

Authority: Government Management Committee Item 13.28,
as adopted by City of Toronto Council on April 28 and 29, 2008
Enacted by Council: April 29, 2008

CITY OF TORONTO

BY-LAW No. 350-2008

To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to revise operational provisions and to delete and amend records series.

WHEREAS under section 201 of the *City of Toronto Act, 2006* the City may, subject to the approval of the City auditor, establish retention periods during which the records of the City and local boards of the City must be retained and preserved; and

WHEREAS the City's external auditor is currently the "City auditor" for the purposes of subsection 201(3) of the *City of Toronto Act, 2006*; and

WHEREAS the City's external auditor has approved the amended and new retention periods as set out in this by-law;

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

1. Chapter 217, Records, Corporate (City), of The City of Toronto Municipal Code is amended as follows:
 - A. The title to Article II is amended by deleting "Records Retention Schedule" and substituting "Management of Government Records".
 - B. Section 217-4A is amended as follows:
 - (1) By amending the definition of "Archival Review Period" by deleting "Manager, Archival Services" and substituting "City Archivist".
 - (2) By amending the definition of "Archival Value" by deleting "records preservation as archives" and substituting "preservation of the records in the Archives".
 - (3) By amending the definition of "Records" by deleting "1(1) of the *Municipal Act, 2001*" and substituting "3(1) of the *City of Toronto Act, 2006*".
 - (4) By amending the definition of "Retention Period" by deleting "disposed of" and substituting "destroyed or transferred to the Archives".
 - (5) By amending the definition of "Retention Schedule" by deleting "disposed of" and substituting "destroyed or transferred to the Archives".
 - (6) By amending the definition of "Transitory Record" as follows:
 - (a) By amending Subsection (8) by deleting "; or" and substituting ".".
 - (b) By deleting Subsection (9).

C. Section 217-4B is amended as follows:

- (1) By amending the definition of “Active” by inserting “A or” before “ACTIVE”.
- (2) By amending the definition of “Code” by deleting “(CRCS)”.
- (3) By amending the definition of “Disposition” as follows:
 - (a) By deleting Subsection (3) and substituting the following:

“(3) P or PERMANENT:

 - (a) As defined below in the definition of “P or Permanent”, the records designated “permanent” are never destroyed unless Council changes the retention period total from “permanent” and only after archival review; and
 - (b) The records may be stored in the records centre for preservation purposes.”
 - (b) By amending Subsection (4) by deleting “Archives” and substituting “records centre”.
- (4) By amending the definition of “I or Inactive” by deleting “City Records Centre” and substituting “records centre”.

D. By renumbering § 217-4.1 as § 217-4.2 and by adding the following as new § 217-4.1:

“§ 217-4.1. Destruction of records.

- A. The disposition of “D or Destroy” is used in the retention schedule if the preliminary archival analysis indicates that the records series does not have long-term enduring value.
- B. The following principles govern the destruction of records:
 - (1) When there are no further legal or business reasons for retaining records, the records shall be destroyed as a class rather than selectively.
 - (2) Records pertaining to pending or actual litigation or investigation, including any audit, shall not be destroyed with the class of records to which they relate.
 - (3) Records shall be destroyed in a way that preserves the confidentiality of the information they contain.”

- E. Renumbered § 217-4.2 [formerly § 217-4.1] is amended as follows:
- (1) The title is amended by inserting “; change in disposition” after “records”.
 - (2) Subsection B is amended as follows:
 - (a) Subsection B(2) is deleted and the following substituted:

“(2) Despite the storage of the records in the Archives or record centre for preservation purposes, the records remain under the full custody and control of the business unit that created them other than for the purposes in § 217-7.”
 - (b) By adding the following:

“(4) If the total retention period is changed from “permanent” in the future, the records must undergo an archival review before destruction if there is no archival review at the time of the change in disposition.”
 - (3) Subsection C is amended by deleting Subsection C(2) and substituting the following:

“(2) Despite the storage of the records in the Archives or record centre for preservation purposes, the records remain under the full custody and control of the business unit that created them other than for the purposes in § 217-7.”
- F. Section 217-5D(1) is amended by deleting “Administration” and substituting “Government Management”.
- G. Section 217-8 is deleted [provisions included in new§ 217-4.1].
- H. Section 217-12 is amended as follows:
- (1) By renumbering Subsections B, C and D as Subsections C, D and F;
 - (2) By adding the following as new Subsections B and E:

“B. Despite Subsection A, this section does not apply to records created and received by a City employee when the employee is:

 - (1) Working as a member of the staff of a Member of Council; or
 - (2) Working as a member of the staff of a local board, unless a former municipality’s records retention by-law continues to apply to the records of the local board.”

