

## BY-LAW 412

A by-law of the Town of Daysland in the Province of Alberta, establishing Regulations and Procedures for the retention and disposal of Town records. Pursuant to the Provisions of Section 214 of the Municipal Government Act. Being Chapter M-26.1 of the Statutes of Alberta, 1994 and amendments as well as compliance with the Freedom of Information and Protection of Privacy Act. Being chapter F-18.5 of the Statutes of Alberta, 1994 and amendments thereto.

WHEREAS it is the desire of the Town of Daysland, in the Province of Alberta, to provide regulations and procedures with respect to the retention and disposal of Records including, but not limited to: correspondence, records, vouchers, receipts, instruments and other records in the custody or control of the Town of Daysland and

WHEREAS it is the desire of the municipality to establish the necessary authority to release municipal records to the Alberta Archives or other Archival centres on either a permanent loan or retention basis and

WHEREAS the authority for such regulations and authorities must be consistent with Federal or Provincial Statutes and Regulations

NOW THEREFORE the Council of the Town of Daysland, in the Province of Alberta, duly assembled, enacts as follows:

### **PART 1 – TITLE, DEFINITIONS AND SYMBOLS**

#### **Section 1**

- a) This by-law is cited as “The Records Retention and Disposition By-Law” of the Town of Daysland.

#### **Section 2**

- a) In this by-law, unless the context otherwise requires, the word, term or expression

“**Confidential**” shall mean any record which contains personal information about individuals, third-party, commercial, financial, scientific or technical information supplied either explicitly or implicitly in confidence or other sensitive information as described in Sections 15 – 28 of the Freedom of Information and Protection of Privacy Act.

“**General Records**” shall mean those records, which are used in day to day operations and are required to formulate recommendations, are used for scheduling and as information to assist in the efficient operation of the Town.

“**Official**” shall mean the Chief Administrative Officer, as defined in the Municipal Government Act or delegate, duly appointed by the Chief Administrative Officer of the Town of Daysland.

“**Records**” shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Town of Daysland in any form or format.

“**Transitory Record**” shall mean records that have short-term, immediate or no value and will not be required for future reference.

**Section 3**

- a) When used in this by-law and the schedules attached hereto, as well as, in the operation of any Records Management Systems established consistent with this by-law, the following symbols shall be used to designate the form of retention or disposal required:

D	Destroy
P	Permanent Retention
A	Permanently held in Alberta or other Archival Centre
T	Transfer to appropriate authority

**PART 2 – RECORD RETENTION AND DESTRUCTION****Section 4 – Retention & Destruction**

- a) All Transitory Records, which do not contain confidential information, shall be disposed of at anytime, when they no longer serve any valid purpose.
- b) All Transitory Records containing potentially confidential information shall be disposed of in a manner so that the information contained therein is completely obliterated, at anytime, when they not longer serve any valid purpose.
- c) All General Records of the Town of Daysland shall be destroyed after five (5) years, except as otherwise provided for in Schedule “A”.
- d) Should an individual’s personal information be used by the Town of Daysland to make a decision that directly affects the individual, the Town of Daysland shall retain the personal information for at least one (1) year from the date it was used to make the determination, so that the individual has a reasonable opportunity to obtain access to it.
- e) Where, in this by-law and Schedule “A” attached hereto, it is provided that particular records in the custody or control of the Town of Daysland shall be:

**Destroyed (D)**

Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof being retained and

**Permanent (P)**

Such original records shall be preserved and never destroyed, excepting original records which have been recorded on microfilm and

**Permanently held in Archives (A)**

Such records shall be released to either the Provincial Archives or other local archives upon decision and direction of the Official. A copy of the transferred record index shall be permanently retained on file and

**Transferred to an appropriate authority (T)**

Such records shall be transferred to the authority responsible for the records upon decision and direction of the Official, when they are no longer under the authority or responsibility of the Town of Daysland. A copy of the transferred record index shall be permanently retained on file.

