

TORONTO MUNICIPAL CODE
RECORDS, CORPORATE (LOCAL BOARDS)

§ 219-4

ARTICLE II
Toronto Transit Commission
[Adopted 1998-11-26 by By-law No. 867-1998³]

§ 219-4. Records to be maintained; time periods.

The Commission shall retain the receipts, vouchers, instruments, rolls or other documents, records and papers classified in Column 1 and described under Column 2 of Schedule D to this article, at the end of this chapter, for the period set out in Column 3 opposite such description, and may thereafter destroy them.

§ 219-5. Destruction of certain records.

The Commission's receipts, vouchers, instruments, rolls and all other documents, records and papers described in Schedule D may be destroyed within the scheduled retention period if they are copied and retained in microfilm form. Thereafter, such microfilm shall be retained for the balance of the scheduled retention period and shall be deemed to be the original record.

ARTICLE III⁴
Toronto Public Library Board
[Adopted 2006-04-27 by By-law No. 260-2006⁵]

§ 219-6. Definitions.

- A. As used in this article and in Schedule F to this article at the end of this chapter, the following terms shall have the meanings indicated:

ARCHIVAL REVIEW PERIOD — The period of time during which a qualified archivist conducts a systematic appraisal of records having potential archival value.

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

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

³ Editor's Note: This by-law was passed under the authority of subsection 116(1) of the *Municipal Act*, R.S.O. 1990, c. M.45. Pursuant to this by-law, Schedule "A" to Municipality of Metropolitan Toronto By-law No. 2696, as amended, is amended by repealing By-law No. 73-89.

⁴ Editor's Note: Former Art. III, Acquisition of Non-Government Records, adopted 1999-07-29 by By-law No. 458-1999, as amended, was repealed 2004-10-28 by By-law No. 989-2004; see now Ch. 217, Records, Corporate (City). Section 3 of said By-law No. 989-2004 provided that it comes into force upon approval by the City's external auditor; approval was given by the City's external auditor 2004-10-28.

⁵ Editor's Note: This by-law was passed under the authority of section 255 of the *Municipal Act*, 2001, S.O 2001, c. 25.

- (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 Library Archives.

LIBRARY ARCHIVES — The Toronto Public Library Archives.

ORPHAN DATA:

- (1) Data that is not machine readable by any of the Library'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 Library employee who is knowledgeable about the business function or functions to which the data relates.

RECORD — The same meaning as in subsection 1(1) of the *Municipal Act, 2001*.⁶
[This meaning is noted as follows for reference purposes only:

⁶ Editor's Note: See S.O. 2001, c. 25.

“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 Library 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 Library 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 Library business transactions;
- (4) Not an integral part of a Library 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 Library events;
- (8) Not related to Library business; or
- (9) A voice mail message.

B. As used in the retention schedule in Schedule F to this article at the end of this chapter, 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 Library Archives, as indicated in a retention schedule by one of the following designations which have the meanings indicated:

- (1) AR or ARCHIVAL REVIEW — Destroy the records after review by an archivist, except for selected records that are transferred for permanent retention in the Library Archives, based on appraisal criteria.
- (2) D or DESTROY — The records are destroyed once the total retention period has expired.
- (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 Library Archives for preservation purposes.
- (4) P/AR or PERMANENT/ARCHIVAL REVIEW — The records will be held indefinitely in the Library Archives for preservation purposes or, if Council changes the retention period total from “permanent” in the future, the records will only be destroyed after archival review.

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.

M or MONTHS — The period of months that a record must be retained.

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.

OFFICE OF RECORD — The Library department or unit responsible for maintaining the records series.

P or PERMANENT — A record that is never destroyed.

RECORDS SERIES 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 RETENTION — The total retention period, including active and inactive retention periods.

§ 219-7. 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:

A. Archival review.

- (1) This disposition is used if preliminary archival analysis indicates that the records have considerable historical and research significance and should be retained, either in their entirety or subject to selection to preserve only those records that possess enduring value.
- (2) After the inactive retention period, responsibility for the records is transferred from the business unit to the custody and control of the Archives.
- (3) After the transfer, the Library Archives 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.
- (4) The records will be reviewed and processed to archival standards.
- (5) Records culled by the archivists may be destroyed, with the approval of the City Librarian or designate, without further notice to the business unit that created these records.

