

Records Retention Bylaw Amendment

Date:	17 May 2010
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 These amendments add new schedules and repeal superseded retention schedules.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.

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 modify the Records Retention Schedule, detailed in Appendix 1.
2. Approve the revisions noted in Appendix 2 and adding the new record classes 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 6 May 2010 to review and approve the records series described in Appendix 2, as required by Municipal Code, § 217-5(D). On 11 May 2010 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 451 record classes which represent operational, administrative, and financial records of the City.

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 *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

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, records containing personal information, if unmanaged, may be accessed by unauthorized individuals, leaving the City unprotected against claims ranging from negligence to human rights violations, eroding public confidence in the City's responsible management of sensitive personal information. 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 25 new records classes 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 classes are from the following divisions:

- City Clerk's Office
- Economic Development & Culture
- Human Resources
- Pension, Payroll & Employee Benefits
- Social Development, Finance and Administration
- Toronto Public Health
- Real Estate Services

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

Repeal of records retention schedules of former municipalities

The addition of these classes to the City's Records Retention Schedule (Schedule A, Chapter 217) brings the total number of record classes from 451 to 476. New classes supersede various and frequently inconsistent retention requirements set by the former municipalities that now make up 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 and to adopt new record retention schedules.”
- Appendix 2: Revisions to the existing Retention Schedule
- Appendix 3: New record classes
- Appendix 4: Former Municipalities’ By-laws to be repealed