



STAFF REPORT ACTION REQUIRED

Proposed Amendments to Municipal Code Chapter 219 – Toronto Transit Commission (TTC) Records Retention

Date:	June 22, 2015
To:	TTC Board
From:	Chief Executive Officer

Summary

This report seeks TTC Board and City Council approval of amendments to Municipal Code c.219 in order to:

- a) Add electronic and digital records as acceptable formats in the use, retention and disposition of official TTC records; and
- b) Implement a revised TTC record retention schedule.

In accordance with requirements set out in the *City of Toronto Act, 2006*, the proposed schedule has been reviewed by the City Auditor, PricewaterhouseCoopers LLP (Appendix 1). Limited and minor amendments to the records retention schedule were inputted after the PricewaterhouseCoopers LLP review and prior to final consultation with City of Toronto Legal Services.

Recommendations

It is recommended that the Board approve:

1. proposed amendments to Municipal Code, c.219-5, Article II (Appendix 1), to include electronic and digital records as official TTC records formats and to permit electronic and digital records to be original records for the purpose of the by-law.
2. the updated TTC Records Retention Schedule in a form consistent with that set out in the PricewaterhouseCoopers LLP report (Appendix 2).
3. forwarding this item to the City Clerk for Council approval and enactment of the foregoing legislative amendments.

Financial Summary

Sufficient funds in the amount of \$10,000.00 have been allocated in the 2015 TTC Operating budget for the required services of PricewaterhouseCoopers LLP.

There is also the potential for future year savings in storage costs of the TTC's physical records (paper) with the acceptance of electronic and digital information as official records. The current annual cost for storage of the TTC's physical records is \$60,000.00.

DECISION HISTORY

Representatives from TTC Legal, City of Toronto Legal Services and PricewaterhouseCoopers LLP (Appendix 2) have reviewed the draft amendments in Appendices 1 and 2.

Issue Background

The TTC Records Retention By-law was enacted on November 26, 1998. There has been no significant update to the by-law since its inception. Maintaining an up-to-date records retention schedule is vital to the effective management of TTC information. A records retention schedule describes records by their function and sets a minimum period of time for which the records must be retained before they become eligible for destruction. Every record must have an approved retention schedule assigned to it before it can be destroyed or disposed of. Retention and disposition requirements stated in records retention schedules are based upon administrative, legislative, fiscal and historical values of the particular records.

In order to carry out the update to the TTC's record retention schedule it was considered appropriate to platform off of the existing City of Toronto records retention schedule. This was due to the fact that the city records schedule is more current, and the City of Toronto and the TTC both manage many of the same administrative-type records.

Once the common City-TTC records were identified as the foundation to the new TTC records retention schedule it was necessary to move into a second phase which involved identifying records that are considered unique to the TTC. To accomplish this task, representatives from all TTC departments attended training sessions for the purpose of completing an inventory of records held in their various work areas. Those unique TTC records were then incorporated into the draft records schedule with retentions proposed based on any known legislative references and the business needs of the department responsible for the subject records.

Comments

The TTC's corporate-wide roll-out of the Electronic Information Management System (EIMS) is past the mid-way point with an estimated project completion date of December 2016. The EIMS has been designed such that any record created in the system must be linked to a corresponding code from the new TTC records retention schedule. (The retention calculation feature in the system will not be activated until the new records schedule is approved and the by-law has been updated). When a record has met its retention requirements the information is reported to department personnel who are authorized to manage the disposition of the subject record.

In addition, Municipal Code, Article II, c. 219-5 in its current context stipulates that physical or microfilm is the only acceptable format for retaining official TTC records. The amendments set out in Appendix 1 are necessary to include electronic and digital records as acceptable records formats. Electronic and digital records are now a very acceptable business management practice and consistent with the position taken by the courts in evidentiary matters.

Lastly, the updated records retention schedule, for the first time, specifically identifies which records held by the TTC should be considered for inclusion in the historic holdings of the company. Those records are currently held at the City of Toronto Archives facility.

In accordance with requirements set out in Section 201(3) of the *City of Toronto Act, 2006*, the City may, subject to the approval of the City auditor, establish retention periods during which the records of the City and its local boards must be retained and preserved. The proposed TTC retention schedule has been reviewed by the City Auditor, PricewaterhouseCoopers LLP (Appendix 2). Limited and minor amendments to the records retention schedule were inputted after the PricewaterhouseCoopers LLP review and prior to final consultation and input from City of Toronto Legal Services.