“E. A paper original of a record that is scanned or digitized, but not microfilmed for the purposes of Subsection F, remains the original record and is not considered a duplicate copy for the purposes of Subsection D.”

- (3) By amending renumbered Subsection F [formerly Subsection D] by deleting “the records that have been microfilmed may be destroyed at any time, subject to § 217-13” and substituting “a record that has been microfilmed may be destroyed at any time if it has been determined that the record has no archival value under § 217-13”.

I. Section 217-13 is amended as follows:

- (1) By amending the title of the section by inserting “for microfilmed records” after “period”.

- (2) By adding the following:

“C. An original record transferred to the Archives program under Subsection A(1) may be destroyed, if it is later determined that it no longer possesses archival value.”

2. Schedule A to Article II of Chapter 217, Records, Corporate (City), of The City of Toronto Municipal Code is amended as follows:

A. By deleting the following record series:

Record series code	Record title
G0003	City Committees of Council
G0005	City Community Councils
G0009	Intergovernmental Organizations
G0020	Provincial Ministries and Agencies
G0030	Federal Government Departments and Agencies
G0035	Foreign Government Departments and Agencies
G0040	Other Municipal Government Departments and Agencies
G0130	City Divisions
G0150	Legislation and Other Municipal By-laws
I4111	Archival Accession Control

B. The record series for code “C2488” with the record title “Homemakers and Nurses Services Clients Case Files” is amended as follows:

- (1) By deleting “6” in column 5 and substituting “7”; and
- (2) By deleting “T + 6” in column 6 and substituting “T + 7”.

- C. The record series for code “C2540” with record title “Resident Administration Case Files – Homes for the Aged” is amended as follows:
- (1) By deleting the following from the Comments in column 8:

“Files closed upon discharge or death of resident. Prior to inactive storage at the Records Centre, records are organized separately according to event (death/discharge) and related retention (7 or 20 years).”
 - (2) And substituting the following:

“Files closed upon discharge or death of resident. Records for deceased residents are kept for 7 years and for discharged residents records are kept for 20 years.”
- D. The record series for code “E0405” with record title “Emergency Incident Reports” is amended by adding “and EMS officers” after “crew” and “and Ambulance” before “Services” to the scope note in column 2 so that the scope note shall be as follows:

“Records containing incident date, event times, vehicle assigned, and crews involved at the incident. The report provides the officers record on conditions and observations upon arrival, initial actions, entry methods, security of property and actions of Captain, crew and EMS officers in chronological order. This report is completed for all responses by Fire and Ambulance Services to incidents.”
- E. The record series for code “F1301” with the record title “Employee Payroll Files” is amended as follows:
- (1) By deleting “6” in column 5 and substituting “7”; and
 - (2) By deleting “T + 6” in column 6 and substituting “T + 7”.
- F. The record series for code “F2541” with record title “Estate Management Case Files” is amended as follows:
- (1) By deleting “6” in column 5 and substituting “7/20”; and
 - (2) By deleting “T + 6” in column 6 and substituting “T + 7/20”.
 - (3) By amending the Comments in column 8 by deleting “File closed upon successful completion of all estate management issues.” and substituting “Files closed upon discharge or death of resident. Records for deceased residents are kept for 7 years and for discharged residents records are kept for 20 years.”

- G. The record series for code “F3255” with record title “Municipal Tax and Water Administration” is amended by deleting the title and scope notes in column 2 and substituting the following:

“Municipal Revenue Administration

Records relating to the exchange of communication regarding revenue and tax issues between the City and City departments, external organizations and individuals. The City may communicate with internal and external parties to address complaints and enquiries, provide information and notifications, and to resolve various issues. Includes general and special correspondence and enquiries relating to: mailing and service addresses; discounts; arrears; payment options; account balances; payments; billing dates; meter readings; consumption; tax and water certificates; penalty and interest; refund; vacancy; charity and appeal inquiries; final reads; other water and sewer related services. Also includes Parking Tag enquiries and complaints related to fines, payment and collection in general. May include general information relating to municipal tax management, processes, functions, utility billings and parking ticket management. Documents may include system-generated reports, manually created research and analysis reports, copies of council reports, and all supporting correspondence.”

- H. The record series for code “G0002” is amended by deleting the record title “City Municipal Code & Bylaws” in column 2 and substituting “Municipal Code & Bylaws”.
- I. The record series for code “G0004” with the record title “City Sub-Committees, Task Forces and Special Committees of Council is amended as follows:

- (1) The record title and scope note in column 2 are deleted and the following substituted:

“Task Force & Special Committee Records

Records relating to the meetings, duties, and functions of task forces special committees of the City administration, i.e., not of Council. These are high-level committees with broad, cross-divisional mandates, such as the committees, working groups, and teams directing the City’s Program Review Framework. Documents include minutes of meetings, agendas, reports, and correspondence.

