



GREATER SUDBURY POLICE SERVICE BOARD BY-LAW BY-LAW 2025-006

A By-Law to establish governance standards relating to the retention and destruction of records directly related to any law enforcement activity with respect to a person or body and those other records that come into the possession and use of the Greater Sudbury Police Service.

WHEREAS Section 254(1) of the *Ontario Municipal Act*, S.O. 2001, c. 25 states that;

“A municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner...”

AND WHEREAS Section 255(1) of the *Ontario Municipal Act*, S.O. 2001, c. 25 states that;

“Except as otherwise provided, a record of a municipality or local board may only be destroyed in accordance with this section.”

AND WHEREAS Section 255(6) of the *Ontario Municipal Act*, S.O. 2001, c. 25 states that;

“In this section “record” does not include a record of a police Service Board that is directly related to any law enforcement activity with respect to a person or a body.”

AND WHEREAS the Board is authorized by Section 46 (1) of the *Community Safety and Policing Act*, as amended, to create Bylaws so as to make rules for the effective management of the police force;

AND WHEREAS the Greater Sudbury Police Service (the “Service”) has been retaining and destroying records in accordance with Greater Sudbury Police Service Board By-Law 2020-1;

AND WHEREAS Section 30 of the *Municipal Freedom of Information and Protection of Privacy Act* requires that Personal Information be retained by the Board for a period prescribed by the Regulation;

AND WHEREAS *O. Reg. 395/23: Investigations* requires the submission and updating of ViCLAS crime analysis reports;

AND WHEREAS *O. Reg. 391/23: Use of Force and Weapons* requires the retention of Use of Force Reports for a period prescribed by the Regulation;

AND WHEREAS the Ministry's designated Ontario Major Case Management Manual establishes procedures for the management of records relating to major case investigations;

AND WHEREAS Section 46(1) of the *Community Safety and Policing Act* authorizes the Board, by bylaw, to make rules for the effective management of the police service;

AND FURTHER WHEREAS the Greater Sudbury Police Service Board deems it prudent as a matter of best practices and in accordance with the *Community Safety and Policing Act*, and the *Policing Standards Manual* that a Records Retention and Destruction Schedule be maintained to address the records of the Greater Sudbury Police Service that directly relate to law enforcement activity with respect to a person or a body;

NOW THEREFORE, the Greater Sudbury Police Service Board hereby enacts as follows:

1.0 DEFINITIONS

ACT

Means the *Community Safety and Policing Act* as amended.

ACTIVE or A

Means retained until the end of event, investigation, employment

BOARD

Means the Greater Sudbury Police Service Board.

CHIEF OF POLICE

Means the Chief of the Greater Sudbury Police Service.

CURRENT

Means records in general circulation or use.

CURRENT YEAR or CY

Means until December 31 of the current year

DORMANT

Means records that are no longer current, but have not reached their destruction date.

HISTORICAL RECORD

Means records of historical or noteworthy value after their administrative value expires. A record is of historical value if it concerns:

- a. The policies followed by the Greater Sudbury Police Service, and the various reasons for their adoption;
- b. The organization and administrative history of the Greater Sudbury Police Service;
- c. A specific individual transaction which established a legal status of any kind;
- d. Documents that may be presume to have a general or continuing interest;
- e. Major changes concerning the issuing of clothing, equipment, or the opening of new buildings; or
- f. Major criminal cases which may be of interest in the future.

INDEFINITE

Means records with unlimited retention subject to disposal when no longer required.

MEMBER

Means an employee of the Greater Sudbury Police Service.

PERMANENT

Means records that are to be retained as long as possible in the format used.

RECORDS

Means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- a. Correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, electronic messages any other documentary material, regardless of physical form or characteristics, and any copy thereof;
- b. Any record that is capable of being produced from a machine readable record under the control of the Service, by means of computer hardware and software, or any other information storage equipment and technical expertise normally used by the Service; and
- c. Records that are maintained in the computerized Records Management System utilized by the Greater Sudbury Police Service which shall be retained and destroyed in accordance with the retention periods as established by the Ontario Police Technology Information Cooperative.

RECORD OF DESTRUCTION

Means a schedule that is maintained for each record series that is destroyed which shall include:

- a. Brief description of records;
- b. Period of time the records span;
- c. Date, location and method of destruction;
- d. Signature of individual authorizing destruction; and
- e. A notation of any transfer of historical records.