Accessibility/Equity Matters

There are no accessibility or equity issues resulting from adoption of this report.

Contact

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Attachments

Appendix 1 – Proposed Amendments to Municipal Code c.219
Appendix 2 – PricewaterhouseCoopers LLP Report

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TORONTO MUNICIPAL CODE
CHAPTER 219, RECORDS, CORPORATE (LOCAL BOARDS)

Article II

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

S.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 records shall be retained for the balance of the scheduled retention period and shall be deemed to be the original record.

S.219-5. Destruction of Certain Records (*Proposed Amendments*)

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 also available in microfilm, electronic or digital form. Thereafter, such microfilm, electronic or digital records shall be retained for the balance of the scheduled retention period and shall be deemed to be the original record.

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May 11, 2015

Report on Records Retention Schedule

To Management of The Toronto Transit Commission

As agreed with you, we have performed the agreed-upon procedures enumerated below with respect to the Records Retention Schedule By-laws of the Toronto Transit Commission (TTC) included in Appendix 4. The procedures were performed solely to assist you in complying with the City of Toronto Act, Section 201(3) – Retention periods, and are summarized as follows:

1. For each of the codes included in Appendix 1, compare the retention period to the applicable legislation/regulation. Identify differences in retention periods.
2. For code included in Appendix 2, compare the retention period to the City of Toronto equivalent record retention code. Identify differences in retention periods.
3. For each of the codes included in Appendix 3, obtain management prepared support for the retention period selected and review approval from a member of TTC management.

As a result of applying these procedures, we report our findings, along with any exceptions, in Appendices 1, 2, and 3.

These procedures do not constitute an audit of the TTC's Records Retention Schedule By-laws as at January 5, 2015 and, therefore, we express no opinion on the Records Retention Schedule By-laws. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

It is understood that this report is solely for your information and is not to be used for any other purpose and should not be distributed to other parties. Any use that a third party makes of this report or any reliance or decisions made based on it are the responsibility of such third party. We accept no responsibility for any loss or damages suffered by any third party as a result of decisions made or actions taken based on this report.

PricewaterhouseCoopers LLP

Chartered Professional Accountants

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Appendices

- Appendix 1 Records retention codes subject to legislation/regulation
- Appendix 2 Record retention codes consistent with the City of Toronto records retention policies
- Appendix 3 Record retention codes not subject to legislation/regulation and unique to the TTC
- Appendix 4 Records of retention schedule



Appendix 1: Records retention codes subject to legislation/regulation

Appendix 1: Records retention codes subject to legislation/regulation

Legend	
C + '# years'	Current year + # years
T + '# years'	Termination year + # years
P	Permanent

TTC record retention code	By-law item number (Note 1)	Retention periods agree? (Yes / No)	Difference	Management's comments
AD-006	No. 157	Yes	None	Not applicable
AD-008	No.194	No	New by-law = C + 3; Previous by-law = 3yrs	New retention period is current year + 3 years which is longer than previous by-law retention period.
AS-001	No.207	Yes	None	Not applicable
AS-004	No.208	Yes	None	Not applicable
AS-007	No.167	No	New by-law = C + 7; Previous by-law = 7yrs	New retention period is current year + 7 years which is longer than previous by-law retention period.
CO-001	No. 158	Yes	None	Not applicable
CO-006	No.158	No	New by-law = C + 10; Previous by-law = 10yrs	New retention period is current year + 10 years which is longer than previous by-law retention period.
FM-024	No.251	Yes	New by-law = T + 7; Previous by-law = 7 years	New retention period is termination + 7 years which is longer than previous by-law retention period.
GV-003	No.1	Yes	None	Not applicable
GV-004	No. 1 & No. 109	Yes	None	Not applicable
GV-007	No.10	Yes	None	Not applicable
HR-007	No.129	Yes	None	Not applicable
HR-014	No.127	No	New by-law = C + 2; Previous by-law = 3 months	New retention period is current year + 2 years which is which is longer than previous by-law retention period.
IM-012	No.5	Yes	None	Not applicable
IM-013	No.10	Yes	None	Not applicable
WO-001	No.193	No	New by-law = C + 3; Previous by-law = 1 year	New retention period is current year + 3 years which is longer than previous by-law retention period.
WO-014	No.195	No	New by-law = C + 3; Previous by-law = 2 yrs	New retention period is current year + 3 years which is longer than previous by-law retention period.
WO-016	No.201	No	New by-law = C + 6; Previous by-law = 3 yrs	New retention period is current year + 6 years which is longer than previous by-law retention period.

