

BYLAW No. 2019-03**A BYLAW FOR THE DESTRUCTION OF DOCUMENTS**

The Council of the Rural Municipality of Cymri No. 36 in the Province of Saskatchewan, enacts as follows:

1. That a Records of Retention and Disposal Schedule (the schedule) for the municipality, attached hereto as "Schedule A" and forming part of this bylaw, be adopted.
2. That the administrator of the Municipality is hereby authorized to destroy all applicable documents of the Municipality in accordance with the Schedule.
3. That the Administrator/Clerk contact the Saskatchewan Archives Board before the destruction of any records mentioned in section (2) above and ensure that any documents requested by the Board for preservation in the Archives be deposited with the board.



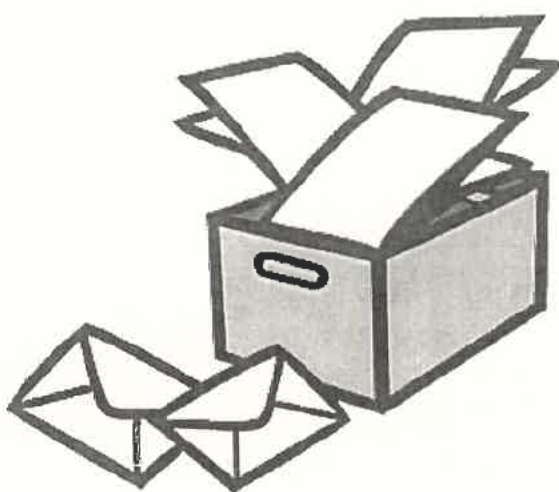
Reeve

Administrator

Certified a true copy of Bylaw No. 2019-03
adopted by resolution of the council present at the
meeting on the 12th day of September, 2019.

Administrator

RECORDS RETENTION AND DISPOSAL GUIDE



May 2016

INTRODUCTION

This records retention guide has been prepared to assist municipal administrators in making decisions regarding the retention and disposal of records. It has been developed by UMAAS, RMAA, SUMA and SARM, with the assistance of the Saskatchewan Archives Board (the Archives). It is applicable to the records of municipalities as well as any board, commission, association, etc. established by the council.

This guide has been developed in compliance with *The Municipalities Act*, *The Local Government Election Act, 2015*, *The Archives Act* and *The Local Authority Freedom of Information and Protection of Privacy Act*. Included retention periods are based on administrative, legal, and fiscal/financial values of the various records. The retention periods reflect the minimum length of time required to satisfy legal, fiscal and administrative requirements.

A draft bylaw has also been included for the convenience of those municipalities who wish to adopt this recommended schedule by bylaw.

RECORDS MANAGEMENT PROCEDURES

Background information

This document outlines some basic records management procedures to be followed by municipalities in order to manage municipal records in an effective and accountable manner. Please note that this document includes certain provisions that may have to be passed by council before they are adopted by municipal offices in Saskatchewan.

DEFINITION OF A RECORD

A record is defined by *The Local Authority Freedom of Information and Protection of Privacy Act* as "a record of information in any form and it includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records". This retention schedule is applicable to records that fall under the above definition regardless of format including paper, electronic, microfilm, etc.

Certain material has no evidential, fiscal, administrative or historical value and therefore, is not subject to this schedule. It can be destroyed when it is no longer needed without historical review by the Archives. This includes:

- extra copies created for convenience of reference
- publications i.e. books, magazines, catalogues, etc.
- blank forms
- transitory records, i.e. drafts that do not document significant steps in the development of a document or are summarized or produced in other form

This guide provides a schedule for **official records** which may be an original document, the only copy of a record retained by a municipality or any copy deemed to be the official record. The official record is retained to satisfy legal, fiscal and administrative retention requirements included in this schedule. Any additional copies of official records can be disposed of when they are no longer needed providing they contain identical information; an official record is identified; its completeness, authenticity and integrity is verified and it is retained for the period of time required by this schedule. The application of this provision and some associated requirements are further explained in the "Storage of Records and Records Format" section.

GENERAL CORRESPONDENCE

Correspondence should be classified in related categories and retained for the period of time assigned to the categories. For example, correspondence related to the establishment of bank accounts should be classified in the Bank Accounts category; correspondence regarding building permits should be classified in the Building Permits category.

