



Village of Carmacks

By-law 270-21

A BY-LAW OF THE VILLAGE OF CARMACKS IN THE YUKON TERRITORY FOR THE PURPOSE OF MANAGING THE VILLAGE'S MUNICIPAL RECORDS IN ACCORDANCE WITH THE MUNICIPAL ACT AND ARCHIVES ACT.

WHEREAS Section 212 of the *Municipal Act*, provides that council may pass a bylaw respecting the disposition of records and documents of the municipality, and

WHEREAS Section 224 of the *Municipal Act*, provides that the municipality has a responsibility to safely maintain all the assets and records of the municipality; and

WHEREAS section 6 of the *Archives Act*, provides that no public record shall be destroyed or permanently removed without the knowledge and concurrence of the Archivist;

NOW THEREFORE the Council of the Village of Carmacks in an open meeting duly assembled enacts as follows:

1. SHORT TITLE

- a. This by-law shall be known as the "Records and Information Management Bylaw".

2. DEFINITIONS

- a. "**Archives**" means the Village of Carmacks specific storage room where archival records will be transferred.
- b. "**Archivist**" means the person appointed in accordance with the *Archives Act*.
- c. "**CAO**" means the Chief Administrative Officer for the Village of Carmacks.
- d. "**Department**" means the internal administrative division of the Village of Carmacks headed by the CAO, and for the purposes of records management, includes any board, committee, commission, panel, agency or corporation that is identified in the *Municipal Act*.
- e. "**Disposition**" means:
- i. The destruction of records

- ii. The storage of records
- iii. Or the transfer of records of value to Yukon Archives for preservation and access purposes.

- f. **“Outside Agency”** means an organization under a contract with the Village.
- g. **“Record”** means any recorded information, however recorded, whether in printed form, on film, by electronic means or otherwise, including correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes, email, machine readable records, and any other documentary materials regardless of physical form or characteristics, and including substantive records and transitory records and those documentary materials that were formerly part of the records or files of the municipality.
- h. **“Records and Information Management”** means the application of systemic control over records throughout their life cycle, including but not limited to forms management, publications management, records inventory, corporate records structure development, and implementation, file maintenance procedures development, filing equipment selection, correspondence and reports maintenance, records scheduling and disposition, management and maintenance of records management software, disaster prevention and recovery planning, and creation of vital records management.
- i. **“Village”** means the Village of Carmacks.
- j. **Village of Carmacks Records and Information Management Policy** refers to the Village of Carmacks Record Management Policy attached as Appendix “A”.

3. MUNICIPAL RECORDS STRUCTURE, RETENTION, AND FINAL DISPOSITION

- a. All records in the custody and/ or control of the Village of Carmacks must be managed in accordance with policy and procedures established by the Village of Carmacks pursuant to controlling legislation such as the *Municipal Act* and the *Archives Act*.
- b. All municipal employees have responsibility to manage municipal records through their entire lifecycle.
- c. The Village adopts the Village of Carmacks Record Management Policy and authorizes the CAO to make any required amendments thereto from time to time.

- d. The CAO shall develop and utilize a record retention schedule to determine the retention and disposal requirements for all official records of the Village of Carmacks.
- e. The bylaw, as well as the accompanying policy, addresses the lifecycle of the record, which includes the creation, use, receipt, access, maintenance, disclosure, retention, and final disposition.
- f. The classification, maintenance, retention, and final disposition of all Village records shall be in accordance with the Village of Carmacks Records Management Policy, as amended from time to time.
- g. If an individual's personal information will be used by the Village to make a decision that directly affects the individual, the Village shall retain the personal information for at least one year after using that information so that the individual has a reasonable opportunity to obtain access to information as outlined in section 236 of the *Municipal Act*.
- h. The CAO shall be responsible for providing for the security and storage of all records.
- i. The CAO of the Village of Carmacks is hereby authorized to dispose of records once written approval of the Village's records retention and disposition schedule from the Archivist has been received.
- j. Where in the Village of Carmacks Records Management policy, it is provided that a record shall be:
 - i. Destroyed, such records shall be destroyed without any copy thereof being retained, or
 - ii. Placed in archives, such records shall be released to Yukon Archives upon the decision of the CAO; or
 - iii. Placed in off-site storage, shall be so placed, to live out their retention period on the condition that the records are inactive or semi-inactive; or
 - iv. Remain active within a Village department or in the custody of an Outside Agency.
- k. The complete and proper destruction of records under this Bylaw is the responsibility of all employees of the Village in accordance with the Village of Carmacks Records Management Policy and any guidelines approved by the CAO regarding the destruction of records.

