

**TOWN OF TWO HILLS
IN THE PROVINCE OF ALBERTA
BYLAW NO. 99-781**

A BYLAW OF THE TOWN OF TWO HILLS IN THE PROVINCE OF ALBERTA, ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF TOWN RECORDS. 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 desire of the Town of Two Hills, 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 Town of Two Hills; 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 Town of Two Hills, 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 Bylaw**" of the Town of Two Hills.

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 Town of Two Hills.

"Records" shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls or other information in the custody or control of the Town of Two Hills 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 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 operations of the Town.

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 Town of Two Hills shall be destroyed after five (5) years, except as otherwise provided for in Schedule "A".

- d) Should an individual's personal information be used by the Town of Two Hills to make a decision that directly affects the individual, the Town of Two Hills 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 "A" attached hereto, it is provided that particular records in the custody of the Town of Two Hills 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 Two Hills. 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 the 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 by 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 Town of Two Hills.
- 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

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

It shall be the responsibility of the Official to provide for the adequate storage and security of all Town of Two Hills records.

PART 4 - ENACTMENT

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

SCHEDULE "A"

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FILE TYPE	Specifics	Retention
GENERAL RECORDS	quotes price lists product/service info course/conference materials information packages associations (AUMA, etc.) daytimers reports for council or administration etc.	destroy after 5 years
	reference materials	review relevance annually (discard if superseded)
Working documents	lab reports (water treatment plant, etc.) test results (effluent) inventories maintenance records - all 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 road allowance licenses	permanent (after 5 years transfer to land files)

long-term contracts	service agreements gov't agreements gov't approvals mutual aid etc.	destroy 11 years after contract expires
general correspondence	announcements general information associations (AUMA, etc.) newsletters solicitations/requests requests for support of action etc.	destroy after 2 years
policy/bylaw related	complaints actions petitions amendments etc.	destroy after 5 years (keep for 11 years if suspect legal action)
gov't 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 Town of Two Hills	permanent
	prepared for other jurisdictions (Reference) -	5 years (retain only as long as relevant)

CORPORATE DOCUMENTS

agenda	council	permanent (retain 1 copy only as "official" record)
	committees boards etc.	
minutes	council committees boards etc.	permanent (retain 1 copy only as "official" record")
	bylaws policies acts/legislation organizational meetings electoral boundaries census, etc.	permanent (retain 1 copy only as "official" record)
insurance	all - accident reports -	destroy 11 years after expiry destroy 11 years after claim
warrantees		destroy 1 year after warrantee expire
FINANCE		
general financial documents	receipts vouchers invoices p.o.s. cancelled cheques bank statements etc.	destroy after 7 years
investments/ financing	debentures, loans, leases, investments -	destroy 7 years after expiry

	behalf sale of property binders land leases on Town properties	
	review board decisions court of revision	destroy 5 years after decision
	complaint withdrawals	destroy after 5 yrs.
"Official" assessment documents	year end printouts - mill rates equalized assessments forfeited land records historical assessment ledger pipeline assessment report	permanent (retain 1 copy only as "official" record)
	public auctions	permanent (after 1 year transfer to land files)
LAND	land files all land titles subdivision files construction projects road files utility right of ways sign locations industrial	permanent (after 5 years transfer to land files)
	aerial photographs	permanent (retain 1 copy of each series)
maps	Town maps construction projects engineering signs	permanent (retain 1 copy of each series)
BUILDINGS permits	development permits compliance certificates	permanent (transfer to land files after 5 years)

Read a first time in Council this 27th day of September, 1999.

Read a second time in Council this 27th day of September, 1999.

Read a third time in Council and finally passed this 27th day of September, 1999.



MAYOR



CHIEF ADMINISTRATIVE OFFICER