

Records Retention Bylaw Amendment

Date:	4 December 2009
To:	Government Management Committee
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

This report requests City Council's approval for 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 These amendments revise existing record retention schedules, add new schedules, and repeal superseded retention schedules.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 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. Designating the holder of the authoritative or master copy of each class of records, wherever applicable, is also recommended.

The *City of Toronto Act 2006* does not allow for the destruction of City records unless their authorized retention period has expired. Records that have enduring legal, administrative, and historical value need to be preserved. The secure and authorized destruction of City records helps protect the privacy of citizens whose personal information resides in these records. Administrative costs for storing City records continue to be managed within the existing budgetary constraints while supporting effective access to relevant and current information by City administrators and citizens.

RECOMMENDATIONS

The City Clerk recommends that City Council

1. Authorize the necessary amendments to Municipal Code Chapter 217, Records Corporate (City), to allow the designation of existing business units as the holders of the authoritative or master copies for classes of records, where applicable, such designation to be indicated as an "office of primary interest" as defined in Appendix 1.
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.

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 16 October 2009 to review and approve the records series and amendments in Appendices 2 and 3, as required by Municipal Code, § 217-5(D). On 20 October 2009 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'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 and after their transfer to the Archives, is

governed by the requirements of the City of Toronto Act (2006) and *Municipal Freedom of Information and Protection of Privacy Act*.

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

Master copies of records

Designating the business unit holding the authoritative or master copy of each class of records, where possible, is a means to most effectively use the resources assigned for managing City records. It will not always be possible to designate a division or business unit holding the master copies of a class of records but where such a designation is possible, the effect will be that two authorized retention periods will be set. The master copies of records must be retained to meet all of the City's operational, financial, legal, audit and other requirements. Copies of the same records held elsewhere can then be retained for a lesser period and may also have a different disposition, details of which will be indicated on the retention schedule.

For example, Secretariat in the City Clerk's Office has primary responsibility for maintaining the records of Council, represented by the G0001 record class:

City Council

G0001

Records relating to the meetings, duties, and functions of the City Council. The City Council is the legislative body responsible for enacting ordinances and resolutions, adopting the City budget, representing the City, and carrying out a variety of municipal responsibilities. Includes Council certificates of amendments (resolutions), agendas, minutes of meetings, bills index, correspondence, memoranda, notices of motions, and committee reports.

Retention: Permanent

Disposition: Permanent

There are many reasons for other offices to have copies of City Council records but it makes sense to focus City resources on maintaining only the complete and authoritative master copies held by Secretariat for the full retention period, in this case permanently.

Designating where the master copies of City records are held will better focus City resources on maintaining the City's authoritative record, including:

- Reducing duplicated storage at the City's Records Centre;
- Reducing the volume of electronic records already stored by I & T Division;
- supporting the identification of vital records essential for City operations;
- supporting the identification of records having the greatest historical value;
- directing requests for information from the public to the authoritative source for the relevant records.

New Record Retention Schedules

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.

Retention periods and dispositions for 44 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:

- City Clerk's Office
- Economic Development, Culture & Tourism
- Emergency Medical Services
- City Planning
- Toronto Building
- 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 from 407 to 451. These records series succeed the various and frequently inconsistent retention requirements of the former municipalities that now make up Toronto.

CONTACT

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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