

TORONTO MUNICIPAL CODE
CHAPTER 217, RECORDS, CORPORATE (CITY)

Chapter 217

RECORDS, CORPORATE (CITY)

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[History: Adopted by the Council of the City of Toronto October 28, 2004 by By-law 989-2004.¹; amended in its entirety (except for Schedule A) August 28, 2014 by By-law 1067-2014². Amendments noted where applicable.]

General References

Corporate (local boards) records - See Ch. 219.

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Municipal Freedom of Information and Protection of Privacy Act - See R.S.O. 1990, c. M.56.

§ 217-1. Definitions.

As used in this chapter, the following terms have the meanings indicated:

AGENCY - An agency of the City of Toronto listed in Schedule B.

ARCHIVAL RECORDS - Records designated by the City Archivist that warrant continued preservation.

AUTHORITATIVE SOURCE - A recognized set of trusted and reliable information and data managed under the custodianship of an organizational unit.

CITY RECORD - A record created or received in the course of City administration or delivery of City services.

¹ Editor's Note: By-law 989-2004 was passed under the authority of section 255 of the Municipal Act, 2001, S.O. 2001, c. 25. Section 3 of this by-law provided that it comes into force upon approval by the City's external auditor; approval was given by the City's external auditor October 28, 2004.

² Editor's Note: By-law 1067-2014 was passed under the authority of the City of Toronto Act, 2006, S.O. 2006, c. 11.

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CONFIDENTIAL INFORMATION - Confidential information includes information in the possession of, or received in confidence by the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act, or other legislation.

DIVISION - An organizational unit of the City, whether or not it is called a division or office, that is headed by a division head. **[Amended 2017-05-26 by By-law 552-2017]**

DIVISION HEAD - Any General Manager or any director or executive director reporting to the City Manager, a Deputy City Manager, the Chief Financial Officer and Treasurer, or the Controller. **[Amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019]**

- A. The City Clerk, the City Solicitor and the Medical Officer of Health.
- B. The Auditor General, the Integrity Commissioner, the Lobbyist Registrar and the Ombudsman.
- C. For the purpose of making a commitment under this chapter for their office, a Deputy City Manager, the Chief Financial Officer and Treasurer and the Controller.
- D. A person authorized to act in the place of an official listed in Subsections A, B, C or D by Council or by the City Manager or another official under delegated authority.

FORMER RECORDS RETENTION BY-LAW - A retention by-law of one of the former municipalities and Municipal Code Chapter 217, Records, Corporate (City), as it existed immediately before this by-law came into force, listed in Schedule C.

INFORMATION HOLD - A process that prevents recorded information from expiring or being destroyed before the event to which they are relevant has been resolved.

PERSONAL INFORMATION - Has the same meaning as that set out in the Municipal Freedom of Information and Protection of Privacy Act.

RECORD - 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.

RECORDED INFORMATION - Information that is recorded on or in a medium irrespective of form, recording medium or technology utilized, and in a manner allowing for storage and retrieval. See also RECORD.

RETENTION PERIOD - A retention rule stating how long records must be retained.

RETENTION SCHEDULE - An authority comprising of a description of a body of records, a retention period for those records and a disposition rule stating whether, at the expiry of the retention period, the records are to be destroyed or preserved by the City Archives.

TRANSITORY RECORD - A record that meets at least one of the following criteria:

- A. Required solely for the completion of a routine action, or the preparation of another record.

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- B. Not an integral part of a City record (for example, a photocopy of a record or a record filed with other, transitory, records).
- C. Not required to meet statutory obligations or to sustain administrative or operational functions.
- D. Records that have been transferred to and reviewed by the City Archives, in accordance with the retention schedule, that have insufficient value to warrant retention by the Archives.

§ 217-2. Corporate objectives for managing information and records.

- A. The City Clerk will, in accordance with applicable legislation, establish a framework of standards and policies relating to information and records management, including policies for:
 - (1) the management of records by the divisions, including, but not limited to, documentation, classification, and data quality standards;
 - (2) the collection and management of personal information;
 - (3) the retention and disposal of City records, subject to approved retention periods;
 - (4) the acquisition of records or collections from private sources by the City Archives;
 - (5) the auditing of information and records management practices in divisions; and
 - (6) the designation of authoritative sources of records and data.
- B. The City Clerk is authorized to enter into agreements with agencies, Accountability Officers, and other City-related bodies to provide services, advice or assistance in the creation and implementation of policies, as required, that reflect the general intent of the policies established in accordance with this section.
- C. The City Clerk shall maintain an up-to-date and publicly accessible retention schedule that includes retention and dispositions approved and established by City Council together with those approved and established by the City Clerk, which shall be Schedule A to this chapter.
- D. Unless repealed or superseded, a former retention schedule by-law shall be publicly available.

§ 217-3. Information and records management responsibilities.