4. CORPORATE RECORDS CARE AND CUSTODY

- a. Records in the care and custody of Village departments are the property of the Village.
- b. Records in the care and custody of an Outside Agency are under the Village's control when:
 - i. The record is specified in the contract as being under the control of the Village.
 - ii. The content of the record relates to the Village's mandate and functions.
 - iii. The Village has the authority to regulate the record's use and disposition.
 - iv. The Outside Agency is a consultant, and the record was created for the public body; or
 - v. The contract permits the Village to inspect, review, or copy the records produced, received or acquired.

5. ENACTMENT

- a. This By-law shall come into force and effect upon the final passing thereof.

Read a first time this 20th day of April 2021.

Read a second time this 20th day of April 2021.

Read a third time and finally passed this 4th day of May 2021.

Lee Bodie, Mayor

Tracy Thomas, CAO

2021 Records Management Policy

Purpose

This policy covers all records and documents, regardless of physical form, contains guidelines for how long certain documents should be kept and how records should be destroyed. The policy is designed to ensure compliance with federal and territorial laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate the operation of the Village of Carmacks (VOC) efficiency and freeing up valuable storage space.

Definitions

Record: All original documents, parchments, manuscripts, records, books, pamphlets, magazines, periodicals, maps, plans, photographs, letters, copies of letters, papers of all kinds or other documentary materials regardless of physical form or characteristic, deposited, on file, or held with or in any department or agency of the Government of the Yukon or any municipal or other public office in the Yukon, and includes those documentary materials that were formerly part of the records or files of that department, agency or office.

Active Record: A paper or electronic record that is usually less than three years old and to which reference is sufficiently frequent that it must be held in close proximity for operational purposes.

Archivist: The person appointed in accordance with the *Archives Act*.

Chief Administrative Officer: The person appointed as Chief Administrative Officer for the Village of Carmacks.

Dormant Record: A record that is usually more than three years old and to which access is neither frequent nor urgent enough to warrant maintenance in relatively expensive office space.

Electronic Files: Any electronic record stored either on a personal computer, central computing facility or electronic device. Online storage is usually considered to be records that are located on an active disk or memory device. Offline storage can be any storage medium such as diskette, tape, CD, DVD, etc. or a remote storage facility. If an employee has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate file or moved to an "archive" computer file folder. See Appendix B for formatting record titles.

Non-Records: (also: "Working", "Unofficial" or "Transitory" records): Records created incidental to performance of the mission. They are "operational", "support", and "service" type

records which are considered to be of temporary value to the VOC (e.g. duplicate copies of correspondence, duplicate copies of records used for short term reference purposes, blank forms, and transitory messages used primarily for the informal communication of information, etc.). Transitory messages do not set policy, establish guidelines or procedure, certify a transaction, or become a receipt. Transitory messages may include but are not limited to e-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, document drafts, meeting notes, and telephone messages. Non-records and transitory messages should be maintained for as long as administratively needed, and the retention schedules do not apply. Non-records should be discarded when their business use has ended.

Off-site Storage: The Village of Carmacks records retention facility located at the Emergency Services Building.

Yukon Archives: The Yukon Archives acquires, preserves, and provides access to the Yukon's documentary heritage. VOC has records on file with Archives.

Responsibilities and Procedures

All records created, received, and/or maintained by VOC employees and those acting as agents in the course of their duties on behalf of VOC, regardless of physical form or characteristic (including paper, electronic, audiovisual, microform), are considered VOC property and subject to its control.

The policy therefore applies to all staff members of the VOC and covers all records regardless of format, medium or age and impacts upon those who:

- create records, including electronic files (e.g., email);
- have access to active records and non-records.
- have any other responsibilities for records, for example storage, maintenance of dormant files, and preservation with Yukon Archives.
- have management responsibility for staff engaged in any of these activities.

Administration of the Policy

The Village of Carmacks' Record Retention Schedule is set forth in Appendix A. The Chief Administrative Officer shall administer this Policy, and is authorized to:

- make modifications to the Record Retention Schedule, with approval from the Archivist, from time to time to ensure that it complies with local, territorial, and federal laws and includes the appropriate document and record categories for the Village of Carmacks.

