Rural Municipality of Miscouche, PEI
A Bylaw to Manage and Dispose of Records
Bylaw # 2020-02

BE IT ENACTED by the Council of the Rural Municipality of Miscouche as follows:

1. **Title**

   (1) This bylaw shall be known and cited as the "Records Retention Bylaw."

2. **Authority**

   (1) The *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., and related regulations require municipalities to manage and retain municipal records.

   (2) Subsection 117(1) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires council to provide, by bylaw, a schedule for the management and disposal of all records and other documents that are required to be retained by the municipality.

3. **Application**

   (1) This bylaw applies to members of Council, Council Committees, and municipal staff related to the creation, retention, management and disposal of records.

4. **Definitions**

   (1) "Act" means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

   (2) "Chief Administrative Officer" or "CAO" means the administrative head of the Municipality as appointed by council under subsection 86(2)(c) of the *Municipal Government Act*.

   (3) "Council" means the Mayor and other members of the Council of the Municipality.

   (4) "Councillor" means a member of the Council other than the Mayor.

   (5) "Municipality" means the Rural Municipality of Miscouche.

   (6) "Permanent record" means a record the Municipality is required to retain permanently.

   (7) "Record" means information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing, or otherwise processing information.

   (8) "Regulations" means the Records Retention Regulations pursuant to clause 261(1)(f) of the Act.

   (9) "Temporary record" means a record that the Municipality is required to maintain for a minimum period of time in accordance with the schedule in the Regulations.

5. **General**

(1) The Municipality establishes under this bylaw a records retention schedule for maintenance and disposal of records as contained in Schedule 'A'

(2) The CAO shall administer this bylaw and is responsible for ensuring that records are managed and retained in accordance with the Act and Regulations.

(3) Schedule 'A' may be amended by resolution as permitted in clause 135(2)(c) of the Act but shall comply with all legal requirements for records retention.

6. General Retention and Disposition Requirements

(1) Council shall ensure for each record, that

(a) the record is retained in accordance with the Regulations and this bylaw;

(b) where the record is not stored in the municipal office, the record is stored in a location and manner that is secure and will preserve the integrity of the record; and

(c) documentation, which provides details of the destruction of the record or its transfer to permanent storage, of the final disposition of the record is permanently maintained.

7. Temporary Records

(1) Council shall ensure temporary records

(a) shall be retained in the municipal office for a minimum of two years; and

(b) during this two year period, shall be accessible within 24 hours.

(2) Temporary records may be moved at the end of the retention period in 7(1)(a) to a storage facility outside the municipality for the remainder of the retention period specified in Schedule 'A' if

(a) the storage facility meets the requirements of 6(1)(b); and

(b) is accessible within three business days.

8. Destruction of Records

(1) Council may,

(a) at the end of the retention period specified for a temporary record, provide for the secure destruction of the record;

(b) authorize the destruction of a duplicate copy of a record at any time, subject to the requirements for retention of duplicate copies in Schedule 'A.'

9. Permanent Records

(1) Council shall ensure permanent records

(a) are retained in the municipal office for a minimum period of five years and, during that period, are accessible within 24 hours; and

(b) are not destroyed

(2) Council shall, as soon as reasonably possible after the end of the retention period specified in 9(1)(a), move a record to which subsection (1) applies

(a) to permanent storage in a secure facility that will preserve the integrity of the record; and

(b) ensure the record is accessible within three business days.

10. Electronic and Microfilm

(1) Council shall ensure electronic records

(a) are retained and retrievable for the minimum retention period; and

(b) in the case of permanent records, are copied to paper or microfilm for the purpose of transfer to permanent storage.

(2) Microfilm applications of permanent records shall conform to industry-accepted technical standards and established preparation and documentation procedures.

11. Protection of Records

(1) Council shall ensure that reasonable care is taken to protect records against damage, deterioration, unauthorized destruction, sale or other disposition or theft.