- A. The implementation of policies established under § 217-2A relating to information and records management is a shared responsibility of the City Clerk, the Chief Information Officer and all division heads.

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- B. In accordance with Subsection A, the City Clerk shall oversee the implementation of information and records management policies and standards established under § 217-2A, by:
- (1) confirming that practices and systems optimize access to records while protecting the security of personal and confidential information, in accordance with established policies and applicable law; and
 - (2) providing corporate services to enhance the effective and efficient lifecycle management of information and records.
- C. The City Clerk shall maintain a record designated as archival in a secure and accessible manner, following the expiry of its authorized retention period.
- C.1 Subsection C does not apply to a record reviewed in accordance with § 3-41C of Chapter 3, Accountability Officers. **[Added 2017-05-26 by By-law 552-2017]**
- D. The Chief Information Officer will:
- (1) develop and implement architecture and technology standards applicable to information and records management;
 - (2) develop policies specific to technological resources to be used for information and records management;
 - (3) ensure the security and integrity of technological systems and digital information;
 - (4) where applicable, conduct privacy impact assessments of information technology projects that collect or use personal information; and
 - (5) integrate information and records management requirements, in particular the accessibility and protection of personal and confidential information, into technology architectures, policies, standards, and implementation actions.
- E. Each division and division head will:
- (1) ensure that records are created and maintained to effectively document the services their divisions provide;
 - (2) make divisional records easily accessible to members of the public, in accordance with established policies;
 - (3) take proper measures to protect the security of personal and confidential information, in accordance with established policies and applicable law; and
 - (4) maintain records in accordance with established records retention policies until disposition is implemented in accordance with the retention schedule.

§ 217-4. Record retention and disposition.

- A. No record shall be destroyed unless:

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- (1) the retention period established for the record in accordance with this chapter has expired and no information hold is applied on the record; or
 - (2) the record is a copy of the original record.
- B. The information and records of the City shall be retained in accordance with:
- (1) the applicable retention schedule established under this chapter; or
 - (2) if not superseded by the City's current retention schedule, the retention period or schedule of a former records retention by-law.
- C. Transitory records.
- (1) A transitory record may be deleted or otherwise destroyed on the same day that the record was created or received.
 - (2) This subsection constitutes the retention schedule for a transitory record.
- D. The City Archivist will, in accordance with policies established under this chapter, determine which records warrant continued preservation as archival records, such indication will form disposition rule in the retention schedule. Records not designated for continued preservation will be destroyed.
- E. A Corporate Records Retention Committee, comprised of the City Solicitor, the Internal Auditor, the Chief Information Officer, the City Clerk, or their delegates, shall meet as required to:
- (1) review proposed amendments and additions to the retention schedule, prior to submission for approval by the City Clerk or City Council under § 217-5;
 - (2) confirm that the retention schedule complies with all relevant legislative, financial and historical requirements for records retention; and
 - (3) review record keeping matters, including but not limited to an annual review of information holds, in accordance with policies established under § 217-2.

§ 217-5. Establishment of retention schedules.

- A. Corporate Records Retention Committee approval.
- (1) No retention period shall be established unless the Corporate Records Retention Committee has approved the retention period.
 - (2) Corporate Records Retention Committee approval shall be obtained prior to a review, establishment or amendment of a retention schedule by the City Clerk or Council in accordance with this section.
- B. (Reserved)³

³ Editor's Note: Subsection 217-5B was deleted December 8, 2017 by By-law 1392-2017.

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- C. City Council authority to establish or amend retention periods or schedules.
- (1) Subject to the requirements of this section, Council will make a decision with respect to the establishment or amendment of a retention schedule, including but not limited to:
 - (a) a recommended retention period that is permanent;
 - (b) a retention period that exceeds a statutory retention requirement by more than five years;
 - (c) a retention period that is less than a statutory retention requirement;
 - (d) a retention period that is based on conflicting or inconsistent statutory retention requirements and the extent of conflict or inconsistency is more than five years in length;
 - (e) a recommended retention schedule that is in relation to a record of:
 - [1] an agency of the City;
 - [2] the office of the Auditor General;
 - [3] the office of the Integrity Commissioner;
 - [4] the office of the Ombudsman; or
 - [5] the office of the Lobbyist Registrar;
 - (f) a recommended retention schedule in relation to a decision or deliberation of City Council, including but not limited to:
 - [1] agendas, meeting minutes, by-laws, proceedings and decisions;
 - [2] agreements; and
 - [3] judicial inquiries.
 - (2) Upon referral by the City Clerk pursuant to § 217-5D(1), City Council will make a decision with respect to the establishment or amendment of a retention schedule.
- D. City Clerk authority to establish or amend retention periods or schedules or refer establishment to City Council.
- (1) Subject to the requirements of this section, the City Clerk shall make a decision with respect to the establishment or amendment of a retention schedule or refer the establishment or refer the matter to City Council for decision.
 - (2) The City Clerk shall not establish or amend a retention schedule if any of the conditions set out in § 217-5C(1) apply.
 - (3) The City Solicitor may submit, for enactment by Council, amendments to Schedule A to this chapter to give effect to a decision to establish or amend a retention schedule delegated to the City Clerk in accordance with § 217-5D.

