

RETENTION AND DESTRUCTION OF RECORDS BYLAW

HAMLET OF xxxx BYLAW NUMBER _____

A bylaw of the Hamlet of _____ in the Northwest Territories pursuant to sections 72 and 152(2) of the *Hamlets Act*, S.N.W.T 2003, C. 22 (the "*Hamlets Act*").

WHEREAS Council of the Hamlet of _____ deems it to be desirable to regulate the retention and destruction of Records by the Hamlet;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF _____, at a duly assembled meeting, enacts as follows:

TITLE

1. This Bylaw may be cited as the "Retention and Destruction of Records Bylaw".

INTERPRETATION

2. In this Bylaw:
 - (a) "Council" means the Council of the Hamlet;
 - (b) "Hamlet" means the Hamlet of _____;
 - (c) "Historical Record" means any Record that possesses historical value, as determined by the Senior Administrative Officer, in his or her discretion;
 - (d) "Record" means a record of information in any form, and includes reports, maps, plans, surveys, books of account, photographs, film, and electronic mail, and any other information that is written, photographed, recorded or stored in any manner, but does not include a computer program or other mechanism that produces records; and
 - (e) "Senior Administrative Officer" means the Senior Administrative Officer of the Hamlet.

RETENTION AND DESTRUCTION OF RECORDS

3. All Records created or received by the Hamlet are subject to this Bylaw, regardless of the medium in which they were created or received.

4. Notwithstanding any other provisions of this Bylaw, the following Records have no retention period and may be disposed of or destroyed, from time to time, at the absolute discretion of the Senior Administrative Officer:
 - (a) Records wholly unrelated to the administration of the Hamlet;
 - (b) draft versions of internal working papers, documents or reports used in the preparation of a Record of the Hamlet;
 - (c) copies of bylaws or agreements of the Hamlet, unless such copies contain new information or notes, or unless such copies form part of another Record of the Hamlet;
 - (d) information received from other municipalities, governments or governmental agencies solely for research purposes, including, for example, and without limiting the generality of the foregoing, sample contracts or engineering drawings, provided that:
 - (i) the information is no longer required by the Hamlet; and
 - (ii) the information does not form part of another Record of the Hamlet;
 - (e) magazines, books and other publications received by the Hamlet from other agencies or organizations;
 - (f) advertising, catalogues, price lists and other junk mail received by the Hamlet;
 - (g) telephone messages; and
 - (h) outdated and unused blank forms.
5. Records identified in Schedule "A" may be destroyed following the expiration of the retention period set out in Schedule "A", upon the approval of the Senior Administrative Officer.
6. The Senior Administrative Officer shall have the discretion to retain Records longer than the retention period provided for in this Bylaw, and shall do so where there is an indication that there is or may be any investigation, inquiry, prosecution or civil action involving the said Records.
7. The year in which a Record is created or received by the Hamlet is not included for the purpose of calculating the retention period of the Record.

8. Notwithstanding any other provisions of this Bylaw, informational copies of Records may be destroyed at any time, if the original Record has been retained.
9. Notwithstanding any other provisions of the Bylaw, Records created in an electronic medium for internal or external correspondence (such as internet or email documents) may be destroyed after one (1) month if a printed copy of the Record has been produced and retained. Such printed copy may only be disposed of in accordance with the provisions of this Bylaw.
10. An affidavit in the form attached as Schedule "B" shall be completed and sworn the Senior Administrative Officer when Records are destroyed, but no Affidavit shall be required for the destruction of:
 - (a) Records for which there is no retention period, described in section 4;
 - (b) informational copies, described in section 8; and
 - (c) Records created in an electronic medium that are captured by section 9.

SEVERABILITY

11. Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw shall remain valid and enforceable, and the Bylaw shall be interpreted as such.

Read a first time this ___ day of _____, 20__.

Read a second time this ___ day of _____, 20__.

Read a third time this ___ day of _____, 20__.

Signed, certified by the senior administrative officer and sealed this ___ day of _____, 20__.

Mayor

I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act* and the bylaws of the Hamlet

Senior Administrative Officer

[SEAL]

SCHEDULE 'A'
RETENTION PERIODS OF MUNICIPAL RECORDS

Record	Retention Period (in Years)
<u>Accounting</u>	
Accounts Receivable Ledger Cards	7
Annual Financial Statements	Permanent
Bank Passbooks and Statements	7
Bank Reconciliation Statements	7
Cash Payment Books	7
Cash Receipt Books	7
Cheque Stubs/Duplicates	7
Cheques (Cancelled)	7
Daily Cash Reports and Summaries	7
Deposit Books	7
Federal Remittance Forms	7
General Ledgers/Journals	7
Investment Records (After maturity)	7
Invoices	7
Ledgers (Subsidiary)	7
Monthly Financial Statements	7
Receipts (Duplicate)	7
Requisitions/Purchase Orders	7
Sewer and Water Cards or Ledgers	7
<u>Administration</u>	
Change of Ownership Documents	11
Development Appeals (After final decision)	Permanent
Insurance Policies (After Policy Expires or cancelled)	11
Insurance Policies – Liability Insurance	Permanent
Licenses (after expiration/termination) – includes supporting documentation)	11
Permits (not related to land)	7
Building permits	Permanent
Development permits	Permanent
Photographs	Permanent
<u>Tickets</u>	
Records kept pursuant to section 152 of the <i>Hamlets Act</i> in respect of tickets issued for bylaw offences	7 (provided that the Records are no longer useful and their retention is no longer required)

(B2696412.DOCX;1) This document is for drafting purposes only. Hamlets should seek legal advice before final reading.

	by law)
<u>Agreements and Contracts</u>	
Agreements and Supporting Documentation	Permanent
<u>Correspondence</u>	
Correspondence	11
Petitions	11
<u>Employee – Employer</u>	
Employee Records (After Termination)	11
Income Tax	7
<u>Legal</u>	
Minister's Orders	Permanent
Notices of Claim (after settlement or resolution)	11
Statements of Claim (after settlement or resolution)	11
Writs (After expiration or completion)	11
<u>Minutes and Bylaws</u>	
Bylaws	Permanent
Minutes	Permanent
<u>Miscellaneous</u>	
Cemetery Records	Permanent
Historical Records	Permanent
<u>Plans</u>	
Architect's Drawings (Buildings, Parks)	Lifetime of Facility Plus one (1) year or 11 years, whichever is longer
Land Survey Certificates	11
Municipal Maps and Plans	Permanent
Road Surveys	11
<u>Reports</u>	
Board and Committee Reports Not Forming Part of Council Minutes (If a report forms part of the minutes, it is kept permanently as part of the minutes)	7

(B2696412.DOCX;1)This document is for drafting purposes only. Hamlets should seek legal advice before final reading.

SCHEDULE "B"
AFFIDAVIT OF THE SENIOR ADMINISTRATIVE OFFICER

In the Matter of the Destruction of Records of the Hamlet of _____,
I, _____ of _____, N.W.T.,
Senior Administrative Officer of the Hamlet of _____, do make oath
and say:

- 1) that I am the Senior Administrative Officer of the Hamlet of _____;
- 2) that I have personally examined each of the following records:
 - a) _____;
 - b) _____;
 - c) _____;
- 3) that the destruction of the listed records is permitted by, and in compliance with, the Retention and Destruction of Records Bylaw of the Hamlet; and
- 5) that, to the best of my knowledge, the listed records are no longer required by the Hamlet.

SWORN BEFORE ME at)
_____, N.W.T.)
this ___ day of _____,)
20___.)
)

Senior Administrative Officer

A Commissioner for Oaths
My Commission expires _____