

# **City of Toronto By-law Governing Retention Periods for Records in the Custody and Control of the Toronto Police Services Board and the Toronto Police Service**

*(City Council at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, adopted this Clause, without amendment.)*

**The Administration Committee recommends that Council enact a new City of Toronto By-law establishing retention periods for records in the Custody and Control of the Toronto Police Services Board and the Toronto Police Service in accordance with the scheduled attached to the following report (April 4, 2000) from the Chairman, Toronto Police Services Board:**

## Purpose:

To request the Administration Committee to recommend to City Council the enactment of a new City of Toronto by-law establishing retention periods for records in the custody and control of the Toronto Police Services Board and the Toronto Police Service.

## Financial Implications and Impact Statement:

There are no financial implications in regard to this matter.

## Recommendation:

It is recommended that the Administration Committee forward this report to City Council recommending the enactment of a by-law establishing retention periods for records in the custody and control of the Toronto Police Services Board and the Toronto Police Service.

## Background:

At its meeting held on January 26, 2000, the Toronto Police Services Board adopted a report, dated December 31, 1999, from Chief of Police David J. Boothby, requesting the Board's approval of a new record retention schedule for records in the custody and control of the Board and the Toronto Police Service and requesting that the Board forward such report to City Council for enactment of the necessary by-law. A copy of the Chief's report is attached as Appendix "A" to this report.

## Comments:

In accordance with section 116(1) of the *Municipal Act*, the Toronto Police Service may not destroy any of its records or documents without approval from the Ministry of Municipal Affairs, or in accordance with a by-law enacted by the City of Toronto.

The last comprehensive revision made to the Toronto Police Service records retention schedule took place in 1992. The first comprehensive revision since that time has just been completed and is discussed in the attached report from the Chief of Police.

It should also be noted that the draft by-law attached to the Chief's report is not in the appropriate form for enactment by City Council. The City Solicitor will submit a by-law in the appropriate format for Council approval reflecting the time periods for records retention contained in the attachment to the Chief's report.

In accordance with section 116 of the *Municipal Act*, the City Auditor has approved the content of the requested records retention by-law.

Conclusions:

In light of the provision of the *Municipal Act* respecting a municipal by-law governing retention periods for records in the custody and control of the Toronto Police Services Board and Toronto Police Service, the Board is seeking Administration Committee and Council approval of a by-law establishing retention periods for records in the control and custody of the Board and the Service.

Contact:

Mr. Ray Desjardins, Manager, Corporate Information Services, Toronto Police Service  
Telephone No. (416) 808-7852, Fax no. (416) 808-8202.

List of Attachments:

Board Minute Min. No. 14/00

---

This is an Extract from the Minutes of the Meeting of the  
Toronto Police Services Board Held on January 26, 2000

Revised Record Retention Schedule

The Board was in receipt of the following report December 31, 1999 from David J. Boothby, Chief of Police:

Subject: Revised Record Retention Schedule:

Recommendation:

It is recommended that:

- (1) the Board approve the publication of the revised Toronto Police Service Record Retention Schedule, and
- (2) the Board forward the approved Record Retention Schedule to City for issuance as a by-law.

Background:

The Toronto Police Service shall, pursuant to the Municipal Act, subsection 116(1), not destroy any of its records or documents unless approval is obtained from the Ministry of Municipal Affairs, or in accordance with a by-law passed by the Municipality. This adherence to a retention schedule provides for an orderly and systematic method of purging those files that are no longer needed and preserving those that are. Service personnel are thus provided guidance on when and how to purge records of the Toronto Police Service.

The last revision of the retention schedule occurred in 1998: however that revision (Toronto by-law 378-1998) was basically a change to titles and descriptions in order to reflect the new City of Toronto structure that replaced the former Metropolitan Toronto, as well as to accommodate a new bicycle registration schedule.

The newly revised retention schedule (attached), represents the first comprehensive revision to the schedule since 1992. It reflects not just the wishes of the users of the records in terms of the need to retain records for defined periods, but also legislative and service operational requirements in order to carry out the mandate of the Toronto Police Service.

The Freedom of Information (FOI) unit of Corporate Information Services, which has the responsibility for maintaining and overseeing compliance with the schedule, produced the revised schedule after extensive consultations with police users. It should be noted that the FOI unit does not dictate to the Service time periods for retention, but rather canvasses the users for consensus on time periods for given records, while incorporating legislative requirements before inserting them into the schedule.

