

SUMMER VILLAGE OF SUNDANCE BEACH

BY-LAW NO. A 22

A BY-LAW establishing Regulations and Procedures for the retention and disposal of Summer Village Records. Pursuant to the Provisions of section 214 of the Municipal Government Act, Chapter M-26.1 of the Statutes of Alberta, 1992 and amendments as well as compliance with the Freedom of Information and Protection of Privacy Act, Chapter F-18.5 of the Statutes of Alberta, 1994 and amendments thereto.

Whereas it is the desire of the Summer Village of Sundance Beach, 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 Summer Village of Sundance Beach; 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 Summer Village of Sundance Beach, in the Province of Alberta, duly assembled, enacts as follows:

Part I – Title, Definitions and Symbols

Section 1

- a) This Bylaw shall be known as the "Records Retention and Disposition Bylaw" of the Summer Village of Sundance Beach.

Section 2

- a) In this Bylaw, unless the context otherwise requires, the word, term or expression:

Official: shall mean the Chief Administrative Officer (CAO), as defined in the Municipal Government Act or delegate, duly appointed by the CAO of the Summer Village of Sundance Beach.

Records: shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Summer Village of Sundance Beach 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.

Confidential: shall mean any record which contains personal information about individuals, third-party, commercial, financial, scientific or technical information supplied explicitly or

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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 Summer Village.

Section 3

- a) When used in this bylaw and the Schedules attached hereto, as well as in the operation of any Records Management Systems established consistent with this Bylaw, 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 and 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 no longer serve any valid purpose.
- c) All General Records shall be destroyed after seven (7) years, except as otherwise provided for in Schedule A.
- d) Should an individual's personal information be used by the Summer Village of Sundance Beach to make a decision that directly affects the individual, the Summer Village of Sundance Beach 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 Bylaw and Schedule A attached hereto, it is provided that particular records in the custody of the Summer Village of Sundance Beach 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,

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which have been recorded on microfilm or CD's; 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 kept permanently 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 Summer Village of Sundance Beach. A copy of the transferred record index shall be kept permanently on file.

Section 5 – Discretion

- a) The Official shall always have discretion to retain records longer than the period provided for in this Bylaw 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 the 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 – FOIPP Requests

- a) Where the Official has received an indication that there is or may be a FOIPP request involving any records scheduled for destruction, the Official is obligated to retain said records for a period of one (1) year after the FOIPP 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 Bylaw, 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 Bylaw 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 Bylaw, the proper and complete destruction thereof is the responsibility of the Official.
- d) When records are recorded on microfilm or CD, the Official shall ensure that such microfilm or CD 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

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of the person who witnessed the destruction. The statement of disposition shall be presented to Council and permanently filed in the Summer Village office.

- f) Election material that has been locked 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 Bylaw.

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 recommendation by 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 of the Summer Village of Sundance Beach records.

Part 4 - Enactment

- a) This by-law shall take effect on the date of the third and final reading.

READ a first time this 15th day of November, A.D. 2001

READ a second time this 15th day of November, A.D. 2001

MOVED by mayor Turgeon that consideration be given to third reading at this meeting.

CARRIED UNANIMOUSLY

READ a third time **AND PASSED** this 15th day of November, A.D. 2001

SUMMER VILLAGE OF SUNDANCE BEACH



Mayor



Chief Administrative Officer

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Records Retention and Disposition

Schedule "A"

Record Type	Retention Years			Final Disposition
	Office	Archives	Total	
Minutes	3	2	5	Permanent (R)
Bylaws - current	3	2	5	Permanent (R)
Bylaws – obsolete	1	4	5	Permanent (R)
Audited Financial Statements	2	1	3	Permanent(R)
Bank Statements and cancelled cheques	1	6	7	Destroy (*)
Development Permits and inspection reports	Perm.			Permanent (F)
Police reports	1	1	2	Destroy (**)
Fines Disbursement Reports	1	1	2	Destroy (*)
Tax Notices	1	6	7	Destroy (*)
Pac system letters	1	2	3	Destroy (*)
Budget Reports	1	6	7	Destroy (**)
Budgets	1	6	7	Destroy (**)
Transitory Records	0 - 1			Destroy (**)
Assessment Information	1	6	7	Destroy (*)

Transitory Records: information of short term, immediate or no value. Temporary information such as: telephone messages, post it notes. Duplicate information includes exact, extra copies, photocopies or printed copies. Working materials may include early versions of documents, jotted notes used in preparation of a document, direct mail, and external publications.