



## STAFF REPORT ACTION REQUIRED

### Routine Records Retention Bylaw Amendment

<b>Date:</b>	16 October 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	City Clerk
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### **SUMMARY**

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This report requests City Council's approval of routine amendments to the City's record retention by-law, Municipal Code Chapter 217, Record's Corporate (City), including the revision of existing record retention schedules, the addition of new ones, and the repeal of retention schedules of the former municipalities. The City's Records Retention Committee, comprised of representatives from Legal Services, Internal Audit, and the City Clerk's Office, and an external auditor concur with the recommendations in this report. The inclusion in the by-law of new record retention schedules that supersede those of the former municipalities enables consistent administration of the City's information.

Unmanaged information is a liability for the creator and custodian. Establishing retention schedules is a fundamental tool to reduce risk and support effective asset management of the City's information. Consistent management of the City's information assets also complies with federal and provincial statutory retention requirements, including the *City of Toronto Act, 2006*, and contributes to effective access by City administrators and citizens. Timely destruction of records that have completed their scheduled retention period protects the City's legal interests and reduces administrative costs for storage and retrieval.

## RECOMMENDATIONS

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### The City Clerk recommends

1. amending the Municipal Code Chapter 217, Record's Corporate (City) to revise the records series schedules as noted in Appendix 1 and to add the new record retention schedules in Appendix 2.
2. repealing record retention by-laws of former municipalities as set out in Appendix 3.
3. granting the authority to introduce the necessary bills in the City Council to give effect to the foregoing, and
4. authorizing the appropriate City of Toronto officials to take the necessary action to give effect thereto.

### Financial Impact

There are no financial implications resulting from the adoption of the recommendations in this report.

## DECISION HISTORY

The Corporate Records Retention Committee, with representation from Legal Services, Internal Audit, and City Clerk's Office (Records and Information Management) met on October 11, 2007, to review and approve the records series and amendments in Appendices 1 and 2. On October 17, 2007, an external auditor reviewed and approved the new and amended schedules, as required by ss. 199 – 201 of the *City of Toronto Act, 2006*.

## ISSUE BACKGROUND

Under section 201 of the *City of Toronto Act, 2006*, a record of the City, other than a copy of the original record, may only be destroyed if the retention period for the record has expired, except as otherwise provided.

The City's harmonized records retention by-law is Municipal Code Chapter 217, Records Corporate (City), as authorized by Clause No. 4 of Administration Committee Report No. 8, as adopted by City of Toronto Council on October 26, 27 and 28, 2004, entitled "Records Retention By-law". "Schedule A" of Municipal Code Chapter 217 presently includes 267 records series which represent administrative and financial records series common to most City divisions, as well as records series related to City governance.

## COMMENTS

Unmanaged information is a liability for the creator and custodian. For example, if procurement documents were destroyed prematurely, the City would be left unprotected against claims of unfair procurement practice and public confidence in the City's openness objectives would erode. Establishing retention schedules is a fundamental tool to reduce risk and support effective asset management of the City's information.

The volume of stored records is at upwards of 97% of the Records Centre's total capacity. The *City of Toronto Act, 2006*, requires that these retention schedules must be authorized before the records they govern can be disposed of.

Senior staff in divisions with custody of specific records have been consulted in the development of the retention schedules, as have Internal Audit and Legal Services. All concur that the retention schedules affected by this report are appropriate and in compliance with applicable standards and legislation.

### **New Record Retention Schedules**

Retention periods and dispositions for 23 new records series are recommended for inclusion in Municipal Code, c.217. The recommended retention periods result from an analysis of record requirements in the divisions and the laws governing the divisional functions they support. The recommended dispositions result from an archival analysis using the criteria governing City Archives' acquisition policy.

The new records series are from the following divisions:

- Fire Services
- Human Resources
- Information & Technology
- Policy, Planning Finance & Administration
- Public Health

Appendix 3 provides records series titles, retention requirements, and dispositions

### **Repeal of records retention schedules of former municipalities**

The addition of these record series to Chapter 217 brings the total number of retention schedules to 398. These records series succeed the various and frequently inconsistent retention requirements of the former municipalities now making up the City of Toronto.

### **CONTACT**

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### **SIGNATURE**

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Ulli Watkiss, City Clerk

### **ATTACHMENTS**

- Appendix 1: Revision to existing record retention schedules
- Appendix 2: New record retention schedules
- Appendix 3: Former Municipalities' By-laws to be repealed