



Corporation of the Town of Newmarket

By-law 2024-41

A By-law to establish retention periods for records relating to the Automated Speed Enforcement Program and Administrative Monetary Penalty System.

Whereas Section 254(1) of the Municipal Act, 2001 (the “Act”) provides that a municipality shall retain and preserve its records in a secure and accessible manner; and,

Whereas Section 255(3) of the 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 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 By-law 2011-84 delegated authority to the Clerk of Town of Newmarket to establish and amend record retention periods and to establish, amend and administer corporate policies for the Town’s records management program; and,

Whereas the Town of Newmarket is providing services to other municipalities as a Joint Processing Centre and therefore in order to ensure the full authority and enforceability of the retention periods it is necessary to adopt a retention by-law specific to the Automated Speed Enforcement Program and Administrative Monetary Penalty System; and,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule “A” as attached be established as the retention schedule for the Automated Speed Enforcement Program and Administrative Monetary Penalty System.
2. Any record in a Class of Records set out in Schedule A shall be retained for the period set out opposite such category and may thereafter be subject to disposition.
3. And that the Town Clerk is hereby authorized to amend Schedule A to this by-law from time to time, as required.

Enacted this 16th day of September 2024.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Automated Speed Enforcement Program

RECORDS CLASS	DESCRIPTON	RETENTION PERIOD IN YEARS	PERSONAL INFORMATION BANKS (PIB)
Penalty Orders / Warning Notice	Penalty orders, Warning Notices or tickets issued by the Town of Newmarket for speed violations. Records may consist of penalty orders issued to residents across Ontario processed through the Joint Processing Centre, for violations in Newmarket or in any other municipality who has signed an agreement for Newmarket to act as their processing centre. Records include personal information downloaded from the ARIS system.	date of last use + 6 cancelled penalty orders = cancellation decision + 3	Records Include personal information of members of the public who receive penalty orders. Records include personal information downloaded from the Ministry of Transportation ARIS system.
Photos of Violations	Photos of vehicles captured by automated speed enforcement camera for which violations/ Penalty orders/ warning notices are issued.	Date of last use + 2	Records contain images of licence plates.
Payment Records	Records of payments of violations	payment date + 6	Records contain financial information for payment of penalty orders. May contain name or address of payee.
Agreements	Records of final signed agreements for the Automated Speed Enforcement Program and Administrative Monetary Penalty System. Including, Intermunicipal, ARIS, Hearing Officer Agreements, MOUs, Vendor agreements	Permanent	No
Ministry of Transportation Ontario Reports	Records of annual reports to the Ministry of Transportation.	5	No

RECORDS CLASS	DESCRIPTON	RETENTION PERIOD IN YEARS	PERSONAL INFORMATION BANKS (PIB)
Ministry of the Attorney General Reports	Records of annual reports to the Ministry of the Attorney General	5	No
Joint Processing Centre Reports to Municipal Partners	Records of penalty order data sent to municipal partners for their reporting purposes.	2	No
Agendas - Municipal Partners	Agendas of meetings with municipal partners.	Expiry of municipal partnership Agreement +1	No
Minutes - Municipal Partners	Minutes of meetings with municipal partners.	Expiry of municipal partnership Agreement +1	No
Policies and Procedures	Includes policy and procedures related to the Automated Speed Enforcement and Administrative Monetary Penalty System programs. Includes Standard Operating Procedures, protocols, directives relating to governance and operational processes.	Superseded + 15	No
Vendor Communications	Includes records of correspondence with Vendors related to the operations of the Automated Speed Enforcement Program. May include records of communications regarding speed cameras, software functionality and security.	5	No
Camera Installation Records	Includes records confirming installation of cameras and locations, includes records of signage and site set up.	1	No
Invoicing	Includes copies of records related to invoicing to municipal partners.	6	No
Certificates of Insurance	Includes copies of certificates of insurance provided by vendors and municipal partners.	Superseded + 3	No
Trademarked Logo/ Items	Includes records related to trademarked logos and other copyrighted items related to promotion of the automated speed enforcement program.	Copyright, patent or trademark expired or last use + 5 years	No

RECORDS CLASS	DESCRIPTON	RETENTION PERIOD IN YEARS	PERSONAL INFORMATION BANKS (PIB)
Automated Speed Enforcement Business Case	Includes planning documentation, meetings minutes, notes, traffic studies, regarding the establishment of Community Safety Zones and identification of locations for Automated Speed Enforcement.	Program duration + 15	No
Public Surveys	Includes surveys and feedback received from the public regarding the Automated Speed Enforcement Program.	5	possibly?
Public Communications & Media	Includes official media releases and official public communications regarding the ASE program.	Program duration + 15	No
Public Reporting, and Data	Includes data produced for public reporting on the ASE program, including maximum speeds etc.	Program duration + 15	No
Training Records	Includes records of training such as ASE Officer Training, MTO/ARIS Compliance Training/Records, Hearing Officer Training, Screening Officer Training	Program duration + 15	Yes

Administrative Monetary Penalty System

RECORDS CLASS	DESCRIPTON	RETENTION PERIOD IN YEARS	PERSONAL INFORMATION BANKS (PIB)
Hearing Review Disclosure Packages	Disclosure packages compiled from evidence of violations and related correspondence for Hearing Reviews under the Administrative Penalty System.	Hearing Date + 3	Records contain personal information of members of the public who request hearings.
Hearing Review Decisions	Records of Decisions made by Hearing officers including audio, video of the Hearing, documentation showing communication of the Decision to appellant.	Date of Issuance of Decision + 3 ** (archival selection)	Records may include personal information of appellants.

RECORDS CLASS	DESCRIPTON	RETENTION PERIOD IN YEARS	PERSONAL INFORMATION BANKS (PIB)
Hearing Review - Communications	Records of communications between parties regarding a hearing review, including emails, notes of calls, etc. Includes correspondence with hearing officer, appellant and hearing review coordinator.	Hearing Date + 3	Records may contain personal information of appellants.
Screening Review - Appeals & Decisions	Records of Decisions of Screening Reviews. Includes correspondence and penalty order information.	Screening Date + 3	Records include personal information of appellants.