

**Rural Municipality of Kinkora, PEI**  
**A Bylaw to Manage and Dispose of Records**  
**Bylaw # 2019-06**

**BE IT ENACTED** by the Council of the Rural Municipality of Kinkora 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 Kinkora.
- (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# 2019-06, shall be effective on the date of approval and adoption below.

#### **First Reading:**

This Records Retention Bylaw, Bylaw# 2019-06, was read a first time at the Council meeting held on the 16<sup>th</sup> day of December, 2019.

This Records Retention Bylaw, Bylaw# 2019-06, was approved by a majority of Council members present at the Council meeting held on the 16<sup>th</sup> day of December, 2019.

#### **Second Reading:**

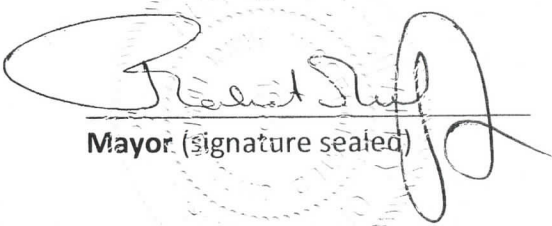
This Records Retention Bylaw, Bylaw# 2019-06, was read a second time at the Council meeting held on the 27<sup>th</sup> day of January, 2020.

This Records Retention Bylaw, Bylaw# 2019-06, was approved by a majority of Council members present at the Council meeting held on the 27<sup>th</sup> day of January, 2020.

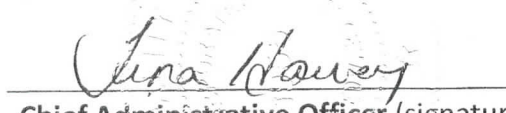
**Approval and Adoption by Council:**

This Records Retention Bylaw, Bylaw# 2019-06, was adopted by a majority of Council members present at the Council meeting held on the 27<sup>th</sup> day of January, 2020.

**14. Signatures**

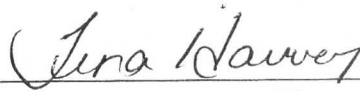


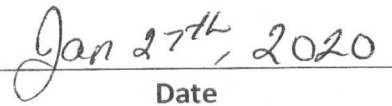
**Mayor** (signature sealed)



**Chief Administrative Officer** (signature sealed)

This Records Retention Bylaw adopted by the Council of the Rural Municipality of Kinkora on the 27<sup>th</sup> day of January, 2020 is certified to be a true copy.

  
**Chief Administrative Officer Signature**

  
**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 |
|--------------------------|---|--------------------------|------|
| <b>Accountants</b>       | Working Papers                                | 7                        | FY   |
| <b>Accounts</b>          | Paid (summary sheet)                          | 7                        | FY   |
|                          | Payable vouchers                              | 7                        | FY   |
|                          | Receivable duplicate invoices                 | 7                        | FY   |
| <b>Administration</b>    | Reports (not part of Minutes)                 | 7                        | CY   |
| <b>Advertising</b>       | Electoral                                     | 4                        | CY   |
|                          | Other notices- MGA, other legislation         | 2                        | CY   |
| <b>Agendas</b>           | Part of Minutes                               | PERMANENT                |      |
| <b>Agreement</b>         | General                                       | 12                       | S/O  |
|                          | Development                                   | 12                       | S/O  |
|                          | Major legal                                   | 12                       | S/O  |
|                          | Minor legal                                   | 12                       | S/O  |
| <b>Annexations</b>       | Correspondence                                | 7                        | CY   |
|                          | Final Order                                   | PERMANENT                |      |
| <b>Annual Reports</b>    | Council, Boards, Commissions                  | 5                        | CY   |
| <b>Applications</b>      | Site plan approval                            | 2                        | CY   |
|                          | Subdivision (after final approval)            | 3                        | CY   |
|                          | Part-time employees (after end of employment) | 1                        | CY   |
| <b>Appointments</b>      | Other than those in Minutes                   | 3                        | FY   |
| <b>Assessment</b>        | 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   |
| <b>Assessment Appeal</b> | Board file                                    | 5                        | FY   |
| <b>Assets</b>            | Asset Management Inventory                    | 20                       | S/O  |
|                          | Records of surplus                            | 7                        | FY   |
|                          | Temporary files                               | 2                        | FY   |

