

VILLAGE OF MORRIN
RECORDS RETENTION AND INFORMATION MANAGEMENT BYLAW
BYLAW #382

A BYLAW OF THE VILLAGE OF MORRIN IN THE PROVINCE OF ALBERTA TO ESTABLISH REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSITION OF VILLAGE OF MORRIN RECORDS AND INFORMATION.

WHEREAS, pursuant to Section 208(1) of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, the Chief Administrative Officer must ensure that all corporate records and documents be kept safe;

AND WHEREAS, pursuant to Section 214(2) of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw respecting the destruction of records and documents of the municipality;

AND WHEREAS, the Freedom of Information and Protection of Privacy Act, RSA 2000, Chapter F-25, Section 3 (e) (ii) does not prohibit the transfer, storage and destruction of any record in accordance with a bylaw or resolution of a local government body;

NOW THEREFORE the Council of the Village of Morrin, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the “Records Retention and Information Management Bylaw”.

2. DEFINITIONS

- 2.1 “Act” or “MGA” shall mean the Municipal Government Act, RSA 2000 Chapter M-26 and regulations made under the MGA as amended.
- 2.2 “CAO” shall mean Chief Administrative Officer.
- 2.3 “Municipality” or “Village” shall mean the corporation of the Village of Morrin.
- 2.4 “Official Record” shall mean information in any form that constitutes a record of the business of the Village of Morrin which will have some future administrative, operational, financial, legal, research or historical value.
- 2.5 “Personal Information” shall mean any information about an identifiable individual.
- 2.6 “Record” shall mean information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records. It includes handwritten notes and electronic correspondence or messages which are in the custody or control of the Municipality.

- 2.7 “Retention Schedule” shall mean the schedule that identifies the timeframe records must be retained before reaching final disposition as established through Internal Procedure by the Chief Administrative Officer.
- 2.8 “Transitory Record” shall mean information in any form that has only immediate, short-term or no value and will not be required for future reference and may include duplicates that are deemed to be substantially the same as a Record retained under the provisions of this Bylaw and working papers that are created for temporary use to support the Official Record.

3. ORIGINAL RECORDS

All original Records to and for the Village and Village Council including Records provided to the attention of the Chief Elected Official as a representative of Council shall remain in the Village office with storage under the authority of the CAO per Section 9.

4. RECORDS RETENTION AND DISPOSAL

- 4.1 Authorization to dispose of Official Records must be in accordance with the Retention Schedule (Schedule “A”) which contains provisions to ensure retention of Official Records compliance with federal and provincial statutes and regulations.
 - 4.1.1 Where, in this Bylaw and the Retention Schedule, it is provided that Official Records of the Village shall be:
 - a. Destroyed
Such Records shall be destroyed without any copy thereof being retained.
 - b. Transferred to Archives
Such Records shall be released to either the Provincial Archives of Alberta or other local archives upon the decision and direction of the CAO.
 - 4.1.2 Should an individual’s Personal Information be used by the Village to make a decision that directly affects the individual, the Village shall retain the Personal Information for at least one (1) year after using it so that the individual has a reasonable opportunity to obtain access to it. (MGA 214(3))
- 4.2 Transitory Records can be disposed of at any time when they no longer serve any valid purpose. A Transitory Record is not subject to legislated retention and therefore does not need to follow the standard disposition procedure required for Official Records. Transitory Records containing potentially confidential information shall be disposed of in a manner so that the information contained therein is completely obliterated.
- 4.3 All Records, except those listed in Section 4.4, may be stored exclusively electronically on the Village’s Electronic Management System for the time period established in the Retention Schedule (Schedule “A”) provided that the Records can be reproduced in substantially the same format as the original document. Upon being stored electronically, original Records may be disposed of immediately upon confirmation that the electronic Record is substantially the same as the original Record.
 - 4.3.1 In accordance with Section 272 of the Municipal Government Act Records that have been signed and sealed by the Village may be reproduced and have the

same effect as if the signatures and seals had been personally signed and/or affixed.

- 4.4 The following Records shall be maintained in an original hardcopy format, but may be stored electronically on the Village's Electronic Management System for convenience purposes:
- a. Approved Bylaws
 - b. Approved Council Minutes

5. DISCRETION

The CAO shall have discretion to retain Records longer than the period required in this Bylaw and shall do so where the CAO deems it appropriate and shall do so where the CAO has received an indication that there is, or may be, any litigation involving the said Records.

6. RECORDS OF RETENTION AND DESTRUCTION

- 6.1 When Official Records have been destroyed under this Bylaw, the CAO shall so certify in writing. Such certification shall refer to the relevant Retention Schedule Category identifying the Records destroyed.
- 6.2 The CAO shall keep a record of:
- a. Records destroyed;
 - b. Records transferred to archives;
 - c. Records transferred to other municipalities
- 6.3 Where Official Records are destroyed under this Bylaw, the CAO shall ensure the proper and complete destruction thereof.
- 6.4 Destruction of all Official 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 place 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 Village shall permanently retain the statement of disposition.

