

Amendments to Toronto Municipal Code Chapter 217, Records, Corporate (City)

Date: October 31, 2024

To: General Government Committee

From: City Clerk

Wards: All

SUMMARY

Under Section 201 of the City of Toronto Act, 2006, a record of the City may be destroyed if a retention period has been established and the retention period has expired, or the record is a copy of the original record. Toronto Municipal Code Chapter 217, Records, Corporate (City) provides the legislative basis on which the retention periods for City records are authorized, and Schedule A of the by-law indicates the retention schedule for each records class.

The purpose of this report is to amend the City's records retention by-law by establishing three new records retention schedules that pertain to:

- declarations of office executed by members of council before they take office to which they were elected or appointed to,
- records relating to the application process for Councillors seeking membership to the City of Toronto Long-Term Care Committee of Management, and
- records relating to audio/video recordings (i.e., recorded livestreams and video conferences) produced from live meetings of City Council and Committee meetings.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council amend Schedule A, Records Retention Schedule, in the City of Toronto Municipal Code Chapter 217, Records, Corporate (City), as set out in Appendix 1 to this report.

FINANCIAL IMPACT

There is no financial impact from the adoption of the recommendations in this report.

DECISION HISTORY

The City Clerk's Office regularly reviews the Records Retention By-law and submits proposed changes to City Council for approval as needed.

At its meeting on April 6 and 7, 2022, City Council amended Municipal Code Chapter 217, Records, Corporate (City) by establishing a new records retention schedule for email. <https://secure.toronto.ca/council/agenda-item.do?item=2022.GL29.17>

COMMENTS

Background

The length of time a City record is required to be kept is known as the "retention period". Chapter 217, Records, Corporate (City), provides the legislative basis on which the retention periods for City records are authorized and Schedule A indicates the retention period for each records class.

This report proposes to amend the City's records retention by-law by establishing three new records retention schedules that address business requirements and emerging needs:

- **G0200 Declarations of Office** There is currently no records retention schedule in place for declarations of office. Declarations of office are documents that must be executed by members of council before they can take office to which they were elected or appointed. The proposed schedule sets out that these records should be kept for 8 years in an "active" (office use) phase, and then retained permanently due to their enduring value.
- **G0010 Long-Term Care Committee of Management Application Records** Under the Fixing Long-Term Care Act, 2021, the City must maintain records related to successful and unsuccessful Councillor applicants seeking membership to the Long-Term Care Committee of Management. The proposed retention period for successful candidate records is 7 years from when the candidate ceases to have responsibilities as a Member of the Committee then destroyed. The proposed retention period for unsuccessful candidate records is 6 years then destroyed. The two retention periods are proposed so that successful candidate records are retained in accordance with legislative requirements, and a minimum timeframe is set up for which to keep unsuccessful candidate records, without keeping personal information for longer than required.
- **G0058 City Council and Committee Meetings – Audio/Video Recordings** City Council and Committee meetings supported by the City Clerk's Office are recorded via video conferencing technology. This proposed retention schedule is for records relating to audio/video recordings (i.e., recorded livestreams and video conferences) produced from live meetings of City Council and Committees supported by the City

Clerk's Office. The retention period proposed for these records is for 19 years from the current year, then subject to archival review.

Council Authority Needed

Council authority is needed to approve these schedules in accordance with Municipal Code, Chapter 217; § 217-5C(1)(a) for permanent retention periods, and (f) for schedules in relation to a decision or deliberation of City Council, including but not limited to proceedings.

Staff review

The first schedule was reviewed and approved by the Corporate Records Retention Committee at its meeting on September 12, 2023 and the second and third on October 25, 2024, respectively. The Corporate Records Retention Committee is comprised of City Solicitor, the Internal Auditor, the Chief Technology Officer, the City Clerk, or their delegates.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

Attachment 1 – Proposed Amendments to Municipal Code Chapter 217, Records, Corporate (City), Schedule A – Records Retention Schedule