Additionally, there have been discussions with the City Auditor and personnel of the City Archives over issues and aspects of the records, and the schedule as now presented meets with their collective approval. This schedule, as now presented, needs the sanction of the Board and Toronto City Council prior to being approved as a by-law amendment to our present schedule.

When this Board letter was presented to the Board's October 19<sup>th</sup> meeting, the matter was referred to the Policy and Budget sub-committee at the request of Councillor Olivia Chow. However, the item was subsequently not addressed by this sub-committee, but instead Councillor Chow met with the FOI Coordinator Ms. Susan Cardwell and the Manager of Corporate

Information Services/IAS, Mr. Ray Desjardins to discuss several individual items within the record retention schedule.

There were four particular retention periods that were queried at that time, and alternate retention periods suggested by Councillor Chow. These are:

- (1) “Complaints” – page 3 - The suggestion was that the retention period for less serious offences be 3 years instead of the 2 year period listed.

Response: The 2 year period is directly related to amendments to the Police Services Act. There are several areas which refer to complaints, and when they can/cannot be included in an officer’s employment file - for instance sections 64(16) and 65(18). The advice from the TPS Legal Advisor is that the schedule should remain as listed for these less serious complaints.

- (2) “CPIC Traffic” – page - 5 The suggestion is that the retention should be for a longer period, particular the short periods of retention for message logs.

Response: The CPIC Manager advises that there has only been one instance of a request being received for such a log. Furthermore, should such an ‘ad hoc’ request be received requiring information from one of these messages after they have been purged, an ‘off-line search’ can be conducted by the RCMP. Thus, as long as these ‘off-line’ requests are not received on a regular basis there is no need to change the schedule and it is recommended the shorter period be retained.

- (3) “Discipline” – page 6 – change back to 7 years instead of 5 years. Data was retained for 7 years previously.

Response: The original response from the Unit Commander of the Professional Standards Unit recommended a 5 year retention period but contained a “discipline free” clause that was, unfortunately, not included in the retention schedule description. This addition of this clause would meet the recommended retention standard set by the Canadian Association of Chiefs of Police for the purpose of granting the Police Exemplary Service Medal.

It is therefore recommended that the retention of the suggested 5 year period be approved, but with the addition of the ‘discipline free’ clause. This would, in effect, sanction a longer retention period for repeat offenders.

- (4) “Occurrences regarding bicycle thefts” - Change the actual bicycle theft occurrence from 4 years to 10 years since the registration is now retained for 10 years.

Response: These two differing retention periods are inconsistent and caused by an initiative (from outside the FOI unit)a few years ago which increased the schedule to 10 years for registrations: this initiative however did not address the actual bicycle theft occurrence which was not altered. The schedule will now been changed to reflect a 10 year retention period for both these records.

- (5) In addition to the above listed items, Councillor Chow recommended that "... in future when the retention schedule is altered outside groups, especially the Canadian Bar Association should be consulted, and that police records should mirror, when appropriate, the City's retention periods, especially in the areas of equipment, fleet maintenance and repair"

Response: The FOI Coordinator and staff have met several times with counterparts in the City Clerk's office to establish a working relationship and it was agreed that there was nothing in the proposed schedule that they fundamentally disagreed with and this practice will continue.

The Service Legal Advisor maintains that the objective of having Canadian Bar Association input insofar as the legalities of the schedule are concerned is not necessary, as that is one of his functions.

Recommendation No.1:

Therefore it is recommended that the Board approve the attached record retention schedule as amended and explained above.

Recommendation No. 2:

It is further recommended that the Board forward the retention schedule as approved to City Council for its approval and issuance as a by-law.

Mr. Ray Desjardins, Manager Corporate Information Services/IAS (8-7852), Ms. Susan Cardwell, FOI Coordinator (8-7848) and Ms. Lora White, FOI Analyst (87851) will be in attendance at the Board meeting January 26, 2000 to respond to questions concerning the TPS record retention schedule.

The Board approved the foregoing.

