



## **Development of a Records and Information Management Policy: Phase 2**

**To:** Governance and Policy Committee

**Date:** 23 October, 2019

**Report No.:** 10-19-3766

### **Strategic Directions**

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being

### **Recommendation**

It is recommended that the Policy Development Work Plan for the Records and Information Management Policy, as presented in this report, be approved.

### **Context**

A Board decision related to record maintenance and security provided direction to establish policies and procedures in order to ensure effective, efficient and secure recordkeeping practices across the TDSB. The decision was based in part on the results of an audit conducted by PricewaterhouseCoopers (PWC), which recommended that the TDSB develop a records and information management policy. Currently, records management at the TDSB is regulated by operational procedure PR677, Recorded Information Management.

The proposed new Records and Information Management Policy (the “Policy”) will enhance compliance with applicable legislative, regulatory, and accountability requirements by (1) establishing requirements for effective, efficient, and secure recorded information management at the TDSB and (2) protecting the authenticity, reliability, usability, and integrity of recorded information required for the delivery of Board programs and services.

The Work Plan for development of the Policy (see Appendix A) is provided for consideration and approval. The Work Plan is supplemented by the preliminary draft provisions (see Appendix B), which are based on legislative requirements and operational requirements, consistent with the best practices of other school boards and municipalities (see Appendix C).

### **Action Plan and Associated Timeline**

Subject to the Governance and Policy Committee and Board of Trustees directions, the draft Policy will be prepared in accordance with the Policy Development Work Plan and subsequently

presented to the Governance and Policy Committee for consideration. The document will then be presented to the Board of Trustees for consideration and final approval.

### **Resource Implications**

No additional resources will be required for implementation of the Policy.

### **Communications Considerations**

The Policy will be communicated in accordance with the Policy Development Work Plan.

### **Board Policy and Procedure Reference(s)**

- Freedom of Information and Protection of Privacy Policy (P094)
- Open Data Policy (P091)
- Recorded Information Management Procedure (PR677)

### **Appendices**

- Appendix A: Policy Development Work Plan
- Appendix B: Draft Provisions - Records and Information Management Policy
- Appendix C: Scan of Selected Ontario School Boards and Other Jurisdictions

### **From**

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**POLICY DEVELOPMENT WORK PLAN**

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Date: Oct. 15<sup>th</sup>, 2019

All policies will be developed to ensure consistency with the TDSB's Mission, Values and Goals Policy (P002), the Equity Policy (P037) and the Board's Multi-Year Strategic Plan.

**POLICY INFORMATION**

Proposed Policy Title: **Records and Information Management Policy**

Director's Council member responsible for development of the new Policy:  
[Executive Officer, IT & IM Services, FOI and Privacy Office](#)

**Phase I. APPROVAL OF POLICY RATIONALE**

The rationale for the new Policy:

- A Board decision related to record maintenance and security provided direction to establish policies and procedures in order to ensure effective, efficient and secure recordkeeping practices across the TDSB. The decision was based in part on the results of an audit conducted by PricewaterhouseCoopers (PWC), which recommended that the TDSB develop a records and information management policy. Currently, records management at the TDSB is regulated by operational procedure PR677, Recorded Information Management.
- The proposed new Records and Information Management Policy will enhance compliance with applicable legislative, regulatory, and accountability requirements by (1) establishing requirements for effective, efficient, and secure recorded information management at the TDSB and (2) protecting the authenticity, reliability, usability, and integrity of recorded information required for the delivery of Board programs and services.

This Policy Development Work Plan has been discussed with the Policy Coordinator:

- ☒ Yes  
☐ No

**Phase II. OBTAINING TRUSTEES' DIRECTIONS AND DRAFTING POLICY**

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This Policy Development Work Plan will be discussed at the Governance and Policy Committee meeting held on: [23 October 2019](#).

### Creating the Draft Policy

The draft Policy will be created and aligned with the current Policy Template (see Operational Procedure PR501, Policy Development and Management, Appendix A):

- ☒ Yes
- ☐ No

Detailed information on the proposed policy provisions, including findings of the policy equity assessment: [See Appendix B: Draft Provisions - Records and Information Management Policy](#)

☒ A review of leading practices for similar policies across jurisdictions has been completed and is included with this Work Plan.

