

November 6, 2008

ACTION REQUIRED

To: Government Management Committee

From: Dianne Young, Chief Executive Officer/Exhibition Place

Subject: **Records Retention Bylaw Amendment**

Summary:

Under section 201 of the City of Toronto Act, 2006, a record of the City or of its Local Boards, 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. In 2006, the City of Toronto approved By-Law No. 688-2006 which established a retention schedule for Exhibition Place.

When the Exhibition Place retention schedule was approved by City Council in 2006, there was an understanding that the schedule did not address all existing records series and that subsequent by-law amendments would capture new record series. This report requests approval for a routine amendment to the Board's records retention by-law, Municipal Code c. 219, Records, Corporate (Local Boards).

These amendments revise the existing records retention schedule by adding new classes of records to the schedule, by amending existing record series descriptions, and by permitting the destruction of unusable records. The appendices containing the draft by-law amendment and the new records retention schedule were prepared by staff of the Records & Archives Unit of Exhibition Place and have been reviewed by the following Exhibition Place staff: the Chief Executive Officer, Corporate Secretary and Chief Financial Officer. They have also been reviewed by the City Legal, City Archivist and the external auditor. All concur that the retention schedules affected by this report are appropriate and in compliance with applicable standards and legislation.

Recommendation(s):

It is recommended that City Council:

- 1. Approve the draft by-law set out in Appendix A to this report;**
- 2. Approve the records retention schedule set out in Appendix B to this report;**
- 3. Pass any necessary by-law substantially as set out in Appendix "A" and to establish the records retention schedules set out in Appendix "B";**

4. Authorize and direct the appropriate Exhibition Place and City Officials to take the necessary action to give effect there.

Financial Impact:

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

Decision History:

The draft by-law amendment and new records retention schedule were prepared by staff of the Records & Archives Unit of Exhibition Place and have been reviewed by the following Exhibition Place staff: the Chief Executive Officer, Corporate Secretary and Chief Financial Officer. They have also been reviewed by the City Legal, City Archivist and the external auditor.

Issue Background:

Under section 201 of the City of Toronto Act, 2006, a record of the City or of its Local Boards, 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. In 2006, the City of Toronto approved By-Law No. 688-2006 which established a retention schedule for Exhibition Place.

Comments:

Retention scheduling is the process of identifying and describing record series (for example, *employee files* and *accounts payable* would be separate record series) and then using a timetable to specify the length of time that each record series must be kept prior to destruction or permanent archival storage. The length of time that record series are kept is determined on the basis of their value in supporting administrative, legal, financial or archival functions. Analysis is also undertaken of all legislation governing the records to determine how long they need to be kept legally (for example, financial audit requirements). Unmanaged information is a liability for the creator and custodian. Establishing retention schedules is a fundamental tool to reduce risk and support effective and efficient asset management of the Board's information.

When the Exhibition Place retention schedule was approved by City Council in 2006, there was an understanding that the schedule did not address all existing records series and that subsequent by-law amendments would capture new record series. This report requests approval for a routine amendment to the Board's records retention by-law, Municipal Code c. 219, Records, Corporate (Local Boards). These amendments revise the existing records retention schedule by adding new classes of records to the schedule, by amending existing record series descriptions, and by permitting the destruction of unusable records. The appendices containing the draft by-law amendment and the new records retention schedule were prepared by staff of the Records & Archives Unit and have been reviewed by the Chief Executive Officer, Corporate Secretary and Chief Financial Officer and also reviewed by the City Legal, City Archivist and the external

auditor. All concur that the retention schedules affected by this report are appropriate and in compliance with applicable standards and legislation.

There are exceptional situations that arise from time to time when records are rendered unusable by accident, such as records damaged by water after a pipe has burst or by an ensuing infestation of mould. Every effort is made to recover damaged records but in some instances no amount of recovery work will result in records that can continue to serve their purpose. It is recommended that Chapter 219 be amended to provide authority to destroy such records despite any authorized retention schedule.

The volume of stored records in the Exhibition Place Record Centre is at near capacity. The *City of Toronto Act, 2006* requires that retention schedules be approved by Council before the records they govern can be disposed of. Once this new schedule is approved, staff of the Exhibition Place Records & Archives Unit will be able to send approximately 400 cubic feet of records off-site for secure destruction.

Contact:

Dianne Young, CEO

Telephone: 416-263-3611

Fax: 416-263-3640

Email: dyoung@explace.on.ca

Dianne Young
Chief Executive Officer

Attachments

Appendix A: Draft By-Law

Appendix B: New record retention schedule

Appendix “A”
CITY OF TORONTO
DRAFT BY-LAW No.

To amend City of Toronto Municipal Code Chapter 219, Corporate Records (Local Boards), to amend records series, to adopt new records retention schedules and to permit the destruction of unusable records for The Board of Governors of Exhibition Place.

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 as 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 set out in Schedule A and the destruction of unusable records;

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

1. Schedule F to Article IV of Chapter 219, Records Retention Schedule, Exhibition Place, of The City of Toronto Municipal Code is amended as follows:
 - A. The record series for code “XF1570” with the title “Accounts Receivable” is amended as follows:
 - (1) By adding the words “Rental & Service Agreements” and “Rental & Service Order forms.”
 - B. The records series for code “XG0261” with record title “Access to Information and Personal Information Protection – Access Requests” is amended as follows:
 - (1) By deleting the title “Access to Information and Personal Information Protection – Access Requests” and substituting “Access to Information & Personal Information Protection – Access Request”.
 - (2) By deleting “T + 2” and substituting “T +5”.
 - C. The Functional Category “R” with the title “Recreational and Culture” is amended as follows:
 - (1) By adding “charity casinos” to the description:

Records relating to the recreational and cultural programs and services offered by Exhibition Place to City of Toronto residents and visitors. Includes records relating to special events such as parades and festivals, tourism, charity casinos and fitness activities. Also includes information on the control of wildlife.
 - D. By adding the following section:

I. S 219-12.1. Destruction of unusable records.

Despite the Board of Governors’ records retention by-law, an unusable record in the custody or control of the Board may be destroyed. Prior to the destruction of any unusable record, the following documents are required:

- (1) A written description of the unusable record containing, to the extent that such information is applicable or obtainable, the following:
 - (a) The title of the records series.
 - (b) The identification of the business unit that is responsible for the creation or use of the unusable record.
 - (c) A brief description of the purpose of the records.
 - (2) The written approval of the division head or designate who is responsible for the business function to which the unusable record relates, if the division head can be identified.
 - (3) 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.
- E. By adding the new records series as set out in Schedule A at the end of this by-law in alphanumerical order by code number, under the functional category as set out in Schedule A for reference purposes. (Schedule A also includes the revised record series XF1570 and XG0261 and the revised description for R Functional Category as amended by Subsections A and B of this by-law for reference purposes.)

ENACTED AND PASSED this day of, A.D. 2008.

Mayor

City Clerk

(Corporate Seal)