|                          |   |           |     |
|--------------------------|---|-----------|-----|
| <b>Bank</b>              | Deposit books   | 7         | FY  |
|                          | Deposit slips   | 7         | FY  |
|                          | Memos (credit/debit)                                  | 7         | FY  |
|                          | Reconciliations                                       | 2         | FY  |
|                          | Statements  | 7         | FY  |
| <b>Boards</b>            | Minutes   | PERMANENT | S/O |
|                          | Authority & Structure                                 | 5         | CY  |
|                          | Correspondence  | 5         | CY  |
| <b>Briefings/Reports</b> | To Council  | 7         | CY  |
| <b>Budgets</b>           | Operating (in minutes)                                | PERMANENT |     |
|                          | Capital (in minutes)                                  | PERMANENT |     |
|                          | Working papers  | 3         | FY  |
| <b>Bylaws</b>            | All   | PERMANENT |     |
| <b>Cash</b>              | Receipts journal                                      | 7         | FY  |
|                          | Disbursements journal                                 | 7         | FY  |
|                          | Duplicate receipts                                    | 7         | FY  |
| <b>Certificates</b>      | Of Title  | PERMANENT |     |
| <b>Census</b>            | Reports   | 12        | CY  |
| <b>Cheques</b>           | Cancelled (paid)                                      | 7         | FY  |
|                          | Register  | 7         | FY  |
|                          | Stubs   | 7         | FY  |
| <b>Claims</b>            | Notice of   | 12        | S/O |
|                          | Statements of   | 12        | S/O |
| <b>Committee</b>         | Minutes   | PERMANENT |     |
| <b>Compensation</b>      | Records   | 10        | FY  |
| <b>Contracts</b>         | Files (completion of)                                 | 12        | S/O |
|                          | Forms   | 12        | FY  |
|                          | Major legal   | 12        | S/O |
|                          | Minor legal   | 12        | S/O |
| <b>Council</b>           | Minutes   | PERMANENT |     |
| <b>Court Cases</b>       |   | 12        | S/O |
| <b>Destroyed Records</b> | Index   | PERMANENT |     |
|                          | Signed destroyed                                      | PERMANENT |     |
|                          | records statements                                    |           |     |
| <b>Documents</b>         | 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 |
| <b>Elections</b>         | All election documents other than ballot box contents | 4         | CY  |