12. Schedule Adopted

(1) The schedule to this bylaw is adopted and forms part of this bylaw.

13. Effective Date

(1) This Records Retention Bylaw, Bylaw# 2020-02, shall be effective on November 10th, 2020.

First Reading:

This Records Retention Bylaw, Bylaw# 2020-02, was read a first time at the Council meeting held on the 9 day of November, 2020.

This Records Retention Bylaw, Bylaw# 2020-02, was approved by a majority of Council members present at the Council meeting held on the 9 day of November, 2020.

Second Reading:

This Records Retention Bylaw, Bylaw# 2020-02, was read a second time at the Council meeting held on the 10 day of November, 2020.

This Records Retention Bylaw, Bylaw# 2020-02, was approved by a majority of Council members present at the Council meeting held on the 10 day of November, 2020.

Approval and Adoption by Council:

This Records Retention Bylaw, Bylaw# 2020-02, was adopted by a majority of Council members present at the Council meeting held on the 10 day of November, 2020.

14. Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Record Retention Bylaw adopted by the Council of the Rural Municipality of Miscouche on November 10th, 2020 is certified to be a true copy.

Chief Administrative Officer Signature

November 12/2020

Date

Schedule A:

RECORDS RETENTION SCHEDULE

Note: The subject matter is listed alphabetically followed by a retention period. The retention period is identified either as "PERMANENT" or expressed as a number of years. Retention periods are labelled as:

(a) CY - a retention period that concludes after the end of a calendar year (i.e. after December 31st of a given year).

(b) FY - a retention period that concludes after the end of a fiscal year as established in section 149 of the *Municipal Government Act*.

(c) closed after information is superseded (replaced or take the place of) or obsolete (no longer in use) (S/O)

In the event of a conflict between this schedule and the *Municipal Government Act* Records Retention Regulations, the Regulations shall apply.

SUBJECT	DESCRIPTION	RETENTION PERIOD (YEARS)	ENDS
Accountants	Working Papers	7	FY
Accounts	Paid (summary sheet)	7	FY
	Payable vouchers	7	FY
	Receivable duplicate invoices	7	FY
Administration	Reports (not part of Minutes)	7	CY
Advertising	Electoral	4	CY
	Other notices- MGA, other legislation	2	CY
Agendas	Part of Minutes	PERMANENT	
Agreement	General	12	S/O
	Development	12	S/O
	Major legal	12	S/O
	Minor legal	12	S/O
Annexations	Correspondence	7	CY
	Final Order	PERMANENT	
Annual Reports	Council, Boards, Commissions	5	CY
Applications	Site plan approval	2	CY
	Subdivision (after final approval)	3	CY
	Part-time employees (after end of employment)	1	CY
Appointments	Other than those in Minutes	3	FY
Assessment	Rolls	PERMANENT	
	Assessment review Board (ARB) Minutes	PERMANENT	
	ARB work file	5	FY
	Appeals	12	FY
	ARB records	7	FY
	Duplicate roll	7	FY
	Review Court records	7	FY
Assessment Appeal	Board file	5	FY
Assets	Asset Management Inventory	20	S/O
	Records of surplus	7	FY
	Temporary files	2	FY
Bank	Deposit books	7	FY
	Deposit slips	7	FY
	Memos (credit/debit)	7	FY
	Reconciliations	2	FY

