

Records Management Procedures

Date:	15 September 2009
To:	Government Management Committee
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

This report responds to the Government Management Committee’s request for a report outlining the procedures by which the City’s Records Retention By-law is implemented and how archival records are kept and made accessible. It sets out how current and historical information about the administration of the City are maintained and accessed, including the checks and balances in place throughout the process.

The *City of Toronto Act*, sections 199 to 201 requires the City to maintain its records securely and accessibly. Only records that have retention and disposition rules authorized by Council can be destroyed. These rules are publicly available as part of the City by-laws (*Municipal Code*, chapter 217, Schedule A) and by the *Directory of Records* on the City Clerk’s Office, Corporate Access and Privacy internet site. Prior to the authorized destruction of records the City Archivist takes custody of records of historical value for permanent retention and makes them available on the internet and at the Research Hall at 255 Spadina Road.

Financial Impact

This report is for information only and there is no financial impact.

DECISION HISTORY

This report was requested by the Government Management Committee at its meeting on 14 January 2009 (see [Minutes](#), item 20.15, “Decision Advice and Other Information”):

The Government Management Committee requested the City Clerk to submit a further report to the Government Management Committee on how the Records Retention By-law is implemented, the procedures involved, how the archival records are retained, and how the archival information can be accessed.

ISSUE BACKGROUND

The *City of Toronto Act, 2006*, s.200(1), requires that City records be retained “in a secure and accessible manner.” Destruction of City records is authorized only when

- (a) “the retention period has expired; or
- (b) the record is a copy of the original record” s.201(2)

Council authorizes the retention periods for City records. Retention periods that are approved by Council are published in Schedule A to Ch. 217 of the Municipal Code. Council has approved retention periods for over 400 categories of records since 2004.

Record retention periods are based on:

- statutory requirements from over 200 federal and provincial laws
- the financial, legal, and administrative requirements of the City.

Before retention periods are recommended to Council, they are reviewed by the Corporate Records Retention Committee, including representatives from City Clerk’s Office, Legal Services, and Internal Audit, as set out in Municipal Code, chapter 217-5, C. and D. The *City of Toronto Act, 2006* also requires their review by the City’s external auditor, currently Ernst & Young.

The City’s Archives and Records Management programs were established in 1999 with the mandate to provide corporate support for the authorized disposal of City records, including taking custody of historically valuable City records so that they can be accessed by the public. Access to City records, before or after their transfer to the Archives, is governed by the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

COMMENTS

Managing the City’s information is complex. There are many sources of rules governing the management of City information including (but not limited to):

- *City of Toronto Act, 2006* – this Act does not allow the destruction of City information unless it is governed by authorized retention rules or a duplicate, i.e., the default is that all City information must be kept.
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Personal Health Information Protection Act*
- *Copyright Act*
- 200+ provincial and federal statutes specific to the City’s various lines of business.
- City by-laws, including Municipal Code, chapters 217 Records, Corporate (City), and 219 Records, Corporate (Local Boards – including TTC, Toronto Police, Toronto Public Library, Exhibition Place, Motor Vehicle Licence Plate Registration)
- Conditions of information purchase and transfer agreements, e.g., Ontario Works, BizPal, MPAC
- Collective agreements, e.g., Corporate Personnel File (Local 79 Collective Agreement, Article 30).

A Record Keeping Lifecycle

Good information management begins with planning the information needs of the organization. What information needs to be collected and for what purpose(s)? Does it contain personal, confidential, or proprietary information? What legislation, policies, and standards, govern its management? How long does the City need to retain it? How will it be accessible to those who need it or have a right to it? Are there other business areas collecting the same or similar information? If so, can it be shared or repurposed?

Once created, records must be maintained in such a way that they will meet operational requirements by all business units that rely on them. This means that there must be effective tools to find and retrieve stored records, as well as to amend and distribute them. There must also be rules established for how long the records must be kept, called record retention and required by the City of Toronto Act, 2006, s.200-201.

At the expiry of the established record retention, i.e., at the end of its operational value to the City, the record may have continuing value as an historical resource. Responsibility for such records is transferred from the originating business division to the City Archives program. Records that do not have this long-term value to the City must be securely destroyed, i.e., so that personal information remains protected and there is no other on-going liability to the City.