### Phase III. INTERNAL REVIEWS AND SIGN-OFFS

The draft Policy will include input from TDSB departments affected by the Policy:

- ☒ Business Operations and Service Excellence
- ☒ Equity, Well-Being and School Improvement
- ☒ Human Rights and Indigenous Education
- ☒ Leadership, Learning and School Improvement
- ☒ School Operations and Service Excellence

In addition, the following departments will be required to sign-off on the proposed draft Policy:

- ☒ Legal Services
- ☒ Governance and Board Services
- ☒ Government, Public and Community Relations

Following internal reviews and TDSB departments' sign-offs, the draft Policy will be submitted to Director's Council on: [November - December, 2019](#)

A sign-off from the Director of Education will be obtained before proceeding with external consultations and/or Committee/Board approval.

- ☒ Director of Education

#### Phase IV. EXTERNAL CONSULTATIONS

Are external consultations applicable to this Policy?

☒ Yes

☐ No (*Ministry of Education mandated policy or corporate policy without external stakeholders*)

Mandatory external consultations will include, at minimum:

1. Posting of the working draft Policy on the TDSB website for public feedback (45 days minimum): [45 days in January – February 2020](#)

2. Extending invitations for consultation to:

☒ Student Senate

and

all Community Advisory Committees of the Board and conducting consultations with the Community Advisory Committees that expressed interest (either individually with each interested committee or collectively with representatives of all interested committees):

- ☒ Alternative Schools Community Advisory Committee
- ☒ Black Student Achievement Community Advisory Committee
- ☒ Community Use of Schools Community Advisory Committee
- ☒ Early Years Community Advisory Committee
- ☒ Environmental Sustainability Community Advisory Committee
- ☒ Equity Policy Community Advisory Committee
- ☒ French-as-a-Second-Language Community Advisory Committee
- ☒ Inner City Community Advisory Committee
- ☒ LGBTQ2S Community Advisory Committee
- ☒ Parent Involvement Advisory Committee (PIAC)
- ☒ Special Education Advisory Committee (SEAC)
- ☒ Urban Indigenous Community Advisory Committee

In addition to mandatory consultations, other external participants and projected dates of consultation(s) include:

- ☐ School Councils
- ☒ Professional Associations and Unions
- ☐ Other:

The following methods will be applied in the external consultations: [\[at least two or more methods must be selected\]](#)

- ☐ Public meeting
- ☐ Facilitated focus group
- ☒ Call for public delegations
- ☐ Expert panel discussion
- ☐ Survey
- ☒ Posting on the TDSB website
- ☒ Other: E-mail notifications / correspondence

#### **Phase V. COMMITTEE/BOARD APPROVALS**

Following external consultations and revisions, the working draft Policy will be presented to the Governance and Policy Committee on the following date: [Spring 2020](#)

Following recommendation by the Governance and Policy Committee, the new Policy will be presented to the Board on the following date: [Spring 2020](#)

Once approved, the new Policy will be added to the TDSB website.

#### **Phase VI. IMPLEMENTATION**

Following Board approval, the new Policy will be communicated through:

- ☒ Posting of the new Policy on the TDSB website through the Policy Coordinator
- ☒ Sharing with staff through the System Leaders' Bulletin
- ☒ Informing departments at staff meetings and channeling information to the school principals through respective superintendents
- ☒ Implementation of a broad communication plan for internal and external audiences, include summary of policy provisions and expected outcomes

Policy implementation will include:

- ☒ Conducting information/training sessions to TDSB staff affected by the Policy

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The projected time period for conducting information/training sessions to staff will be: [Spring 2020](#)

- ☒ Initiate development of new procedures or review of associated procedures  
[PR677 – Recorded Information Management Procedure](#)

**DRAFT PROVISIONS: RECORDS AND INFORMATION MANAGEMENT****1. RATIONALE**

The Records and Information Management Policy (the “Policy”) supports the Toronto District School Board’s (TDSB or the Board) commitment to the effective, efficient and secure management of recorded information, regardless of format or media.

