

# MUNICIPALITY OF THE DISTRICT OF CLARE

## DESTRUCTION OF DOCUMENTS POLICY

### INTRODUCTION

The Municipality wishes to provide a systematic approach for the protection of files from premature destruction and a system for the destruction of files once their value ceases. Section 34 of the Municipal Government Act provides that Council may adopt a policy for the management and destruction of records. The following policy shall be enacted by the Council of the Municipality of the District of Clare.

### PURPOSE

1. The purpose of the Destruction of Documents Policy is to ensure that the records of the Municipality of the District of Clare are protected from premature destruction and disposed of once their value ceases.

### DEFINITIONS

2. In this Policy:
  - a. “CAO” means the Chief Administrative Officer of the Municipality of the District of Clare.
  - b. “Director of Department” means an appointed Director of a department of the Municipality of the District of Clare.
  - c. “Municipality” means the Municipality of the District of Clare.
  - d. “Record” means a record of information in any form, including books, documents, maps, plans, machine readable records, drawings, photographs, letters, vouchers and papers, sound recordings, videotapes, microfilm, electronic files, electronic mail transmissions, databases and spreadsheets, and any other information that is written, photographed, recorded, or stored in any manner and that is produced or received by the Municipality.
  - e. “Archival Record” means a record no longer required for current administrative, legal, or financial needs, but which has been appraised as having enduring historical, information, evidential, or research value.

### POLICY STATEMENTS

3. The Municipality of the District of Clare will arrange, retain, archive, and/or dispose of its records in accordance with the provisions of the Records Management Manual of the Association of Municipal Administrators of Nova Scotia.

#### 4. Exemption

Nothing in this policy shall authorize the destruction of the following documents:

- a) Deeds, mortgages, or other documents or records relating to the title of real property;
- b) Court records;
- c) Records required to be kept by any statute;
- d) Minutes, by-laws, or resolutions of Council;
- e) Plans, surveying records, charts and maps;
- f) Historically significant documents; and
- g) Copies of all Appendix “A” Records Disposal Authorization forms executed by the CAO.

#### 5. Destruction of Records

- a. Before a record is destroyed, The Director of the applicable department must obtain authorization from the CAO via the execution of Appendix “A” Records Disposal Authorization form.
- b. Records which have been authorized for disposal shall be destroyed in a manner that preserves the confidentiality of any information they may contain.
- c. The Director of the applicable department must ensure that all disposition notices and certificates of destruction are preserved.
- d. A record whose retention period has expired under an approved records retention and disposition schedule and has not been transferred to the municipal archives must be destroyed unless:
  - i. A request under Part XX, Freedom of Information and Protection of Privacy of the Municipal Government Act is pending on the record;
  - ii. The subject matter of the record is pertinent to pending legislation or a pending audit; and/or
  - iii. The Department Director requests that the record be retained for an additional period with such request clearly stating the reason for the continued retention.

### RELATED DOCUMENTATION

Document Name	Document Type
Appendix A – Records Disposal Authorization Form	Form





**SECTION C: AUTHORIZATION**

The Records described above are eligible for disposal, in accordance with the Policy, by:

- Destruction
- Transfer to custody of the Public Archives of Nova Scotia (see conditions below)
- Other (please specify): \_\_\_\_\_

I \_\_\_\_\_ authorize the disposal of the records listed above as scheduled.

Date	Director

Date	CAO

**CONDITIONS**

**For Transfer of Records to Public Archives of Nova Scotia**

When transferring records to the Public Archives of Nova Scotia, municipalities understand and agree that the Public Archives of Nova Scotia:

1. Have custody and ownership of the records transferred to them;
2. May conduct an archival appraisal of records transferred to them, with the option of retaining only those records which met archival section criteria;
3. Will notify the Municipality of records that do not meet the Public Archives of Nova Scotia’s archival selection criteria and give the Municipality the option of having the records returned to them; and
4. Has the authority to destroy records that do not meet the Public Archives of Nova Scotia archival selection criteria, and the Municipality does not want returned to them.

Chief Administrative Officer's Annotation for Official Policy Book


Date of First Reading: September 2, 2020


Date of Passage of Policy: September 16, 2020

I certify that this Policy was adopted by Council as indicated above.

  
Warden

  
Date

  
Chief Administrative Officer

  
Date