

Mountain View County

BY-LAW NO. 10/02

Being a by-law of Mountain View County to provide regulations and procedures for the retention and disposal of Mountain View County records, pursuant to the provisions of Section 214 of the Municipal Government Act, being Chapter M-26.1 of the Statutes of Alberta, 1994, and amendments thereto.

WHEREAS it is the desire of Mountain View County, in the Province of Alberta, to provide regulations and procedures with respect to the retention and disposal of Records; and

WHEREAS it is the desire of Mountain View County to establish the necessary authority to release Records to Alberta and other Archival Centers 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 Mountain View County, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 – TITLE AND DEFINITIONS

Section 1

This By-Law may be cited as “*The Records Management By-Law*” of Mountain View County.

Section 2

In this By-Law, unless the context otherwise requires, the word, term or expressions:

a) “**Official**” shall mean Chief Administrative Officer, as defined in the Municipal Government Act, or delegate, duly appointed by the Chief Administrative Officer of Mountain View County.

b) “**Records**” shall mean information in any media in the custody or control of the County, including:

Documents	Letters	Hand-Written Notes
Papers	Draft Documents	E-Mail
Voice Mail	Books	Vouchers
Maps	Drawings	Photographs
Post-It Notes	Calendars	

c) “**Transitory Records**” shall mean records in any media that:

- Have only temporary usefulness;
- Are not part of an administrative or operational record;
- Are not regularly filed in a records information system;
- Are required only for a limited period of time for the completion of a routine action or the preparation of a record.

PART II – RECORD RETENTION AND DESTRUCTION

Section 3 – Retention and Destruction

a) Should an individual’s personal information be used by Mountain View County to make a decision that directly affects the individual, Mountain View County shall retain the personal information for at least one (1) year after using it so that the individual has a reasonable opportunity to obtain access to it.

b) Where, in this By-Law and Schedule "A" attached hereto, it is provided that particular Records of Mountain View County, in consultation with the appropriate department, shall be:

i) Destroyed

Such records shall be destroyed without any copy thereof being retained; and

ii) Permanent

Such original records shall be preserved and never destroyed.

iii) Permanently Held in Archives

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

Section 4 – Discretion

The Official shall always have a discretion to retain records longer than the period provided for in this By-Law 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 the said records. Such decisions to retain the records longer than the period provided for herein shall be recorded in the records retention index.

Section 5 – Records of Retention and Destruction

- a) When records have been destroyed under this By-Law, the Official shall so certify in writing. Such certification shall refer to the relevant schedule item of this By-Law and shall identify the records destroyed.
- b) The Official shall keep an index of:
- i) Records destroyed; and
 - ii) Records referred to Archives; and
 - iii) Records held at other archival centers.
- c) Where records are destroyed under this By-Law, the proper and complete destruction thereof is the responsibility of the Official.
- d) 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 the records destroyed and also the names of the persons who witnessed the destruction. Mountain View County records shall permanently retain the statement of disposition.
- e) Election material that has been locked in the ballot boxes may be destroyed in accordance with the provisions of the Local Authorities Election Act, R.S.A. 1983 c.L-27.5.

PART III – GENERAL

Section 6 – Records Retention Schedules

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

Section 7 – Storage

It shall be the responsibility of the Official to provide for the security and storage of all Mountain View County records.

PART IV – ENACTMENT

This by-law shall take effect and come into force on the date of its final passage.

Bylaw 10/02, passed by Council April 24, 2002