This Policy is consistent with subsection 171. (1), par. 38 of the *Education Act* which states the Board may institute a program of records and information management.

**2. OBJECTIVE**

To establish requirements for effective, efficient, and secure records and information management at the TDSB; and,

To protect the authenticity, reliability, usability, and integrity of recorded information recognized for its operational, legal, financial and or historical value in order to support the delivery of Board programs and services.

**3. DEFINITIONS**

*Board* is the *Toronto District School Board*, which is also referred to as “*TDSB*.”

*Data* is facts, figures and statistics objectively measured according to a standard or scale, such as frequency, volumes or occurrences and forms the basis of information.

*Dataset* is an organized collection of data.

*Electronic Records* means records that are captured, generated with and/or used by information technology devices.

*Freedom of Information (FOI) Request* is a request under *MFIPPA* for access to information that is in the custody or control of the Board. Refer to the Freedom of Information and Protection of Privacy Policy (P094).

*Inactive Records* means records that are no longer required in the day-to-day operations of an organization but must be retained for administrative, historical, fiscal, audit, or legal purposes.

*Information* is meaning and value derived through the analysis and interpretation of data.



*Legal Hold* is a process that an organization uses to preserve all forms of relevant and potentially relevant information when litigation, a government investigation, investigation, audit, FOI request, or other legal issue or dispute is reasonably anticipated or is underway. During legal hold, applicable retention periods under the TDSB's records retention schedule are suspended and all available (including official and transitory) records must be preserved.

*Metadata* is a set of data that describes other data.

*Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* establishes legal obligations on how public organizations may collect, use, and disclose personal information. MFIPPA also establishes a right of access that enables individuals to request their own personal information and have it corrected.

*Official Record* means any record of information created, collected and/or received in the course of regular Board business that provides evidence of business decisions, actions, and transactions, including the delivery of programs and services.

*Personal Information* is recorded information about an identifiable individual. As defined by *MFIPPA* this may include, but is not limited to:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- Any identifying number, symbol or other particular assigned to the individual,
- The address, telephone number, fingerprints or blood type of the individual,
- The personal opinions or views of the individual except if they relate to another individual,
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- The views or opinions of another individual about the individual, and
- The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

*Recorded Information* or *Record(s)* means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, made or received and retained by an organization in pursuance of legal obligations or in the transaction of business.

Examples include:

reports, presentations, briefing notes; correspondence such as e-mails; letters, memos; books, pamphlets, plans, maps, drawings, diagrams, graphics; hand-written notes; calendars, text (SMS and/or MMS) messages, and instant messages (IM); voice messages; and video recordings.

*Records and Information Management (RIM)* is the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records throughout its lifecycle including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.

*Record Retention Schedule (RRS)* is a comprehensive list of records series titles, indicating for each series (1) the length of time each document or record will be retained as an active record, (2) the reason (legal, operational, fiscal, historical) for its retention, and (3) the final disposition (archival or destruction) of the record.

*Transitory Records* are records of short-term value that can be destroyed immediately or after meeting its transitory need. Examples include a working document used in the preparation of a final document such as reports, policies or procedures or routine e-mails to schedule or confirm meetings or events.

#### 4. **RESPONSIBILITY**

The Director of Education holds primary responsibility for the implementation of this Policy. Within the Director's Office, the responsibility for the coordination and day-to-day management of the Policy is assigned to the Associate Director, School Operations and Service Excellence and the Executive Officer, Information Technology/Information Management and Freedom of Information and Privacy.

#### 5. **APPLICATION AND SCOPE**

This Policy applies to all recorded information created, collected, received or captured within the Board in the normal course of business, whether held in digital (electronic) or hardcopy format.

This Policy applies to all Board staff, Trustees, and service providers (including contractors, consultants) working on behalf of the Board.

#### 6. **POLICY**

##### 6.1. **General**

- 6.1.1 Recorded information in the custody and/or control of the Board are corporate and strategic assets.

