



**BYLAW NO.009-2023
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSITION OF TOWN OF SMOKY LAKE RECORDS AND INFORMATION

WHEREAS, Section 214(2) of the Municipal Government Act, a Council may pass a bylaw respecting the destruction of records and documents of the municipality;

AND WHEREAS, the Council of the Town of Smoky Lake, in the Province of Alberta, wishes to establish regulations and procedures with respect to the retention and disposal of records in the custody or possession of the Town, including correspondence, records, receipts, vouchers, notes and other papers or alternative media records, including those records not in the physical custody of the Town, but for which the Town retains responsibility for;

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

NOW THEREFORE pursuant to the provisions of the Municipal Government Act, Chapter M-26, the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the “Retention and Disposition of Records and Information” Bylaw.

2. DEFINITIONS

2.1 “Act” means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and an amendment thereto;

2.2 “CAO” means the Chief Administrative Officer of the Municipality, or designate;

2.3 “Council” means the Municipal Council of the Town of Smoky Lake;

2.4 ““Electronics Management System” shall mean the computer system selected by the Town where information is stored, retained and/or disposed of in accordance with this Bylaw.

2.5 “Municipality” means the municipal corporation of the Town of Smoky Lake;

2.6 “Official Record” shall mean information in any form that constitutes a record of the business of Town of Smoky Lake which will have some future administrative, operational, financial, legal, research or historical value;

2.7 “Personal Information” shall mean any information about an identifiable individual;

- 2.8 “Record” shall mean information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers 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. It includes handwritten notes and electronic correspondence or messages which are in the custody or control of the municipality;
- 2.9 “Retention Schedule” shall mean the schedule that identifies the timeframe records must be retained before reaching final disposition as established through internal procedure by the CAO;
- 2.10 “Transitory Record” shall mean information in any form that has only immediate, short term or no value and will not be required for future reference and may include duplicates that are deemed to be substantially the same as a record retained under the provisions of this Bylaw and working papers that are created for temporary use to support the official record.

3. PURPOSE

- 3.1 The purpose of this bylaw is to provide a process to manage the retention and disposition of Town of Smoky Lake records, regardless of their medium. This bylaw addresses the complete life-cycle of records which includes the creation, use, receipt, access, maintenance, disclosure, retention and final disposition.

4. RECORD RETENTION AND DISPOSAL

- 4.1 Authorization to dispose of official records must be in accordance with the Retention Schedule “A”, which contains provisions to ensure retention of official records compliance with federal and provincial statutes and regulations;
- 4.2 Transitory records are authorized to be routinely destroyed without requiring the CAO to certify in writing the description of the records and that the records have been destroyed;
- 4.3 Should an individual’s personal information be used by the Municipality to make a decision that directly affects the individual, the Municipality shall retain such personal information for a minimum of one (1) year after using it so that the individual has a reasonable opportunity to obtain access to it;
- 4.4 Where it is provided in the Bylaw, and Schedule “A: attached hereto, that particular records of the Municipality shall be:
- 4.4.1 Destroyed – Such records, in consultation with the appropriate department, shall be destroyed without any copy thereof being retained; and
- 4.4.2 Permanent – Such original records shall be permanently retained, preserved, and never destroyed except where the originals have been recorded electronically or on another system that will enable copies of the originals to be made; and
- 4.4.3 Permanently held in Alberta or other Archival Center – Such records shall be released to either the Provincial Archives or other local archives upon decision and direction of the CAO. A copy of the transferred records index shall be permanently retained on file.

5. OFFICIAL DUTIES

- 5.1 The CAO shall always have the discretion to retain records longer than the period provided for in this Bylaw and shall do so where the CAO deems it appropriate and shall do so where the CAO received an indication that there is or may be 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 records retention index;

5.2 Where records have been destroyed under this Bylaw, the CAO shall so certify in writing. Such certification shall refer to the relevant schedule and item of this Bylaw and shall identify the records destroyed;

5.3 The CAO shall keep an index of records destroyed;

5.4 Where records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the CAO;

5.5 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 place of the destruction of the records, together with a list of records destroyed and also the names of the persons who witnessed the destruction. The statement of disposition shall be permanently retained in the Municipality’s records;

5.6 The attached Schedule “A” is hereby adopted as the retention destruction schedule of the Municipality and may be amended from time to time by resolution of Council.

6. ELECTIONS MATERIAL

6.1 Election material that has been locked in the ballot boxes may be destroyed in accordance with the provisions of the Local Authorities Act.

7. EFFECTIVE DATE

7.1 This Bylaw shall come into force and effect on third and final reading.

READ a FIRST time this 24 Day of July 2023.

READ a SECOND time this 24 Day of July 2023.

READ a THIRD and FINAL time with the UNANIMOUS CONSENT OF ALL COUNCILLORS this 24 Day of July 2023.

Original Signed

Amy Cherniwchan
Mayor

Original Signed

Dawn Phillips
Chief Administrative Officer

SCHEDULE "A"

"P" Permanent Retention

"S/O" File closed after information is superseded (replaced) or obsolete

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		5-7	
Annual Reports	Local Boards	5-7	
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	

Subject	Description	Suggested Retention Period
		In Years
	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	12
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	12 S/O
	Statements of	12 S/O
Committee	Minutes	P

Subject	Description	Suggested Retention Period
		In Years
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
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 Titles	12 S/O
Elections	Nomination Papers	<i>Sec 28(4) Local Authorities Election Act</i>
	Ballot Box Contents	<i>Sec 101 Local Authorities Election Act</i>
Engineering	Drawings	P
Employee Benefits	A.H.C., Blue Cross, Dental, etc.	5
	W.C.B. Claims	4-5
Employees	Job applications (hired)	3
	Job Application (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.)

Subject	Description	Suggested Retention Period In Years
Financial Statements	Interim	10
	Working Papers	3
	Final	12
Franchises		P
Income Tax	Deductions	5-7
	TD1	1
	T4	5-7
	T4 Summaries	5-7
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
Monthly Reports	Road	5-7
Municipal Affairs	Annual Reports	5

Subject	Description	Suggested Retention Period In Years
Organization	Structure & Records	2-5 S/O
Payroll	Garnishees	3 (after garnish is removed)
	Individual Earning Records	6
	Journal	6
	Time Cards	4-6
	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
Progress Reports	Project	5-7
	Under Contract (Final payment)	7-10 S/O
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	12 S/O

Subject	Description	Suggested Retention Period
		In Years
	Accident Statistics	12 S/O
	Field	12 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
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
Trail Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments To	2
	Contracts	12

Subject	Description	Suggested Retention Period
		In Years
	Suppliers Files	12
Vouchers	Duplicate	7
Writs		12
Weed Control Reports	Until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5