7. RECORDS RETENTION SCHEDULES

- 7.1 The CAO is authorized to establish and amend accordingly a Retention Schedule (Schedule "A") which shall be used to determine the retention and disposal requirements for all Official Records of the Village and of the Records of any local boards which are in the custody or control of the Village.
- 7.2 The Retention Schedule (Schedule "A") must comply with the MGA and other Provincial and Federal legislation.

8. FOIP REQUESTS

Where the CAO has received an indication that there is, or may be, a FOIP request involving any Official Records scheduled for destruction, the CAO is obligated to retain said Records for a period of one (1) year after the FOIP request has been made unless a decision has been made according to Section 5. Such decisions to retain the Records for longer than the period provided for herein shall be recorded.

9. STORAGE

It shall be the responsibility of the CAO to provide for the security and storage of all Village Records including the determination as to the format that Records will be stored.

10. EFFECTIVE DATE

This Bylaw shall come into force and effect when it receives third reading and it is duly signed.

READ a First time this 21st day of July, 2021.

READ a Second time this 21st day of July, 2021.

MOTION to allow for Third and final reading passed unanimously by Council this 21st day of July, 2021.

READ a Third time in Council and passed this 21st day of July, 2021.

OFFICIAL ADMINISTRATOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

FILE TYPE	SPECIFICS	RETENTION
GENERAL RECORDS	Quotes Price lists Product/service information Course/conference materials Information packages Associations (AUMA, etc.) Day timers Reports for Council or administration, etc.	Destroy after 5 years
	Reference materials	Review relevance annually (discard if superceded)
Working documents	Lab reports (water treatment plant, etc.) Test results (effluent) Inventories Maintenance records Etc.	Discard after 11 years
	General correspondence (see below)	
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	Permanent (after 5 years transfer to land files)
Long-term contracts	Service agreements Government agreements Government approvals Mutual aid Etc.	Destroy 11 years after contract expires

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FILE TYPE	SPECIFICS	RETENTION
CORRESPONDENCE		
General correspondence	Announcements General information Associations (AUMA, etc.) Newsletters Solicitations/requests Requests for support of action Etc.	Destroy after 5 years
Policy/bylaw related	Complaints Actions Petitions Amendments Etc.	Destroy after 5 years (keep for 11 years if suspect legal action)
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 Village of Morrin	Permanent
	Prepared for other jurisdictions (reference)	5 years (retain only as long as relevant)
CORPORATE DOCUMENTS		
Agenda packages	Council	Permanent (retain 1 copy only as official record)
	Committees Boards Etc.	Destroy after 5 years
Minutes	Council Committees Boards Etc.	Permanent (retain 1 copy only as official record)

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FILE TYPE	SPECIFICS	RETENTION
Bylaws Policies Acts/legislation Census Etc.		Permanent (retain 1 copy only as official record)
Insurance	All Accident reports	Destroy 11 years after expiry
Warranties		Destroy 1 year after warranty expires
FINANCE & HUMAN RESOURCES		
General financial documents	Receipts Deposits Vouchers Invoices Purchase orders Cancelled cheques Bank statements Etc.	Destroy after 7 years
Investments/financing	Debentures Loan Leases Investments	Destroy 7 years after expiry
Official financial documents	Year-end printouts (G/L, A/P, A/R, C/R, P/Y) Annual reports/financial statements	Permanent
Payroll	Time sheets Payroll check lists T4 copies Etc.	Destroy after 7 years
Remittance records	All but pension information	Destroy 5 years after termination
	Pension – summary of years of service only	Permanent
Personnel records	Employee files	Destroy 5 years after termination

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FILE TYPE	SPECIFICS	RETENTION
	Applications/resumes	Destroy rejected applications/resumes after 1 year Destroy applications/resumes for hired applicants 5 years after termination
	Position descriptions Advertisements Salary ranges/surveys	Destroy after 5 years if amended
PROPERTY ASSESSMENT	Annual assessment on all properties Assessment audit Assessment balance Land leases on Village properties	Destroy after 11 years
	Assessment Review Board decisions Court of revision	Destroy 5 years after decision
	Complaint withdrawals	Destroy after 5 years
Official assessment documents	Year end printouts Equalized assessment Forfeited land records Historical assessment roll Liner assessment roll	Permanent (retain 1 copy as official record)
PROPERTY TAXES	Grants in lieu Penalty balances Closed accounts Tax arrears Tax arrears on properties for sale Tax arrears notifications Tax cancellations Gov't grants to pay taxes on behalf	Destroy after 11 years
Official property tax documents	Public auctions	Permanent (after 1 year transfer to land files)

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FILE TYPE	SPECIFICS	RETENTION
LAND	Land files Land titles Subdivision files Construction projects Streets Utility rights of way Sign locations Industrial	Permanent (after 5 years transfer to land files)
	Aerial photographs Village maps Maps regarding construction projects, engineering, signs	Permanent (retain 1 copy of each series)
BUILDING INSPECTION		
Permits	Development permits Building permits Electrical, plumbing, gas Compliance certificates	Permanent (transfer to land files after 5 years)