

**BYLAW #536-21
VILLAGE OF HUSSAR**

BEING A BYLAW OF THE VILLAGE OF HUSSAR, IN THE PROVINCE OF ALBERTA, TO ESTABLISH REGULATIONS AND PROCEDURES FOR THE MANAGEMENT, RETENTION, AND DISPOSAL OF VILLAGE RECORDS.

WHEREAS, it is the desire of the Village of Hussar to provide for regulations and procedures with respect to the retention and disposal of Municipal documents including but not limited to: correspondence, records, vouchers, receipts, instruments and all other records in the custody or control of the Village of Hussar;

AND WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, the Council of a municipality may pass a Bylaw to regulate and control the management and destruction of records and documents of the municipality;

AND WHEREAS, pursuant to Section 38 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, the Chief Administrative Officer of the Village of Hussar must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction;

NOW THEREFORE the Council of the Village of Hussar in the province of Alberta, duly assembled, enacts as follows:

1. SECTION 1 – SHORT TITLE

1.1 This Bylaw may be cited as the Village of Hussar “Records Retention Bylaw”.

2. SECTION 2 – DEFINITIONS

2.1 “Act” means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.

2.2 “CAO” means the person appointed by Village Council as the Chief Administrative Officer for the purpose of the Act.

2.3 “Confidential” means 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*, RSA 2000, c F-25.

2.4 “Council” means the Council of the Village of Hussar.

2.5 “Department” means any internal division under the Village Administration for the purposes of Records Management, includes;

2.3.1 any board, committee, commission, panel, agency, or corporation included within a department.

2.6 “Disposition” means:

2.6.1 the destruction of records, or

- 2.6.2 the transfer of records of enduring value for permanent retention.
- 2.7 "General Records" means those records which are used in day-to-day operations and are required to formulate recommendations, are used for scheduling and has information to assist in the efficient operation of the Village.
- 2.8 "Official" means the Chief Administrative Officer, as defined in the Municipal Government Act, or delegate, duly appointed by the Chief Administrative Officer of the Village of Hussar.
- 2.9 "Outside Agency" means an organization under a contract with the Village of Hussar.
- 2.10 "Record" means a record of information in any form including books, documents, maps, drawings, photographs, letters, vouchers and papers, sound recordings, video tapes, electronic files, electronic mail transmissions, databases and spreadsheets, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records (as per the *Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25*, definition).
- 2.11 "Records Management" means the application of systematic control over records throughout their life cycle, including but not limited to forms management, manuals management, records cataloguing, filing system development and implementation and records scheduling and disposition.
- 2.12 "Records Retention Schedule" means a document approved by Village Council, which authorizes the length of time Village Documents and records are to be retained and the method of disposition.
- 2.13 "Transitory Records" means records that have short-term, immediate or no value and will not be required for future reference.
- 2.14 "Village" means the Village of Hussar.

3. SECTION 3 – RECORDS POLICY

- 3.1 The Village Council will approve the Records Management Policy including procedures, standards or guidelines relating to Records Management.

4. SECTION 4 – SYMBOLS

- 4.1 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 another Archival Centre

T Transfer to appropriate authority

S/O Superseded (replaced or take place of) or Obsolete (no longer in use)

5. Disposition, Storage and Use

- 5.1 Disposition, storage and use of all Village documents and records must be in accordance with the Records Management Policy.
- 5.2 The Village documents and records described in "Schedule A" to this Bylaw shall be retained as per "Schedule A" of this Bylaw.
- 5.3 Every document or record required by this Bylaw to be retained, either permanently or for a specified period of time shall be kept safely in the custody of such employee or employees of the Village as may be designated from time to time by the Village Council or the CAO.
- 5.4 No document or records described in approved records schedule shall be destroyed, unless in the presence of the Official.
- 5.5 Where records are in the possession of an Outside Agency, such records will be under the Village's control when;
 - (a) The record is specified in the contract as being under the control of the Village;
 - (b) The content of the record relates to the Village's mandate and functions;
 - (c) The Village has the authority to regulate the record's use and disposition;
 - (d) The Outside Agency is a consultant, and the record was created for the public body; or
 - (e) The contract permits the Village to inspect, review, or copy the records produced, received or acquired.

6. SECTION 6 – Retention and Destruction

- 6.1 All Transitory Records, which do not contain confidential information, shall be disposed of at any time, when they no longer serve any valid purpose.
- 6.2 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 valid purpose.
- 6.3 All General Records of the Village of Hussar shall be destroyed after five (5) years, except as otherwise provided for in Schedule A.
- 6.4 Should an individual's personal information be used by the Village of Hussar to make a decision that directly affects the individual, the Village of Hussar 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.
- 6.5 Where, in this Bylaw and Schedule A attached hereto, it is provided that particular records in the custody or control of the Village of Hussar 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.

PERMANENTLY HELD IN ARCHIVES (A)

Such records shall be released to either the Provincial Archives or other local archives upon decision and discretion 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 Village of Hussar. A copy of the transferred record index shall be permanently retained on file.

7. SECTION 7 – Permanent Retention and Destruction

7.1 When records have been destroyed under this Bylaw, with the exception of records destroyed under section 6.1 & 6.2, 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.

7.2 The Official shall keep an index of:

Records Destroyed

Records Transferred to Archives

Records Transferred to Another Authority

7.3 Where records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the Official.

7.4 When records are recorded electronically, the Official shall ensure that such electronic files are properly prepared, identified and indexed.