	Statements	7	FY
Boards	Minutes	PERMANENT	S/O
	Authority & Structure	5	CY
	Correspondence	5	CY
Briefings/Reports	To Council	7	CY
Budgets	Operating (in minutes)	PERMANENT	
	Capital (in minutes)	PERMANENT	
	Working papers	3	FY
Bylaws	All	PERMANENT	
Cash	Receipts journal	7	FY
	Disbursements journal	7	FY
	Duplicate receipts	7	FY
Certificates	Of Title	PERMANENT	
Census	Reports	12	CY
Cheques	Cancelled (paid)	7	FY
	Register	7	FY
	Stubs	7	FY
Claims	Notice of	12	S/0
	Statements of	12	S/0
Committee	Minutes	PERMANENT	
Compensation	Records	10	FY
Contracts	Files (completion of)	12	S/0
	Forms	12	FY
	Major legal	12	S/O
	Minor legal	12	S/O
Council	Minutes	PERMANENT	
Court Cases		12	S/O
Destroyed Records	Index	PERMANENT	
	Signed destroyed	PERMANENT	
	records statements		
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	All election documents other than ballot box contents	4	CY
	Ballot box contents	In accordance with the MGA	CY
Engineering	Drawings	PERMANENT	
Employee Benefits	Health, Dental, WCB Claims, etc.	5	CY
Employees	Job applications (hired)	3	CY
	Job application (not hired)	1	CY

	Job descriptions	3 (after position abolished)	CY
	Oaths of Office	1 (after position vacated)	CY
	Personnel file	3 (after cessation of employment) or 6 (after dismissal)	CY
Financial Statements	Interim	10	FY
	Working papers	7	FY
	Final	12	FY
Franchises		PERMANENT	
Income Tax	Deductions	7	FY
	TD1	7	FY
	T4	7	FY
	T4 Summaries	7	FY
Inquiries	From the public	3	CY
Insurance	Claims	12 (after settled)	FY
	Records (after expiration)	12	FY
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	CY
Licenses	Applications	3	CY
	Business (after expired)	5	CY
	Literature	2	CY
Local Improvements	Records	PERMANENT	
Maps	Base (original)	PERMANENT	
	Contour	PERMANENT	
Maintenance Reports		12	CY
Minutes	Council	PERMANENT	
	Boards	PERMANENT	
	Committees	PERMANENT	
Monthly Reports	Road	5	FY
Municipal Affairs	Annual reports	5	FY
Organization	Structure and records	2	S/O
Payroll	Garnishees	7 (after garnish is removed)	FY
	Individual earning records	7	FY
	Journal	7	FY
	Time cards	7	FY
	Time sheets - daily	7	FY
	Time sheets - Overtime	7	FY
	Time sheets - weekly	7	FY
	Employment Insurance	5 (after cessation of employment)	FY

Permits	Development	12	S/O
Petitions		10	CY
Plans	Official	PERMANENT	
	Amendments	PERMANENT	
	Subdivision	PERMANENT	
Policy	After superseded	5	CY
Progress Reports	Project	5	CY
	Under contract (final payment)	7	S/O
Property Files		Until sold +10	FY
Prosecution	All	12	S/O
Publications	Local reports	3	CY
Purchase	Land	Until Sold +12	FY
Receipts	Books	7	FY
	Duplicate cash	7	FY
	Registration	7	FY
Receptions & Special Events (non-historic)		3	CY
Reports	Accident	12	S/O
	Accident statistics	12	S/O
	Field	12	S/O
Requisitions	Copies	2	FY
	Duplicate	7	FY
	Paid	7	FY
Resolutions	Minutes	PERMANENT	
Subdivision	After Final Approval	12	CY
Street	Sign Inventory Register	PERMANENT	
Tax Recovery	Records	PERMANENT	
Taxes	Arrears	7	FY
	Final Billing	12	FY
	Municipal Credits	7	FY
	Receipts	7	FY
	Rolls	PERMANENT	
	Sale Deeds	PERMANENT	
Termination	Employees	7	CY
Tenders	Files	12	FY
	Successful	12	FY
	Purchase Quotations	12	FY
	Unsuccessful	10	FY
Traffic	Streets	7	CY
Training and Development Files		5	CY
Trial Balances	Monthly	5	FY
	Year End	7	FY
Vendors	Acknowledgments To	2	FY

	Contracts	12	FY
	Suppliers Files	12	FY
Vouchers	Duplicate	7	FY
Weed Control Reports	Until updated	1	CY
Zoning	Bylaws	PERMANENT	
	Bylaw Enforcement	5	CY