

BY-LAW NO. 227/2021
TOWN OF BENTLEY

A BYLAW OF THE TOWN OF BENTLEY TO
AUTHORIZE THE DESTRUCTION OF RECORDS

WHEREAS Section 214 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that a council may pass a bylaw respecting the destruction of other records and documents of the municipality.

NOW THEREFORE, the Council of the Town of Bentley, duly assembled, authorizes the destruction of the following records and documents:

1. Accounts Payable (1996 -2006)
 - includes old cheque copies, invoices, handwritten vouchers
 - Summary printout by account for each year has been kept
2. Cash Receipts for Utilities, Taxes & Garbage (1996-2006)
 - Copies of receipts issued from the front desk
 - Summary printout by account for each year has been kept
3. Tax Receipts and Postings (1995 – 2006)
 - Tax documentation and misc. g/l postings
 - Tax Trial Balance Reports by month
 - Summary printout by account has been kept
4. Bank Statements, Cheques & Deposits (1996 – 2006)
 - Copies of Bank Statements and Cheques as well as deposit records
 - Financial Statements are kept and reflect the required financial information in accordance with Municipal Affairs Retention and Scheduling of Municipal Records
5. Accounts Receivable (1996 – 2006)
 - invoice copies
6. Payroll Files (1996 – 2006)
 - Timesheets, Payroll G/L Postings, deductions and payment reports

Municipal Affairs

Retention and Scheduling of Municipal Records

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.

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>. 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/>.

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 hand written 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 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

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

Subject	Description	Suggested Retention Period In Years
	Statements of	12 S/O
Committee	Minutes	P
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	Sec 28(4) Local Authorities Election Act
	Ballot Box Contents	Sec 101 Local Authorities Election Act
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

Subject	Description	Suggested Retention Period In Years
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
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

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

Resources

Alberta Queen's Printer, Laws Online/Catalogue

Freedom of Information and Protection of Privacy Act

Website:

<http://www.qp.alberta.ca/570.cfm?frm isbn=9780779777273&search by=link>

Alta. Reg. 186/2008 - Freedom of Information and Protection of Privacy Regulation

Website:

<http://www.qp.alberta.ca/570.cfm?frm isbn=9780779772391&search by=link>

Limitations Act

Website:

<http://www.qp.alberta.ca/570.cfm?frm isbn=9780779760473&search by=link>

Provincial Archives of Alberta

Website: <http://culture.alberta.ca/paa/>