

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1331

A Bylaw of the County of St. Paul No. 19 in the Province of Alberta, establishing Regulations and Procedures for the retention and disposal of County records.

WHEREAS, 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 County of St. Paul No.19, 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 County of St. Paul; 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 Statutes and Regulations;

NOW THEREFORE, the Council of the County of St. Paul No.19, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 - TITLE, DEFINITIONS AND SYMBOLS

Section 1

- a) This Bylaw is cited as “**The Records Retention and Disposition By-law**” of the County of St. Paul No.19

Section 2

- a) 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 the County of St. Paul No.19.

“**Records**” shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the County of St. Paul No.19 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. (*Refer to the Records Management Policy manual for specific guidelines on what is defined as a transitory record.*)

“**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 Protection of 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 County.

Section 3

- a) 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 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 that the information contained therein is completely obliterated, at anytime, when they no longer serve any valid purpose.
- c) All General Records of the County of St. Paul shall be destroyed after five (5) years, except as otherwise provided for in Schedule.
- d) Should an individual's personal information be used by the County of St. Paul to make a decision that directly affects the individual, the County of St. Paul 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.
- e) Where, in this Bylaw and Schedule attached hereto, it is provided that particular records in the custody or control of the County of St. Paul No.19 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 County of St. Paul. 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 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

- a) Where 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 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 Bylaw, 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 Bylaw 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 Bylaw, the proper and complete destruction thereof is the responsibility of the Official.
- d) When records are recorded on microfilm, the Official shall ensure that 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 County of St. Paul 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 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 3 - GENERAL

Section 9 - Record Retention Schedules

- a) The attached Schedule 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 County of St. Paul records.

PART 4 - ENACTMENT

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

Read a first time in Council this 9th day of March, A.D. 1999.

Read a second time in Council this 9th day of March, A.D. 1999.

Read a third time in Council this 9th day of March, A.D. 1999.

(Original Signed by Reeve R. Bouchard)
Reeve

(Original Signed by CAO R. Krauchuk)
County Administrator