|                             | Ballot box contents              | In accordance with the MGA                                  | CY  |
|-----------------------------|----------------------------------|---|-----|
| <b>Engineering</b>          | Drawings                         | PERMANENT   |     |
| <b>Employee Benefits</b>    | Health, Dental, WCB Claims, etc. | 5   | CY  |
| <b>Employees</b>            | 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<br>6 (after dismissal) | CY  |
| <b>Financial Statements</b> | Interim                          | 10  | FY  |
|                             | Working papers                   | 7   | FY  |
|                             | Final                            | 12  | FY  |
| <b>Franchises</b>           |                                  | PERMANENT   |     |
| <b>Income Tax</b>           | Deductions                       | 7   | FY  |
|                             | TD1                              | 7   | FY  |
|                             | T4                               | 7   | FY  |
|                             | T4 Summaries                     | 7   | FY  |
| <b>Inquiries</b>            | From the public                  | 3   | CY  |
| <b>Insurance</b>            | Claims                           | 12 (after settled)  | FY  |
|                             | Records (after expiration)       | 12  | FY  |
| <b>Land</b>                 | Appraisals                       | 1 (after sold)  |     |
| <b>Leases</b>               | After expiration                 | 7   | S/O |
| <b>Legal</b>                | Opinions                         | 12  | S/O |
|                             | Proceedings                      | 12  | S/O |
| <b>Legislation</b>          | Acts (after superseded)          | 1   | CY  |
| <b>Licenses</b>             | Applications                     | 3   | CY  |
|                             | Business (after expired)         | 5   | CY  |
|                             | Literature                       | 2   | CY  |
| <b>Local Improvements</b>   | Records                          | PERMANENT   |     |
| <b>Maps</b>                 | Base (original)                  | PERMANENT   |     |
|                             | Contour                          | PERMANENT   |     |
| <b>Maintenance Reports</b>  |                                  | 12  | CY  |
| <b>Minutes</b>              | Council                          | PERMANENT   |     |
|                             | Boards                           | PERMANENT   |     |
|                             | Committees                       | PERMANENT   |     |
| <b>Monthly Reports</b>      | Road                             | 5   | FY  |
| <b>Municipal Affairs</b>    | Annual reports                   | 5   | FY  |
|                             | Structure and records            | 2   | S/O |
| <b>Organization</b>         |                                  |   |     |
| <b>Payroll</b>              | 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 -<br>Overtime      | 7                                 | FY  |
|   | Time sheets - weekly           | 7                                 | FY  |
|   | Employment Insurance           | 5 (after cessation of employment) | FY  |
| <b>Permits</b>  | Development                    | 12                                | S/O |
| <b>Petitions</b>  |                                | 10                                | CY  |
| <b>Plans</b>  | Official                       | PERMANENT                         |     |
|   | Amendments                     | PERMANENT                         |     |
|   | Subdivision                    | PERMANENT                         |     |
| <b>Policy</b>   | After superseded               | 5                                 | CY  |
| <b>Progress Reports</b>                                   | Project                        | 5                                 | CY  |
|   | Under contract (final payment) | 7                                 | S/O |
| <b>Property Files</b>                                     |                                | Until sold +10                    | FY  |
| <b>Prosecution</b>  | All                            | 12                                | S/O |
| <b>Publications</b>                                       | Local reports                  | 3                                 | CY  |
| <b>Purchase</b>   | Land                           | Until Sold +12                    | FY  |
| <b>Receipts</b>   | Books                          | 7                                 | FY  |
|   | Duplicate cash                 | 7                                 | FY  |
|   | Registration                   | 7                                 | FY  |
| <b>Receptions &amp; Special<br/>Events (non-historic)</b> |                                | 3                                 | CY  |
| <b>Reports</b>  | Accident                       | 12                                | S/O |
|   | Accident statistics            | 12                                | S/O |
|   | Field                          | 12                                | S/O |
| <b>Requisitions</b>                                       | Copies                         | 2                                 | FY  |
|   | Duplicate                      | 7                                 | FY  |
|   | Paid                           | 7                                 | FY  |
| <b>Resolutions</b>  | Minutes                        | PERMANENT                         |     |
| <b>Subdivision</b>  | After Final Approval           | 12                                | CY  |
| <b>Street</b>   | Sign Inventory Register        | PERMANENT                         |     |
| <b>Tax Recovery</b>                                       | Records                        | PERMANENT                         |     |
| <b>Taxes</b>  | Arrears                        | 7                                 | FY  |
|   | Final Billing                  | 12                                | FY  |
|   | Municipal Credits              | 7                                 | FY  |
|   | Receipts                       | 7                                 | FY  |
|   | Rolls                          | PERMANENT                         |     |
|   | Sale Deeds                     | PERMANENT                         |     |
| <b>Termination</b>  | Employees                      | 7                                 | CY  |
| <b>Tenders</b>  | Files                          | 12                                | FY  |
|   | Successful                     | 12                                | FY  |
|   | Purchase Quotations            | 12                                | FY  |
|   | Unsuccessful                   | 10                                | FY  |



|                                       |                    |           |    |
|---------------------------------------|--------------------|-----------|----|
| <b>Traffic</b>                        | Streets            | 7         | CY |
| <b>Training and Development Files</b> |                    | 5         | CY |
| <b>Trial Balances</b>                 | Monthly            | 5         | FY |
|                                       | Year End           | 7         | FY |
| <b>Vendors</b>                        | Acknowledgments To | 2         | FY |
|                                       | Contracts          | 12        | FY |
|                                       | Suppliers Files    | 12        | FY |
| <b>Vouchers</b>                       | Duplicate          | 7         | FY |
| <b>Weed Control Reports</b>           | Until updated      | 1         | CY |
| <b>Zoning</b>                         | Bylaws             | PERMANENT |    |
|                                       | Bylaw Enforcement  | 5         | CY |