Amending Municipal Code Chapters 217, "Records, Corporate (City)" and 169, "Officials, City"

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<td>Government Management Committee</td>
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**SUMMARY**

Toronto's Municipal Code Chapter 217, "Records, Corporate (City)" has not been substantially updated since amalgamation and needs to be revised to normalize the City Clerk's responsibilities for managing City information and records. The recommendations will codify the corporate information management responsibilities assigned to the City Clerk in 2010, provide a clear foundation for the information management policy framework established since then, and clarify the responsibilities delegated to the City Clerk by City Council.

The recommended changes include revisions to update the language setting out the City Clerk's responsibilities contained in Municipal Code, Chapter 169, "Officials, City" and replacing the existing Chapter 217, "Records, Corporate (City)".

**RECOMMENDATIONS**

The City Clerk recommends that:

1. City Council amend Article II "City Clerk," of Toronto Municipal Code Chapter 169, "Officials, City", substantially as set out in Appendix 1 to this report, to delegate the duties of the "head" for all purposes of MFIPPA to the City Clerk, including both the authority to make decisions on public access to City information and leadership with regarding to protecting the privacy of individuals.
2. City Council amend the text portion of Toronto Municipal Code Chapter 217, "Records, Corporate (City)", substantially as set out in Appendix 2 to this report, in order to:
   a. codify the corporate information management mandate of the City Clerk in setting policies, guidelines and standards for the effective and efficient management of City information, including the collection, maintenance, and use of personal information;
   b. assign leadership for information technology and information technology policies to the Chief Information Officer; and
   c. delegate limited authority to the City Clerk to establish record retention schedules that comply with legislation and are in-line with general practice and approved by the City's external auditor, as required by the City of Toronto Act, 2006.

3. City Council request the City Manager, in consultation with the City Clerk and the Accountability Officers, (the Integrity Commissioner, the Ombudsman, the Lobbyist Registrar and the Auditor General), to review the records management requirements and responsibilities of the Accountability Officers in the context of the revised Chapter 217, "Records, Corporate (City)" and bring forward any required amendments to Municipal Code, Chapter 3, "Accountability Officers," through the Executive Committee.

4. City Council request the City Manager, in consultation with the City Clerk and representatives of City agencies, to review the records management requirements and responsibilities of the agencies relating to information and records management and bring forward any required amendments to Toronto Municipal Code, Chapter 219, "Records, Corporate (Local Boards)," to City Council, through the Executive Committee.

5. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft By-laws in Appendices 1 and 2 to this report as may be required to give effect to City Council's decision.

**FINANCIAL IMPACT**

There are no financial implications resulting from the adoption of the recommendations in this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

**ISSUE BACKGROUND**

The current Municipal Code Chapter 217, "Records, Corporate City," is out-of-date, having been designed primarily to govern the management of paper records. Similarly, the language of Chapter 169, "Officials, City" setting out the delegation of responsibilities to the City Clerk under the Municipal Freedom of
Information and Protection of Privacy Act, (MFIPPA) is out-of-date. Neither has been significantly updated since they were initially adopted.

The revisions to these Chapters support implementation of Council's Strategic Plan, Strategic Action #13 Open Government by Design.

COMMENTS

Amending Article II, Chapter 169, "Officials, City"

The recommended changes to Article II, Chapter 169, "Officials, City" delegate the duties of the "head" for all purposes of MFIPPA to the City Clerk, including both the authority to make decisions on public access to City information and leadership with regard to protecting the privacy of individuals.

Revision of Chapter 217, "Records, Corporate (City)"

The existing Chapter 217, "Records, Corporate (City)" does not reflect the current responsibilities of the City Clerk, the Chief Information Officer (CIO), or City divisions, resulting from the City Manager's review of the information management function in 2010.

The revisions to Chapter 217, "Records, Corporate (City)" will:

1. Codify the corporate information management mandate of the City Clerk in setting policies, guidelines and standards for the effective and efficient management of City information, including the collection, maintenance, and use of personal information.

2. Assign leadership for information technology and information technology policies to the CIO;

3. Delegate limited authority to the City Clerk to establish record retention schedules that comply with legislation and are in-line with general practice and approved by the City's external auditor, as required by the City of Toronto Act, 2006. To date, all retention schedules for City records have been approved by Council and published as Appendix A to chapter 217, "Records, Corporate (City)". The establishment and administration of records retention schedules are primarily routine and contain sufficient safeguards to eliminate the need for Council's direct oversight.

City Council will continue to approve the retention schedules for records of a City agency, the Accountability Officers and records of Council itself.

Changes to Municipal Code Chapter 3, "Accountability Officers"

The City of Toronto Act, 2006 requires that the Integrity Commissioner, the Ombudsman, the Lobbyist Registrar and the Auditor General perform their duties in an independent and confidential manner. Toronto Municipal Code Chapter 3, "Accountability Officers," requires the Accountability Officers to implement the
requirements of Chapter 217, "Records, Corporate (City)"; Records (Corporate) to their records.

The City Manager, in consultation with the City Clerk and the Accountability Officers, will consider the implications of the revised Chapter 217, "Records, Corporate (City)" for the Accountability Offices and bring forward any required amendments to Toronto Municipal Code Chapter 3 for Council approval.

**Changes to Municipal Code Chapter 219, "Records, Corporate (Local Boards)"

The *City of Toronto Act, 2006* requires that the City agencies retain their records in a secure and accessible manner. Toronto *Municipal Code* Chapter 219, "Records, Corporate (Local Boards)" sets out retention schedules of four City agencies: Toronto Transit Commission, Toronto Police Services Board, Toronto Public Library Board, the Board of Governors of Exhibition Place, and for Motor Vehicle Plate Registrant Information.

The City Manager, in consultation with the City Clerk and representatives of the City agencies, will consider the implications of the revised Chapter 217, "Records, Corporate (City)" for City agencies and bring forward any required amendments to Toronto *Municipal Code* Chapter 219 for Council approval.

**Conclusion**

The recommended changes to Municipal Code Chapters 217, "Records, Corporate (City)" and 169, "Officials, City" will normalize the City Clerk's responsibilities for managing City information and clarify the responsibilities delegated to the City Clerk by Council. These changes are expected to result in

- better management of the City’s information and records as a corporate asset;
- better stewardship of City information used by Divisions through the implementation of information management and information technology policies and standards, clarification of the responsibility for the protection of personal privacy;
- relieve City Council of the routine, administrative approval of record retention schedules;
- support the City’s Strategic Direction: Open Government by Design.

This report was prepared in collaboration with the City Manager’s Office, City Legal Services and the Information and Technology Division.
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SIGNATURE

Ulli S. Watkiss, City Clerk

ATTACHMENTS

Appendix 1: Draft By-law "To Amend City of Toronto Municipal Code Chapter 217, "Records, Corporate (City)", Records, Corporate (City) and to amend Chapter 169, "Officials, City", Officials, City, to expand, clarify and consolidate City Clerk's duties and authorities to manage records [and information and oversee] privacy matters of the City of Toronto"

Appendix 2: Draft Schedule 1: Amendments to Chapter 217, "Records, Corporate (City)"