



REPORT FOR ACTION

Addition to the Records Retention By-law

Date: June 7, 2019

To: General Government and Licensing Committee

From: City Clerk

Wards: All

SUMMARY

Under Section 201 of the City of Toronto Act, 2006, a record of the City may be destroyed if a retention period has been established and the retention period has expired or the record is a copy of the original record. Chapter 217, Records, Corporate (City), provides the legislative basis on which the retention periods for City records are authorized and Schedule A indicates the retention period for each records class.

The People, Equity and Human Rights Division, as part of their transformation initiative, has requested that an authorized retention for personnel records be added to Schedule A. The bulk of the personnel files held by the City have no authorized retention period. Records dating as far back as 1910 and totalling almost 6,000 boxes continue to be stored at the Records Centre.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council amend Schedule A, Records Retention Schedule, in the City of Toronto Municipal Code Chapter 217, Records, Corporate (City), as set out in Appendix 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

The City Clerk's Office regularly reviews the Records Retention By-law and submits proposed changes to City Council for approval as needed. The last time City Council amended the Records Retention By-law was in October 2017.

On October 2, 3, and 4, 2017, City Council adopted Item GM22.3, Amendments to the Records Retention By-law Arising from City of Toronto Act, 2006, and Other Changes, which deleted Section 217-5B of the City of Toronto Municipal Code Chapter 217, Records, Corporate (City) and amended the Records Retention Schedule, Schedule A of Chapter 217, by amending the retention schedule.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.GM22.3>

COMMENTS

Background

Under Section 201 of the City of Toronto Act, 2006, a record of the City that is not simply a copy may only be destroyed if its retention period has expired. Chapter 217, Records, Corporate (City), provides the legislative basis on which the retention periods for City records are authorized and Schedule A indicates the retention period for each records class.

The City has not had an approved retention schedule for the bulk of its personnel records since amalgamation in 1998. Almost 6,000 boxes of personnel records, dating back as far as 1910, continue to be stored by the City. With the adoption of the recommended amendment, about half of those records would become eligible for disposition.

Available space at the City's Records Centre for storing physical records is at a premium. Timely disposition of records is essential to delivering off-site records storage services without incurring the added cost of third party storage services for overflow.

Council authority needed

Management in the People, Equity and Human Rights Division recommend that personnel records be retained for 20 years from termination of employment. The period exceeds the three year statutory retention required by Section 15(5) of the Employment Standards Act.

The longer retention is operationally necessary so that the City will have a record of any separation settlement paid to a former employee that subsequently returns to work at the City.

Because the recommended retention period exceeds the statutory requirement by more than five years, it falls outside the City Clerk's delegated authority and must be approved by City Council.

Staff review

This retention schedule was developed by the City Clerk's Office in consultation with staff from the People, Equity and Human Rights Division. It was reviewed and approved by the Corporate Records Retention Committee, per Municipal Code, Chapter 217, at its meeting on April 15. The Committee is comprised of representatives of the City Solicitor, Director of Internal Audit, Chief Information Officer, and City Clerk.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Appendix 1: Revisions to existing record retention schedules