



A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF SUMMER VILLAGE RECORDS

WHEREAS it is the desire of the Summer Village (as defined below) to create procedures with respect to the retention and disposal of Records (as defined below);

AND WHEREAS it is the desire of the Summer Village to authorize the release of Records to the Provincial Archives of Alberta or other archival businesses or other appropriate storage businesses on either a permanent loan or retention basis;

NOW THEREFORE, the Council of the Summer Village, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be known as the "Records Retention and Disposition Bylaw."

2. DEFINITIONS

2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.

2.2 In this Bylaw:

- a) **"CAO"** means the Chief Administrative Officer of the Summer Village;
- b) **"Confidential Records"** means any Records which contain (i) personal information about individuals, (ii) third-party, commercial, financial, scientific or technical information supplied explicitly or implicitly in confidence to the Summer Village, or (iii) other sensitive information as described in Sections 16 to 29 of FOIP;
- c) **"FOIP"** means the Freedom of Information and Protection of Privacy Act, Revised Statutes of Alberta, 2000 Chapter F-25;
- d) **"General Records"** means those Records which (i) are used in the day-to-day operations of the Summer Village and are required to make decisions or recommendations, and (ii) are used for scheduling and as information to assist in the efficient operation of the Summer Village;
- e) **"MGA"** means the Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26;
- f) **"Records"** means all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Summer Village in any form or format;



- g) **"Summer Village"** means the Summer Village of Sundance Beach; and
- h) **"Transitory Record"** means Records which have short-term, immediate or no value and which will not be required for future reference by the Summer Village.

3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

4. GENERAL

- 4.1 The retention and disposition requirements described herein are hereby adopted by the Summer Village.
- 4.2 The CAO shall be responsible for the adequate and appropriate storage and security of all Records.
- 4.3 When used in this Bylaw or Schedule A attached hereto or when used in the operation of any records management systems established by the Summer Village in accordance with this Bylaw, the following symbols shall be used to designate the form of retention or disposition required:

D	Destroy
P	Permanent
A	Archives
T	Transfer

5. RECORDS RETENTION AND DESTRUCTION

- 5.1 All Transitory Records, other than Confidential Records, may be disposed of at anytime whenever such Transitory Records no longer serve any valid purpose.
- 5.2 All Transitory Records, which constitute Confidential Records, shall be disposed of in a manner so that the information contained therein is completely obliterated. Such Confidential Records may be disposed of at anytime, whenever such Confidential Records no longer serve any valid purpose.
- 5.3 All General Records shall be destroyed after seven years except as otherwise provided for in Schedule A attached hereto.
- 5.4 If an individual's personal information is used by the Summer Village to make a decision that directly affects the individual, then the Summer Village shall retain the Records containing such personal information for at least one year from the date such information was used to make the decision so that the individual has a reasonable opportunity to obtain access to such information.
- 5.5 Whenever in this Bylaw or in Schedule A attached hereto, it is provided that certain Records in the custody of the Summer Village shall be disposed of in a particular manner, then:
- (a) if the manner of disposition is "Destroy" or (D), then such Records shall be destroyed so that the information contained therein is completely obliterated, without any copy thereof being retained;
 - (b) if the manner of disposition is "Permanent" or (P), then such Records shall be preserved and never destroyed except when such Records have been recorded on microfiche or on another system that will enable copies of such Records to be made;
 - (c) if the manner of disposition is "Archives" or (A), then such Records shall be released to the Provincial Archives of Alberta or some other archives business at the discretion of the CAO provided that an index of all Records released to "Archives" shall be kept permanently on file by the Summer Village; and
 - (d) if the manner of disposition is "Transfer" or (T), then such Records shall be transferred to an appropriate storage business which shall be responsible for such Records at the discretion of the CAO and, upon such transfer, such Records shall no longer be under the authority or responsibility of the Summer Village provided that an index of all Records transferred in such manner shall be kept permanently on file by the Summer Village.
- 5.6 The CAO shall have discretion to retain Records longer than the period provided for herein and the CAO shall do so in the event that the CAO believes that there is or may be any litigation involving any of such Records. Any Records which are retained longer than the period provided for herein shall be noted in an index maintained by the CAO.



- 5.7 If the CAO believes that there is or may be a FOIPP request involving any Records scheduled for destruction, then the CAO shall retain such Records for a period of one year after the FOIPP request has been made. Any decision to retain Records longer than the period provided for herein shall be recorded in an index maintained by the CAO.
- 5.8 Whenever Records (other than Transitory Records destroyed in accordance with sections 5.1 and 5.2 above) have been destroyed under this Bylaw, the CAO shall certify such destruction in writing. Such certification shall refer to the relevant section of this Bylaw and shall identify the Records destroyed.
- 5.9 The CAO shall maintain an index of:
- Records Destroyed
 - Records Retained Permanently
 - Records Transferred to Archives
 - Records Transferred to Storage Business
 - Records Retained for Litigation
 - Records Retained for FOIP
- 5.10 Whenever Records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the CAO.
- 5.11 Whenever Records are recorded on microfilm or another system that will enable copies of the originals to be made, the CAO shall ensure that such microfiche or other system is properly prepared, identified and indexed.
- 5.12 Destruction of Records shall be carried out in the presence of a witness. The person who destroys the Records shall provide a written statement attesting to the time and location of the destruction of such Records and listing the Records destroyed and the name of the person who witnessed the destruction. The statement of disposition shall be presented to Council of the Summer Village and such statement shall be permanently filed in the Summer Village office.
- 5.13 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. 2000 c.L-21.
- 5.14 The CAO shall ensure that the retention and disposition requirements described herein shall be adhered to and that annual audits of the retention and disposition of Records will be conducted to ensure compliance with this Bylaw.

6. REPEAL

- 6.1 This Bylaw shall replace Bylaw No. A22/2003-01 and Bylaw No. A22/2003-01 is hereby repealed.



7. COMING INTO FORCE

7.1 This Bylaw shall come into full force and effect upon final passing.

READ a first time this 11th day of March, 2021.

READ a second time this 11th day of March, 2021.

UNANIMOUS CONSENT to proceed to third reading this 11th day of March, 2021.

READ a third and final time this 11th day of March, 2021.

Peter Pellatt, Mayor
Summer Village of Sundance Beach

June Boyda, Chief Administrative Officer
Summer Village of Sundance Beach



Schedule A - Retention and Disposition of Records

Record Type	Retention Years	Final Disposition
Minutes		Permanent
Bylaws-current		Permanent
Bylaws-obsolete		Permanent
Audited Financial Statements		Permanent
Bank Statements & Cancelled Cheques	7	Destroy
Development Permits and Inspection Reports		Permanent
Police Reports	7	Destroy
Tax Notices	7	Destroy
Budget Reports	7	Destroy
Budgets		Permanent
Assessment Information		Permanent
Correspondence	7	Destroy
Correspondence / Documents designated by Council for Permanent Retention		Permanent