STORAGE OF RECORDS AND RECORDS FORMAT

Records should be stored in an environment adequate for the storage medium they are recorded on. They should be properly maintained so they are retrievable for the period of time required by the schedule and until they are disposed of or transferred to the Archives. Any records of a confidential nature should be properly safeguarded and stored in a secure place with controlled access. Any personal information should be protected and handled in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*.

While **paper** remains the most widely-used medium for storing municipal records, other formats (i.e. microfilm or electronic files) are acceptable and are becoming more common. Such technologies can dramatically reduce the amount of physical space needed to warehouse records. Please note that each record created or received by a municipality has potential evidential value. Therefore, there are technical as well as legal considerations when deciding on a medium for storing official records, or if transferring records to a new storage medium (i.e. from paper to microfilm or electronic file).

If a **microfilm** or **electronic image** is chosen as an official record, it is necessary to comply with *The Saskatchewan Evidence Act* in order to make microfilm records or electronic images acceptable in a court of law. The microfilming/imaging process must be performed according to prescribed standards (i.e. "Microfilm and Electronic Images as Documentary Evidence" CAN/CGSB-72.11-93). Once imaged, source documents can be disposed of as additional copies. Ensure complete disposal documentation is retained showing how/when source records were destroyed and witness's signatures are included.

If **electronic records** are to be used as official records, it is necessary to comply with *The Evidence Act* and *The Electronic Information and Documents Act, 2000* as well as any standards that govern the management of electronic records. Procedures should be developed and approved regarding disposal of the original hard copies as additional records. Municipalities must manage electronic records in a manner that ensures their integrity and authenticity. Electronic records must remain accessible and retrievable until they are approved for disposal or transferred to the Archives. Migration and verification procedures should be developed and followed to ensure compatibility in case of any updates or changes to computer systems that are required to inspect the records. The migration process should include all official records retained electronically, not only those that are currently active. Records documenting the process should be retained.

PERMANENT RECORDS

Records listed for permanent retention are essential for both administrative and historical purposes. They should be kept in a secure and suitable environment, protected against accidental destruction or loss. For some permanent records a provision is included in the schedule for transfer to the Saskatchewan Archives Board upon their consent.

Permanent records need to be maintained properly in order to be accessible and retrievable at any time in a format that is cost effective and legally acceptable. Storage medium for long-term preservation has to be very carefully considered.

UNSCHEDULED RECORDS

This section includes a provision for disposal of records that have been not included in the retention guide. Unscheduled records that pertain to discontinued programs/functions and are no longer created in any form by the municipality and are 25 years or older can be disposed of upon approval of council and a historical review and approval by the Provincial Archivist. Ensure that the disposal process described further in this document is followed or contact the Archives for guidance. Any current (continuing) records which are not included can be added to the schedule with appropriate retention periods. Please consult the Archives in this regard. The amended schedule has to be approved by the council and the records are subject to the disposal procedures described below.

DISPOSAL OF RECORDS

All records as defined by *The Local Authorities Freedom and Information and Protection of Privacy Act* are subject to the following disposal procedures:

1. Preparing a records inventory listing including box identification (if files are in boxes), titles of records, dates, brief contents description, volume of records, location of records and any other information that may be helpful in identifying records.

2. Relating records to the schedule to determine if they meet retention periods. In order to be eligible for disposal, records must meet the retention requirements stated in the schedule. A reference to the Schedule designation for the record being disposed of should be included on the inventory, for example:

Box 1 - Payment Vouchers 1995 – 1.1 Accounts Payable

3. Approval by Council by means of a resolution authorizing the disposal of the specific records slated for destruction.

4. Historical appraisal by the Saskatchewan Archives Board

The Saskatchewan Archives Board has conducted an appraisal of the records included in the schedule and has identified the categories for which they wish to be contacted in order to review the records for a possible transfer to the Archive's permanent collection.

When records from these categories are eligible, a records inventory that has been approved by council should be forwarded to the Saskatchewan Archives Board. An Appraisal Archivist will analyze the inventory and advise in writing which records should be retained for physical appraisal or transferred to the Archives. This list should be sent to:

Provincial Archivist
Saskatchewan Archives Board
3303 Hillside Street
University of Regina
Regina, SK
S4S 0A2

The retention schedule contained in the appendix includes provisions for destruction of certain records without referral to the Saskatchewan Archives Board. These records contain "disposal" in the Disposal Recommendation Column and do not possess long-term historical significance. They can be destroyed once they meet retention periods in the schedule and are approved by the council (steps 1, 2 and 3). The remainder of the records are subject to an historical appraisal as described above in step 4.