7.5 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 Village of Hussar office.

7.6 Election material that has been locked in ballot boxes may be destroyed in accordance with the provisions of the *Local Authorities Election Act, RSA 2000, c L-21*.

8. SECTION 8 – Discretion

8.1 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 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.

9. SECTION 9 – FOIP Requests

9.1 Where the Official has received an indication that there is or may be 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.

10. SECTION 10 – Retention Audit

10.1 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.

11. SECTION 11 - Records Retention Schedules

11.1 The attached "SCHEDULE A" is hereby adopted. It may be amended by resolution of Council upon the recommendation of the Official.

12. SECTION 12 - EFFECTIVE DATE

12.1 This Bylaw shall rescind Bylaw 446-99.


12.2 This Bylaw shall come into effect upon third and final reading.

READ a first time this 12 day of August, 2021.

READ second time this 16 day of September, 2021.

READ a third time this 16 day of September, 2021.

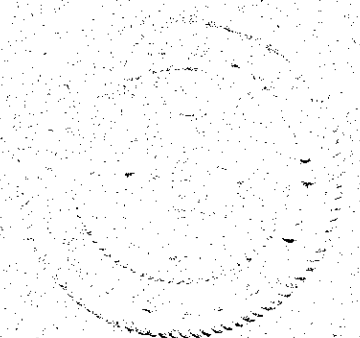
Signed this 16 day of September, 2021.



Mayor



Chief Administrative Officer



**SCHEDULE A
RECORDS RETENTION SCHEDULE**

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	12 S/O
	Development	12 S/O
	Major Legal	12 S/O
	Minor Legal	12 S/O
Annexations	Correspondence	7
	Final Order	P
Annual Reports		5
Annual Reports	Local Boards	5
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
Assessment	Rolls	P
	Assessment Review Board (ARB) Minutes	P
	ARB Work File	5
	Appeals	12
	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 book	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	12
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	12 S/O
	Statements of	12 S/O
Committee	Minutes	P
Compensation	Records	10
Computer Cards		1
Contracts	Files (completion of)	12 S/O
	Forms	12
	Major Legal	12 S/O
	Minor Legal	12 S/O

Correspondence		3
Council	Minutes	P
Court Cases		12 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws	12 S/O
	Agreements Major Legal	12 S/O
	Agreements Minor Legal	12 S/O
	Contracts Legal	12 S/O
	Easements	12 S/O
	Leases (after expiration)	12 S/O
	Notices of change of land	12 S/O
	Titles	12 S/O
Elections	Nomination Papers	Sec 28(4) LAEA
	Ballot Destruction Record	
	Ballot Box Contents	Sec 101 LAEA
	Official Ballot Count	
Engineering	Drawings	P
Employee Benefits	AHC, Blue Cross, Dental, etc.	5
	WCB Claims	5
Employees	Job applications (hired)	3
	Job applications (not hired)	1
	Job descriptions	3 (after position abolished)
	Oaths of Office	1 (after position vacated)
	Personnel File	1 (after cessation of employment or 6 years after dismissal (FYI – the GOA keeps any pension contribution information for 70 years))
Financial Statements	Interim	10
	Working Papers	3

	Final	12
Franchises		P
Income Tax	Deductions	7
	TD1	1
	T4	7
	T4 Summaries	7
Inquiries	From the Public	3
Insurance	Claims	12 (after settled)
	Records (after expiration)	12
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions	12 S/O
	Proceedings	12 S/O
Legislation	Acts (after superseded)	1
Licenses	Applications	3
	Business (after expired)	5
	Literature	2
Local Improvements	Records	P
Maps	Base (original)	P
	Contour	P
Maintenance Reports		12
Minutes	Council	P
	Boards	P
	Committees	P
Municipal Affairs	Annual Reports	5
Organization	Structure & Records	5 S/O
Payroll	Garnishees	3 (after garnish is removed)
	Individual Earning Records	6
	Journals	6

	Time Cards	6
	Time Sheets – Daily	5
	Overtime	5
	Weekly	5
	Employment Insurance Records	5 (after cessation of employment)
Permits	Development	12 S/O
Petitions		10
Plans	Official	P
	Amendments	P
	Subdivision	P
Policy	After Superseded	5
Project Files	Reports	7
	Under Contract (final payment)	7 (from completion)
Property Files		Until sold +10
Prosecution	All	12 S/O
Publications	Local Reports	3
Purchase	Land	Until Sold +12
Receipts	Books	7
	Duplicate Cash	7
	Registration	7
Receptions & Special Events (non-historic)		3
Reports	Accident	12S/O
	Accident Statistics	12 S/O
	Field	12 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Safety Codes	Inspections, Files, Reports	7

Subdivision	After final approval	12
Street	Sign inventory register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	12
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
Termination	Employees	P
Tenders	Files	12
	Successful	12
	Purchase Quotations	12
	Unsuccessful	10 (FYI- The GOA keeps all unsuccessful tenders for 10 years in case of civil litigation)
Traffic	Streets	7
Training and Development Files		5
Trial Balances	Monthly	3
	Year End	7
Vendors	Acknowledgements to	2
	Contracts	12
	Suppliers Files	12
Vouchers	Duplicate	7
Writs		12
Weed Control Reports	Until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5