

Authority: Administration Committee Report No. 7, Clause No. 8,
as adopted by City of Toronto Council on November 23, 24 and 25, 1999
Enacted by Council: November 25, 1999

CITY OF TORONTO

BY-LAW No. 780-1999

To authorize the destruction of certain computer data in the custody or control of the City of Toronto, despite the former municipalities' record retention by-laws.

WHEREAS subsection 116(1) of the Municipal Act provides that a municipality shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except with the approval of the Ministry of Municipal Affairs and Housing or in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing retention periods for such documents and records; and

WHEREAS Council, at its meeting of November 23, 24 and 25, 1999, requested the introduction of a by-law to define, establish criteria and enable the destruction of computer data that is no longer required for the City's purposes or to meet legal requirements;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. In this by-law,

“computer system” means a device that, or a group of interconnected or related devices one or more of which,

- (a) contains computer programs or other data; and
- (b) pursuant to computer programs, performs logic and control, and may perform any other function;

“content, context or structure” means,

- (a) that which conveys information, including text, data, symbols, numerals, images and sound;
- (b) the appearance and arrangement of the content, including relationships between fields, entities, language, style, fonts, page and paragraph breaks, links and other editorial devices; or
- (c) background information that enhances understanding of technical and business environments to which the data relates, such as metadata, application software, logical business models, and the origin, such as address, title, link to function or activity, agency, program or section;

“data” means representations of information or of concepts, in any form, that is recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device, including a display of that data;

“orphan data” means,

- (a) data that is not machine readable by any of the City’s computer systems on the date this by-law comes into force, because the data exists with no identifiable computer application that can retrieve the data; or
- (b) data that is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced employee of the City of Toronto who is knowledgeable about the business function or functions to which the data relates.

2. Despite the former municipalities’ by-laws listed in subsection 5(1), but subject to section 3, orphan data in the custody or control of the City of Toronto may be destroyed on or after the date this by-law comes into force.

3. Prior to the destruction of any orphan data the following documents are required:

- (a) a written description of the data containing, to the extent that such information is obtainable, the following:
 - (i) the title of the system;
 - (ii) the identification of the business unit that is responsible for the creation or use of the data;
 - (iii) a brief description of the system's purpose;
 - (iv) a brief description of any sub-systems, their purpose and relationship to the main system or other sub-systems; and
 - (v) the name of the technical contact person who is responsible for documenting the system;
- (b) the written approval of the department head or designate who is responsible for the business function to which the data relates; and
- (c) where applicable to satisfy the provisions of the Income Tax Act (Canada), the Excise Tax Act (Canada), the Employment Insurance Act (Canada) or the Canada Pension Plan, an exemption from the requirement to keep records in an electronically readable format from the Minister of National Revenue, on such terms and conditions as are acceptable to the Minister.

4. The documents described in clauses 3(a) and (b) shall be submitted to, and kept by, the Director, Corporate Records Systems, subject to the applicable record retention by-law of the City of Toronto.

5. (1) The following are the record retention by-laws of the former municipalities:

- (a) former Borough of East York By-law No. 26-91, being a by-law “To establish schedules of retention periods for Municipal Records.”, as amended;
- (b) former City of Etobicoke Municipal Code Chapter 28, Document Retention;
- (c) former Municipality of Metropolitan Toronto By-law No. 2561, being a by-law “To establish schedules of retention periods for records of The Municipality of Metropolitan Toronto”, as amended;
- (d) former Municipality of Metropolitan Toronto By-law No. 2696, being a by-law “To establish schedules of retention for local boards of The Municipality of Metropolitan Toronto”, as amended;
- (e) former City of North York By-law No. 27502, “being a by-law to establish a schedule of retention periods for records in the possession of the City of North York and the Hydro-Electric Commission of the City of North York.”;
- (f) former City of Scarborough By-law No. 24987, “being a by-law to establish a schedule of retention periods for records in the possession of the City of Scarborough.”;
- (g) former City of Toronto Municipal Code, Chapter 97, Records Retention.; and
- (h) former City of York By-law No. 2371-76, being a by-law “To Establish schedules of retention periods for municipal records.”, as amended.

(2) In the case of a conflict between this by-law and the records retention provisions of any by-law not listed in subsection (1) of the former Borough of East York, the former Cities Etobicoke, North York, York, Scarborough and Toronto and the former Municipality of Metropolitan Toronto, this by-law prevails.

6. This by-law comes into force upon approval by the City Auditor.

ENACTED AND PASSED this 25th day of November, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

City Auditor