Authority: Emergency and Protective Services  
Committee Report No. 6(3), July 8, 9 and 10, 1998  
Intended for first presentation to Council: July 8, 1998  
Adopted by Council: July 10, 1998

CITY OF TORONTO

BY-LAW No. 378-1998

To establish a schedule of retention periods for records of  
The Toronto Police Services Board.

WHEREAS subsection 116(1) of the *Municipal Act* provides that a local board, as defined in the *Municipal Affairs Act*, shall not destroy any of its records or documents except

with the approval of the Ministry of Municipal Affairs or in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing retention periods for such records and documents; and

WHEREAS the Toronto Police Services Board (the “Board”) is a local board as defined in the *Municipal Affairs Act*; and

WHEREAS the former Municipality of Metropolitan Toronto enacted by-law No. 58-92 establishing a schedule of retention periods for records of the Board and by By-law No. 113-97 amended such by-law; and

WHEREAS the Board, by Minute No. 414/97, adopted at its meeting of September 22, 1997, requested the initiation of the process to amend By-law No. 58-92 to accommodate the ongoing retention of bicycle registration information; and

WHEREAS the Board, by Minute No. 414/97, adopted at its meeting of September 22, 1997, requested the initiation of the process to amend by-law No. 58-92 to accommodate the ongoing retention of bicycle registration information; and

WHEREAS it is expedient that the City of Toronto enact its own by-law incorporating the requested amendment and otherwise reflecting the terms of By-law No. 58-92 of the former Municipality of Metropolitan Toronto, as amended;

The Council of the City of Toronto HEREBY ENACTS as follows:

- 1. In this By-law
  - (a) the abbreviations in Column A have the same meaning as the expression set out opposite under Column B below:

Column A	Column B
A.C.C.S.	Access Control and Command System
ANI/ALI	Automatic Number Identification/Automatic Location
A.P.S.	Automated Parade System
A.T.S.	Applicant Tracking System
C.A.D.	Computer Assisted Dispatching
C.A.S.C.	Computer Assisted Scheduling of Courts
C.C.R.	Communications Report

C.D.I.U.	Central Drug Information Unit
C.I.C.B.	Criminal Injuries Compensation Board
C.I.P.S.	Crime Information Processing System
C.I.S.	Corporate Information Service
C.I.S.O.	Central Intelligence Services Ontario
C.O.P.S.	Centralized Occurrence Processing System
C.P.I.C.	Canadian Police Information Centre
C.P.O.	Crime Prevention Office
F.A.C.	Firearms Acquisition Certificate
H.R.M.S.	Human Resources Management System
I/C.A.D.	Intergraph Computer Aided Dispatch System
M.A.N.I.X.	Master Name Index
M.T.P.	Metropolitan Toronto Police
O.I.C.	Officer in Charge
O.M.E.R.S.	Ontario Municipal Employees Retirement System
P.A.R.I.S.	Police Automated Registration Information System (Ontario)
P.B.F.	Police Benefit Fund
P.S.A.	Police Service Act
S.A.S.	Special Address Service
T.P.S.	Toronto Police Service
W.C.B.	Workers' Compensation Board
Y2K R.D.D.	Year 2000 Record of Due Dilligence
Y.O.A.	Young Offenders Act

- (b) 'plus (+) current year' where used in Column 4 of all Schedules means the additional period between the anniversary of the commencement of the retention period in the calendar year which is the stated number of years the record is to be retained and the end of such calendar year.
  - (c) wheree 'stored' or 'storage' is part of the retention period, the information is deemed to be retained in either its original form or in another format utilized by the Toronto Police Service to preserve the record(s) integrity.
  - (d) where a number follows TPS or MTP the number refers to the number of the form used by the Toronto Police Service and its replacement from time to time.
2. The Toronto Police Services Board shall retain the receipts, vouchers, instruments, rolls or other documents, records and papers described under Columns 2 and 3 of Schedule 'A' (General), Schedule 'B', (Financial) and Schedule 'C' (Human Resources) to this By-law within the classifications set out under Column 1 for the period set out opposite such descriptions in Column 4 and may there after destroy them.
3. Notwithstanding section 2 of this By-law, records identified under the classification entitled "INTELLIGENCE FILES" in Column 1 of Schedule "A" to this By-law may only be destroyed with the authorization of the Unit Commander of Intelligence Services for the Toronto Police Service or any other official of said Service approved by the Toronto Police Services Board from time to time.

