

BYLAW 576-2001

"The Records Retention and Disposition Bylaw"

BEING A BYLAW OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA, TO ESTABLISH REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF TOWN RECORDS.

WHEREAS, pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, and amendments thereto, 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, and

WHEREAS, Council for the Town of Fox Creek deems it necessary to establish 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 Fox Creek; 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 regulation and authorities must be consistent with Federal or Provincial Statutes and Regulations,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF FOX CREEK DULY ASSEMBLED ENACTS AS FOLLOWS:

PART – 1, TITLE, DEFINITIONS AND SYMBOLS

Section 1 - Bylaw Title

- a. This Bylaw is cited as **The Records Retention and Disposition Bylaw** of the Town of Fox Creek.

Section 2 - Definitions

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

"Official" shall mean the Chief Administrative Officer, as defined by the Municipal Government Act or delegate, duly appointed by the Chief Administrative Officer by the Town of Fox Creek.

"Records" shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Town of Fox Creek in any form or format.

"Transitory Records" shall mean records that have short-term, immediate or no value and will not be required for future reference.

"Confidential" shall mean any record that 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 to 28 of the Freedom of Information and 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.

Section 3 - Symbols & Codes

- a. When used in the 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 disposition required:

D Destroy
P Permanent Retention
A Permanently held in Alberta or other Archival Center
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.
- c. All General Records of the Town of Fox Creek shall be destroyed after five (5) years, except as otherwise provided for in "Schedule A".
- d. Should an individual's personal information be used in the Town of Fox Creek to make a decision that directly affects the individual, the Town of Fox Creek 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 and control of the Town of Fox Creek shall be:

Destroyed (D)

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

Permanent (P)

Such original records shall be preserved and never destroyed; 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 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 Fox Creek. A copy of the transferred index file shall be permanently retained 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 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 – Freedom of Information and Protection of Privacy Act Requests

- a. Where the Official has received an indication that there is or may be a Freedom of Information and Protection of Privacy Act (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 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 record destroyed.
- b. The Official shall keep an index of:
 1. Records Destroyed
 2. Records Transferred to Archives
 3. 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. 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 Fox Creek office.
- e. Election materials will 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. Resolution of Council may amend it 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 Fox Creek records.

PART 4 – ENACTMENT

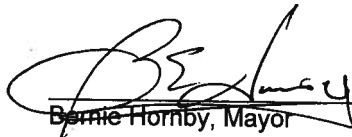
- a. This Bylaw shall come into force and have effect upon it being read a third time and passed.

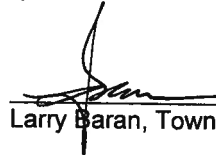
FIRST READING of Bylaw 576-2001 granted this 29th day of January, 2001 by Councilor Kirk Holtet.

SECOND READING of Bylaw 576-2001 granted this 20th day of February, 2001 by Councilor Jim Hailes.

THIRD AND FINAL READING of Bylaw 576-2001 granted this 20th day of February, 2001 by Councilor Brian Davidson.




Bernie Hornby, Mayor


Larry Baran, Town Manager

**“SCHEDULE A”
RECORDS RETENTION AND DISPOSITION BYLAW**

FILE TYPE	Specifics	RETENTION
GENERAL RECORDS		
	Quotes Price lists Product/Service Info Course/Conference Materials Information Packages Associations (AAMDC etc) Daytimers Reports for Council/Administration	Destroy after 5 years
	Reference Materials	Review Annually and discard if Superceded
Working Documents	Lab Reports Test Results (effluent) Inventories Maintenance records (all)	Discard after 11 years
TRANSITORY		
	Meeting notes Telephone messages Drafts Fax cover sheets Etc.	Routinely discard (without permission)
LEGAL		
Short-term contracts	Permits (other than building) Licenses Notices Etc.	Destroy 11 years after Contract Expires
Land Related	Building/Development Permits Easements Road Allowance Licenses Grazing Leases Crown Land Leases	Permanent (after 5 years transfer to land files)
Long-term Contracts	Service agreements Government agreements Government approvals Mutual Aid agreements Etc.	Destroy 11 years after Contract Expires

