



**BYLAW NO. 2021-15  
OF THE  
VILLAGE OF MYRNAM**

**A BYLAW OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA,  
ESTABLISHING REGULATIONS AND PROCEDURES FOR THE RETENTION AND  
DISPOSAL OF VILLAGE RECORDS**

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**WHEREAS** Village Council has determined it is expedient to establish regulations and procedures for the retention and disposal of Village records, pursuant to the provisions of Section 214 of the Municipal Government Act as well as compliance with the Freedom of Information and Protection of Privacy Act, and any amendments thereto.

**WHEREAS**, it is desire of the Village of Myrnam, 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 Village of Myrnam; 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 Village of Myrnam, in the Province of Alberta, duly assembled, enacts as follows:

**1. Title**

1.1 This Bylaw may be referred to as the "Records Retention and Disposition Bylaw".

**2. Definitions**

2.1 In this Bylaw, words have the meanings set out in the Act, except that:

- (a) "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.
- (b) "General Records" means 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 Village.
- (c) "Official" means the Chief Administrative Officer, as defined in the Municipal

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Government Act or delegate, duly appointed by the Chief Administrative Officer of the Village of Myrnam.

- (d) "FOIP Request" means a request for information held by public bodies which is not available by other means as provided for in the Freedom of Information and Privacy Act of Alberta.
- (e) "Local Authorities Elections Act" means the Local Authorities Elections Act of Alberta.
- (f) "Records" means all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls or other information in the custody and control of the Village of Myrnam in any form or format.
- (g) "Transitory Record" means records that have short-term, immediate, or no value and will not be required for future reference.
- (h) "Village" means the Municipality of the Village of Myrnam in the Province of Alberta.

**3. Use and Meaning of Symbols**

3.1 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 other Archival Centre
- T Transfer to appropriate authority

**4. Records Retention and Destruction**

- 4.1 All Transitory Records, which do not contain confidential information, shall be disposed of at anytime, when they no longer serve any valid purpose.
- 4.2 All Transitory Records containing potentially confidential information shall be disposed of in a manner s that the information contained therein is completely obliterated, at anytime, when they no longer serve any valid purpose.
- 4.3 All General Records of the Village shall be destroyed after five (5) years, except as otherwise provided for in Schedule "A".

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- 4.4 Should an individual's personal information be used by the Village to make a decision that directly affects the individual, the Village 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 reasonable opportunity to obtain access to it.
- 4.4 Where, in this Bylaw and Schedule "A" attached hereto, it is provided that particular records in the custody of the Village shall be:
- (a) Destroyed (D): Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof being retained;
  - (b) Permanent (P): Such original records shall be preserved and never destroyed, excepting original records, which have been recorded on microfilm or other advanced technology to retain permanent records;
  - (c) Permanently held in Archives (A): Such records shall be released to either 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;
  - (d) 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. A copy of the transferred record index shall be permanently retained on file.

**5. Discretion**

- 5.1 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 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.

**6. FOIP Requests**

- 6.1 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.

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**7. Permanent Retention and Destruction**

- 7.1 When records have been destroyed under this Bylaw, with the exception of records destroyed under Section 4.1 and 4.2, 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:
- (a) Records Destroyed;
  - (b) Records Transferred to Archives
  - (c) Records Transferred to Another Authority
- 7.3 Where records are destroyed by Bylaw, the proper and complete destruction thereof is the responsibility of the Official.
- 7.4 When records are recorded on microfilm or other technology to retain permanent records, the Official shall ensure that the microfilm or other technology is properly prepared, identified, indexed and kept in a safe location.
- 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.
- 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.

**8. Retention Audit**

- 8.1 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.

**9. Storage and Security**

- 9.1 It shall be the responsibility of the Official to provide for the adequate storage and security of all Village of Myrnam records.

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**10. General**

10.1 The attached Schedule "A" is hereby adopted.

10.2 Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this bylaw as a whole or any part thereof, other than the part so declared to be invalid.

