

Appendix B: Draft Schedule 1, Article VII to Municipal Code Chapter 219, Records, Corporate (Local Boards) - Waterfront Neighbourhood Centre Board of Management

ARTICLE VII

Waterfront Neighbourhood Centre Board of Management

§ 219-17. Definitions.

A. As used in this article and in Schedule I to this article, the following terms shall have the meanings indicated:

ARCHIVAL VALUE - The evidential and informational value of records, which is determined during appraisal and justifies the records' preservation as archives.

BOARD - the Waterfront Neighbourhood Centre Board of Management.

BOARD ARCHIVES - The Board Archives.

COMPUTER SYSTEM - A device or a group of interconnected or related devices, one or more of which:

- (1) Contains computer programs or other data; and
- (2) Pursuant to computer programs, performs logic and control, and may perform any other function.

CONTENT, CONTEXT or STRUCTURE:

- (1) That which conveys information, including text, data, symbols, numerals, images and sound;
- (2) The appearance and arrangement of the content, including relationships between fields, entities, language, style, fonts, page and paragraph breaks, links and other editorial devices;
- (3) Fields, entities, language, style, fonts, page and paragraph breaks, links and other editorial devices; or
- (4) Background information that enhances understanding of technical and business environments to which the data relates, such as metadata, application software, logical business models and the origin, such as address, title, link to function or activity, agency, program or section.

COUNCIL - The Council of the City of Toronto.

DATA - Representations of information or of concepts, in any form, that are recorded or stored on any medium in or by a computer system or other similar device and that can

be read or perceived by a person or a computer system or other similar device, including a display of that data.

DISPOSE - To destroy a record or to transfer a record to the Board Archives.

ORPHAN DATA:

(1) Data that is not machine readable by any of the Board's computer systems because the data exists with no identifiable computer application that can retrieve the data; or

(2) Data that is machine readable but does not have sufficient content, context or structure to render it understandable by an experienced Board employee who is knowledgeable about the business function or functions to which the data relates.

RECORD - The same meaning as in subsection 3(1) of the City of Toronto Act, 2006. [This meaning is noted as follows for reference purposes only]:

“Record” means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films

RECORDS SERIES - A group of records that support a particular Board program or operation, that are filed together, and need to be retained for the same period of time.

RETENTION PERIOD - The period of time during which a specific records series must be kept by the Board before records in that records series may be disposed of.

RETENTION SCHEDULE - The schedule prescribing how long a specific records series must be retained before they may be disposed of.

TRANSITORY RECORD - A record that is:

- (1) Retained solely for convenience of reference;
- (2) Required solely for the completion of a routine action, or the preparation of another record;
- (3) Of insignificant or no value in documenting Board business transactions;
- (4) Not an integral part of a Board record;
- (5) Not filed regularly with records or filing systems;
- (6) Not required to meet statutory obligations or to sustain administrative or operational functions;
- (7) About social events that are not special Board events;

(8) Not related to Board business; or

(9) A voice mail message.

B. As used in the retention schedule in Schedule I to this article, the following abbreviations and terms shall have the meanings indicated:

A or ACTIVE - The period of time in years, unless otherwise stated, that the records must be kept in the active records office area.

C or CURRENT YEAR - The calendar year in which the records were created.

DISPOSITION - The destruction of a record or transfer of a record to the Board Archives, as indicated in a retention schedule by one of the following designations which have the meanings indicated:

(1) D or DESTROY - The records are destroyed once the total retention period has expired.

(2) ED – The records are reviewed by the Executive Director who determines whether the records will be destroyed or deemed permanent.

(3) P or PERMANENT - As defined below in the definition of "P or Permanent," the records are never destroyed, and for purposes of the definition of "disposition" only, are stored in the Board Archives for preservation purposes.

I or INACTIVE - The period of time in years, unless otherwise stated, that the records must be kept following the active period, other than in the active records office area.

MEDIA:

(1) The physical format of the records series, for example, paper, electronic, microfilm.

(2) If the retention schedule indicates "all media," records in any format are included.

ORIGINATING OFFICE - The Board office or title responsible for maintaining the records series. Any reference to a particular Board office or title used will be read to include the person responsible for that office or holding that title and will also include any successor to that office or title.

P or PERMANENT - A record that is never destroyed.

RECORDS TITLE - The title and detailed description of the types of records included in each records series.

S or SUPERSEDED - A record that is replaced by an updated record.

T or TERMINATED - A retention period that is calculated from a specific type of event, as explained under each records series.

TOTAL - The total retention period, including active and inactive retention periods.

§ 219-18. Responsibility for records.

Responsibility for records that are not destroyed after the inactive retention period is based on the disposition set out in the retention schedule as follows:

B. Permanent.

(1) This disposition is used if there are operational or legal requirements to retain the records for an indefinite period.

(2) Despite the storage of the records in the Board Archives for preservation purposes, the records remain under the full custody and control of the Board office or person holding the listed title that created them.

(3) The Board office or person holding the listed title is solely responsible for providing access to the records under any provincial or federal access and privacy legislation, including the listing of personal information banks and general classes of records, and for compliance with other legislation.

