

BY LAW #05-99

A BYLAW IN THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT TO PROVIDE REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF MUNICIPAL DOCUMENTS.

WHEREAS, it is the desire of the Council of the Town of Legal to provide for regulations with respect to the retention and disposal of Municipal documents including correspondence, records, receipts, vouchers, instruments and other papers kept by the Municipality.

WHEREAS, Section 214 of the Municipal Government Act, Statutes of Alberta 1994, Chapter M-26.1, as amended authorizes the Council of the Town of Legal to provide for the retention and disposal of municipal documents.

NOW THEREFORE, The Council of the Town of Legal in the Province of Alberta duly assembled, enacts as follows:

Part I – Title and Definitions

1. This bylaw is cited as “The Records Retention and Disposition Bylaw” of the Town of Legal.
2. In this bylaw, unless the content otherwise requires, the word, term or expression:
 - a) “Official” shall mean the Chief Administrative Office duly appointed by the Council of the Town of Legal.
 - b) “Records” shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Town of Legal in any form or format.
 - c) “Transitory Records” shall mean records that have short-term, immediate or no value and will not be required for further reference.
 - d) “Confidential” shall mean any record which contains personal information about individuals, third-party, commercial, financial, scientific or technical information supplied in confidence or other sensitive information as described in Section 15-28 of the Freedom of Information and Protection of Privacy Act.
 - e) “General Records” shall mean those records, which are used for scheduling and as information to assist in the efficient operation of the Town.
3. When used in this 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 disposal required:

D	-	Destroy
P	-	Permanent Retention
A	-	Permanently Held in Alberta or other Archival Centre
T	-	Transfer to appropriate authority

Part II – Record Retention and Destruction

1. All Transitory Records, which do not contain confidential information, shall be disposed of at any time, when they no longer serve any valid purpose.
2. All Transitory Records containing potentially confidential information shall be disposed of in a manner so that the information contained therein is completely obliterated, at any time, when they no longer serve any valid purpose.
3. All General Records of the Town of Legal shall be destroyed in accordance with Schedule A.
4. Should an individual’s personal information be used by the Town of Legal to make a decision that directly affects the individual, the Town of Legal 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.

5. Where, in this Bylaw and Schedule "A" attached hereto, it is provided that particular records in the custody or control of the Town of Legal shall be:

Destroyed (D)

Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof 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 Town of Legal. A copy of the transferred record index shall be permanently retained on file.

6. The Official shall always have a discretion to remain 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 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.
7. Where the Official has received an indication that there is or may be a FOIP request involving any record 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.
8. When records have been destroyed under this Bylaw, with the exception of records destroyed under Part II Section 1 and 2, the Official shall so certify in writing. Such certification shall refer to the relevant schedule and item of this Bylaw and shall identify the records destroyed.
9. The Official shall keep an index of
Records Destroyed
Records Transferred to Archives
Records Transferred to Another Authority
10. Where records are destroyed under this bylaw, the proper and complete destruction thereof is the responsibility of the Official.
11. When records are recorded on microfilm, the Official shall ensure that such microfilm is properly prepared, identified and indexed.
12. 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 records destroyed and also the names of the persons who witnessed the destruction. This statement of disposition shall be permanently filed with the Town Office.
13. Election material that has been sealed in ballot boxes may be destroyed in accordance with the provisions of the Local Authorities Election Act R.S.A. 1983 CL-27.5.
14. The Official will ensure that the retention schedule shall be adhered to and that annual audits of the records will be conducted to ensure compliance with this Bylaw.

Part III – General

1. The attached Schedule "A" is hereby adopted. It may be amended by resolution of Council upon the recommendation of the Official.
2. It shall be the responsibility of the Official to provide for the adequate storage and security of all Town of Legal records.

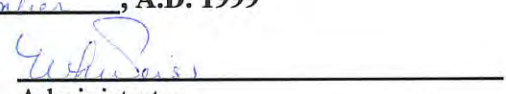
Part IV – Enactment

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

READ A FIRST TIME THIS 20th DAY OF September, A.D. 1999



Mayor

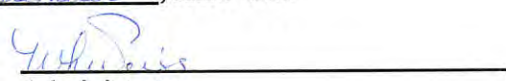


Administrator

READ A SECOND TIME THIS 20th DAY OF September, A.D. 1999




Mayor

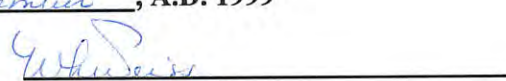


Administrator

READ A THIRD TIME THIS 20th DAY OF September, A.D. 1999



Mayor



Administrator

Schedule "A"

DISPOSITION SCHEDULE

The subject matter is listed alphabetically followed by a suggested retention period. The retention period is identified by "P: (permanent retention) or expressed by a figure in years, i.e. 5 (five years), or other specific comments such as "until superceded" or "upon replacement", etc.