10.3 This Bylaw shall come into full force and effect upon third reading.

READ a First time this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

READ a Second time this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

READ a Third time this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**VILLAGE OF MYRNAM**

\_\_\_\_\_  
**DONNA RUDOLF, MAYOR**

\_\_\_\_\_  
**ELSIE KIZIAK, CAO**

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**SCHEDULE "A"**

File Type	Specifics	Retention
<b>GENERAL RECORDS</b>	quotes	destroy after 5 years
	price lists	
	product/service info	
	course/conference materials	
	information packages	
	associations (AUMA, etc.)	
	day timers	
	reports for council or administration	
	etc.	
	reference materials	review relevance annually (discard if superseded)
	lab reports (water treatment plant, etc.)	discard after 11 years
	test results (effluent)	
	inventories	
	maintenance records - all	
etc.		
general correspondence (see below)		
<b>TRANSITORY</b>	meeting notes	routinely discard without permission
	telephone messages	
	drafts	
	fax cover sheets	
	etc.	
<b>LEGAL</b>		
Short Term Contracts	permits (other than building)	destroy 11 years after contract expires
	licenses	
	notices	
	etc.	
Land Related	building/development permits	permanent (after 5 years transfer to land files)
	easements	
	road allowance licenses	
Long-term contracts	service agreements	destroy after 11 years after contract expires
	gov't agreements	
	gov't approvals	
	mutual aid	
	etc.	
	announcements	destroy after 2 years

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General Correspondence	general information	
	associations (AUMA, etc.)	
	newsletters	
	solicitations/requests requests for support of action etc.	
Policy/Bylaw Related	complaints	destroy after 5 years or keep for 11 years if suspect legal action
	actions	
	amendments	
	etc.	
Government Correspondence	other municipalities	destroy after 5 years
	provincial ministries/agencies	
	federal ministries/agencies	
Correspondence with historical value	anniversaries	permanent or transfer to archives
	celebrations	
	awards	
	events	
<b>REPORTS/STUDIES</b>	produced for Village of Myrnam	permanent
	prepared for other jurisdictions	retain for 5 years only as long as relevant
<b>CORPORATE DOCUMENTS</b>		
Agenda	council	permanent (retain one (1) copy only as "official" record)
	committees	
	boards	
	etc.	
Minutes	council committees boards	
Other	bylaws policies	
	acts/legislation organizational meetings	
	electoral boundaries census, etc.	
Insurance	all -	destroy 11 years after expiry
	accident reports -	destroy 11 years after claim
Warrantees		destroy one (1) year after warrantee expire
<b>FINANCE</b>		
General Financial Documents	receipts	destroy after 7 years
	vouchers	
	invoices	
	p.o.s.	
	cancelled cheques bank statements etc.	
Investments/Financing	debentures, loans, leases,	destroy 7 years after expiry

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	investments	
Official Financial Documents	year-end printouts GL	permanent
	AP	
	AR	
	annual reports/financial statements	
	statements	
<b>PAYROLL</b>	year-end printouts	7 years
	time sheets	
	payroll check lists	
	T-4 copies	
<b>REMITTANCE RECORDS</b>	all but pension information -	destroy 5 years after termination
	pension - summary of years of service only	permanent
<b>PERSONNEL RECORDS</b>	employee files	destroy 5 years after termination
	application/resumes	destroy rejected applicant after 1 year OR hired 5 years after termination
	advertisements	destroy after 5 years
	surveys	
<b>ASSESSMENT</b>	general roll files	destroy after 11 years
	industrial roll files	
	pipeline roll files	
	grants in lieu	
	penalty balances	
	closed accounts	
	tax arrears	
	tax arrears on properties for sale	
	tax arrears notifications	
	tax cancellations	
	assessment audit	
	assessment balance	
	review board decisions	destroy 5 years after decision
	court of revision	
complaint withdrawals	destroy after 5 years	
<b>OFFICIAL ASSESSMENT DOCUMENTS</b>	year-end print outs	permanent (retain 1 copy only as "official" record)
	mill rates	
	equalized assessments	
	forfeited land records	
	pipeline assessment report	
	historical assessment ledger	
	public auctions	permanent (after 1 year transfer to land files)
<b>LAND</b>	land files all land titles	



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	land titles	permanent (after 5 years transfer to land files)
	subdivision files	
	construction projects	
	road files	
	utility right of ways	
	sign locations	
	industrial	
	aerial photographs	permanent (retain 1 copy of each series)
	Village maps	permanent (retain 1 copy of each series)
	construction projects	
	engineering	
	signs	
<b>BUILDINGS</b>	development permits	permanent (after 5 years transfer to land files)
	compliance certificates	