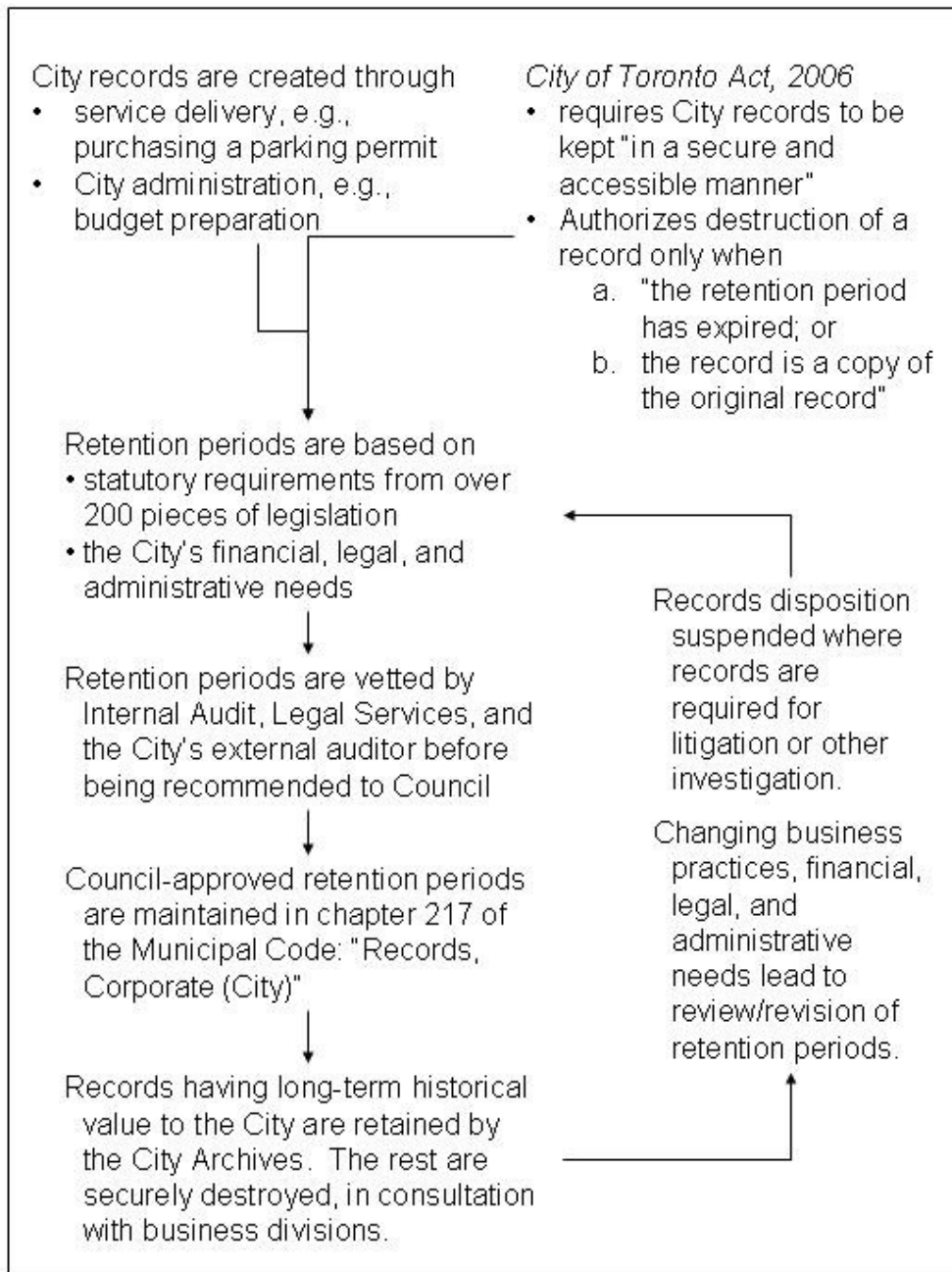
Implementing the City’s Records Retention By-law

The following illustration provides a quick overview of the implementation of the City’s records retention by-law. Legal requirements dominate the establishment of retention periods. The acquisition of historically valuable records by the City Archives and

provision of access to them is authorized by the Archives' Acquisition Policy, approved by Council in 1999:

The City of Toronto Archives preserves and provides access to records of enduring value regardless of media or format, that provide evidence of the decisions, policies, and activities of the City of Toronto, its predecessor municipalities, and its agencies, boards, and commissions which do not have their own archival programs.

Illustration: Management of City records, indicating checks and balances at the beginning and end of the lifecycle.



Destruction of City Records

City records eligible for disposition, i.e., for which the applicable Council-approved retention period has expired, are listed and sent for review to the appropriate divisional director and the City Archivist.

Once the written authorization of both the divisional director and the City Archivist is provided the disposition process begins. The destruction of non-archival records is a secure process provided by a contracted service provider.

Summary information about the listed records that are destroyed is available to the public under the City Clerk's Office Routine Disclosure Plan (http://www.toronto.ca/cap/pdf/city_clerks_office.pdf, under revision). The lists of records themselves cannot be routinely disclosed as some contain personal information.

Public Access to City Records at the Archives

The public can access the City's archival holdings at the City Archives, located at 255 Spadina Road, and by searching the descriptive database on the City's website (<http://www.toronto.ca/archives/description.htm>). In providing access to the City's archival records, the Archives must abide by the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*.

CONTACT

Daphne Gaby Donaldson
Director, Records & Information Management
A/Director, Corporate Access and Privacy
City Clerk's Office
416-392-9683

Jim Suderman
Manager, Client Services
Records & Information
City Clerk's Office
416-392-5652

SIGNATURE

Ulli S. Watkiss, City Clerk