

Records Retention Bylaw Amendment

Date:	December 8, 2008
To:	Government Management Committee
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

This report requests City Council's approval for routine amendments to the City's record retention by-law, Municipal Code chapter 217, **Records, Corporate (City)**. These amendments revise existing record retention schedules, add new schedules, and repeal superseded retention schedules. The City's Records Retention Committee, comprised of representatives from Legal Services, Internal Audit, the City Clerk's Office and an external auditor, concur with the amendments recommended. 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.

The interests of citizens and the City are protected by timely disposition of records that have completed their authorized retention period. Records no longer required by the City need to be destroyed, thereby helping protect the privacy of citizens whose personal information resides in these records. Records that have enduring legal, administrative, and historical value need to be preserved. The City's administrative costs for off-site storage of its records continue to be managed within the existing budgetary constraints while supporting effective access to relevant and current information by City administrators and citizens. The records storage capacity of the City's Records Centre is just under 360,000 boxes, which would fill every seat in the Rogers' Centre six times. The Records Centre is filled to 99% of its capacity.

RECOMMENDATIONS

The City Clerk recommends that City Council

1. Authorize the necessary amendments to Municipal Code chapter 217, Records Corporate (City), to add a new disposition category of “Archival and Permanent” to enable the future deletion of the existing disposition categories of “Permanent/ Archival Review” and “Permanent” after records series with these retention periods have been revised.
2. Approve the revisions to the records series schedule as noted in Appendix 2 and adding the new record series detailed Appendix 3.
3. Repeal record retention by-laws of former municipalities as set out in Appendix 4.
4. Grant authority to introduce the necessary bills in the City Council to give effect to the foregoing, and
5. Authorize 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 representatives from Legal Services, Internal Audit and City Clerk’s Office (Records and Information Management) met on October 31, 2008 to review and approve the records series and amendments in Appendices 2 and 3. On November 6, 2008 the City’s external auditor, Ernst & Young, reviewed and approved the new and amended schedules, as required by s.201(3) 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 consolidated records retention by-law is *Municipal Code Chapter 217, Records Corporate (City)*, as authorized by Clause No. 4 of Administration Committee Report No. 8, 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 407 records series which represent administrative and financial records series common to most City divisions, as well as records series related to City governance.

COMMENTS

The City Archives stores and makes accessible municipal records of enduring legal, administrative and historical value. The existing disposition of “Permanent/Archival Review” means that the records can remain inactive forever, and may never come into the Archives’ custody, though they have archival value. A new disposition statement of “Archival” is proposed to replace “Permanent/Archival Review”. This disposition indicates permanent retention of the records series, in its entirety, by the Archives. The deletion of the disposition statement “Permanent/Archival Review” will also eliminate the current possibility for records to exist as “permanently operational,” which puts them at risk, since, unlike the Archives, divisions are not equipped, staffed or trained to preserve records indefinitely.

The definitions of “Permanent/Archival Review” and “Permanent” will be deleted from Article II of Chapter 217 after Council has authorized revisions to all records series so designated in Appendix A to Article II of Chapter 217.

Maintaining an up-to-date records retention schedule is a key tool for managing the City’s information. Unmanaged information is a liability for the City. 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.

Managing information longer than necessary is likewise a liability. The volume of stored records is at over 99% of the Records Centre’ total capacity, i.e., almost six boxes of records for every seat in the Rogers’ Centre. Annual intake of records at the Records Centre is above 35,000 linear feet. Records authorized for destruction have averaged almost 25,000 linear feet per year. The retention schedules recommended by this report for inclusion in the Records Retention by-law govern 1498 boxes of records.

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 6 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:

- Facilities & Real Estate
- Municipal Licensing & Standards
- Technical Services
- Toronto Public Health

Titles, retention, and dispositions requirements for the new records series are detailed in Appendix 3.

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 407. These records series succeed the various and frequently inconsistent retention requirements of the former municipalities now making up the City of Toronto.

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SIGNATURE

Ulli S. Watkiss, City Clerk

ATTACHMENTS

- Appendix 1: Draft By-law “To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to revise operational provisions, to amend records series and to adopt new record retention schedules.”
- Appendix 2: Revision to existing record retention schedules
- Appendix 3: New record retention schedules
- Appendix 4: Former Municipalities’ By-laws to be repealed