**Section 5 – Discretion**

- a) The Official shall always have a discretion to retain records longer than the period provided for in this by-law and shall do so where the Official deems it appropriate and shall do so where the Official has received an indication that there is or may be any litigation involving any of said records. Such decisions to retain the records longer than the period provided for herein shall be recorded in the record retention index.

**Section 6 – FOIP Requests**

- a) Where the Official has received an indication that there is or may be a FOIP request involving any records scheduled for destruction, the Official is obligated to retain said records for a period of one (1) year after the FOIP request has been made. Such decisions to retain the records longer than the period provided for herein shall be recorded in the record retention index.

**Section 7 – Permanent Retention and Destruction**

- a) When records have been destroyed under this by-law, with the exception of records destroyed under Section 4 a) and b), the Official shall so certify in writing. Such certification shall refer to the relevant schedule and item of this by-law and shall identify the records destroyed.
- b) The Official shall keep an index of:
- Records Destroyed
  - Records Transferred to Archives
  - Records Transferred to Another Authority
- c) Where records are destroyed under this by-law, the proper and complete destruction thereof is the responsibility of the Official.
- d) When records are recorded on microfilm, the Official shall ensure that such microfilm is properly prepared, identified and indexed.
- e) Destruction of all records shall be carried out in the presence of a witness. The person destroying the records shall provide a statement in writing attesting to the time and location of the destruction of the records, together with a list of the records destroyed and also the names of the persons who witnessed the destruction. **The statement of disposition shall be presented to Council and permanently filed in the Town of Daysland office.**
- f) Election material that has been located in ballot boxes may be destroyed in accordance with the provisions of the Local Authorities election Act. R.S.A. 1983 c.L-27.5.

**Section 8 – Retention Audit**

- a) The official will ensure that the retention schedule attached shall be adhered to and that annual audits of the records will be conducted to ensure compliance with this Retention and Disposition By-Law.

**PART 3 – GENERAL**

**Section 9 – Record Retention Schedules**

- a) The attached Schedule “A” is hereby adopted. It may be amended by resolution of Council upon the recommendation of the Official.

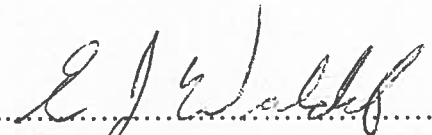
**Section 10 – Storage and Security**

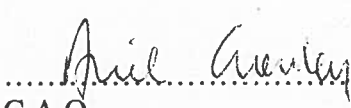
- a) It shall be the responsibility of the Official to provide for the adequate storage and security of all Town of Daysland records.

**PART 4 – ENACTMENT**

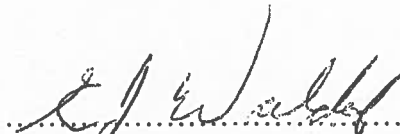
- a) This by-law shall come into force and have effect upon it being read a third time and passed.

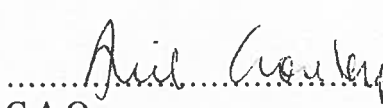
Read a first and second time this 15<sup>th</sup> day of December, A.D. 1999.

  
 .....  
 Mayor

  
 .....  
 C.A.O.

Read a third time and finally passed this 19<sup>th</sup> day of January, A.D. 2000.

  
 .....  
 Mayor

  
 .....  
 C.A.O.

RECORDS RETENTION SCHEDULE

**NOTE:** S/O means File Closed after information is Superseded (replace or take place of) or Obsolete (no longer in use).

