

BYLAW NUMBER 710-22
RECORDS RETENTION AND DISPOSITION BYLAW
OF THE COUNTY OF PAINTEARTH NO. 18
IN THE PROVINCE OF ALBERTA

Pursuant to the Municipal Government Act, the Chief Administrative Officer of the municipality must ensure the proper retention and disposition of all records and documents of the municipality; and

Pursuant to subsection 214(2) of the Municipal Government Act, a Council may pass a bylaw respecting the destruction of records and documents of the municipality other than the original bylaws and minutes of Council meetings; and

The County of Paintearth No. 18 finds it advisable to enact a Bylaw to authorize the Chief Administrative Officer to provide for the retention and destruction of records;

NOW THEREFORE, the Council of the County of Paintearth No. 18, duly assembled, hereby enact as follows:

PART I – DEFINITIONS, AND INTERPRETATION

Definitions

1.
 - (a) "Chief Administrative Officer" means the Chief Administrative Officer of the county, or delegate;
 - (b) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, Chapter M-26
 - (c) "County of Paintearth No. 18" means the municipal corporation established under the authority of the *Municipal Government Act*, RSA 2000, Chapter M-26.

Interpretation

2. The following rules apply to the interpretation of this bylaw:
 - (a) headings, titles, and margin notes in this bylaw are for ease of reference only;
 - (b) gender-specific words, phrases, and references are intended to be gender-neutral neutral, and the singular includes the plural as the context requires;
 - (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
 - (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – RECORDS RETENTION AND DISPOSITION

County Records

3. The Chief Administrative Officer may create rules for, and authorize, the storage, retention, and disposition of the records and documents of the County of Paintearth No. 18. The rules must ensure that:
 - (a) The use, storage, and disposition of electronic records and documents can be tracked; and
 - (b) If an individual's personal information will be used to make a decision that directly affects the individual, the personal information is retained for at least one year after using it.



PART III – GENERAL

Repeal

4. Bylaw 601-10 is repealed.

Received First Reading this 19th Day of July, 2022 on a motion of Councillor Norton.
Carried.

Received Second Reading this 19th Day of July, 2022 on a motion of Councillor Elliott.
Carried.

Councillor Shipton moved to proceed to Third Reading. Carried Unanimously.

Read a Third Time and Finally Passed this 19th Day of July, 2022 on a motion of Councillor
Mazier. Carried.

Signed by the Chief Elected Official and Chief Administrative Officer this 19th Day of July, 2022.


Stanley Schulmeister, Reeve


Michael Simpson, Chief Administrative Officer

Retention and scheduling of municipal records

Retention and Scheduling of Municipal Records

Published by Alberta Municipal Affairs

The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent legal advice. Should this guide conflict with the *Municipal Government Act (MGA)*, RSA 2000, Chapter M-26, in word or interpretation, the legislation shall prevail.

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In section 214 of the *Municipal Government Act* (MGA) there is provision for a council to pass a bylaw regarding the destruction of records and documents in the municipality. Therefore, some guidelines need to be established for a suggested retention schedule for the disposition of a number of municipal records.

Generally, there are four reasons for retaining records:

Administrative value – Records have value to the municipality if they assist in the performance of current or future activities. Normally these records lose their value shortly after completion of their activity and, therefore, few would be retained. An example would be a routine response to an inquiry for information on the date of a council meeting.

Legal value – The value of these types of documents usually does not diminish over a period of time. These documents are usually required by legislation. Bylaws, minutes and land transactions are examples of this type. Your lawyer can assist you in determining legal value.

Fiscal value – These records relate to financial transactions, such as, financial ledgers, debenture records, audit files, budget files, expenditure files, etc.

Research/Historical value – Records that may contain information on persons, places and events as they relate to major milestones, history or development of the municipality and its citizens. These documents are often transferred to the public archives for long-term retention. The 50th anniversary celebration documents would be an example.

The records authorized for closure should be identified as:

- File closed after calendar year ending December 31 (**Calendar year–CY**)
- File closed after information is superseded (replaced or take the place of) or obsolete (no longer in use) (**S/O**)

The records for final disposition can be identified as:

- Destroy (D)
- Archives (A)
- Review (R)
- Transfer (T) (to another entity/jurisdiction/agency)

All records authorized for disposition should be physically destroyed in the presence of a witness. A written statement, attesting to which records were destroyed, should be signed by the official and the witness and retained on file as a permanent record.

You may have material you wish to donate to the Provincial Archives of Alberta. The proper authority should be obtained, the material listed, and the listing and covering letter retained on file.

You can contact the Provincial Archives of Alberta at 8555 – Roper Road, Edmonton, Alberta T6E 5W1 or by phone at 780-427-1750, toll-free in Alberta by dialing 310-0000 first.