- 6.1.2 The authenticity, integrity, and usability of recorded information must be maintained over the course of its lifecycle.
- 6.1.3 All recorded information created, produced, collected, received or distributed in the course of conducting Board business are the sole property of the Board.
- 6.1.4 The Board is responsible for the maintenance and safeguarding of records that require long-term preservation, including student records which are managed in accordance with the *Education Act* and the Ministry's *Ontario Student Record (OSR) Guideline* as well as student registers, Board and Committee minutes, financial and personnel records.
- 6.1.5 All recorded information that confirms the delivery of Board programs and services will be created, captured, classified, maintained, and stored within manual or automated systems or repositories approved by the Board.
- 6.1.6 All recorded information will be appraised, described, classified, maintained, retained, and destroyed or preserved in accordance with the Board's records retention schedules, other applicable policies and procedures and applicable access and privacy legislation.
- 6.1.7 The Board will establish corporate requirements for the identification, classification and security of recorded information.
- 6.1.8 The responsibility and accountability for the adequate management of Board recorded information assets rests with individual employees, managers of organizational units, and the TDSB as a whole.
- 6.1.9 Staff leaving employment will ensure that files and records are transferred to the manager/supervisor to ensure retention and operational continuity. Staff are prohibited from keeping Board records following the cessation of their employment.
- 6.1.10 Recorded information will be protected from unauthorized access, disclosure, alteration, use or destruction in accordance with applicable access and privacy legislation, and Board policies, procedures and supporting documentation.
- 6.1.11 Personal information, including personal health information, will be managed in accordance with the *Education Act*, *MFIPPA*, *Personal Health Information Protection Act*, the Board's Freedom of Information and Protection of Privacy Policy (P094), and all other applicable legislative acts and policies.
- 6.1.12 Retention requirements will be determined based on operational, legal, fiscal, and/or historical value of the recorded information.

**6.2. Creation, Capture, and Classification**

- 6.2.1. Recorded information will be regularly created, captured and classified using a standardized approach as part of normal and ongoing business practice to serve as evidence of daily business transactions, decisions, and actions.
- 6.2.2. Recorded information will be routinely assessed and classified either as transitory record or official record, and based on its content and context.
- 6.2.3. The content, context, and structure of official records will be described through index information (e.g., metadata) associated with the recorded information within manual and/or automated systems.
- 6.2.4. The elements (e.g. metadata) of an electronic record will not be altered without proper approval after the record is declared the official record.

### 6.3. **Access, Security, and Control**

- 6.3.1. Recorded information will be readily available and accessible for as long as it is required, with access permissions restricted to Board employees (or authorized individuals) that require it to perform job duties.
- 6.3.2. The Board will publish online and make available to the public recorded information that is classified as public within the custody and/or control of the TDSB, following criteria and requirements of the Open Data Policy (P091).
- 6.3.3. The Board will establish requirements for the identification, classification and security of recorded information.
- 6.3.4. The sharing and reuse of recorded information within the Board will be utilized to the greatest extent possible, subject to legal and policy obligations.
- 6.3.5. Recorded information will be managed to protect privacy and confidentiality. The Board will use secured means through the Board's internet technology systems wherever possible, and data encryption will be utilized in the transmission of confidential and/or sensitive recorded information. Board staff should refrain from using personal or unsecured transmission means when conducting Board business.

### 6.4. **Maintenance, Storage and Preservation**

- 6.4.1. The authenticity, integrity, and usability of recorded information and data must be maintained over the course of its lifecycle.
- 6.4.2. Based on the TDSB's records retention schedule, inactive official records will be transferred to less-costly off-site or off-line facilities and repositories while maintaining effective and efficient access, for as long as required to meet legal, business and accountability requirements.

- 6.4.3. Recorded information will be safeguarded from unauthorized access, use, disclosure, alteration, removal or destruction.
- 6.4.4. Official records of historical value will be identified, safeguarded and preserved for long-term access and use based on the TDSB's records retention schedule. Conditions for physical preservation of records will be compliant with applicable environmental and safety regulations.
- 6.4.5. Official records deemed essential for business continuity will be identified, classified, maintained, stored and protected with the appropriate safeguards and controls to ensure its recovery and use for business resumption.
- 6.4.6. Recorded information will be stored in a manner that maximizes efficiencies and economies (e.g., off-site storage; archives; record centres; data warehouse) while ensuring the delivery of Board programs and services are maintained.
- 6.4.7. Recorded information will be preserved and made accessible over time and through technological changes.