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 Library Archives for preservation purposes, the records remain under the full custody and control of the business unit that created them.
- (3) The business unit 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. Permanent/archival review.

- (1) This disposition is used if there are operational or legal requirements to retain the records for an indefinite period and if the records have also been identified as records that should only be destroyed after archival review if Council changes the retention period total from “permanent” in the future.

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- (2) Despite the storage of the records in the Library Archives for preservation purposes, the records remain under the full custody and control of the business unit that created them.
- (3) The business unit 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.
- (4) If, as a result of changes in operational needs or statutory requirements, the inactive, “permanent” retention period is reduced by Council, then the records will be transferred to the custody and control of the Library Archives at the end of the retention period and Subsection A applies with necessary changes.

§ 219-8. Retention schedule.

- A. The records of the Library shall be retained and may only be destroyed as set out in the retention schedule in Schedule F to this article, at the end of this chapter.
- B. The City Librarian or designate shall develop and administer the retention schedule.
- C. In determining the retention period for a records series, the City Librarian or designate shall consult with other Library staff as appropriate, the City Solicitor and the City’s municipal auditor.
- D. The City Librarian or designate shall:
 - (1) Review and recommend amendments and additions to the retention schedule, for approval by the Library 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 Library 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 Library.

§ 219-8.1. Responsibility of Library staff, volunteers and members.

All Library 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 Library, and not to individual staff, Library 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 designated staff in the department 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.

§ 219-8.2. 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.

§ 219-8.3. Destruction of orphan data.

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

§ 219-8.4. Documentation prior to destruction of orphan data.

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

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- 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 business unit 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.

§ 219-8.5. Retention of documentation.

The documents described in §§ 219-8.4A and B shall be submitted to, and kept by, the City Librarian or designate, as required by this article.

§ 219-8.6. Transitory and duplicate records.

- A. Despite the remainder of this article, but subject to the *Municipal Freedom of Information and Protection of Privacy Act*,⁷ this section applies to the retention of all records created or received by Library 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.

⁷ Editor's Note: See 1990 R.S.O. c. F.31.

§ 219-8.7. Archival review period.

- A. At the end of the archival review period, a record, other than a copy of the record or a transitory record:
- (1) Shall be transferred to the Library Archives if it possesses archival value; or
 - (2) Shall be destroyed if it does not possess archival value and if there is no further business or legal requirement to retain the record.
- B. The archival review period shall be deemed to end on the date that the City Librarian or designate certifies that the archival review is complete and the record has no archival value.

ARTICLE IV⁸

**The Board of Governors of Exhibition Place
[Adopted 2006-07-27 by By-law No. 688-2006]**

§ 219-9. Definitions.

- A. As used in this article and in Schedule G to this article, at the end of this chapter, the following terms shall have the meanings indicated: **[Amended 2008-12-03 by By-law No. 1303-2008⁹]**

ARCHIVAL REVIEW PERIOD — The period of time during which a qualified archivist working under the direction of the Manager, Records and Archives, Exhibition Place conducts a systematic appraisal of records having potential archival value.

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

ARCHIVES — The Board of Governors of Exhibition Place's Archives.

BOARD — The Board of Governors of Exhibition Place.

DISPOSE — To destroy a record or to transfer a record to the Archives.

RECORD — The same meaning as in subsection 1(1) of the *Municipal Act, 2001*.¹⁰
[This meaning is noted as follows for reference purposes only:

⁸ Editor's Note: Former Art. IV, Destruction of Certain Computer Data; Transitory and Duplicate Records, adopted 1999-11-25 by By-law No. 780-1999, as amended, was repealed 2004-10-28 by By-law No. 989-2004; see now Ch. 217, Records, Corporate (City). Section 3 of said By-law No. 989-2004 provided that it comes into force upon approval by the City's external auditor; approval was given by the City's external auditor 2004-10-28.

⁹ Editor's Note: This by-law came into force 2006-07-27.

¹⁰ Editor's Note: See S.O. 2001, c. 25.