

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1134-05**

Being a Bylaw to Smoky Lake County in the Province of Alberta, establishing Regulations and Procedures for the retention and disposal of County records. Pursuant to the Provisions of the *Municipal Government Act* and in compliance to the *Freedom of Information and Protection of Privacy Act*.

WHEREAS, it is the desire of Smoky Lake County, 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 Smoky Lake County; 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 Centres on either a permanent loan or retention basis;

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

NOW THEREFORE, the Municipal Council of Smoky Lake County, in the Province of Alberta, duly assembled enacts as follows:

PART 1: TITLE, DEFINITIONS AND SYMBOLS

Section 1: Title _____

- 1. This Bylaw is cited as “**The Records Retention and Disposition Bylaw**” of Smoky Lake County.

Section 2: Definitions _____

- 1. In this Bylaw, unless the context otherwise requires, the word, term or expression:

Official: shall mean the Chief Administrative Officer, as defined in the *Municipal Government Act* or delegate, duly appointed by the Chief Administrative Officer of Smoky Lake County.

Records: shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls or other information in the custody or control of Smoky Lake County in any form or format.

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

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 the *Freedom of Information and Protection of Privacy Act*.

General Records: shall mean those records, which are not used in day-to-day operations and are required to formulate recommendations, are used for scheduling and as information to assist in the efficient operations of the County.

Section 3: Symbols

1. When used in this Bylaw and the Schedules attached hereto, as well as, in the operation of any Records Management System established consistent with this Bylaw, the following symbols shall be used to designate the form of retention or disposal required:

P Permanent Retention

S/O Superseded/obsolete

PART TWO: RECORD RETENTION AND DESTRUCTION

Section 4: Record Retention and Destruction

1. All Transitory Records, which do not contain information, shall be disposed of at anytime, when they are 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 anytime, when they no longer serve any valide4 purpose.
3. All General Records of Smoky Lake County shall be destroyed after **5 (five) years**, except as otherwise provided for in Schedule "A".
4. Should an individual's personal information be used by the Smoky Lake County to make a decision that directly affects the individual, Smoky Lake County 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 Smoky Lake County shall be:

Permanent (P):

Such original records shall be preserved and never destroyed, excepting original records, which have been recorded on microfilm; and

Supersede/Obsolete (S/O):

File closed after information is superseded (replaced or take the place of) or obsolete (no longer in use).

Section 5: Discretion

1. The Official shall always have the discretion to retain 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 maybe 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

1. When the Official has received an indication that there is or maybe 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 he records longer that the period provided for herein shall be recorded in the record retention index.

Section 7: Permanent Retention and Destruction

1. When records have been destroyed under this Bylaw, with the exception of records destroyed under Section 4: 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.
2. The Official shall keep an index of:

Records Destroyed – Schedule “B”

3. When records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the Official.
4. When records are recorded on microfilm, the Official shall ensure that such microfilm is properly prepared, identified, and indexed.
5. Destruction of all records shall be carried out in the presence of a witness. The person destroyed 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 Smoky Lake County.
6. Election material that has been locked in ballot boxes may be destroyed in accordance with the provisions of the *Local Authorities Act*.

Section 8: Retention Audit

1. The Official will ensure that the retention schedule attached shall be adhered to and that annual audits of the records will be conducted to ensure compliance with this Retention and Disposition Bylaw.

PART THREE: GENERAL

Section 9: Record Retention Schedule

1. 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

1. It shall be the responsibility of the Official to provide for the adequate storage and security of all Smoky Lake County records.

PART FOUR: ENACTMENT

1. This **Bylaw 1134-05** shall come into force and have effect upon it being read the third time and passed.

2. Bylaw 1072-99 is hereby repealed.

READ a First Time this 21 day of November, AD 2005.

READ a Second Time this 21 day of November, AD 2005.

READ a Third and Final Time this 15 day of December, AD 2005 and finally passed by Council.