Note 1

We viewed the previous by-law item number on 'Schedule A' of the TTC Record Retention By-law enacted November 26, 1998 obtained from the TTC website.



Appendix 2: Record retention codes consistent with the City of Toronto records retention policies

Appendix 2: Records retention codes consistent with the City of Toronto records retention policies

Appendix 2 - Legend	
C + '# years'	Current year + # years
T + '# years'	Termination year + # years
P	Permanent

TTC record retention code	City Record Retention Code	Retention Totals Agree? (Yes / No)	Differences	Management's comments
AD-001	Go261	Yes	None	Not applicable
AD-002	I1000	Yes	None	Not applicable
AD-003	I0005	Yes	None	Not applicable
AD-004	H0135	Yes	None	Not applicable
AD-005	A0167	Yes	None	Not applicable
AD-009	A0508	Yes	None	Not applicable
AD-010	I0161	Yes	None	Not applicable
AD-011	A0172	Yes	None	Not applicable
AD-012	I0500	Yes	None	Not applicable
AD-013	I0495	Yes	None	Not applicable
AD-014	I0489	Yes	None	Not applicable
AD-015	Go244	Yes	None	Not applicable
AD-017	I0060	Yes	None	Not applicable
AD-019	A0510	Yes	None	Not applicable
AD-020	Go265	Yes	None	Not applicable
AD-021	Go266	Yes	None	Not applicable
AD-022	Go269	Yes	None	Not applicable
AS-002	A0501	Yes	None	Not applicable
AS-003	W0044	Yes	None	Not applicable
AS-005	W0096	Yes	None	Not applicable
AS-006	A0176	Yes	None	Not applicable
AS-008	A0500	Yes	None	Not applicable
AS-010	A0100	Yes	None	Not applicable
AS-013	A0518	Yes	None	Not applicable
CO-002	I0280	Yes	None	Not applicable
CO-003	R0430	No	TTC Retention Period = C + 10 City Retention Period = P	Caroline Werle of Records Information Management indicated that in her opinion a number of city retention periods were too long. Caroline teaches a graduate program in Records Management at the U of T and TTC accepted her recommendations in this regard.
CO-005	I0204	Yes	None	Not applicable
CO-007	I0203	Yes	None	Not applicable
CO-009	I0201	Yes	None	Not applicable
CO-012	O0455	Yes	None	Not applicable
EV-001	N0039	Yes	None	Not applicable
EV-002	N0041	Yes	None	Not applicable
EV-003	N0045	Yes	None	Not applicable
EV-004	N0046	Yes	None	Not applicable
EV-005	N0046	Yes	None	Not applicable
EV-007	E0405	Yes	None	Not applicable
EV-008	E0401	Yes	None	Not applicable
EV-009	E0404	Yes	None	Not applicable
EV-010	N0049	Yes	None	Not applicable
EV-011	N0050	Yes	None	Not applicable
EV-012	W005	Yes	None	Not applicable
EV-013	N0053	Yes	None	Not applicable
EV-014	N0055	No	TTC Retention Period = P City Retention Period = C + 6	TTC retention period is longer than corresponding City retention period.
EV-015	W001	Yes	None	Not applicable
EV-016	W0088	Yes	None	Not applicable
EV-017	N0061	Yes	None	Not applicable
FM-001	Go250	Yes	None	Not applicable
FM-002	F1500	Yes	None	Not applicable
FM-003	F2401	Yes	None	Not applicable
FM-004	F1570	Yes	None	Not applicable
FM-005	F1303	Yes	None	Not applicable
FM-006	F2301	Yes	None	Not applicable
FM-007	F3305	Yes	None	Not applicable
FM-008	F3307	Yes	None	Not applicable
FM-010	F0400	Yes	None	Not applicable
FM-011	F3264	Yes	None	Not applicable
FM-015	F2157	No	TTC Retention Period = C + 10 City Retention Period = P	Caroline Werle of Records Information Management indicated that in her opinion a number of city retention periods were too long. Caroline teaches a graduate program in Records Management at the U of T and TTC accepted her recommendations in this regard.
FM-016	F2157	Yes	None	Not applicable
FM-017	F0169	Yes	None	Not applicable
FM-018	F2313	Yes	None	Not applicable
FM-019	F2350	Yes	None	Not applicable

Appendix 2 - Legend

C + '# years' Current year + # years
 T + '# years' Termination year + # years
 P Permanent