NOTE: Excluded are high-level committees looking at specific matters falling into the mandate of a single division, e.g. the Legislative Review Committee but whose mandate falls within the City Clerk’ Office responsibilities.”

(2) By amending columns 3 to 7:

(a) By deleting the following:

(from column 3)	(from col. 4)	(from col. 5)	(from col. 6)	(from col. 7)
City Clerk's Office	C + 3	P	P	P/AR

(b) And substituting the following:

(in column 3)	(in column 4)	(in column 5)	(in col. 6)	(in col. 7)
Common	C + 7	3	C +10	AR

J. The record series for code "G0006" is amended by deleting the record title "City Local Boards" in column 2 and substituting "Local Board Proceedings".

K. The record series for code "G0080 with record title "City Amalgamation" is amended as follows:

(1) The record title and scope note in column 2 are deleted and the following substituted:

"Amalgamation

Records relating to the processes and initiatives leading up to and immediately following the amalgamating of the former borough of East York, the former cities of York, Etobicoke, North York, Scarborough, and Toronto, and the former Regional Municipality of Metropolitan Toronto into the current City. Includes information about proposed new City services and functions, department and services amalgamation, realignment and cost reductions. Documents may include amalgamation planning reports and studies, complaints, copies of Council minutes, and correspondence.

NOTE: While this retention schedule continues to govern existing records (including formerly unclassified records), it is no longer in use for the purposes of classifying newly created records."

(2) By amending columns 3 to 7:

(a) By deleting the following:

(from column 3)	(from col. 4)	(from col. 5)	(from col. 6)	(from col. 7)
All	T	P	P	P/AR

(b) And substituting the following:

(in column 3)	(in column 4)	(in column 5)	(in column 6)	(in column 7)
Common	C + 10	15	C + 25	AR

(3) By deleting the following from column 8.

“Comments:

T = File closed upon the City’s completion of the amalgamation processes”.

L. The record series for code “G0261” with record title “Access to Information & Personal Information Protection - Access Requests” is amended by deleting the record title and scope note in column 2 substituting the following:

“Access to Information Request

Records relating to the processing of access requests under MFIPPA and PHIPA including formal requests from the public, informal requests from other divisions and agencies and third party notifications to the City. It also includes building plans routine disclosure requests and appeal made by requesters to the Information and Privacy Commissioner. Documents may include access request forms or letters, e-mails with program areas, copies of responsive records, decision letters, correspondence and appeals representations.”

M. The record series for code “I0005” with record title “Office Administration” the scope note is amended as follows:

(1) By deleting the scope note in column 2 and substituting the following:

“Records relating to the routine administration of the business unit. Included are records such as correspondence of a routine or repetitive type; routine administrative queries; procedural advice; reference materials used but not created by the office; daily, weekly or monthly office activity reports which relate to routine activities; business unit copies of submitted purchase orders, travel expense statements or similar financial papers; daily or weekly work assignments for office staff.”

(2) By amending columns 4 to 7:

(a) By deleting the following:

(from column 5)	(from column 6)	(from column 7)
1	C+2	AR

(b) And substituting the following:

(in column 5)	(in column 6)	(in column 7)
0	C+1	D

N. The record series for code “I0240” with record title “Record Classification” is amended as follows:

(1) By deleting the record title and scope note in column 2 and substituting the following:

“Record Classification File

Records relating to the preparation of record classes prepared by Records & Information Management (RIM) unit staff. Records created since amalgamation, including completed inventories, client questionnaires, workflow analyses, and superseded records, are captured in the Record Series Inventory Form module of the Record Series Management Tool (RSMT) database. Records Classification files of former municipalities were superseded at amalgamation (end of 1997). Pre-amalgamation Records Classification files are paper-based and not found in RSMT. Files are organized by Record Classification System (RCS) code.”

(2) By amending columns 4 to 6:

(a) By deleting the following:

(from column 4)	(from column 5)	(from column 6)
C+2	4	C+6

(b) And substituting the following:

(in column 4)	(in column 5)	(in column 6)
S	5	S + 5

O. The record series for code “I0243” with record title “Forms Management” is amended as follows:

(1) By deleting the scope note in column 2 and substituting the following:

“Records relating to the analysis, consultation, design and production of authorized City forms. Documents may include requests for forms to be developed, correspondence, and original artwork.”