<u>Subject</u>	<u>Description</u>	<u>Retention Period in Years</u>
Accountants	Working Papers	7
Accounts	Paid (summary sheet)	7
	Payable Vouchers	7
	Receivable Duplicate Invoices	7
Administration	Reports (not part of minutes)	7
Advertising	General	2
	As Per Legislation	7
Agendas	Part of Minutes	P
Agreements	General	7 S/O
	Development	7 S/O
	Major Legal	7 S/O
	Minor Legal	7 S/O
Annexations	Correspondence	7
	Final Order	P
Annual reports		5-7
Annual reports	Local Boards	5-7
Applications	Site Plan Approval	2
	Subdivision (after final approval)	3
	Part-time Employees (after end of employ)	1
Appointments	Other Than Those in Minutes	3
Assessment	Rolls	P
	Assessment Review Board (ARB) Minutes	P
	ARB Work File	5
	Appeals	7
	ARB Records	7
	Duplicate Roll	7
	Review Court Records	7
Assessment Appeal	Board File	5
Assets		20 S/O
Bank	Deposit Books & Slips	7
	Memos (Credit/Debit)	7
	Reconciliations	2
	Statements	7
Boards	Minutes	P
	Authority & Structure	5 S/O
	Correspondence	5
Briefings/Reports	To Council	7
Budgets	Operating (in minutes)	P
	Capital (in minutes)	P
	Working Papers	3
By-laws	All	P
Cash	Receipts Journal	7
	Disbursements Journal	7
	Duplicate Receipts	7
Certificates	Of Title	P
Census	Reports	10
Cheques	Cancelled (paid)	7
	Register	7
Claims	Notice of	7 S/O
	Statements of	7 S/O
Committee	Minutes	P

Compensation	Records	7	
Contracts	Files (completion of)	7 S/O	
	Forms	7	
	Major Legal	7 S/O	
	Minor Legal	7 S/O	
	Minutes	P	
Council			
Court Cases		7 S/O	
Destroyed Records Index		P	
Documents	Not Part of By-laws	7 S/O	
	Agreements Major Legal	7 S/O	
	Agreements Minor Legal	7 S/O	
	Contracts Legal	7 S/O	
	Easements	7 S/O	
	Leases (after expiration)	7 S/O	
	Notices of change of Land Titles	7 S/O	
	Elections	Nomination Papers	Section 28(4) Local Authorities Election Act Sec 101 Local Authorities Election Act
		Ballot Box Contents	
	Engineering	Drawings	P
Employee Benefits	A.H.C., A.M.E.B.S.	5	
	W.C.B. Claims	4-5	
Employees	Job Applications (hired)	3	
	Job Applications (not hired)	1	
	Job Descriptions	3 (after position abolished)	
	Oaths of Office	P	
	Personnel File	P	
Financial Statements	Interim	7	
	Working Papers	3	
	Final	10	
		P	
Franchises			
Income Tax	Deductions	5-7	
	TD1	1	
	T4	5-7	
	T4 Summaries	5-7	
	From the Public	3	
Inquiries			
Insurance	Claims	5 (after settled)	
	Records (after expiration)	5	
	Appraisals	1 (after sold)	
Land			
Leases	After Expiration	7 S/O	
Legal	Opinions	7 S/O	
	Proceedings	7 S/O	
Legislation	Acts (after superseded)	1	
Licenses	Business (after expired)	5	
Local Improvements	Records	P	
Maintenance Reports		7	
	Council	P	
	Boards	P	
	Committees	P	
	Public Works	5-7	
Monthly Reports			
Organization	Structure & Records	2-5 S/O	
Payroll	Garnishees	3	
	Individual Earning Records	P	
	Journal	P	
	Time Sheets	5	
	Development	7 S/O	
Permits			
Petitions		7-10	
Plans	Official	P	
	Amendments	P	
	Subdivision	P	

Policy	After Superseded	5
Property files		Until sold + 7
Prosecution	All	7 S/O
Publications	Local Reports	3
Purchase	Land	Until sold + 7
Receipts	Books	7
	Duplicate Cash	7
Reports	Accident	7 S/O
	Accident Statistics	7 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	7
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	10
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
Termination	Employees	P
Tenders	Files	7
	Successful	7
	Purchase Quotations	7
	Unsuccessful	2
Training/Development	Records	5
Trial Balances	Monthly	3
	Year End	7
Vendors	Contracts	7
	Suppliers Files	7
Vouchers	Duplicate	7
Writs		10
Zoning	By-laws	P
	By-law Enforcement	5