FILE TYPE**Specifics****RETENTION****CORRESPONDENCE**

General Correspondence	Announcements General Information Associations (AAMDC etc.) Newsletters Solicitations / Requests Requests for Support of Action	Destroy after 5 years (except see FCSS below)
Policy / Bylaw related	Complaints Actions Petitions Amendments Etc	Destroy after 5 years (keep for 11 years if legal action suspected)
Government Correspondence	other municipalities Provincial ministries/agencies Federal ministries/agencies	Destroy after 5 years
Correspondence with Historical Value	First of's Anniversaries Celebrations Awards Events	Permanent or Transfer to Archives

REPORTS / STUDIES

	Produced for Town of Fox Creek	Permanent
	Prepared for other Jurisdictions (Reference)	5 years or until no longer relevant

CORPORATE DOCUMENTS

Agenda Packages	Council	Permanent (Retain 1 copy only as official record)
	Committees Boards FCSS Etc.	Destroy after 5 years
Minutes	Council Committees Boards FCSS Etc.	Permanent (Retain 1 copy only as official record)

FILE TYPE**Specifics****RETENTION****CORPORATE DOCUMENTS (continued)**

	Bylaws Policies Acts/Legislation Organizational Meetings Electoral Boundaries Census, etc	Permanent (Retain 1 copy as official record)
Insurance	All Accident reports	Destroy 11 years after expiry Destroy 11 years after claim
Warranties		Destroy 1 year after Warranty Expires

FINANCE

General Financial Documents	Receipts Vouchers Invoices Purchase Orders Cancelled cheques Bank Statements Etc.	Destroy after 7 years
Investments / Financing	Debentures Loans Leases Investments	Destroy 7 years after expiry
Official Financial Documents	Year-End GL Printouts Year-End AP, AR, etc print-outs Annual Financial Statements Annual Reports	Permanent Permanent

PAYROLL

	Year End Print outs Time Sheets Payroll Check Lists Direct Deposit Transfer Lists T-4 copies Etc.	7 years
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REMITTANCE RECORDS

	All but Pension Information	Destroy 5 years after termination
	Pension –summary of years of service only	Permanent

FILE TYPE	Specifics	RETENTION
REMITTANCE RECORDS (continued)		
	Employee Files	Destroy 5 years after termination
	Applications / Resumes	Destroy rejected application after 1 year, Destroy hired 5 years after termination
	Job Descriptions Salary Ranges / Surveys	Destroy after 5 years

ASSESSMENT

	General Roll Files Industrial Roll Files Pipeline Roll Files	Destroy after 11 years
	Grants in Lieu Penalty Balances Closed Accounts Tax Arrears Tax Arrears on Property for Sale Tax Arrears Notifications Tax Cancellations Assessment Audits Assessment Balance Oil Well Licenses Leases on Crown Land Gov't Grants to pay taxes on behalf Sale of Property binders Land leases on Town properties	Destroy after 11 years
Official Assessment Documents	Year-end Print-outs Mill Rates Equalized Assessments Forfeited Land Records Historical Assessment Ledgers Pipeline Assessment Report	Permanent (Retain 1 copy only as official record)
	Public Auctions	Permanent (Transfer to Land file after 1 year)

FILE TYPE**Specifics****RETENTION****LAND**

	All Land Files Land Titles Sub-division files Construction Projects Road / Highway Files Utility Right of Ways Sign Locations Industrial	Permanent (after 5 years transfer to land files)
	Oil Co. sites	Destroy 11 years after removal
	Aerial photographs	Permanent (Retain 1 copy of each series)
Maps	Town Maps Construction Projects Engineering Signs	Permanent (Retain 1 copy of each series)

BUILDING PERMITS

Permits	Development Permits Building Permits Compliance Certificates	Permanent (Transfer to land files after 5 years)
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FCSS

Personnel Files	as per PERSONNEL	Destroy 5 years after termination
Client Files	Community Counseling Daycare	Destroy 11 years after termination
Agenda Packages	as per CORPORATE DOCUMENTS	Destroy after 5 years
Minutes		1 permanent copy
Contracts	as per LEGAL	Destroy 11 years after expiry
Accounts Payable/Vouchers	as per FINANCE	Destroy after 7 years