C. Executive Director Review.

(1) This disposition is used if there is a need for the Executive Director to review the records and determine if they should be destroyed or deemed permanent because of operational or legal requirements to retain the records for an indefinite period.

(2) Despite the storage of the records in the Board Archives for preservation purposes, the records remain under the full custody and control of the Board office or person holding the listed title that created them.

(3) The Board office or person holding the listed title is solely responsible for providing access to the records under any provincial or federal access and privacy legislation, including the listing of personal information banks and general classes of records, and for compliance with other legislation.

§ 219-19. Retention schedule.

A. The records of the Board shall be retained and may only be destroyed as set out in the retention schedule in Schedule I to this article.

B. The Executive Director of the Board or designate shall develop and administer the retention schedule.

C. In determining the retention period for a records series, the Chair of the Board or designate shall consult with other Board staff as appropriate, the City Solicitor and the City's municipal auditor.

D. The Executive Director of the Board or designate shall:

(1) Review and recommend amendments and additions to the retention schedule, for approval by the Board and Council; and

(2) Ensure that the retention schedule complies with all relevant legislative, financial and historical requirements for records retention.

E. A retention period for a records series shall be based on the following:

(1) The administrative value of the records based on the period of time during which the Board uses a record to perform its functions;

(2) The legal value of the records, based on the period of time necessary to meet statutory or other regulatory requirements, requirements imposed by an agreement, permit or similar document, or to ensure that records are available in case of litigation or investigation;

(3) The audit value of the records, based on the period of time required for audit or tax purposes; and

(4) The archival value of the records, based on the long-term value of the records to document past events or the origins and history of the Board.

§ 219-19.1. Responsibility of Board staff, volunteers and members.

All Board staff, volunteers and Board members who work with, create or manage records shall:

A. Manage and maintain records in their custody or control as corporate assets that belong to the Board, and not to individual staff, Board business units or departments that have custody of those records;

B. Comply with the retention periods in the retention schedule;

C. Apply retention periods and dispose of records only in accordance with the retention schedule;

D. Ensure preservation and security of records as directed under this chapter;

E. Ensure that records in their custody or control are protected from inadvertent destruction or damage, and ensure that records, other than transitory records or duplicate records, are destroyed only with the authorization of the Board office or title that has custody or control of the records;

F. Retain and preserve records in an accessible manner so that the records can be retrieved within a reasonable time and are in a format that allows the content of the records to be readily ascertained by a person inspecting the records; and

G. Ensure that transitory and duplicate records in their custody or control are destroyed when they are no longer needed for short-term reference.

§ 219-19.2. Principles of records destruction.

The following principles govern the destruction of records:

A. When there are no further legal or business reasons for retaining records, the records shall be destroyed as a class rather than selectively.

B. Records pertaining to pending or actual litigation or investigation shall not be destroyed with the class of records to which they relate.

C. Records shall be destroyed in a way that preserves the confidentiality of any information they contain.

D. Prior to the destruction of any record, other than orphan data or a transitory record or duplicate record, the following documents are required;

(1) A written description of the record containing, to the extent that such information is obtainable, the following:

a. The title of the record

b. The identification of the Board office or title that is responsible for the creation or use of the record.

c. A brief description of the record's purpose.

(2) The written approval of the Board office or title who is responsible for the creation or use of the record.

(3) Where applicable to satisfy the provisions of the Income Tax Act (Canada), the Employment Insurance Act (Canada) or the Canada Pension Plan, an exemption from the requirement to keep records in an electronically readable format from the Minister of National Revenue, on such terms and conditions as are acceptable to the Minister.

§ 219-19.3. Destruction of orphan data.

Orphan data in the custody or control of the Board may be destroyed.

§ 219-19.4. Documentation prior to destruction of orphan data.

Prior to the destruction of any orphan data, the following documents are required:

A. A written description of the data containing, to the extent that such information is obtainable, the following:

(1) The title of the system.

(2) The identification of the Board office or title that is responsible for the creation or use of the data.

(3) A brief description of the system's purpose.

(4) A brief description of any subsystems, their purpose and relationship to the main system or other subsystems.

(5) The name of the technical contact person who is responsible for documenting the system.

B. The written approval of the department head or designate who is responsible for the business function to which the data relates.

C. Where applicable to satisfy the provisions of the Income Tax Act (Canada), the Employment Insurance Act (Canada) or the Canada Pension Plan, an exemption from the requirement to keep records in an electronically readable format from the Minister of National Revenue, on such terms and conditions as are acceptable to the Minister.

§ 219-19.5. Retention of documentation.

The documents described in §§ 219-19.2D (1) and (2) and §§ 219-19.4A and B shall be submitted to, and kept by, the Chair of the Board or designate, as required by this article.

§ 219-19.6. Transitory and duplicate records.

A. Despite the remainder of this article, but subject to the Municipal Freedom of Information and Protection of Privacy Act, this section applies to the retention of all records created or received by Board staff, volunteers, and Board members.

B. A transitory record may be deleted or otherwise destroyed on the same day that the record was created or received.

C. A copy of a record may be destroyed at any time if the original is subject to a retention period established by this article.

D. A micrographic copy of a record shall be deemed to be the original for the purposes of this article.