- monitor local, territorial, and federal laws affecting record retention.
- annually review the record retention and disposal program.
- provide for storage, whether in an off-site storage facility, or with Yukon Archives, of all VOC records.
- and monitor compliance with this policy.

The Chief Administrative Officer should ensure that:

- The appropriate records are reviewed and disposed of/transferred to storage each year in accordance with this policy.
- Relevant documents are donated to Yukon Archives in accordance with their procedures a minimum of every ten years.
- Documentation of the disposal/transfer of records is completed and retained.
- When authorized, destruction of records must be completed securely, either by using an on-site shredder or through a company specializing in secure document destruction.
- Special care should be taken when disposing electronic documents or media that contain electronic documents. An approved data destruction tool must be used to destroy any electronic data on any device or media prior to disposal of the device/media. A typical “reformat” is not sufficient as it does not overwrite the old data.
- Documents and financial files that are essential to keeping the Village of Carmacks operating in an emergency will be duplicated or backed up at least every week and maintained off-site.

Suspension of Record Disposal in the Event of Litigation or Claims

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

Appendix “A”

Village of Carmacks Records Retention Schedule

File Category	Item	Retention Period
Corporate Records	Bylaws and Articles of Incorporation	Permanent
	Corporate resolutions	Permanent

	Policy document	Permanent
	Council agendas and minutes	Permanent
	Conflict-of-interest disclosure forms	3 years
	Licenses and permits	Permanent
Finance	Financial statements (audited)	Permanent
	Auditor reports and management letters	7 years
	Accounts payable/receivable	7 years
	Payroll records	7 years
	Check register and checks	7 years
	Bank deposits, statements and reconciliations	7 years
	Chart of accounts	7 years
	General ledgers and journals	7 years
	Investment performance reports	7 years
	Equipment files and maintenance records	2 years after disposition
	Credit card records	7 years
	Contracts, grants and agreements	7 years after obligations
Legal Matters	Court orders	Permanent
	Litigation files	Permanent
	Legal opinions	Permanent
Correspondence	Letters and internal documents (ie. relating to a contract)	Same period as document it supports
	Routine letters that require no follow up	Within 2 years
	Form letters that require no follow up	Within 2 years
	Letters of inconsequential subject matter	Within 2 years
	Travel files-nonfinancial	1 year
	Matters of lasting consequence	Permanent
	Formal VOC letters	Permanent
Meetings	Subject files, reports, studies, and statistics	3 years
Electronic Mail	All Email (pertinent info printed and filed)	12 months
Insurance Records	Policies — occurrence type	Permanent
	Policies — claims-made type	Permanent
	Accident reports	7 years
	Claims (after settlement)	7 years
	Group disability records	7 years after expiration
	Releases and settlements	25 years
Real Estate	Deeds	Permanent

	Leases (expired)	7 years after obligations
	Mortgages, security agreements	7 years after obligations
Tax	CRA files and related correspondence	7 years
	GST files	7 years
Human Resources	Employee personnel files after departure	7 years
	Retirement plan benefits	7 years
	Employee handbooks	Permanent
	Workers comp claims (after settlement)	7 years
	Employee orientation and training materials	7 years after use ends
	Employment applications	3 years
	Withholding tax statements	7 years
Technology	Software licenses and support agreements	7 years after all obligations end

Appendix "B"

Format for Document Filing

Format for Document Filing

1. Primary Subject Headings

Primary subject headings are indicated alphabetically. Primary subject headings are departmental.

2. Secondary Subject Headings

Secondary subject headings will also be indicated alphabetically. Secondary subject headings are descriptive.

3. Number

The year-to-date number of records for that description.

4. Month and Year

The month and year for which the document corresponds.

Below are examples of how individual file labels should appear. From left to right displays the department, the description, number of documents filed year-to-date to that description name, month and year, respectively. As a collective, the files are organized alphabetically.

FD-Air North-01- Jan2021	Finance Department	Air North	First document year-to-date under Air North	January 2021
-----------------------------	-----------------------	-----------	---	--------------

RD-Service Awards-03- May2021	Recreation Department	Staff Service Award	Third document year-to-date under Service Awards	May 2021
-------------------------------------	--------------------------	------------------------	---	----------

PW- Maintenance Records-09- Dec2021	Public Works	Building Maintenance Record	Ninth document year-to-date under Building Maintenance	December 2021
--	--------------	-----------------------------------	---	---------------