BYLAW NO. 385

OF THE VILLAGE OF SPRING LAKE

BEING A BY-LAW OF THE VILLAGE OF SPRING LAKE, IN THE PROVINCE OF ALBERTA, ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF VILLAGE RECORDS PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

WHEREAS, in accordance with the Municipal Government Act, Chapter M-26, R.S.A., 2000, and amendments thereto, and the Freedom of Information and Protection of Privacy Act, Chapter F-25, R.S.A., 2000, and amendments thereto, a Council of a Municipality may pass bylaws respecting the retention and destruction of records and documents of the Municipality; and

WHEREAS, it is the desire of the Village of Spring Lake 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 Spring Lake; and

WHEREAS, the authority for such regulations and authorities must be consistent with Federal or Provincial Statutes and Regulations;

THEREFORE, the Council of the Village of Spring Lake in the Province of Alberta, duly assembled, enacts as follows:

1. **Title**
   a) This Bylaw shall be known as the Records Retention and Disposition Bylaw.

2. **Definitions:**
   a) "Act" means the Municipal Government Act RSA 2000 Chapter M-26 and regulations made under the Municipal Government Act, as amended.
   b) "Confidential" means any record, which contains personal information about individuals, third party, commercial, financial, scientific or technical supplied either explicitly or implicitly, in confidence, or other sensitive information as described in the Freedom of Information and Protection of Privacy Act.
   c) "Chief Administrative Officer (CAO)" means the person appointed to the position of Chief Administrative Officer by the Council of the Village of Spring Lake and includes any person that the Chief Administrative Officer may appoint as his/her designate for the purposes of carrying out his/her responsibilities under this Bylaw and further, includes any person that may be appointed to act in the absence of the Chief Administrative Officer.
   d) "Council" means the Municipal Council of the Village of Spring Lake.
   e) "FOIP" means the Freedom of Information and Protection of Privacy Act.
   f) "General Records" means those records, which are used in day to day operations of the Village of West Cove.
   g) "Records" means all ledgers; receipts, vouchers, instruments, correspondence, or other information in whatever form, including electronically produced data. "Council Committee" means a committee within the meaning of the Act that is carrying out the powers, duties and functions delegated to it by Council and is comprised of all members of Council.
   h) "Transitory Records" means records that have short term, immediate, or no value and will not be required for future reference. These include telephone messages, post-it notes, memos, notes, and messages.
   i) "Village" means the Village of Spring Lake.

3. Symbols

a) When used in this Bylaw and the Schedules attached hereto, the following symbols shall be used to designate the form of retention or disposal required:

P - Permanent Retention

S/O - Superseded (replaced or take place of) or Obsolete (no longer in use)

D - Destroyed

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 a valid purpose.

b) All General Records of the Village shall be destroyed as provided for in Schedule A attached.

c) Where in this Bylaw and Schedule A, it is provided that particular records in the custody or control of the Village shall be:

(i) D - Destroyed - Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof being retained.

(ii) P - Permanent - Such records shall be preserved and never destroyed

5. Discretion

a) The CAO shall always have a discretion to retain the records longer than the period provided for in this Bylaw and shall do so where the CAO deems it appropriate.

6. FOIP Requests

a) Where the CAO has received an indication that there is, or may be, a FOIP request involving any records for destruction, the CAO is required to retain said records for a period of one year after the FOIP request has been made.

7. Destruction of Records

a) Where records are destroyed under this Bylaw, the proper and complete destruction is the responsibility of the CAO.

b) 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 witnessing the destruction. The statement of disposition shall be presented to Council and permanently filed with the Council Minutes.

c) Records shall be destroyed by making them unreadable. Appropriate methods for destroying:

(i) paper records include incinerating, shredding, pulping, and pulverizing by the CAO, the CAO's designate as appointed by the CAO or designate third party destruction service provider;

(ii) electronic records is through regular, permanent deletion; and

(iii) physical storage media, other than paper, include pulverizing, incinerating or granulating by the CAO, the CAO's designate as appointed by the CAO or a third party destruction service provider.

