

BYLAW NO. 113-13

THIS IS A BY-LAW OF THE SUMMER VILLAGE OF BIRCH COVE, IN THE PROVINCE OF ALBERTA, ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF SUMMER VILLAGE RECORDS PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

WHEREAS, in accordance with the Municipal Government Act, Chapter M-26.1, R.S.A., 1994, and amendments thereto, and the Freedom of Information and Protection of Privacy Act, Chapter F-18.5, R.S.A., 1994, and amendments thereto, a Council of a Municipality may pass bylaws respecting the retention and destruction of records and documents of the Municipality; and

WHEREAS, it is the desire of the Summer Village of Birch Cove 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 Summer Village of Birch Cove; and

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

THEREFORE, the Council of the Summer Village of Birch Cove in the Province of Alberta, duly assembled, enacts as follows:

(1) TITLE

- (a) This Bylaw shall be known as the **Records Retention and Disposition Bylaw**.

(2) DEFINITIONS

- (a) "Administrator" means the Municipal Administrator of the Summer Village of Birch Cove.
- (b) "Confidential" means any record, which contains personal information about individuals, third party, commercial, financial, scientific or technical supplied either explicitly or implicitly, in confidence, or other sensitive information as described in the Freedom of Information and Protection of Privacy Act.
- (c) "Council" means the Council of the Summer Village of Birch Cove.
- (d) "FOIP" means the Freedom of Information and Protection of Privacy Act.
- (e) "General Records", means those records, which are used in day to day operations of the Summer Village of Birch Cove.
- (f) "Records" means all ledgers; receipts, vouchers, instruments, correspondence or other information in whatever form, including electronically produced data .
- (g) "Summer Village" means the Summer Village of Birch Cove.

(h) "Transitory Records" means records that have short term, immediate, or no value and will not be required for future reference. These include telephone messages, post-it notes, memos, notes and messages.

(3) SYMBOLS

(a) When used in this Bylaw and the Schedules attached hereto, the following symbols shall be used to designate the form of retention or disposal required:

P - Permanent Retention

S/O - Superseded (replaced or take place of) or **O**bsolute (no longer in use)

D - **Destroyed**

(4) RETENTION AND DESTRUCTION

(a) All Transitory Records, which do not contain confidential information, shall be disposed of at anytime, when they no longer serve a valid purpose.

(b) All General Records of the Summer Village shall be destroyed as provided for in Schedule A attached.

(c) Where in this Bylaw and Schedule A, it is provided that particular records in the custody or control of the Summer Village shall be:

(I) **D - Destroyed** - Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof being retained.

(II) **P- Permanent** - Such records shall be preserved and never destroyed.

(5) DISCRETION

(a) The Administrator shall always have a discretion to retain the records longer than the period provided for in this Bylaw, and shall do so where the Administrator deems it appropriate.

(6) FOIP REQUESTS

(a) Where the Administrator has received an indication that there is, or may be, a FOIP request involving any records for destruction, the Administrator is required to retain said records for a period of one year after the FOIP request has been made.

(7) DESTRUCTION OF RECORDS

(a) Where records are destroyed under this Bylaw, the proper and complete destruction is the responsibility of the Administrator.

(b) 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 witnessing the destruction. The statement of disposition shall be presented to Council and permanently filed with the Council Minutes.

(8) RECORD RETENTION SCHEDULES

(a) The attached Schedule A is hereby adopted. It may be amended by resolution of Council.

(9) STORAGE AND SECURITY

(a) It is the responsibility of the Administrator to provide for the adequate storage and security of all Summer Village records.

(10) REPEAL

(a) Bylaw 77 is hereby repealed.

READ A FIRST TIME IN COUNCIL	THIS 13 TH DAY OF SEPTEMBER, 2013
READ A SECOND TIME IN COUNCIL	THIS 13 TH DAY OF SEPTEMBER, 2013
READ A THIRD TIME IN COUNCIL AND DULY PASSED	THIS 13 TH DAY OF SEPTEMBER, 2013

Signed this 13th day of September 2013

Mayor Eugene Dugan

Municipal Administrator Dennis Evans

SCHEDULE A

RECORDS RETENTION SCHEDULE

Subject Description Retention Period (Yrs)

Accounts Paid Vouchers 7
Bank Statements & Deposits 7
Cheques Canceled (paid) 7
Administration Reports (Not part of minutes) 7
Advertising, As Per Legislation 7
Agendas Part of Minutes **P**
Agreements General 7 **S/O**
Development 7 **S/O**
Legal 7 **S/O**
Annual Audited Financial Statements **P**
Assessment Rolls **P**
ARB Minutes **P**
Appeals 7
ARB Records 7
Budgets Operating (In Minutes) **P**
Bylaws **P**
Certificates of Title **P**
Compensation Records 7
Contracts Files (completion of) 7 **S/O**
Council Minutes **P**
Agreements-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 **P S/O**
Engineering Drawings **P**
Employees Oaths of Office 7
Income Tax Deductions & T4 7
Inquiries from the Public, Correspondence 3
Insurance Claims (after settled) 7
Leases After Expiration 7 **S/O**
Legal Opinions 7 **S/O**
Legal Proceedings 7 **S/O**
Legislation Acts (after superseded) 1
Local Improvements Records **P**
Minutes Council **P**
Municipal Affairs Annual Reports 5
Payroll Time Sheets 7

SCHEDULE A

RECORDS RETENTION SCHEDULE

Subject Description Retention Period (Yrs)

Employment Insurance Records 7
Permits, Development P
Petitions 7
Plans Official **P**
Amendments **P**
Subdivision **P**
Requisitions Paid 7
Tax Rolls **P**
Tax Recovery Records 7 S/O
Taxes Arrears 7
Municipal Credits 7
Municipal Receipts 7
Tenders Files 7
Purchase Quotations 1