

Authority: Section 217-5D of City of Toronto Municipal Code Chapter 217, Records, Corporate (City) and Section 169-5.2B of City of Toronto Municipal Code Chapter 169, Officials, City
City Council voted in favour of this by-law on July 20, 2023
Written approval of this by-law was given by Mayoral Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 751-2023

To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to establish one new records retention period and amend three existing retention periods contained within Schedule A, Record Retention Schedule of Chapter 217.

Whereas under section 201 of the City of Toronto Act, 2006, the City may establish retention periods during which the records of the City and local boards of the City must be retained and preserved; and

Whereas Council has delegated to the City Clerk the authority to establish or amend a retention schedule in accordance with Section 217-5D and to authorize the City Solicitor to submit implementation by-laws directly to Council; and

Whereas under Section 169-5.2B of Municipal Code Chapter 169, Officials, City, the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code and other by-laws to correct technical errors; and

Whereas the City Clerk has exercised the authority to establish or amend a retention schedule, to amend the retention schedules affecting the records of the City, specifically relating to establish COVID-19 Proof of Vaccination, and amend two existing retention schedules relating to Provincial Offences records originating from Court Services, and one relating to Workers' Compensation and Disability Management originating from People and Equity in accordance with the requirement of Section 217-5D and has sought to the City Solicitor to submit by-laws directly to Council for the implementation of these amendments; and

Whereas Chapter 217, Records, Corporate (City), is in need of updating to modernize references to statutes and other amendments of a technical nature, with several other retention schedules and such changes have also been approved by the City Clerk; and

Whereas the City Clerk has approved the establishment or amendment of the attached retention schedules;

The Council of the City of Toronto enacts:

1. Schedule A, Record Retention Schedule, of Chapter 217, Records, Corporate (City), of The City of Toronto Municipal Code is amended by:

- a. adding the new records series bearing specific code number: H1280 listed in Schedule 1 to this by-law in alphanumerical order to Schedule A by code number, under the functional category as set out in Schedule 1 to this by-law for reference purposes; and
- b. deleting the following existing record series listed under the following specified code numbers: F5402, F5404 and H1355 and replacing each of these three record series with the entry listed in Schedule 2 attached to this by-law with the corresponding code number in alphanumerical order to Schedule A by code number, under the functional category as set out in Schedule 2 for reference purposes.

Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE 1
NEW ENTRY TO BE ADDED TO SCHEDULE A, RECORDS RETENTION
SCHEDULE OF MUNICIPAL CODE CHAPTER 217, RECORDS,
CORPORATE (CITY) BEARING CODE NUMBER H1280

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|--------------|---|--------|---|----|------|---|--|
| I | <p>Functional Category: Information, Communications, and Administration</p> <p>Description: Records relating to the management of all City formal communications, including press releases, media releases, promotional advertising, and speeches. Also includes records relating to the production and/or management of information-related resources and initiatives, both by the City and by external parties, including libraries, films and movies, online web site data, corporate records management, and archival collections. Finally, includes records relating to a wide variety of general administrative matters, such as committees not related to City governance activities, office administration, audits, travel arrangements, trade shows, and operational and strategic planning.</p> | | | | | | |
| H1280 | <p>COVID-19 Proof of Vaccination</p> <p>Records relating to COVID-19 proof of vaccination records provided to City of Toronto by the employees, volunteers and students as needed to demonstrate compliance with the COVID-19 Vaccination Policy. Data may include disclosure forms, declaration of vaccination status and copies of vaccination receipts.</p> | Common | T | 20 | T+20 | D | <p>Comments:</p> <p>T=Termination of the mandatory COVID-19 Vaccination Policy effective 2022-12-01.</p> |

SCHEDULE 2
ENTRIES TO BE ADDED TO SCHEDULE A, RECORDS RETENTION
SCHEDULE OF MUNICIPAL CODE CHAPTER 217, RECORDS, CORPORATE
(CITY) TO REPLACE THE THREE EXISTING RECORDS RETENTION
SCHEDULE ENTRIES BEARING CODE NUMBERS F5402, F5404 AND H1355