8. Record Retention Schedules

a) The attached Schedule A is hereby adopted.

9. Storage and Security

a) It is the responsibility of the CAO to provide for the adequate storage and security of all Village records.

10. Severability

a) It is the intention of Council that each separate provision of this Bylaw shall be deemed

independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid; all other provisions hereof shall remain valid and enforceable.

11. **Repeal of Bylaw**

a) Bylaw No. 252 is hereby rescinded.

12. **Effective Date**

a) This Bylaw shall come into full force and effect, on the date of third and final reading.

Read a first time this 20th day of October 2020.

Read a second time this 16th day of Novembir 2020.

Read a third and final time this 16th day of November 2020.

Jason Shaff

Mayor

Emily Howe

Chief Administrative Officer

Schedule A

Subject	Description	Retention Period In Years and/or Requirement
Administration	Reports (not part of minutes)	7
Advertising	General As Per Legislation	2 7
Agendas	As Part of Minutes	P
Agreements	General Development Major Legal Minor Legal	12 S/O P P P
Annexations	Correspondence Final Order	7 P
Applications	Site Plan Approval Subdivision (after final approval) Part-Time Employees (after end of employment	P P 1
Assessment	Rolls Assess Review Boar (ARB) Minutes Appeals ARB Records Review Court Records	P P 12 7 7
Assets	Tangible Capital Asset Records	20 S/O
Bank	Deposit Books Reconciliations Statements	7 7 7
Boards	Minutes	P
Budgets	Operating Capital	P P
Bylaws	All	P
Cash	Receipts Journal	7
Certificates	Of Title	P
Census (Municipal)	Records	12
Cheques	Cancelled (paid) and Stubs	7
Claims	Notice of Statements of	P P
Compensation	Records	10
Contracts	Files (completion of)	12 S/O
Council	Minutes	P
Court Cases		P
Destroyed Records Index		P
Development	Permits	P

	Enforcement SDAB Hearings	P P
Documents	Agreements Major Legal Agreements Minor Legal Contracts Legal Easements Leases (after expiration) Notices of Change of Land Titles	12 S/O 12 S/O 12 S/O P 12 S/O 12 S/O 12 S/O
Subject	**Description**	**Retention Period** **In Years and/or Requirement**
Elections	Nomination Papers Ballot Box Contents	Sec 28(4) Local Authorities Election Act Sec 28(4) Local Authorities Election Act
Engineering	Drawings	P
Employee Benefits	Benefit Documents WCB Claims	5 5
Employees	Job Application/Resumes (not hired) Job Descriptions (after position abolished) Oaths of Office (after position vacated) Personnel File including Application/Resume (after cessation of employment) Personnel File including Application/Resume (after dismissal)	1 3 1 1 6
Financial Statements	Audited Financial Statements	P
Franchises		P
Income Tax	Deductions TD1 T4 T4 Summaries	7 1 7 7
Insurance	Claims (after settled) Records (after expiration)	12 12
Land	Appraisals (after sold)	1
Leases	After Expiration	7 S/O
Legal	Opinions Proceedings	12 S/O 12 S/O
Legislation	Acts (after superseded)	1
Local Improvements	Records	P
Maps	Base (original) Contour	P P
Minutes	Council Board Committees	P P P
Municipal Affairs	Reports	5
Payroll	Garnishees (after garnish is removed) Individual Earning Records Time Sheets Employment Insurance Records (after cessation of employment)	3 7 7 5

Permits	Development Safety Codes	P P
Petitions		10
Plans	Official Amendments Subdivision	P P P
Policy	After Superseded	5
Property Files		P
Prosecution	All	12 S/O
Subject	**Description**	**Retention Period In Years and/or Requirement**
Purchase	Land	Until Sold + 12
Receipts		7
Reports	Accident	12 S/O
Requisitions	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears Taxation Notices Municipal Credits Receipts Rolls Sale Deeds	7 12 7 7 P P
Termination	Employees	P
Tenders	Successful Purchase Quotations Unsuccessful	12 1 10
Trail Balances	Year End	7
Vendors	Contracts	12
Zoning	Bylaws	P