

BY-LAW NO. 50/99

A By-law of the Village of Bentley, in the Province of Alberta, establishing Regulations and Procedures for the retention and disposal of municipal records. Pursuant to the Provisions of Section 214 of the Municipal Government Act. Being Chapter M-26.1 of the Statutes of Alberta, 1994 and amendments as well as compliance with the Freedom of Information and Protection of Privacy Act. Being Chapter F-18.5 of the Statutes of Alberta, 1994 and amendments thereto.

WHEREAS, it is the desire of the Village of Bentley, 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 Village of Bentley; 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 Centers 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 Village of Bentley, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - TITLE, DEFINITIONS AND SYMBOLS

Section 1

- a) This By-law is cited as: **A - The Records Retention and Disposition By-law @** of the Village of Bentley.

Section 2

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

A-Official@ shall mean the Chief Administrative Officer, as defined in the Municipal Government Act or delegate, duly appointed by the Chief Administrative Officer of the Village of Bentley.

A-Records@ shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Village of Bentley in any form or format.

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

A-Confidential@ shall mean any record which 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 - 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 municipality.

Section 3

- a) When used in this By-law and the Schedules attached hereto, as well as, in the operation of any Records Management Systems established consistent with this By-law, 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 Center
T	Transfer to appropriate authority

PART 2 - RECORD RETENTION AND DESTRUCTION

Section 4 - Retention & 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 the information contained therein is completely obliterated, at anytime, when they no longer serve any valid purpose.
- c) All General Records of the Village of Bentley shall be destroyed after five (5) years, except as otherwise provided for in Schedule A.
- d) Should an individual’s personal information be used by the Village of Bentley to make a decision that directly affects the individual, the Village of Bentley shall retain the personal information for at least one (1) year from the date it was used to make the determination, so the individual has a reasonable opportunity to obtain access to it.

- e) Where, in this By-law and Schedule A attached hereto, it is provided particular records in the custody or control of the Village of Bentley shall be:

Destroyed (D)

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

Permanent (P)

Such original records shall be preserved and never destroyed, excepting original records, which have been recorded on microfilm; 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 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 Village of Bentley. A copy of the transferred record index shall be permanently retained on file.

Section 5 - Discretion

- a) The Official shall always have a discretion to retain records longer than the period provided for in this By-law and shall do so where the Official deems it appropriate and shall do so where the Official has received an indication there is or may be any litigation involving any of 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 - FOIP Requests

- a) Where the Official has received an indication there is or may be a 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 By-law, 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 By-law 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 By-law, the proper and complete destruction thereof is the responsibility of the Official.
- d) When records are recorded on microfilm, the Official shall ensure such microfilm 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 of the persons who witnessed the destruction. The statement of disposition shall be presented to Council and permanently filed in the Village of Bentley 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 the retention schedule attached shall be adhered to and annual audits of the records will be conducted to ensure compliance with this Retention and Disposition By-law.

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 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 Village of Bentley records.


PART 4 - ENACTMENT

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

READ a first time this 12th day of October 1999.

READ a second time this 12th day of October 1999.

READ a third and final by unanimous consent of all Council present this 12th day of October 1999.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" TO BY-LAW 50/99

Accounts Payable

Cash Receipts for Utilities

Tax Receipts

Bank Statements and Cheques

Mobile Home Licenses

Accounts Receivable

Budget - working papers only

General Receipts, Purchase Orders, Cheque Stubs

Fire Department

Ambulance

Family & Community Support Services (F.C.S.S.)

Personnel Files

Computer Generated Reports (Batches, Utilities, Accounts Payable, etc.)