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| F | Functional Category: Financial Management | | | | | | |
| | Description: Records relating to the City's finances and accounting processes, including the receipt, control, and expenditure of funds. Includes records relating to liability, risk management, payroll, taxation, treasury, insurance and purchasing. | | | | | | |
| F5402 | <p>Provincial Offences – Refunds</p> <p>Records relating to processing refunds related to payments made for offences under Provincial Offences Act (POA). Information include, but may not be limited to transcript requests, appeal cases, restitution cases, and overpayment / duplication payment of fines. Documents include copies of cheque requisitions, signed batch cover sheets and supporting documentation.</p> <p>Note: All refunds' original documentation are forwarded to Accounting Services at Corporate Finance for filing except for refund requests processed by other municipal POA Courts.</p> | Court Services | T | 7 | T+7 | D | <p>Comments:</p> <p>Where T=7 Years after refund is processed.</p> <p>Legislation/Regulation:</p> <p>Income Tax Act, (Canada), R.S.C. 1985, c. 1 (5th Supp.) s. 230. (4) (b) - Every person required to keep records and books of account shall retain, together with every account and voucher necessary to verify the information contained therein, until the expiration of six years from the end of the last taxation year to which the records and books of account relate.</p> <p>Highway Traffic Act, R.S.O. 1990, c. H.8 s. 205. (2) - Records shall be kept in any manner or on any medium that allows information to be recorded, stored, retrieved, and produced.</p> |

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| F5404 | <p>Provincial Offences – Collection</p> <p>Records relating to an action taken for the collection of Provincial Offences Act (POA) related fines.</p> <p>Documents include correspondence with the defendant, system screen prints of information respecting the offence(s), copies of cheques, certificates of default, payment plans and other proofs of payment. Files are closed after full payment has been made with respect to the outstanding fines.</p> | Court Services | T | 7 | T+7 | D | <p>Comments:</p> <p>Where T= 7 years after case closed after full payment/resolution made with respect to the outstanding fines.</p> <p>Legislation/Regulation:</p> <p>Income Tax Act, (Canada), R.S.C. 1985, c. 1 (5th Supp.) s. 230. (4) (b) - Every person required to keep records and books of account shall retain, together with every account and voucher necessary to verify the information contained therein, until the expiration of six years from the end of the last taxation year to which the records and books of account relate.</p> <p>Highway Traffic Act, R.S.O. 1990, c. H.8 s. 205. (2) - Records shall be kept in any manner or on any medium that allows information to be recorded, stored, retrieved and reproduced.</p> |
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| H | <p>Functional Category: Human Resources</p> <p>Description: Records relating to City employees and personnel services. Includes records relating to training, labour relations, health and safety, staff benefits, salary administration, and professional associations.</p> | | | | | | |
| H1355 | <p>Workers' Compensation and Disability Management</p> <p>Records relating to tracking and monitoring of all individual City current or former employees' workplace incidents for occupational and non-occupational injury, illness and/or disability accommodation. This includes workers' compensation (Workplace Safety and Insurance Board) claims, and non-occupational injury, illness and/or disability accommodation (including short-term disability cases). Documents may include incident reports, workers' compensation claims, notes, correspondence and invoices / financial statements documenting cost per worker etc. May also include documentation relating to representation of the City at Workplace Safety and Insurance Board appeals hearings, Workplace Safety and Insurance Appeals Tribunal hearings, Human Rights Tribunal hearings, grievances and arbitrations.</p> | People & Equity | T | 20 | T+ 20 | D | <p>Comments:</p> <p>Where T = Termination of employment, or upon resolution of outstanding WSIB claim, whichever is longer.</p> <p>Legislation/Regulation:</p> <p>Workplace Safety and Insurance Act, 1997, Regulation (First Aid Requirements) R.R.O. 1990, Reg. 1101</p> <p>s. 5. - Every employer shall keep a record of all circumstances respecting an accident as described by the injured worker, the date and time of its occurrence, the names of witnesses, the nature and exact location of the injuries to the worker and the date, time and nature of each first aid treatment given.</p> |