<u>Subject</u>	<u>Description</u>	<u>Suggested Disposition Period In Years</u>
Accountants	Working Papers	7
Accounts	Paid (Summary Sheet)	7
	Payable Vouchers	7
	Receivable Duplicate	7
Administration	Reports (not part of minutes)	7
Advertising	- General	2
	- as per legislation, or	7
Agendas	Agendas – part of minutes	P
Agreements	General	7
	- Development	7
	- Major Legal	7
	- Minor	7
Annexations	All Correspondence	7
	Final Order	
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
Approvals	Condominium	P
Architect Drawings Buildings, Park Sites, etc.		P
Assessment	- Rolls	P
	- Assessment Review	P
	- Assessment Review	5

	- Appeals	7
	- Assessment Review Records	7
	- Duplicate Roll	7
	- Review Court Records	7
Assessment Appeal Board File		5
Assets	- Records of Surplus	5
	- Temporary Files	2
Bank	- Deposit (Pass) Books	7
	- Deposit Slips	7
	- Memos (Debit & Credit)	7
	- Reconciliations	2
	- Statements	7
Boards	- Minutes	P
	- Authority & Structure	5
	- Routing Correspondence	5
Briefs/Reports	- to Council	7
Budgets	- Final Capital (in minutes)	P
	- Final Operating (in minutes)	P
	- Estimates Working Papers	3
Bylaws	All	P
Cash	- Receipt Journal	7
	- Disbursements Journal	7
	- Duplicate Receipts	7
Certificates	- of Title	P
Census	- Reports	10
Cheques	- Paid (Cancelled)	7
	- Register	7
	- Stubs	7
Claims	- Notices of	7
	- Statements of	7
Committee	- Minutes	P
Compensation	- Records	7
Computer Cards		1
Contracts	- Files (upon completion of contract)	7

	- Forms	7
	- Major Legal	7
	- Minor	7
Council	Minutes	P
Court Cases		7
Destroyed Records Index		P
Documents	Not part of Bylaws	7
	- Agreements (Major) Legal	7
	- Agreements (Minor)	7
	- Contracts (Legal)	7
	- Easements	7
	- Leases (after expiration)	7
	- Notices of Change of Land Titles	7
Elections	- Nomination Papers	As per LAEA
	- Records	As per LAEA
Engineering	- Drawings	P
Employee Benefits	- A.H.C., A.B.X, etc. Files	5
	- Local Authorities Pension Plan	P
	- W.C.B. Claims	5
Employees	- Job Applications (hired)	3
	- Job Applications (not hired)	1
	- Job Descriptions	3
	- Oaths of Office	P
	- Personnel File	P
Financial Statements	- Interim	7
	- Working Papers	3
	- Final	10
Franchises		P
Income Taxes	- Deductions	5
	- TD1 Forms	Upon replacement
	- T4 Slips	5
	- T4 Summaries	5
Inquiries	From the Public	3
Insurance	- Claims	5 (after settled)

	- Records (after expiration)	5
Land	- Appraisals	1 (after sold)
Leases	- After Expiration	7
Legal	- Opinions	7
	- Proceedings	7
Legislation	- Act (After superceded)	1
Licenses	- Applications	3
	- Business (after expired)	5
	- Literature	2
Local Improvements	- Records	P
Maps	- Base (original)	P
	- Contour	P
Maintenance Management Reports		7
Minutes	- Board	P
	- Council	P
	- Committee	P
Monthly Reports	- Road	7
Municipal Affairs	- Annual Reports	5
Organization	- Structure & Records	2 – 5
Payroll	- Garnishees	3
	- Individual Earnings Record	P
	- Journal	P
	- Time Cards	4
	- Time Sheets – Daily	5
	- Overtime	5
	- Weekly	5
	- Employment Insurance Records	5
Permits	- Development	7
Petitions		7
Plans	- Official	P
	- Official (amendments)	P
	- Subdivision	P
Policy	- After Superceded	5
Progress Reports	- Project	7

	- Project Under Contract (final payment)	5
Property Files		P
Prosecution	- All	7
Publications	- Local reports	3
Purchase	- Of Land	until sold & 7
Receipts	- Books	7
	- Duplicate Cash	7
	- Registration	7
Receptions & Special Events File (non historic)		3
Reports	- Accident	7
	- Accident Statistics	7
	- Field	7
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 (all)	P
Taxes	- Arrears Cards	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 & Development Files		5
Trial Balances	- Monthly	3

	- Year End	7
Vouchers	- Duplicate	7
Vendors	- Acknowledgement To	2
	- Contracts	7
	- Suppliers Files	7
Writs		10
Weed Control Reports	- until updated	1
Zoning	- Bylaws	P
	- Bylaw Enforcement	5