Agreements

Financial Statements, Assessment Cards, Development Permits

Grant Applications

Home Help Invoices

Utility Billings

Business Licenses

Miscellaneous General Files

SCHEDULE 'B'

FORMAL REQUESTS

1. There shall be no charge for the receipt of personal information, except where the materials exceed \$10.00. Then the fee charged shall be for the cost of providing materials in accordance with By-law 19/96.
2. The Village shall charge the following fees:
 - a) a minimum of \$25.00 for each formal request received pursuant to the Access to Information By-law. This cost includes a maximum of two (2) hours employee labour and \$10.00 for materials. Any costs in excess of these stipulated, will be calculated and charged prior to the release of the information at a rate of \$25.00/hour of labour and as listed for materials.
 - b) \$25.00 for an appeal filed pursuant to the Access to Information By-law of the Village.
3. Actual costs for any costs incurred by the Village to access or produce third party information.

RECORDS RETENTION SCHEDULE

Subject	Description	Suggested Retention Period in Years
Accountants	Working Papers	7
Accounts	Paid (summary sheet)	7
	Payable Vouchers	7
	Receivable Duplicate	7
	Invoices	
Administration	Reports (not part of minutes)	7
Advertising	General	2
	As Per Legislation	7
Agendas	Part of Minutes	P
Agreements	General	7 S/O
	Development	7 S/O
	Major Legal	7 S/O
	Minor Legal	7 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 employ)	1
	Other Than Those in Minutes	3
Assessment	Rolls	P
	Assessment Review	P
	Board (ARB) Minutes	
	ARB Work File	5
	Appeals	7
	ARB Records	7
	Duplicate Roll	7
	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	10
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	7 S/O
	Statements of	7 S/O
Committee	Minutes	P
Compensation	Records	7
Computer Cards		1
Contracts	Files(completion of)	7 S/O
	Forms	7
	Major Legal	7 S/O
	Minor Legal	7 S/O
Council	Minutes	P
Court Cases		7 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws	7 S/O
	Agreements Major Legal	7 S/O
	Agreements Minor Legal	7 S/O
	Contracts Legal	7 S/O
	Easements	7 S/O
	Leases (after expiration)	7 S/O
	Notices of Change of	7 S/O
	Land Titles	
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,	5

	Dental, etc.	
	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	P
	Personnel File	P
Financial Statements	Interim	7
	Working Papers	3
	Final	10
Franchises		P
Income Tax	Deductions	5-7
	TD1	1
	T4	5-7
	T4 Summaries	5-7
Inquiries	From the Public	3
Insurance	Claims	5 (after settled)
	Records (after expiration)	5
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions	7 S/O
	Proceedings	7 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		7
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
	Individual Earning	P
	Records	
	Journal	P
	Time Cards	4-6
	Time Sheets - Daily	5
	- Overtime	5

	- Weekly	5
	Employment Insurance	5
	Records	
Permits	Development	7 S/O
Petitions		7-10
Plans	Official	P
	Amendments	P
	Subdivision	P
Policy	After Superseded	5
Progress Reports	Project	5-7
	Under Contract (Final	5-7 S/O
	Payment	
Property Files		Until sold + 7
Prosecution	All	7 S/O
Publications	Local Reports	3
Purchase	Land	Until sold +7
Receipts	Books	7
	Duplicate Cash	7
	Registration	7
Receptions & Special		3
Events (non historic)		
Reports	Accident	7 S/O
	Accident Statistics	7 S/O
	Field	7 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	7
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	10
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
	Termination	Employees
Tenders	Files	7
	Successful	7
	Purchase Quotations	7
	Unsuccessful	2
Traffic	Streets	7
Training and		5

Development Files		
Trial Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments To	2
	Contracts	7
	Suppliers Files	7
Vouchers	Duplicate	7
Writs		10
Weed Control Reports	until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5

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. An example would be a routine response to an inquiry for information.

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 of nature. 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 and history and development of the municipality and its citizens. These documents are often transferred to the public archives for long-term retention. The 50th anniversary celebrations 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)
- Selective Retention (SR)
- Archives (A)
- Review (R)
- Transfer (T)

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 that you wish to have transferred to the Provincial Archives of Alberta, on permanent loan or permanent transfer (donation) basis. The proper authority should be obtained, the material listed, and the listing and covering letter retained on file.