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§ 217-6. Transition.

- A. A records retention period established by a former records retention by-law shall remain in force unless repealed or superseded by a retention period established pursuant to this chapter.
- B. In the case of a conflict between this chapter and the records retention provisions of a former records retention by-law or any by-law not listed in the definition of former records retention by-law, this chapter prevails.

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SCHEDULE A
RECORDS RETENTION SCHEDULE

[Amended 2005-07-21 by By-law 690-2005; 2006-04-27 by By-law 262-2006; 2006-09-27 by By-law 923-2006; 2007-05-25 by By-law 590-2007; 2007-11-20 by By-law 1243-2007; 2008-04-29 by By-law 350-2008; 2008-04-29 by By-law 351-2008; 2009-01-28 by By-law 130-2009; 2009-01-28 by By-law 131-2009; 2010-01-27 by By-law 127-2010; 2010-01-27 by By-law 128-2010; 2010-07-08 by By-law 851-2010; 2010-07-08 by By-law 852-2010; 2011-04-13 By-law 519-2011; 2011-04-13 by By-law 520-2011; 2012-04-11 by By-law 531-2012; 2015-10-02 by By-law 1048-2015; 2017-12-08 by By-law 1392-2017]

[Schedule A, Records Retention Schedule](#)

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SCHEDULE B
City Agencies in scope for the purposes of Chapter 217

Service Agencies

1. Board of Directors of the Hummingbird Centre for the Performing Arts
2. Board of Governors of Exhibition Place
3. Board of Health
4. Board of Management of the St. Lawrence Centre for the Arts
5. Board of Management of the Toronto Zoo
6. Heritage Toronto
7. North York Performing Arts Centre Corporation
8. Toronto Atmospheric Fund
9. Toronto Parking Authority
10. Toronto Police Services Board
11. Toronto Public Library Board
12. Toronto Transit Commission
13. Yonge-Dundas Square Board of Management

Community-Based Service Agencies

14. Arena Boards of Management:
 - a. George Bell Arena
 - b. Larry Grossman Forest Hill Memorial Arena
 - c. Leaside Memorial Community Gardens Arena
 - d. McCormick Playground Arena
 - e. Moss Park Arena
 - f. North Toronto Memorial Arena
 - g. Ted Reeve Community Arena
 - h. William H. Bolton Arena
15. Business Improvement Area Boards of Management as set out under Chapter 19, Business Improvement Areas
16. Community Centre Boards of Management:
 - a. 519 Church Street Community Centre
 - b. Applegrove Community Complex
 - c. Cecil Street Community Centre
 - d. Central Eglinton Community Centre
 - e. Community Centre 55
 - f. Eastview Neighbourhood Community Centre
 - g. Waterfront Neighbourhood Centre [**Amended 2016-12-15 by By-law 1257-2016**]
 - h. Ralph Thornton Community Centre
 - i. Scadding Court Community Centre

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j. Swansea Town Hall

Quasi-Judicial and Adjudicative Boards

17. Committee of Adjustment
18. Committee of Revision
19. Compliance Audit Committee
20. Property Standards Committee / Fence Viewers
21. Sign Variance Committee
22. Toronto Licensing Tribunal

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SCHEDULE C
Former Records Retention By-laws

- A. Former Borough of East York By-law 26-91, being a by-law "To establish schedules of retention periods for Municipal Records", as amended;
- B. Former City of Etobicoke Municipal Code Chapter 28, Document Retention;
- C. Former Municipality of Metropolitan Toronto By-law 2561, being a by-law "To establish schedules of retention periods for records of the Municipality of Metropolitan Toronto", as amended;
- D. Former Municipality of Metropolitan Toronto By-law 2696, being a by-law "To establish schedules of retention for local boards of The Municipality of Metropolitan Toronto", as amended;
- E. Former City of North York By-law 27502, being a by-law "To establish a schedule of retention periods for records in the possession of the City of North York and the Hydro-Electric Commission of the City of North York", as amended;
- F. Former City of Scarborough By-law 24987, being a by-law "To establish a schedule of retention periods for records in the possession of the City of Scarborough", as amended;
- G. Former City of Toronto Municipal Code Chapter 97, Records Retention;
- H. Former City of York By-law 2371-76, being a by-law "To establish schedules of retention periods for municipal records", as amended; and
- I. City of Toronto Municipal Code Chapter 217, Records, Corporate (City), as it appeared immediately prior to the coming into force of this by-law.