TTC record retention code	City Record Retention Code	Retention Totals Agree? (Yes / No)	Differences	Management's comments
FM-020	F2801	Yes	None	Not applicable
FM-021	F1325	Yes	None	Not applicable
FM-022	F4000	Yes	None	Not applicable
FM-025	F1562	Yes	None	Not applicable
FM-026	F1560	Yes	None	Not applicable
FM-027	F3241	Yes	None	Not applicable
FM-028	F1541	Yes	None	Not applicable
FM-030	F5857	Yes	None	Not applicable
FM-031	F2430	Yes	None	Not applicable
FM-032	F1301	Yes	None	Not applicable
GV-001	G0260	Yes	None	Not applicable
GV-002	I0020	Yes	None	Not applicable
GV-005	G0001	No	TTC Retention Period = C + 3 City Retention Period = P	Caroline Werle of Records Information Management indicated that in her opinion a number of city retention periods were too long. Caroline teaches a graduate program in Records Management at the U of T and TTC accepted her recommendations in this regard.
GV-008	F3100	Yes	None	Not applicable
HR-001	H1215	Yes	None	Not applicable
HR-003	H1205	Yes	None	Not applicable
HR-009	H1202	Yes	None	Not applicable
HR-010	I0186	No	TTC Retention Period = C + 3 City Retention Period = C + 6	Caroline Werle of Records Information Management indicated that in her opinion a number of city retention periods were too long. Caroline teaches a graduate program in Records Management at the U of T and TTC accepted her recommendations in this regard.
HR-012	H1250	Yes	None	Not applicable
HR-013	H1260	Yes	None	Not applicable
HR-015	H1209	Yes	None	Not applicable
HR-016	H1246	Yes	None	Not applicable
HR-017	H1275	Yes	None	Not applicable
HR-018	H1261	Yes	None	Not applicable
HR-019	H1210	Yes	None	Not applicable
HR-020	H1240	Yes	None	Not applicable
HR-021	H1241	Yes	None	Not applicable
HR-022	H1242	Yes	None	Not applicable
HR-023	H1355	Yes	None	Not applicable
IM-001	A1550	Yes	None	Not applicable
IM-002	A0272 and A0273	Yes	None	Not applicable
IM-003	A0290	Yes	None	Not applicable
IM-004	I0320	Yes	None	Not applicable
IM-005	I0340	Yes	None	Not applicable
IM-009	I0300	Yes	None	Not applicable
IM-010	A0271	Yes	None	Not applicable
IM-011	I0249	Yes	None	Not applicable
IM-014	I0253	Yes	None	Not applicable
IM-015	I0270	Yes	None	Not applicable
IM-016	I4124	Yes	None	Not applicable
LL-005	L3050	Yes	None	Not applicable
LL-006	L0520	Yes	None	Not applicable
LL-008	L3085	Yes	None	Not applicable
LL-009	L0420	Yes	None	Not applicable
LL-010	L2200	Yes	None	Not applicable
LL-011	L0045	Yes	None	Not applicable
LL-013	I0470	Yes	None	Not applicable
WO-002	W0004	Yes	None	Not applicable
WO-003	W0016	Yes	None	Not applicable
WO-004	W0086	Yes	None	Not applicable
WO-005	W0018	Yes	None	Not applicable
WO-006	W0074	Yes	None	Not applicable
WO-008	W0012	Yes	None	Not applicable
WO-009	W0031	Yes	None	Not applicable
WO-010	W0030	Yes	None	Not applicable
WO-012	W0065	Yes	None	Not applicable
WO-013	W0038	Yes	None	Not applicable



Appendix 3: Record retention codes unique to the TTC

Appendix 3: Record retention codes not subject to legislation/regulation and unique to the TTC

Appendix a - Legend	
C + '# years'	Current year + # years
T + '# years'	Termination year + # years
CFAO	Chief Financial & Administration Officer

