

**Town of Souris, PEI**  
**A Bylaw to Manage and Dispose of Records**  
**Bylaw # 2024-05**

**BE IT ENACTED** by the Council of the Town of Souris 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) “Regulations” means the Records Retention Regulations pursuant to clause 261(1)(f) of the Act.
  - (3) “Chief Administrative Officer” or “CAO” means the administrative head of the Municipality.
  - (4) “Council” means the Mayor and other members of the Council of the Municipality.
  - (5) “Councillor” means a member of the Council other than the Mayor.
  - (6) “Municipality” means the Town of Souris.
  - (7) “Public body” means the municipality as a whole, including staff and council.
  - (8) “Public Record” means information in any format that is created, received, or maintained by the public body in the course of their business activities. These records often have legal, evidential, or historical values. This includes records in electronic form such as official correspondence via email or text message but does not include a device/tool or system for generating, sending, receiving, storing, or otherwise processing information such as a computer, an email server or a cellular phone itself.
  - (9) “Permanent record” means a record the Municipality is required to retain permanently.
  - (10) “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.
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- (11) “Transitory records” means a record in any format that is of short-term value and is required for a limited amount of time to complete a routine action or prepare a subsequent document, and does not need to be kept for legal, evidential, historical, or financial purposes.
- (12) “Non-Record” means any information created or received, that does not relate to the public body business, or activities. This includes emails of a personal nature and spam.

## **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;
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- (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 which is determined by the contents of the electronic record; 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.
  - (2) This Records Retention Bylaw, Bylaw# 2024-05, shall be effective on April 1, 2020.
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**First Reading:**

This Records Retention Bylaw, Bylaw# 2024-05, was read a first time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

This Records Retention Bylaw, Bylaw# 2024-05, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Second Reading:**

This Records Retention Bylaw, Bylaw# 2024-05, was read a second time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

This Records Retention Bylaw, Bylaw# 2024-05, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Approval and Adoption by Council:**

This Records Retention Bylaw, Bylaw# 2024-05, was adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**13. Signatures**

\_\_\_\_\_  
**Mayor** (signature sealed)

\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

This Records Retention Bylaw adopted by the Council of the Town of Souris on \_\_\_\_\_ 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.

Retention periods are based off of the subject matter of a record. All forms of records, including electronic records (ex: emails), are to be retained for the length of time that is stated for the subject of the record by the retention schedule.			
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>	Development permit	2	CY
	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	
	Duplicate roll	7	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
	Funding agreements	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
	Campaign disclosure statement	7	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 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>Monthly Reports</b>	Road	5	FY
<b>Municipal Affairs</b>	Annual reports	5	FY
<b>Organization</b>	Structure and records	2	S/O
<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 -	7	FY

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	Overtime		
	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>	Amendment applications	5	CY
	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 Events (non-historic)</b>		3	CY
<b>Reports</b>	Accident	12	S/O
	Accident statistics	12	S/O
	Field	12	S/O
	Inspection	12	CY
<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>Taxes</b>	Municipal Credits	7	FY
	Rolls	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>	Correspondence	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>	Amendment applications	5	CY
	Bylaws	PERMANENT	
	Bylaw Enforcement	5	CY

