Records Retention Bylaw Amendment

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<th>Date:</th>
<th>8 March 2011</th>
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<td>To:</td>
<td>Government Management Committee</td>
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<td>From:</td>
<td>City Clerk</td>
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**SUMMARY**

City information is collected and created as records in the course of administering the City and delivering services. Much of that information must be kept longer than just to meet the immediate need, e.g., registration in a program offered by Parks, Forestry and Recreation. The need to keep City information comes from laws, e.g., the federal *Income Tax Act*. In fact, the *City of Toronto Act 2006* does not allow for City records to be destroyed until their authorized retention period has expired. This report seeks Council's authorization for retention periods for the City records described in the accompanying appendices. Following Council's authorization the City's Records Retention Schedule – Municipal Code Chapter 217, Records, Corporate (City) – is updated.

An up-to-date records retention schedule helps the City manage its information. Unmanaged information is a liability. Records retained for no purpose become unmanaged and, because no one has any need to oversee them, are more likely to be accessed by unauthorized individuals. Such access leaves the City unprotected against claims ranging from negligence to human rights violations, eroding public confidence in the City administration. Records retained beyond their operational use or statutory requirement are those selected by the City Archives or destroyed. The City's Archives provides services for the public to access City records that have been identified as having enduring legal, administrative, and historical value.
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 addition of the new record series detailed Appendix 2.

3. Repeal all or parts of the record retention by-laws of former municipalities as set out in Appendix 3.

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, approved the records series described in Appendix 2 on February 17, 2011, as required by Municipal Code, § 217-5(D). The City’s external auditor, PricewaterhouseCoopers Canada, reviewed and approved the new and amended schedules on February 28, 2011, as required by s. 201 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 be destroyed only if the retention period for the record has expired.

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 476 records series which represent administrative and financial records series common to most City divisions, as well as records series related to City governance.

COMMENTS
Responsibility for Records Retention
The City’s Archives and Records Management programs were established in 1999 with the mandate to provide support the effective management City records. These responsibilities were enhanced and consolidated in the Corporate Information Management Services united in 2010 following an organizational review of the information management function by the City Manager's Office.
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.

New Record Retention Schedules

Senior staff in divisions with custody of the records governed by these schedules 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.

Retention periods and dispositions for 10 new records series are recommended for inclusion in Municipal Code Chapter 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 series are from the following divisions:

- City Clerk's Office
- Human Resources
- Real Estate Service
- Toronto Public Health

Titles, retention, and dispositions requirements for the new records series are detailed in Appendix 2.

Repeal of records retention schedules of former municipalities

The addition of these record series to Municipal Code Chapter 217 brings the total number of retention schedules from 476 to 486. These records series succeed retention requirements of the former municipalities that now make up Toronto. Maintaining an up-to-date records retention schedule as a single authority for managing City records is a key tool accountability tool.

For that reason, all former municipal records retention schedules are being repealed. This increases transparency around the management of City records and clarifies the accountability by providing a single authority for managing City records.

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SIGNATURE

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Ulli S. Watkiss, City Clerk
ATTACHMENTS

Appendix 1: Modifications to the Records Retention Schedules
Appendix 2: New record retention schedules
Appendix 3: Former Municipalities’ By-laws to be amended or repealed