## **6.5. Retention and Disposition**

- 6.5.1. Retention periods for recorded information will be determined based on appraisal and scheduled according to operational, legal, fiscal, and historical value, and, in accordance with legislative requirements and accountabilities.
- 6.5.2. All official records will be assigned a retention period which will be maintained within the TDSB's records retention schedule.
- 6.5.3. The Board's official records will not be removed from its control and custody, or destroyed, except for under the authority and rules contained within the records retention schedule.
- 6.5.4. Transitory records, those with short-term value and only required for a limited period of time, will be disposed of at the earliest time possible, subject to legal and business requirements.
- 6.5.5. The destruction or deletion of recorded information and data will be done so in a manner that ensures that it cannot be recovered, reconstructed, retrieved or read.
- 6.5.6. Legal requirements supersede any and all Board policies authorizing destruction of records, including the authority granted in approved retention schedules. The issuance of a legal hold will be on an exception basis when authorized by the Director of Education or designate including the Board's Executive Officer, Legal Services. During a legal hold, applicable retention periods under the TDSB's records retention schedule are suspended and all available records – both official and transitory - must be preserved.

6.5.7. The retention period assigned to all recorded information and data will only be extended or suspended when subject to a:

- FOI request made under the *Municipal Freedom of Information and Protection of Privacy Act*;
- formal investigation and/or audit;
- legal hold and e-discovery; and,
- circumstances that alter the normal operational, legal, fiscal or regulatory value of the records.

6.5.8. Official records will be disposed of in accordance with the Board's records retention schedule and authorized by the business unit or departmental head responsible for its lifecycle management.

## 6.6. **System Implementation and Training**

6.6.1. Records and Information Management (RIM) will be integrated into Board programs and services, and into the ongoing planning, budgeting and management processes. It will also be integrated into the design of new or updated technology tools and systems.

6.6.2. Records and Information Management (RIM) training will be provided to Board staff for the application of this Policy.

## 7. **REFERENCE DOCUMENTS**

### Legislation:

- *Canada Evidence Act*
- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Ontario Evidence Act*
- *Personal Health Information Protection Act*
- *Electronic Commerce Act*

### Policies and Procedures:

- *Acceptable Use of Information Technology Resources Policy (P088)*
- *Cyber Risk and Security (PR725)*
- *Freedom of Information and Protection of Privacy Policy (P094)*
- *Open Data Policy (P091)*
- *Records and Information Management Procedure (PR677)*

### Other Documents:

- Ontario Student Record (OSR) Guideline, 2000
- TDSB's Records Retention Schedule
- TDSB's Records Management Classification System, August 18, 2004

## **Scan of Selected Ontario School Boards and Other Jurisdictions: Records and Information Management Policy**

The majority of reviewed school boards and other public jurisdictions across Ontario all have policies on records and information management. Within the legislative context, the following apply to school boards:

- ***Education Act*** is the statute under which all Ontario school boards/authorities must operate. The Act sets out provisions for the creation and maintenance the pupil record (s. 265 (1) and s.266) and for the establishment of a records management program (s.171(38)).
- ***Municipal Freedom of Information and Protection of Privacy Act*** (MFIPPA) addresses issues of disclosure of records under the care and custody of school boards/authorities, as well as the collection, use, and disclosure of records containing personal information. MFIPPA also regulates the collection, use, disclosure, and accuracy of personal information stored in records and creates a process for obtaining access to recorded information,
- ***Personal Health Information Protection Act*** (PHIPA) addresses the collection, use, disclosure, retention, and destruction of personal health information.
- ***Ontario Student Record Guidelines*** sets out the policies of the Ministry of Education with regard to the establishment, maintenance, use, retention, transfer and disposal of the Ontario Student Record which is the record of a student's educational progress through schools in Ontario.