TTC record retention code	Support provided by management	Approver	New retention periods agree to support? (yes / no)	Difference	Management's comments
AD-007	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AD-006	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AD-018	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AD-023	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AS-007B	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AS-011	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AS-012	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
AS-014	TTC Records Inventory Form & e-mail	Paul Manherz - Manager Transit Enforcement Unit (PwC observed e-mail communication from Kevin Lee to Eric Ng, referencing verbal approval by Paul Manherz).	No	New Retention Period = C + 10 TTC Records Inventory Form = 10 yrs	New retention period is current year + 10 years which is longer than corresponding TTC Records Inventory Form retention period.
CO-004	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
CO-008	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
CO-010	TTC Records Inventory Form	Mary Cuckovic - Special events supervisor Alice Smith - Head of Customer Communications	No	New Retention Period = C + 5 TTC Records Inventory Form = 2 years	New retention period is current year + 5 years which is longer than corresponding TTC Records Inventory Form retention period.
CO-011	TTC Records Inventory Form	Mary Cuckovic - Special events supervisor Alice Smith - Head of Customer Communications	No	New Retention Period = C + 5 TTC Records Inventory Form = 2 years	New retention period is current year + 5 years which is longer than corresponding TTC Records Inventory Form retention period.
CO-013	E-mail from Matt Hagg and Vickey Simovic containing retention period approval	Vickey Simovic - Former Co-ordinator - Records Management/ Freedom of Information Office	Yes	None	Not applicable
EV-006	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
FM-009	TTC Records Inventory Form	Rita Nasso - Cost Analyst, Finance	No	New Retention Period = C + 10 TTC Records Inventory Form = 10 years	New retention period is current year + 10 years which is longer than corresponding TTC Records Inventory Form retention period.
FM-012	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
FM-013	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
FM-014	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
FM-023	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
FM-029	TTC Records Inventory Form	Alex Cassar - Senior Corporate Financial Analyst	No	New Retention Period = C + 7 TTC Records Inventory Form = 7 years	New retention period is current year + 7 years which is longer than corresponding TTC Records Inventory Form retention period.
GV-006	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
HR-002	TTC Records Inventory Form	D. Herbert - Transit Enforcement Coordinator	No	New Retention Period = T + 7 TTC Records Inventory Form = duration of employment	New retention period is Termination + 7 years which is longer than corresponding TTC Records Inventory Form retention period.
HR-005	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
HR-006	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
HR-008	TTC Records Inventory Form	Mark Russell - Staff Sergeant - Special Investigation	No	New Retention Period = C + 7 TTC Records Inventory Form = 7 years	New retention period is current year + 7 years which is longer than corresponding TTC Records Inventory Form retention period.
HR-011	TTC Records Inventory Form	Patricia Daniels - Director - Benefits Services	No	New Retention Period = C + 3 TTC Records Inventory Form = 3 years	New retention period is current year + 3 years which is longer than corresponding TTC Records Inventory Form retention period.
IM-006	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
IM-007	TTC Records Inventory Form and Verbal with Michelle Jones	L. Sequeira - Administrative Support Clerk (IT)	Yes	None	Not applicable
IM-008	CFAO approval	Vincent Rodo	Yes	None	Not applicable
LL-001	Memo from Karen McGuire under LL-001 suggests period for retention be 7 years	Karen McGuire - Associate General Council	Yes	None	Not applicable
LL-002	Memo from Karen McGuire under LL-002 suggests period for retention be 15 years and 21 years for Claims in the Case of infants	Karen McGuire - Associate General Council	Yes	None	Not applicable
LL-003	Memo from Karen McGuire under LL-002 - suggests period for retention be 7 years which was changed by Kevin Lee and approved by Karen through e-mail	Karen McGuire - Associate General Council	Yes	None	Not applicable
LL-004	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
LL-007	TTC Records Inventory Form	Mark Russell - Staff Sergeant - Special Investigation	No	New Retention Period = T + 7 TTC Records Inventory Form = 7 years	New retention period is Termination + 7 years which is longer than corresponding TTC Records Inventory Form retention period.
LL-012	TTC Records Inventory Form	Special Constable Services	No	New Retention Period = C + 5 TTC Records Inventory Form = 5 years	New retention period is current year + 5 years which is longer than corresponding TTC Records Inventory Form retention period.
WO-007	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable
WO-011	Memo from Karen McGuire under WO-011 suggests period for retention be 7 years	Karen McGuire - Associate General Council	No	New Retention Period = C + 7 Memo = 7 years	New retention period is current year + 7 years which is longer than corresponding memo.
WO-015	TTC Records Inventory Form	David Langley Assistant Manager - Bus/Rail Transportation	No	New Retention Period = C + 3 TTC Records Inventory Form = 6 months	New retention period is current year + 3 years which is longer than corresponding TTC Records Inventory Form retention period.
HR-004	CFAO approval	Vincent Rodo, CFAO	Yes	None	Not applicable



Appendix 4: Records retention schedule by-laws

(Available from the TTC Commission Services Department)