

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 November 9, 2023
Written approval of this by-law was given by Mayoral Decision 23-2023 dated November 9, 2023

CITY OF TORONTO

BY-LAW 1140-2023

To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), to establish one new records retention period and amend seven 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 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 to (a) establish a retention schedule for records relating to Dental Clinic Infection Prevention and Control originating from the City Division known as Toronto Public Health; and to (b) amend one existing retention schedule for records relating to Provincial Offences matters originating from the City Division known as Court Services, one existing retention schedule for records relating to Information Management Services originating from the City Division known as City Clerk's Office, and another applicable to other records relating to Information Management Services originating from any City Division; and four relating to records relating to Election matter records originating from the City Division known as City Clerk's Office 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: P3824 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: F5401, G0300, G0325, G0350, G0355, I0253 and I0260, and replacing each of these seven 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 November 9, 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 P3824

P	<p>Functional Category: Public Health</p> <p>Description: Records relating to public and community health programs and services that are available to City residents. Includes records on immunization programs, disease prevention awareness, and healthy lifestyles.</p>						
P3824	<p>Dental Clinic IPAC Records</p> <p>Records related to infection prevention and control (IPAC) measures in Toronto Public Health dental clinics, including medical device reprocessing and sterilization. Records include sterilization and disinfection logs, education and training materials, repair, maintenance and calibration records, and mechanical printout records.</p>	Toronto Public Health	T	10	T+10	D	<p>Comments:</p> <p>T= Date of last recorded action.</p>

SCHEDULE 2
ENTRIES TO BE ADDED TO SCHEDULE A, RECORDS RETENTION
SCHEDULE OF MUNICIPAL CODE CHAPTER 217, RECORDS, CORPORATE
(CITY) TO REPLACE THE SEVEN EXISTING RECORDS RETENTION
SCHEDULE ENTRIES BEARING CODE NUMBERS F5401, G0300, G0325, G0350,
G0355, I0253 AND I0265

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.						
F5401	Provincial Offences – Payments Records relating to the administration and processing of payments received by the City of Toronto in respect of the administration of Parts 1 and 3 provincial offences. This includes the processing of mailed-in / phoned-in / Electronic Fund Transfer (EFT) and web payments, transcript invoices and any transactions made in the electronic system relating to payment and error adjustment. Current system in use is the Integrated Court Offences Network (ICON). All payments made are matched to the respective offence case identification code in ICON, and any unmatched payments are posted to the suspense account. May include information relating to error adjustments, error receipts, and journal entries made with respect to the suspense account. Documents may include payment notices, daily cash reconciliations, adjustment requests, ICON transaction screen prints, copies of cancelled / NSF cheques, and related correspondence.	Court Services	T	7	T+7	D	Comments: T = Case closed. Legislation/Regulation: 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. 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.

G	<p>Functional Category: Governance</p> <p>Description: Records relating to the ways in which the City is governed and regulated to ensure efficiency, effectiveness, and compliance with statutory requirements. Includes records of the City's legislative process, such as the agendas and minutes of Council, its standing committees and community councils; City bylaws and the Municipal Code; formal policies and procedures; and annual reports of departments and special purpose bodies. Also includes all legislation and other municipal by-laws that might affect the City; records relating to non-municipal government bodies; election records; and records relating to provincially-mandated services that the City provides, such as birth and death registrations.</p>						
G0300	<p>Election Event Management</p> <p>Records relating to the administration and management of municipal elections, by- elections, and questions on a ballot. This may include management of election projects such as voting locations, voting systems, alternative voting methods, communication and media management and all other general administrative activities about any elections conducted by the City or appointment. Documents may include copies of leases, contracts and inspections, meeting minutes, agendas, project plans, and supporting documentation.</p>	City Clerk's Office	9	0	9	AR	<p>Legislation/Regulation: Municipal Elections Act, S.O. 1996, c.32, Sched.</p> <p>s. 88. (1) -The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election.</p> <p>s. 88. (2) (Destruction of records) - When the 120-day period has elapsed, the clerk, (a) shall destroy the ballots, in the presence of two witnesses; and (b) may destroy any other documents and materials related to the election.</p> <p>s. 88. (3) (Exception, recount) - the clerk shall not destroy the ballots, documents or materials if, (a) a court orders that they be retained; or (b) a recount has been commenced and not finally disposed of.</p>
G0325	<p>Contract Elections</p> <p>Records relating to election management services the City provides to other jurisdictions and external agencies under contract. This may include information on the City's roles and responsibilities identified in the contract. Documents may include copies of election contracts, invoices and other supporting documents. Note: Signed contracts and agreements records are governed by L6601</p>	City Clerk's Office	9	0	9	D	