RECORDS GROUPING

Means when a record is attached or grouped together to form an information bank, file or dossier whereas the retention period for the group is ascertained by the longer period scheduled for any of the contents the grouping contains.

SERVICE

Means the Greater Sudbury Police Service.

SELECTIVE PURGING

Means no legal requirement to retain, keep until of no further use.

TRANSITORY RECORDS

Records including e-mail, voice mail, text messages and working papers etc. that have temporary usefulness and are not required to meet statutory obligations, set policy, establish guidelines or procedures, certify a transaction, become a receipt or provide evidence of a legal, financial or operational decision. Could also include administrative documents including rough notes, preliminary drafts, calculations, etc. used in the preparation of other records.

UNTIL SUPERSEDED

Means until a newer version is created replacing older version.

VICLAS REPORTABLE OFFENCE

Means any offence that is reportable under the *O. Reg. 395/23: Investigations*.

WORKING PAPERS

Included in TRANSITORY RECORDS.

2.0 SECURITY, RETENTION AND DESTRUCTION OF RECORDS

- 2.1 All documents that come into the possession of the Greater Sudbury Police Service that are directly related to a law enforcement activity with respect to a person or a body, while in the possession of this Service shall be retained in a secure and accessible manner at all times.
- 2.2 All documents referred to in Section 2.1 shall be retained by the Greater Sudbury Police Service for a period of no less than those retention periods set out in Schedule "1" to this Bylaw, and thereafter those documents shall be destroyed in accordance with Schedule "1".
- 2.3 The responsibility to ensure the retention and destruction of records shall be in accordance with Schedule "1" to this Bylaw.
- 2.4 The Chief of Police shall ensure that the Governing Authority Tables contained in Schedule "2" to this Bylaw is maintained on an annual basis to ensure those time periods set out in Schedule "1" remain valid and appropriate.

- 2.5 The Chief of Police is hereby authorized to make appropriate updates and changes to Schedules “1” as required by Schedule “2” or otherwise and is directed to report any such changes to the Board to ensure this Bylaw is properly updated on an annual basis or more frequently as the case might be.
- 2.6 Copies of all documents that do not fall within the description set out in Section 2.1 but which come into the possession of the Service be retained in accordance Schedule “1”.
- 2.7 All original documents describe in Article 2.6 shall be retained and destroyed in accordance with the retention periods set out in Schedule “1”.

3.0 METHOD OF DESTRUCTION

- 3.1 Records of the Greater Sudbury Police Service that are to be destroyed shall be destroyed by means of shredding, burning or erasure.
- 3.2 All destroyed records shall be reduced to such a state as to be deemed totally destroyed.
- 3.3 Records shall not be disposed of by sale as waste or salvage.
- 3.4 The Chief of Police shall ensure the destruction of records is adequately supervised.
- 3.5 Personal information shall be disposed of in accordance with regulations of the *Municipal Freedom of Information and Protection of Privacy Act* and in accordance with any directions or guidelines issued by the Ministry responsible for the *Municipal Freedom of Information and Protection of Privacy Act*.
- 3.6 Outside suppliers of transportation and disposal services shall be bonded with security provisions included in the service contract.

4.0 SCHEDULES

- 4.1 The Schedules attached and entitled as follows, form part of this bylaw:

Schedule “1” - Records Retention Periods/Records Responsibility

Schedule “2” - Governing Authorities for Groups of Records


- 5.0 In this Bylaw and the attached Schedules words imparting singular include the plural and vice versa.

6.0 EFFECTIVE DATE

6.1 By-Law 2020-1 as amended, and all By-Laws, sections of By-Laws and procedural policies of the Board inconsistent with the provisions of this By-Law are hereby repealed.

6.2 This By-Law shall come into effect on passage.

BY-LAW passed by the Greater Sudbury Police Services Board, this 17th day of December 2025.

A handwritten signature in blue ink, appearing to read "Gerry Lougheed, Jr.", written in a cursive style.

Gerry Lougheed, Jr., Chair

A handwritten signature in black ink, appearing to read "Matthew Gatien", written in a cursive style.

Matthew Gatien, Board Administrator