Should you have a quantity of records and are unsure of their research or historic value, the Private Records section of the Provincial Archives will agree to view the records and arrange for the donation of the records if of archival value. There is **no charge** for this service.

If you are required to reactivate documents that have already been scheduled for closure or final disposition, it is suggested that reactivated documents should be kept for the original retention period from the date they were reactivated. This suggestion is due to court rulings.

Records and the Limitations Act

Municipalities should ensure the *Limitations Act, Chapter L-12* is reviewed before implementing a records retention bylaw and disposition schedule.

Specifically, section 3(1)(b) of the *Limitations Act*, states that subject to section 11, if a claimant does not seek a remedial order within 10 years after the claim arose, whichever period expires first, the defendant, on pleading this *Act* as a defense, is entitled to immunity from liability in respect of the claim.

Section 11 also states that if, within 10 years after the claim arose, a claimant does not seek a remedial order in respect of a claim based on a judgment or order for the payment of money, the defendant, on pleading this *Act* as a defense, is entitled to immunity from liability in respect of the claim.

Records and the Freedom of Information and Protection of Privacy (FOIP) Act

Under section 3(e)(ii) of the *Freedom of Information and Protection of Privacy Act (FOIP Act)*, regulation of records management in local public bodies (municipalities) must be by bylaw or resolution, as authorized by the governing body of the municipality. Municipalities should ensure that the *FOIP Act* is reviewed before implementing a records retention bylaw and disposition schedule.

Individuals can request, and have a right to access, any record in the custody or under the control of a municipality. This right does not extend to information excepted from disclosure, (i.e. *FOIP* allows municipalities to withhold certain information). If the information can reasonably be severed (removed or blanked out) of the documents, then the requester has a right of access to the remainder of the record. A municipality cannot destroy records to evade a request for information under the *FOIP Act*.

Section 95(b) of the *FOIP Act* states that a municipality may establish, by bylaw, a fee structure for copies of routinely available information. The release of other information under a *FOIP* request must not exceed the maximum amount stipulated in the regulation (Alta. Reg. 186/2008). A bylaw must be passed to either adopt the schedule in Reg. 186/2008 or something lesser prior to fees being assessed.

For further information regarding records management, you can access the Service Alberta *FOIP* Resources page at: <http://www.servicealberta.ca/foip/resources.cfm>.

The Alberta Municipal Records Management Association productive and worthy contribution to records and information management in Alberta municipalities through awareness, education, collaboration and standardization. For further information, visit <http://amrm.ca/>.

Guidelines and Practices, Chapter 8: Records and Information Management, at <http://www.servicealberta.ca/foip/documents/chapter8.pdf> is a valuable resource. (Not all of the information within Chapter 8 applies to municipalities; however, a substantial amount does, other information is specific only to the Government of Alberta.)

Both the *FOIP Act* and the FOIP Regulation can be obtained from the Alberta Queen's Printer at <http://www.qp.alberta.ca/>.

Records Management and Disposition

A "Record" is defined as a record of information in any form and includes books, documents, maps, letters, papers and any other information that is written, recorded, photographed or stored in any manner, including electronically. It does not include software or any mechanism that produces records. Any handwritten notes may also be accessible to the public.

You can legally and routinely discard records that have only short-term, immediate, or no value to your organization that you will not need again in the future. These records are called **transitory records**. Transitory records can include telephone messages, routing slips, post-it notes, opened envelopes, memos, notes and messages (either paper, voice or electronic). If the information in a record will have some future administrative, financial, legal, research or historical value, then you should file the record.

Electronic Records, like other records, should be identified, organized, made accessible and retained as long as needed to support your municipal business. All of your documents that are created by electronic means should be managed and identified as a "**Substantive Record**" (having administrative and operational values) or "Transitory Record". If it is a "Substantive Record", create a directory and or sub-directory on a shared drive on the system to store you electronic records.

There may be a need to control the deletion or change of file names and unauthorized access to certain records. Ensure backup measures are in place, so information can be restored in case of a system crash or in the event the system is damaged in some other way. Your system may have the capability to program the retention of your records through a specific action to be erased automatically after a specified period of time. You should remove personal and transitory records from your directories and sub-directories on a regular basis.

Municipalities should review the types of records being retained. The record should be assessed to determine if all information in the record is necessary for the purpose of the record. If there is nonessential information, consideration should be given to reworking the type of record to avoid time severing information that may have been retained unnecessarily.

The following disposition schedule is a "RECOMMENDED" criterion only.

Each municipality should determine, on an individual basis, if the criteria fits its requirements. It is important that you move your records through the active, inactive and obsolete/destruction cycles.

The subject matter is listed alphabetically followed by a suggested retention period. The retention period is identified by a "P" (permanent retention) or expressed by a number of years, for example 5 (five years), or other specific comments such as "until superseded" or "upon replacement", etc.