City of Toronto By-law 1140-2023

G0350	<p>Election Candidates and Third Party Advertisers</p> <p>Records relating to candidates running for the office of Mayor, Councillor, or School Trustee and third party advertisers registering to support, promote or oppose a candidate in the municipal election, or a question on the ballot during the election period. Records include but are not limited to information on the nomination and registration processes; election campaign finances, notices and letters. Documents may include nomination and registration forms, withdrawals, signed declarations, financial statements, auditor's reports and supporting documentation.</p>	City Clerk's Office	5	1	6	D	<p>Legislation/Regulation:</p> <p>Municipal Elections Act, S.O. 1996, c.32, Sched. s. 88. (4) (Exception, election campaign finance documents) Subsection (2) does not apply to documents filed under sections 88.25, 88.29 and 88.32, which the clerk shall retain until the members of the council or local board elected at the next regular election have taken office. The clerk shall retain until the members of the council or local board elected at the next regular election have taken office.</p>
G0355	<p>Voting Place Documents and Materials</p> <p>Records relating to voting place documents and materials eligible for destruction after the 120-day period has elapsed after declaring the result of the election. Documents and materials include: marked ballots, voters' lists, proxy applications, Voter Information Cards, ballot statements, results tapes, Voter List Amendment Applications and other forms and documents.</p>	City Clerk's Office	T+12 0D	0	T+120 D	D	<p>Comments:</p> <p>T = Official declarations of results unless there is a court order or recount.</p> <p>Legislation/Regulation:</p> <p>Municipal Elections Act, S.O. 1996, c.32, Sched. s. 88. (1) -The clerk shall retain the ballots and all other documents and materials related to an election for 120 days after declaring the results of the election.</p> <p>s. 88. (2) (Destruction of records) - When the 120-day period has elapsed, the clerk, (a) shall destroy the ballots, in the presence of two witnesses; and (b) may destroy any other documents and materials related to the election.</p> <p>s. 88. (3) (Exception, recount) - the clerk shall not destroy the ballots, documents or materials if, (a) a court orders that they be retained; or (b) a recount has been commenced and not finally disposed of.</p>

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>						
I0253	<p>Records Disposition Management</p> <p>Records relating to the final disposition action carried out on eligible City records and information assets, regardless of format or medium. This includes records disposition eligibility reviews and authorizations to destroy, delete or transfer records for archival review or permanent retention. Documents may include: disposition authorizations, archival recommendations and/or memos, list of records destroyed or transferred to City Archives, certificates of records destruction, audit log for digital records destroyed or deleted, and all supporting documentation.</p>	City Clerk's Office	C+2	97	C+99	D	
I0265	<p>Records and Information Management</p> <p>Records relating to the management of the City's records and information assets, regardless of format or medium, throughout its lifecycle. Information relates to records management service delivery in regards to the development, implementation, and maintenance of corporate-wide records and information management (IM) strategies, projects and programs. Documents may include IM operational planning files, including statements of work and work plans, IM assessments, file planning advice and artifacts, repository development and maintenance plans, service requests, including inactive physical records transfers and circulation requests; analytical and statistical reports, advice and consultation materials, and all supporting documentation.</p>	Common	T	7	T+7	D	<p>Comments:</p> <p>T=Closure of project or completion of service.</p>