(2) By amending columns 3 to 7:

(a) By deleting the following:

(from column 3)	(from col. 4)	(from col. 5)	(from col. 6)	(from col. 7)
City Clerk's Office	S	3	S+3	AR

(b) And substituting the following:

(in column 3)	(in column 4)	(in column 5)	(in column 6)	(in column 7)
Common	C +2	4	C + 6	D

P. The record series for code "I0250 with record title "Records Retention and Disposition" is amended by deleting the title and scope note in column 2 and substituting the following:

"Records Retention Authorization Forms

Records relating to completed Records Retention Authorization Forms (RRAF's) with the signatures of representatives from the business unit, Legal Services, Internal Audit, and the External Auditor. These completed RRAF's are the basis for adding to or revising existing record classes in the Corporate Records By-law (Municipal Code Chapter 217). Digitized duplicates of the RRAF's are created for convenience."

Q. The record series for code "I0253" with record title "Records Destruction Certificates" is amended by deleting the title and scope note in column 2 and substituting the following:

"Records Destruction Files

Records relating to signed destruction packages (cover sheet, summary information, authorization page, and inventory of boxes), and matching destruction certificates."

R. The record series for code "I0265" with record title "Corporate Records Management" is amended as follows:

(1) By deleting the title and scope note in column 2 and substituting the following:

"Records Management Files

Records relating to initiatives and projects concerning City records throughout the management of the records' life cycle, including preparation of staff reports recommending amendments to the Corporate Records (City) by-law (Municipal Code Chapter 217). May include information relating to records management needs analysis, file conversions, digital imaging, records management implementation assistance, records purging, filing equipment determination requirements, assessment of system record keeping capacity, space

planning, file plan development, integrated document management, and project plans. Documents may include file lists and indexes, records conversion and implementation action plans and analysis reports.”

- (2) By deleting “City Clerk’s Office” in column 2 and substituting “Common”.
- (3) By deleting “AR” in column 7 and substituting “D”.

S. The record series for code “I0270” with record title “Records Centre Operations” is amended as follows:

- (1) By deleting the scope note in column 2 and substituting the following:

“Records relating to the operations and management of City-owned offsite records storage facilities. These facilities provide cost and space-effective storage for inactive records, i.e., records which must be retained but are less frequently consulted. May include information relating to inactive records retrieval and storage locations. Documents may include staffing schedules, equipment and facilities maintenance, work assignments, and reports on available storage space.”

- (2) By deleting “C + 2” in column 4 and substituting “C + 7”.

T. The record series for code “I0280” with record title “Exhibits” is amended as follows:

- (1) By deleting the scope note in column 2 and substituting the following:

“Records relating to all aspects of planning and mounting exhibits. Documents may include research notes, information on design, layout, implementation, and promotions of exhibits, exhibit text and labels, correspondence, photographs of exhibits, information about supplies, information relating to exhibit openings (catering services, invitation lists, speeches), educational programming materials, brochures and/or posters, press releases, and copies of exhibit reviews.”

- (2) By amending columns 3 to 7:

- (a) By deleting the following:

(from column 3)	(from col. 4)	(from col. 5)	(from col. 6)	(from col. 7)
City Clerk’s Office	T	P	P	P

- (b) And substituting the following:

(in column 3)	(in column 4)	(in column 5)	(in column 6)	(in column 7)
Common	25	0	25	P/AR

(3) By deleting the following from column 8:

“Comments:
File closed upon completion or closure of exhibit.”

U. The record series for code “I4110” with record title “Archival Acquisitions” is amended by deleting the record title and scope note in column 2 and substituting the following:

“Archives Collections Management

Records relating to the process of obtaining, processing, and providing ongoing access to government and non-government records with historical significance for preservation in the City’s archives. Archival materials may be acquired through private donations and transfers of Government records. May include information on the initial condition of acquired records, the appraisal of the records by Archives staff and external appraisers, the administrative histories of the organizations which supplied the records, the arrangement and processing of the records, and access requests. Documents may include copies of legal agreements and deeds of gift, monetary appraisal reports, archival appraisal reports, cultural property export review board applications, transfer sheets, finding aids, copies of accession records, and all supporting correspondence. Records exist in both paper and electronic form.”

V. The record series for code “L0365” with record title “Business Licenses - Mobile” is amended as follows:

- (1) By deleting “1” in column 5 and substituting “2” for paper records.
- (2) By deleting “T + 1” in column 6 and substituting “T + 2” for paper records.
- (3) By adding a second row to columns 4 to 8 for electronic records as follows:

(to col. 4)	(to col. 5)	(to col. 6)	(to col. 7)	(to column 8 at the end of the comments)
T	21	T + 21	D	T + 21 = for electronic records

W. The record series for code “W0023” is amended by deleting the record title “Road Closures” in column 2 and substituting “Road Closures – Temporary”.

X. The record series for code “W0038” is amended by deleting the record title “Utility Applications” in column 2 and substituting: “Utility Applications and Plans”.

ENACTED AND PASSED this 29th day of April, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)