Any questions regarding the retention guide or the above procedures could be forwarded to the Saskatchewan Archives Board through e-mail recordhelp@archives.gov.sk.ca or phone (306) 787-0734.

SECURE DESTRUCTION OF RECORDS

Given the personal and private nature of information that may be contained in many of the records in question, a municipality must ensure that the methods chosen to physically destroy the records are sufficient to protect privacy. Destruction methods must also be appropriate for the medium on which the record is stored.

For paper records, best practice dictates that cross-cut shredding – not merely single-strip shredding – is the preferred means of destruction. Since it is technically possible to reconstruct even cross-cut shredded documents, incineration or pulverization after records have been shredded may also be prudent if the information in those records is considered to be especially sensitive.

Electronic records must somehow be rendered permanently irretrievable and unreadable. This is typically accomplished by physically damaging the storage medium. CDs, DVDs, USB drives, floppy discs, PDAs, flash memory cards, hard drives and other media can be appropriately destroyed by breaking them into pieces, hammering, pulverization or drilling holes through them. It must be noted that **simply erasing or reformatting a drive does not irreversibly wipe out any data** that was recorded on it and more elaborate measures are necessary to ensure privacy is maintained. If a municipality wishes to reuse a given piece of media (i.e. a hard drive), consider using a "wiping utility" which has been designed to ensure that all data on a drive is irreversibly erased before the drive is put back into service. Computer software vendors should be able to provide more information on suitable software solutions.

The destruction of records may be undertaken by a municipality "in house" by having staff members shred or otherwise destroy the records. However, when large volumes of records are slated for destruction, it may be desirable to engage the services of a company that specializes in the disposal/destruction of records. Companies should be asked to provide references and written details on how they will physically destroy records to ensure that they comply with the municipality's policies

Records Destruction Schedule Bylaw

Disclaimer:

This draft bylaw has been prepared by staff in the Advisory Services and Municipal Relations Branch of the Ministry of Government Relations, not legal experts. It is intended for guidance/illustrative purposes only and may be reworded to suit local conditions and requirements. It is always advisable to obtain the advice of a solicitor in drafting bylaws.

(Municipality status) OF (name / #)

BYLAW NO. _____

A BYLAW FOR THE DESTRUCTION OF DOCUMENTS

The Council of the _____ of _____, in the Province of Saskatchewan, enacts as follows:

1. That a Records Retention and Disposal Schedule (the Schedule) for the municipality, attached hereto as "Schedule A" and forming part of this bylaw, be adopted.
2. That the administrator of the Municipality is hereby authorized to destroy all applicable documents of the Municipality in accordance with the Schedule.
3. That the Administrator/Clerk contact the Saskatchewan Archives Board before the destruction of any records mentioned in section (2) above and ensure that any documents requested by the Board for preservation in the Archives be deposited with the Board.

[SEAL]

Mayor/Reeve

Clerk / Administrator

Section 116, *The Municipalities Act*

Read a third time and adopted
this _____ day of _____

Records Retention and Disposal Schedule For Rural and Urban Municipalities

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Records Retention and Disposal Schedule

1. ACCOUNTING AND FINANCE

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
1.1 Accounts Payable (includes billing, payments, overdue accounts, invoices, receipts, payment vouchers, receipt duplicates, related correspondence, etc.)	7 years	Dispose
1.2 Accounts Receivable (includes receipt records, write offs, invoices, vouchers, related correspondence, etc.)	7 years	Dispose
1.3 Annual Financial Statements	Permanent as per legislation	Permanent as per legislation
1.4 Audits and Compliance Reviews (auditor recommendations, reports, etc.)	7 years	Dispose
1.5 Bank Accounts (includes records related to termination and establishment of bank accounts, deposit slips, cancelled cheques, passbooks, bank statements, reconciliations, deposit books, cheques stubs/duplicates, etc.)	7 years	Dispose
1.6 Budget (as part of the minutes)	Permanent	Permanent
1.7 Budget Related Reports	7 years	DISPOSE
1.8 Cash Payments and Receipts (includes cash payments books, print-outs, cash reports and summaries, register tapes, etc.)	7 years	DISPOSE

Continued...