#### Preface

#### This Schedule Authorizes the Transfer and Disposition of All Service Records

'RECORD' means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise and includes,

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, an any copy thereof, and
- (b) any record that is capable of being produced from a machine-readable record under the control of the Toronto Police Service by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the Toronto Police Service.

This schedule directs adherence throughout the Service to a consistent timetable with the objective of ensuring:

- (1) Standing retention periods for all records;

- (2) Maximum efficiency in the use of space, materials and human resources associated with records keeping;
- (3) Timely destruction of records that have no further operational or investigative value, while complying with statutory restraints designating minimum retention periods for certain types of records;
- (4) Transfer of records from one medium to another or to archive storage; and
- (5) Preservation of historical or noteworthy records.

N.B: The normal life of a record may be extended when records assigned different retention periods are linked in a file or dossier. The individual record within that file or dossier possessing the longest retention period then becomes the standard for the group.

Adherence to this schedule is the responsibility of the Unit Commander who has control of the record.

Shredding is the authorized Service method for the destruction of records; tapes, floppy disks and other magnetic media must be disposed of by shredding and/or degaussing (magnetic erasure).

Record of Destruction:

An 'Internal Correspondence', (TPS 649) of all records destroyed (purged) shall be forwarded to the Coordinator of the Freedom of Information Unit. A copy will be retained in the Unit Commander's file.

This report will conclude a brief description of the records destroyed, the period of time that they span, and the date, location and persons involved in the destruction, (police and contract personnel), as well as the signature of the Unit Commander authorizing the destruction. Transfers to the Police Museum will also be noted.

A record is of historical value if it concerns:

- (1) Major criminal cases/disasters/events that have a compelling public interest.
- (2) The Services' organizational and administrative history.
- (3) The adaptation of new uniforms or equipment, or the opening of new buildings.
- (4) Records that have an apparent general or continuing interest.

#### Use of Form Numbers:

Most forms have been identified with specific numbers for the purpose of clarity, as when different forms have a similar name or purpose. The numbers are accurate only as of the time of publication.

#### Working Papers:

Working papers are rough notes, drafts, parade sheets, telephone slips, etc., whether stored in hard copy or any other form. These papers (notes) may be of no value once the actual record has been produced and should be destroyed as soon as possible.

The above information can also be found under NOTES, in Schedule 'A' of the Record Retention Schedule.

#### Freedom of Information:

*"The Municipal Freedom of Information and Protection of Privacy Act, 1989"*, has governed municipal organizations, including the Toronto Police Service, since 1991.01.01.

This law specifically gives everyone certain rights relating to information held by provincial and municipal government institutions including information held by police services. The most basic of these are:

- the right of access to information; and
- the right to protection of personal privacy.

The *Act* created a new position - that of Information and Privacy Commissioner - to administer the legislation, enforce compliance, mediate conflicts and act as the arbiter in deciding what, if any information should be released to the individual requesting it.

All information is regarded as accessible unless its release can be refused by the application of one or more exemptions. The *Act* contains an extensive list of 'law enforcement' exemptions as well as other restrictions, which are applicable to general or personal records; the *Act's* implementation demands a high standard of responsibility in the creation, maintenance and destruction of records. The Service is accountable for the timely and accurate retrieval of records required for review, regardless of their physical location within Unit files and/or information systems.

The Freedom of Information Unit of the Toronto Police Service has the responsibility of responding to access requests made under the *Act*.

---

The Administration Committee reports, for the information of Council, having also had before it the following report and communication:

- (i) (September 1, 2000) from the Chairman, Toronto Police Services Board; advising the Administration Committee that until the Toronto Police Services Board is able to consult with specific organizations, the Board is unable to respond to the Administration Committee's request respecting the enactment of a by-law establishing retention periods for records in the custody and control of the Toronto Police Services Board and the Toronto Police Service; and
- (ii) (June 13, 2000) from Mr. Ted Tibor Berger; advising that he has grave concerns respecting the City of Toronto By-law governing retention periods for records in the custody and control of the Toronto Police Services Board and the Toronto Police Service; and forwarding comments in regard thereto.

(A copy of Schedule 'A' attached to the foregoing report was forwarded to all Members of Council with the September 12, 2000, agenda of the Administration Committee and a copy thereof is also on file in the office of the City Clerk.)