

Rural Municipality of Morell, PEI
A Bylaw to Manage and Dispose of Records
Bylaw # 2020-11

Note: This sample template is intended to be used as a guide by municipalities as they develop their Records Retention Bylaw. The content and format of this template must be modified to reflect the needs of the municipality but must remain consistent with the *Municipal Government Act*.

Prior to adoption, update the bylaw to reflect the specific municipality and remove all template note boxes, headers and footers.

BE IT ENACTED by the Council of the Rural Municipality of Morell 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 City/Town/Rural municipality of Morell.
- (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

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- (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. Repeal of Existing Bylaw

14. Effective Date

- (1) This Records Retention Bylaw, Bylaw# 2020-11, shall be effective on April 1, 2020.

First Reading:

This Records Retention Bylaw, Bylaw# 2020-11, was read a first time at the Council meeting held on the 20th day of January, 2020.

This Records Retention Bylaw, Bylaw# 2020-11, was approved by a majority of Council members present at the Council meeting held on the 20th day of January, 2020.

Second Reading:


This Records Retention Bylaw, Bylaw# 2020-11 was read a second time at the Council meeting held on the 17th day of February, 2020.

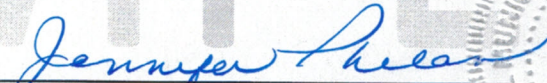
This Records Retention Bylaw, Bylaw# 2020-11, was approved by a majority of Council members present at the Council meeting held on the 17th day of February, 2020.

Approval and Adoption by Council:

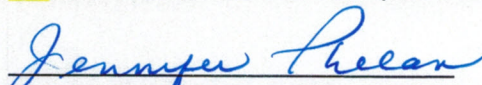
This Records Retention Bylaw, Bylaw# 2020-11, was adopted by a majority of Council members present at the Council meeting held on the 17th day of February, 2020.

15. Signatures


Mayor (signature sealed)


Chief Administrative Officer (signature sealed)

This Manage and Dispose of Records Bylaw adopted by the Council of the Rural Municipality of Morell (Morell on 17th of February 2020 is certified to be a true copy.


Chief Administrative Officer Signature

February 17, 2020
Date

Filed on behalf of the Minister of Fisheries and Communities in accordance with s.129 of the *Municipal Government Act*.

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