7	N	N	Public Health	T = End of accreditation period.
PH	08		Vaccine Preventable Diseases Health Protection and Disease Prevention	Records associated with health protection activities related to vaccine preventable diseases such as the storage, distribution, and inventory management of vaccine.  <u>Excludes:</u> Cold Chain Inspections (see PH 05 03) Premise Inspections and Enforcement); Client records (see PH 01 01 & PH 01 03 Client & Case Files), Vaccine Preventable Health Promotion activities (see PH 03 Health Promotion Program Delivery)	C+1	2	C + 3	Y	N	Public Health	
PH	09		Medical (OHIP) and Dental Claims Processing	Records associated with submission and administration of OHIP claims for Sexual Health and Clinical Services. Also includes payment of Dental claims by Hamilton PHS and OHIP claims.	C + 2	10	C + 12	N	N	Public Health	

Public Health Services											
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PH	10		Comprehensive Tobacco Control Enforcement & Investigation	<p>Records associated with information related to comprehensive tobacco control and the enforcement of the Smoke-Free Ontario Act.</p> <p><u>Includes:</u> Documents related to Tobacco Enforcement, Smoke-Free Ontario (SFO), warning letters, and signage.</p> <p><u>Excludes:</u> Health promotion records (see PH 03 Health Promotion &amp; Program Delivery); Tobacco Cessation Client Records (see PH 01 Client and Case Files); Black books (see Inspectors'/Officers' Notes PH 05 02)</p>	C+2	4	T + 7	N	N	Public Health	T = ticket "closed" 12
PH	11		Outbreak Management	<p>Records associated with the monitoring, reporting, prevention, containment and management of communicable/reportable disease outbreaks.</p> <p><u>Includes:</u> Client line lists, client interview tools and documentation, outbreak meeting minutes, email correspondence, documentation of control measures, iPHIS records, lab results, notifications to laboratories, media releases, medical advisories.</p> <p><u>Excludes:</u> Promotion of Infectious Disease Control practices (see PH 03 Health Promotion &amp; Program Delivery); and vaccine/medication distribution (see PH 07 Vaccine Preventable Diseases Health Protection and Disease Prevention); Incident Management System documentation of an outbreak response (see EM06 02 - Emergency Response).</p>	T+2	8	T + 15	N	Y*	Public Health	*Archival Review: reports or minutes related to Outbreak Management should be retained permanently
PH	12		Vector-Borne Disease Investigations & Rabies Investigations	<p>Records associated with information related to the investigations of and/or surveillance of diseases such as rabies and vector-borne diseases, which include, but are not limited to, West Nile Virus and Lyme disease.</p> <p><u>Excludes:</u> Client records (see PH 01 01 Client Records), West Nile Virus Registry (see West Nile Virus Registry PH 12)</p>	C+2	4	C + 6	N	N	Public Health	
PH	13		West Nile Virus Registry	Records associated with the collection of personal health information of residents who have voluntarily submitted their names to be contacted in the event Public Health Services determines the need to apply an adulticide (fogging) within the City.	S		S	N	N	Public Health	S = superceded (Individual is known to no longer reside in the City of Hamilton).

Public Health Services											
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PH	14		Disease Inventory and Control - Epidemiology	<p>Records associated with population-based disease research, inventory, data collection, analysis and monitoring.</p> <p><u>Includes:</u> Medical research; precedent cases; disease statistics and inventory; epidemiological studies, data and reports; population health and health demographic surveys; health informatics.</p> <p><u>Excludes:</u> Quality of services received, i.e. survey or questionnaire re: satisfaction of service; research and evaluation (see PH 04 Research and Evaluation).</p>	C+1	14	P*	N	Y	Public Health	*Permanent subject to selection at end of inactive retention period.
PH	15		Health Statistics and Surveillance	<p>Records associated with the provision of health statistics and other data related to health behaviours, risks and trends. Utilizing such databases as (but not limited to) iPHIS, HELPS, RRFSS, CCHS and census data, statistics are produced and interpreted in order to support evidence-informed program decisions.</p> <p><u>Includes:</u> Health statistics and epidemiology, requests tracking, data access, collection and management, data sets and analysis, technical notes, graphs, tables, maps, abstract submissions, oral/poster presentations, socio-demographic reports and health status reports, factsheets, surveillance reports, reporting and dissemination strategies and related information.</p> <p><u>Excludes:</u> Contact tracing (see PH 01 01 Client &amp; Case files).</p>	C+2	5	P*	N	Y	Public Health	* P - Demographic, health status reports & surveillance summary reports
PH	16		Medical Officer of Health	<p>Records associated with operations, accountability, leadership, advice and descision-making directed or issued by the Medical Officer of Health.</p> <p><u>Includes:</u> Records demonstrating the accountability of the Medical Officer of Health to Citizens; records having evidenciary or legal purpose; Correspondence; program structure and strategy documentation; correspondence with MOHLTC and other provincial/federal ministries, reports to MOHLTC and other provincial/federal ministries .</p> <p><u>Excludes:</u> General staffing files for Full Time/Part Time employees, volunteers and students (See HR )</p>	C + 1	14	P*	N		Public Health	2, 11 * Archival

Public Health Services

Primary	Secondary	Tertiary	Series Title	Scope Notes (Description)	Active (yrs)	Inactive (yrs)	Total Retention (Minimum) (yrs)	Vital Record	Archival Record	Responsible Department	Remarks/Citations
PH	17		Project Management	<p>Records related to initiating, planning, executing, monitoring, controlling and closing PHS projects and business process reviews.</p> <p><u>Includes, but not limited to:</u> Project plans, charters, schedules, reports, directives, change requests, project data, minutes, status updates, communications, deliverables.</p> <p><u>Excludes:</u> Projects related to direct program and service delivery (see PH 03 Health Promotion &amp; Program Delivery)</p>	T+1	6	T+7			Public Health	<p>T = completion of the project.</p> <p>Project is defined as an initiative with a beginning and an end.</p>

Citations

- 1 Medicine Act, 1991, General, O. Reg 114/94 s.19(1)
- 2 Limitations Act, 2002, S.O. 2002, c.24, Schedule B, ss.15(1)(2)
- 3 General Regulation under Municipal Freedom of Information and Protection of Privacy Act, R.R.O. 1990. R.82:
- 4 College of Nurses of Ontario Practice Guideline Independent Practice, 2014
- 5 College of Dietitians of Ontario Records Keeping Guidelines for Registered Dietitians, 2014
- 6 The College of Physician and Surgeons of Ontario, Policy Medical Records, May 2012
- 7 Royal College of Dental Surgeons of Ontario (Guidelines Dental Recordkeeping, May 2008)
- 8 Child and Family Services Act, R.S.O. 1990, C.C.11, s.54
- 9 Records of Site Condition - Part XV.1 of the Act Regulation, under the Environment Protection Act, O. R. 153/04, ss. 16, 18
- 10 Mandatory Blood Testing Act, 2006, S.O. 2006, c. 26.
- 11 Evidence Act, R.S.O. 1990, c. E.24
- 12 Smoke Free Ontario Act, S. O. 1994, c. 10, s. 14.(14)
- 13 Drug and Pharmacies Regulation Act, R. S. O. 1990, c. H.4, ss. 156. (1),(2); as am. S.O. 1991, Vol. 2, c. 18, s. 47. (16); s. .