Provincial Archives of Alberta
12845 - 102 Avenue
Edmonton, Alberta T5N 0M6
Telephone (780) 427-1750

Should you have a quantity of records and are unsure of their research or historic value, the private manuscript section of the provincial archives, (telephone (780) 427-0069), will agree to view the records and arrange for the transfer 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, 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 Freedom of Information and Protection of Privacy Act

Municipalities should ensure that the Freedom of Information and Protection of Privacy Act (FOIP) is reviewed before implementing a records retention bylaw and disposition schedule.

A municipality cannot destroy records to evade a request for information under the FOIP Act.

Under the FOIP Act, 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. the Act allows municipalities to withhold certain information). If the information can reasonably be severed (removed or blanked out), then a requester has a right of access to the remainder of the record.

Most municipalities have established, 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. 200/95). A bylaw must be passed to either adopt the schedule in Reg. 200/95 or something lesser.

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 and you won't 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) and "Transitory Record". If it is a "Substantive Record", create a directory and or sub-directory on a shared drive on the system to store your electronic records. There may be a need to control deletion, change of file names and information 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 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" criteria only. Each municipality should determine, on a 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.

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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.

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RECORDS RETENTION SCHEDULE

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	Invoices	
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Advertising	General	2
	As Per Legislation	7
Agendas	Part of Minutes	P
Agreements	General	7 S/O
	Development	7 S/O
	Major Legal	7 S/O
	Minor Legal	7 S/O
Annexations	Correspondence	7
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	Assessment Review	P
	Board (ARB) Minutes	
	ARB Work File	5
	Appeals	7
	ARB Records	7
	Duplicate Roll	7
	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	10
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	7 S/O
	Statements of	7 S/O
Committee	Minutes	P
Compensation	Records	7
Computer Cards		1
Contracts	Files(completion of)	7 S/O
	Forms	7
	Major Legal	7 S/O
	Minor Legal	7 S/O
Council	Minutes	P
Court Cases		7 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws	7 S/O
	Agreements Major Legal	7 S/O
	Agreements Minor Legal	7 S/O
	Contracts Legal	7 S/O
	Easements	7 S/O
	Leases (after expiration)	7 S/O
	Notices of Change of	7 S/O
	Land Titles	
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	Ballot Box Contents	Sec 101 Local Authorities Election Act
Engineering	Drawings	P
Employee Benefits	A.H.C. Blue Cross,	5

	Dental, etc.	
	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	P
	Personnel File	P
Financial Statements	Interim	7
	Working Papers	3
	Final	10
Franchises		P
Income Tax	Deductions	5-7
	TD1	1
	T4	5-7
	T4 Summaries	5-7
Inquiries	From the Public	3
Insurance	Claims	5 (after settled)
	Records (after expiration)	5
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions	7 S/O
	Proceedings	7 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		7
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
	Individual Earning	P
	Records	
	Journal	P
	Time Cards	4-6
	Time Sheets - Daily	5
	- Overtime	5

	- Weekly	5
	Employment Insurance	5
	Records	
Permits	Development	7 S/O
Petitions		7-10
Plans	Official	P
	Amendments	P
	Subdivision	P
Policy	After Superseded	5
Progress Reports	Project	5-7
	Under Contract (Final Payment)	5-7 S/O
Property Files		Until sold + 7
Prosecution	All	7 S/O
Publications	Local Reports	3
Purchase	Land	Until sold +7
Receipts	Books	7
	Duplicate Cash	7
	Registration	7
Receptions & Special Events (non historic) Reports		3
	Accident	7 S/O
	Accident Statistics	7 S/O
	Field	7 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	7
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	10
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
Termination	Employees	P
Tenders	Files	7
	Successful	7
	Purchase Quotations	7
	Unsuccessful	2
Traffic	Streets	7
Training and		5

Development Files		
Trial Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments To	2
	Contracts	7
	Suppliers Files	7
Vouchers	Duplicate	7
Writs		10
Weed Control Reports	until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5