REEVE

SEAL



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"**Records Retention Schedule for Smoky Lake County**

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	10 S/O
	Development	10 S/O
	Major Legal	10 S/O
	Minor Legal	10 S/O
Annexations	Correspondence	7
	Final Order	P
Annual Reports		5-7
	Local Boards	5-7
Applications	Site Plan approval	2
	Subdivision (after final approval)	3
	Part-time Employees (after end of employ)	1
Appointments	Other Than Those in Minutes	3
Assessment	Rolls	P
	Assessment Review Board (ARB) Minutes	P
	ARB Work File	5
	Appeals	10
	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 Statements of	10 S/O 10 S/O
Committee	Minutes	P
Compensation	Records	10
Computer Cards		1
Contracts	Files (completion of) Forms Major Legal Minor Legal	10 S/O 10 10 S/O 10 S/O
Council	Minutes	P
Court Cases		10 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws Agreements Major Legal Agreements Minor Legal Contracts Legal Easements Leases (after expiration) Notices of Change of Land Title	10 S/O 10 S/O 10 S/O 10 S/O 10 S/O 10 S/O 10 S/O
Elections	Nomination Papers Ballot Box Contents	Sec 28 (4) Local Authorities Election Act Sec 101 Local Authorities Election Act
Engineering	Drawings	P
Employee Benefits	A.H.C., Blue Cross, Dental, etc. W.C.B. Claims	5 4-5
Employees	Job applications (hired) Job Applications (not hired) Job Descriptions Oaths of Office Personnel File	3 1 3 (after position abolished) 1 (after position vacated) 1 (after cessation of employment or 6 years after dismissal)
Financial Statements	Interim Working Papers Final	10 3 10
Franchises		P
Income Tax	Deductions TD1 T4 T4 Summaries	5-7 1 5-7 5-7
Inquiries	From the Public	3
Insurance	Claims Records (after expiration)	10 (after settled) 10
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions Proceedings	10 S/O 10 S/O
Legislation	Acts (after superseded)	1
Licenses	Applications Business (after expired) Literature	3 5 2
Local Improvements	Records	P
Maps	Base (original) Contour	P P

Maintenance Reports		10
Minutes	Council Boards Committees Tape Recordings	P P P Destroy (after adoption of Minutes)
Monthly Reports	Road	5-7
Municipal Affairs	Annual Reports	5
Organization	Structure & Records	2-5 S/O
Payroll	Garnishees Individual Earning Records Journal Time Cards Time Sheets - Daily - Overtime - Weekly Employment Insurance Records Salary Ranges / Surveys Year-end print-outs Payroll check lists Direct deposits transfer lists T-4 copies	3 60 60 4-6 5 5 5 5 5 7 7 7 7
Pension	All -- <u>but pension information</u> Summary: Years of Service	5 (after Termination) P
Permits	Development	10 S/O
Petitions		7-10
Plans	Official Amendments Subdivision	P P P
Policy	After Superseded	5
Progress Reports	Project Under Contract (Final payment)	5-7 7-10 S/O
Property Files		Until Sold +10
Prosecution	All	10 S/O
Publications	Local Reports	3
Purchase	Land	Until Sold +10
Receipts	Books Duplicate Cash Registration	7 7 7
Receptions & Special Events (non historic)		3
Reports	Accident Accident Statistics Field	10 S/O 10 S/O 10 S/O
Requisitions	Copies Duplicate Paid	2 7 7
Resolutions	Minutes	P
Subdivision	After Final Approval	10
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears Final Billing Municipal Credits Receipts Rolls Sale Deeds	7 10 7 7 P P
Termination	Employees	P

Tenders	Files	10
	Successful	10
	Purchase Quotations	10
	Unsuccessful	2
Traffic	Streets	7
Training and Development Files		5
Trail Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments to	2
	Contracts	10
	Supplier files	10
Vouchers	Duplicate	7
Writs		10
Weed Control Reports	Until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5