This scan looks at best practices in school boards and other public sector jurisdictions (see list below). In addition, it looks at the Generally Accepted Recordkeeping Principles (GARP) created by ARMA International and recognized across all organizations as a set of leading principles for effective records management.

### **Key Similarities and Differences**

#### **1. Legislative Responsibility and Generally Accepted Recordkeeping Principles**

All jurisdictions scanned emphasize their legislative responsibility in recordkeeping practices. Specifically, all recordkeeping practices must comply with the *Education Act*, *Municipal Freedom of Information and Protection of Privacy Act*, Ministry of Education Ontario Student Record Guideline, as well as other federal and provincial legislation. In addition, these policies (e.g., Thames Valley DSB) are based on the Generally Accepted Recordkeeping Principles (GARP), which are as follows: accountability, transparency, integrity, protection, compliance, availability, retention, and disposition. Given that well-governed information is critical to the success of any organization, elements of the GARP principles have been foundational to many legislative acts governing sound records management, including MFIPPA.

The TDSB in its proposed draft policy adheres to all applicable legislation and the GARP principles to protect the authenticity, reliability, usability and integrity of recorded information management recognized for its operational, legal, financial and/or historical

value which in turn supports the delivery of Board programs and services. The Board focuses on areas including, but not limited to: creation, capture and classification; access, security and control; maintenance, storage and preservation; and retention and disposition.

## **2. Records Management Integration with Program Planning/Other Business Processes**

Some organizations (e.g., Archives of Manitoba, Thames Valley DSB) emphasize in their policies the importance of recorded information management (RIM) being a corporate activity designed to ensure the systematic creation, maintenance, usability and sustainability of records needed for business operations. In this lens, RIM must be planned by management and linked to business requirements. Program areas need to analyze and define their key records and information requirements, and design and embed requirements into business processes and systems. In system environments, it is important to build in RIM requirements from the start. The TDSB in its proposed draft policy states the importance of records management integration with program planning and other business processes.

## **3. Ontario Student Records**

Most Ontario school boards do not have a policy on Ontario Student Records (OSR) or requests for access but instead refer to the Ministry's Ontario Student Record Guidelines. When OSRs are mentioned in a school board's Information Management policy or procedure it usually focuses only on the maintenance, destruction and retention schedules of records (e.g., Ottawa-Carleton DSB). OSRs are also mentioned in documents related to Freedom of Information requests (FOI) or protection of personal information. Similarly, in its proposed draft policy, the TDSB aims to align the policy with the Ministry's OSR Guideline.

## **4. Official versus Transitory Records**

While many organizations differentiate between official and transitory records within their procedures rather than policies, some organizations (e.g., York Region DSB) separate these two types of records in their policies. Though definitions vary across organizations, official or public records are generally any record containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public sector organization regardless of physical form or characteristics. However, certain materials, generally termed *transitory records*, will be present in almost every records collection. Transitory records are records whose value is comparatively short-lived and should be discarded when they have fulfilled the purpose for which they were created (except for during a legal hold process). Examples of transitory records include copies of reproduced or printed materials of general informational value, such as in-house newsletters, employment bulletins, administrative communications sent to all departments, and meeting notices for other agencies; original and copies of



communications of acknowledgement; and copies of preliminary work materials used in the preparation of reports, studies and similar documents such as drafts or notices. As these are not official records, it is important to note that transitory records are not usually listed on records retention schedules.

## **5. Responsibilities**

While all policies scanned recognize that information and records of an organization remain property of the organization at all times (e.g., Ottawa Carleton DSB, York Region DSB), all staff inherit certain responsibilities and accountabilities for the records they create, access, maintain or dispose. Although legislation such as MFIPPA outlines many of these responsibilities including access/freedom of information and protection of privacy, nearly all organizational policies (e.g., City of Burlington, Halton Catholic DSB, Hamilton Wentworth DSB, York Region DSB) list position-specific responsibilities. Some of this information is also listed in record retention schedules.

### Organizations Scanned (10)

Archives of Manitoba, City of Burlington , Halton Catholic DSB, Hamilton-Wentworth Catholic DSB, Ottawa Carleton DSB, Peel DSB, Thames Valley DSB, York Region DSB, Toronto District School Board

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