2. ADMINISTRATION

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
2.1 Agreements/Contracts and Supporting Documentation (pertaining to land, buildings, properties, structures, etc. owned by the municipality including construction agreements/contracts, etc.)	10 years after disposition of building, property or structure	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
2.2 Agreements/Contracts and Supporting Documentation (not related to land, buildings, properties, etc.)	7 years after termination of agreement/contract	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
2.3 Appeals (under the Planning and Development Act, 1983)	7 years after final decision rendered	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
2.4 Celebrations and Events	3 years after concluded	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
2.5 Cemetery Records	Permanent as per Legislation	Permanent as per Legislation
2.6 Change of Ownership Documents	7 years	DISPOSE
2.7 First Nations Consultations	Permanent	Permanent
2.8 Inquiries (under Local Authority Freedom of Information and Protection of Privacy Act)	7 years	DISPOSE
2.9 Insurance Policies – Liability (may be required if there is a liability claim in the future)	Permanent	Permanent

Continued...

3. ELECTION

Records included in this section are governed by *The Local Government Election Act, 2015* and *The Municipalities Act*. Where specific retention requirements are identified in the legislation, relevant sections in the acts are indicated. **Unless otherwise specified, all records are retained for "after election day" plus number indicated below.**

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
3.1 Ballots	3 months (142 Local Government Election Act, 2015-LGEA)	DISPOSE
3.2 Disclosure of Holdings (includes public disclosure statements)	Term of Office (4 years)	DISPOSE
3.3 Declaration of Agent/Friend	3 months	DISPOSE
3.4 Declaration of Polls	3 months (142 LGEA)	DISPOSE
3.5 Deputy Returning Officer Statement of Results	Permanent	Permanent
3.6 Nominations and Receipts	Term of Office (4 years) (69(6) LGEA)	DISPOSE
3.7 Oaths of Office	Term of Office	DISPOSE
3.8 Returning Officer's Summary of Results	Permanent or contact the Archives	Permanent or contact the Archives
3.9 Poll Books	3 months (142 LGEA)	DISPOSE
3.10 Voters' Lists	Contact the Archives	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
3.11 Voters' Registration Forms	3 months (142 LGEA)	DISPOSE
3.12 Ballot Box Contents (includes ballots, registration forms, etc.)	3 months (142 LGEA)	DISPOSE
3.13 List of Assessed Owners (Rural Municipalities Only)	Until replaced pursuant to Section 40 LGEA	DISPOSE

6. LICENCES AND PERMITS

6.1 Licenses and Permits Issued By Municipalities

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
6.1.1 Building Permits (includes supporting documentation)	after rejection of permit or life of building/structure plus 10 years	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
6.1.2 Development Permits (includes supporting documentation)	25 years after superseded	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
6.1.3 Development Permits – Denied	10 years	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
6.1.4 Development Permits – Register	Permanent	PERMANENT
6.1.5 Other Permits (not related to land, buildings, structures, development projects)	3 years after expiration/termination or rejection of permit	DISPOSE
6.1.6 Licenses (includes supporting documentation)	7 years after termination/expiration or rejection of license	DISPOSE

6.2 Licenses and Permits Issued To Municipalities

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
6.2.1 Licenses and Permits (related to land, buildings, structures, properties)	Upon rejection of permit/license or life time of structure, building, property plus 10 years	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
6.2.2 Licenses and Permits (not related to land, buildings, structures and development projects)	7 years after expiration/termination or rejection of license or permit	DISPOSE

9. REPORTS AND STATISTICS

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
9.1 Reports of Boards and Committees established by Council (not forming part of council minutes)	7 years	Contact the Archives Dispose <u>only</u> upon the Archives recommendation
9.2 Vital Statistics	7 years	DISPOSE

10. ROADS AND STREETS

RECORDS	RETENTION PERIOD	DISPOSAL RECOMMENDATION
10.1 Road Maintenance Records (includes reports) (may be required if there is a liability claim in the future)	25 years	Contact the Archives Dispose <u>only</u> upon the Archives recommendation