RECOMMENDED RECORDS RETENTION SCHEDULE

Subject	Description	Suggested Retention Period
		In Years
Accountants	Working Papers	7
Accounts	Paid (summary sheet)	7
	Payable vouchers	7
	Receivable Duplicate Invoices	7
Administration	Reports (not part of minutes)	7
	As Per Legislation	7
Advertising	General	2
	As Per Legislation	7
Agendas	Part of Minutes	P
Agreements	General	12 S/O
	Development	12 S/O
	Major Legal	12 S/O
	Minor Legal	12 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 employment)	1
Appointments	Other Than Those in Minutes	3
Assessment	Rolls	P
	Assessment Review	
	Board (ARB) Minutes	P
	ARB Work File	5
	Appeals	12
	ARB Records	7
	Duplicate roll	7

Subject	Description	Suggested Retention Period
		In Years
	Review Court Records	7
Assessment Appeal	Board File	5
Assets		20 S/O
	Records of Surplus	5
	Temporary Files	2
Bank	Deposit Books	7
	Deposit 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
Bylaws	All	P
Cash	Receipts Journal	7
	Disbursements Journal	7
	Duplicate Receipts	7
Certificates	Of Title	P
Census	Reports	12
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	12 S/O
	Statements of	12 S/O
Committee	Minutes	P

Subject	Description	Suggested Retention Period
		In Years
Compensation	Records	10
Computer Cards		1
Contracts	Files (completion of)	12 S/O
	Forms	12
	Major Legal	12 S/O
	Minor Legal	12 S/O
Council	Minutes	P
Court Cases		12 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws	12 S/O
	Agreements Major Legal	12 S/O
	Agreements Minor Legal	12 S/O
	Contracts Legal	12 S/O
	Easements	12 S/O
	Leases (after expiration)	12 S/O
	Notices of Change of land Titles	12 S/O
Elections	Nomination Papers	<i>Sec 28(4) Local Authorities Election Act</i>
	Ballot Box Contents	<i>Sec 101 Local Authorities Election Act</i>
Engineering	Drawings	P
Employee Benefits	A.H.C., Blue Cross, Dental, etc.	5
	W.C.B. Claims	4-5
Employees	Job applications (hired)	3
	Job Application (not hired)	1
	Job Descriptions	3 (after position abolished)
	Oaths of Office	1 (after position vacated)
	Personnel File	1 (after cessation of employment or 6 years after dismissal (FYI – The GOA keeps any pension contribution information for 70 years.)

Subject	Description	Suggested Retention Period In Years
Financial Statements	Interim	10
	Working Papers	3
	Final	12
Franchises		P
Income Tax	Deductions	5-7
	TD1	1
	T4	5-7
	T4 Summaries	5-7
Inquiries Insurance	From the Public	3
	Claims	12 (after settled)
	Records (after expiration)	12
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions	12 S/O
	Proceedings	12 S/O
Legislation	Acts (after superseded)	1
Licenses	Applications	3
	Business (after expired)	5
	Literature	2
Local Improvements	Records	P
Maps	Base (original)	P
	Contour	P
Maintenance Reports		12
Minutes	Council	P
	Boards	P
	Committees	P
Monthly Reports	Road	5-7
Municipal Affairs	Annual Reports	5

Subject	Description	Suggested Retention Period In Years
Organization	Structure & Records	2-5 S/O
Payroll	Garnishees	3 (after garnish is removed)
	Individual Earning Records	6
	Journal	6
	Time Cards	4-6
	Time Sheets - Daily	5
	- Overtime	5
	- Weekly	5
	Employment Insurance Records	5 (after cessation of employment)
Permits	Development	12 S/O
Petitions		10
Plans	Official	P
	Amendments	P
	Subdivision	P
Policy	After Superseded	5
Progress Reports	Project	5-7
	Under Contract (Final payment)	7-10 S/O
Property Files		Until sold +10
Prosecution	All	12 S/O
Publications	Local Reports	3
Purchase	Land	Until Sold +12
Receipts	Books	7
	Duplicate Cash	7
	Registration	7
Receptions & Special Events (non-historic)		3
Reports	Accident	12 S/O

Subject	Description	Suggested Retention Period
		In Years
	Accident Statistics	12 S/O
	Field	12 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	12
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	12
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
Termination	Employees	P
Tenders	Files	12
	Successful	12
	Purchase Quotations	12
	Unsuccessful	10 (FYI - The GOA keeps all unsuccessful tenders for 10 years in case of civil litigation.)
Traffic	Streets	7
Training and Development Files		5
Trail Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments To	2
	Contracts	12

Subject	Description	Suggested Retention Period
		In Years
	Suppliers Files	12
Vouchers	Duplicate	7
Writs		12
Weed Control Reports	Until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5