

Bayview Village Association
RECORDS AND RETENTION POLICY

1. INTRODUCTION

A. Purpose

The Records of Bayview Village Association (the ‘Association’’) are a proprietary resource as they document the Association’s activities and provide information pursuant to the decision making process. A disciplined retention policy is necessary to protect the Association both legal and business purposes. Government legislation requires that certain documents be retained for specific periods.

The Association’s retention policy (the ‘Policy’’) considers the statutory requirements potential legal actions, organizational requirements, physical and fanatical limitations for setting appropriate retention periods. Also the Policy must provide that documents which do not require lengthy retention are disposed of in an orderly manner as soon as practically possible.

The Policy will establish the common rules to govern the storage, maintenance, retention and destruction of the Association’s records. The Policy will be reviewed and amended annually by the Corporate Secretary and General Counsel to ensure that it is relevant to the Association’s business and remains current with changing laws, regulations and technologies.

B. Application of the Policy

The Policy is a comprehensive standard for the Records, in any medium that are generated or acquired relating to the business development and or actions of the Association that are deemed the official records of the Association. Copies or electronic back-ups of the Records are maintained for convenience is also covered by the Policy.

C. Responsibility

The Policy shall be made available to all officers and Committee members of the Association for the purpose of understanding the life cycle of Records. The Corporate Secretary shall, on a periodic basis, review and make recommendations to the President to amend the Policy and monitor the implementation and compliance to the policy.

D. Definitions

The following words shall have the following meanings within this Policy.

“Record” – means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound, recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics and any copy thereof.

“Personal information” – means information about an identifiable individual, but does not include a name, title, business address, telephone number or other similar business contact information that would enable an individual at a place of business to be contacted.

E. Overview of Policy

- (i) **Records Maintenance:** The Records of the Association will be maintained with the safeguards set out in Section 2 of the Policy. The migration of paper records to electronic format will follow and adhere to the terms outlines the Policy.
- (ii) **Retention Period:** All records retained by the Association will be retained in accordance with the retention periods set out in Section 3 of the Policy. The appropriate retention period for certain records, including those with a statutorily prescribed minimum retention are set out in Appendix A **“Records Retention Schedule.”**
- (iii) **Records destruction:** Following the expiry of the relevant retention period, all records shall be destroyed under direction of the Secretary, following the guidelines set out in Section 4 of the Policy.

2. MAINTENANCE OF RECORDS

A. Safeguards

In order to protect against loss or theft, unauthorized access, collection, disclosure, copying, misuse, modification or improper destruction of its paper or electronic records, the Association will implement security safeguards such as locked cabinets, restricted access to Records, limiting access on a ‘need-to-know’ basis, use of passwords and encryption. In particular, those categories of Records set out in Appendix “A”, which contains sensitive and/or confidential information are protected by specific security profiles approved by President and maintained by the Secretary.

B. Legal Requirement for Electronic Records

The Association intends that, where legally permissible and when deemed appropriate the paper records of the Association will be migrated to electronic format at part of the Association’s usual and ordinary course of records retention. The migration of paper records to electronic format shall be in accordance with the procedures outlined in Section C.

For an electronic document to be found functionally equivalent to paper documents the Association record must:

- (i) be admissible in the event of a legal proceeding by ensuring that:
 - (A) the Association’s electronic imaging system functions properly, has appropriate back-ups in case of system failures, and that such operation and performance of the system is documented;
 - (B) any third storage service provider shall have documented policies, procedures and practices designed to ensure that the Records are consistently created, securely stored and achieved as a matter of course.

- (ii) fulfill Provincial and Federal legislation requirements for retention of the Records where there is a legal requirement for a document to be retained or otherwise dealt with in written form, by ensuring that:
 - (A) Where the document must be retained, the electronic record is in the same format as the written document or in the format that accurately represents the information contained in the written record.
 - (B) Where the document being retained is intended to serve as the original document, there is reliable assurance as to the integrity of the information contained in the electronic record.

C. Migration Strategy

Migration is the transfer from one platform to a similar platform or to another platform and includes: (i) the imaging of a paper record, and (ii) the transfer of computer records from one software to another.

- (i) Imaging of records will be undertaken within a reasonable time during the active life of the Record or any other time deemed appropriate.
- (ii) As long as the applicable retention period has expired, the paper source Records can be destroyed in accordance with Section 4 of the Policy.
- (iii) Each Committee designate is responsible for maintaining and identifying Records that have been imaged whether by the Association or by a service provider.
- (iv) Records will be stored in a manner that is appropriate to the media on which the information is record and ensure that the Record is complete and unaltered from its original form. Records will not be recorded or re-writable media.

3. RECORDS RETENTION PERIOD

The records retention period is the time which the Records of the Association must be maintained for operational, legal, fiscal, and historical or any other purpose (the “Retention Period”). The Retention Period can vary from permanent (never destroyed), a fixed period (destroyed after a predetermined number of years or event), or a variable period (a discretionary period).

The retention period in this policy covers those Records which are deemed to be a function of the Association’s corporate office.

A. Based on Retention Period

As a general rule and notwithstanding the records retention schedule (Appendix A) no record should be destroyed or otherwise disposed of until the end of the sixth (6th) year following the year in which the record was created. In all cases, each Committee designate will be responsible for the destruction of Records.

B. Statutorily Mandated Retention Periods

Records that are subject to a statutorily mandated period as set out in Appendix A will not under any circumstance be destroyed prior to the termination of the mandated period; however, the paper version may be destroyed once transferable to an electronic format in accordance with Section 2 of the Policy.

C. Personal Information Records

Records containing Personal Information should be retained for only as long as relevant for the purpose that the Information was collected. Where the information has been used to make a decision that directly affects the individual, the Association will retain the record long enough to allow the individual to access the Personal Information for period of one (1) year after such a decision has been made. Where the Information is the subject of a request from the individual, the Association will retain the record to allow the individual to exhaust any resource under the Personal Information Protection Act. Where the Information is subject to an investigation by the Office of the Information and Privacy Commissioner, the Association will retain the Personal Information until the investigation has been finally determined.

D. Financial Records

Certain fiscal Records will be retained until the tax audit for a relevant period has expired or until any notice of objection or appeal is disposed of and time for filing an appeal has expired.

E. Records Relating to Pending or Potential Litigation

No Record will be destroyed or disposed of if needed in case of litigation, dispute, controversy, or government investigation. Once the Corporate Secretary and General Counsel have been advised that legal action is anticipated, all Records pertaining to the Action will be placed on Hold status until a final determination in the action has been made.

4. RECORDS DESTRUCTION GUIDELINES

All Records will be destroyed upon the expiration of the applicable Record Retention Period (the “Retention Period”) in accordance with the following guidelines.

A. Expiry of Retention Period

Records for which the applicable Retention Period has expired will be destroyed in accordance with the Records Retention Policy. In the event that a third party is retained to assist with the destruction, the Corporate Secretary and General Counsel will be advised on the destruction of the records.

B. Illegible or Inaccessible records

A Record is deemed to be illegible or inaccessible and scheduled to be destroyed only when it is no longer possible to read or otherwise access to Record and or any copy or backup of the Record.

C. Copies Preserved for Convenience of Reference

Copies of Records for reference should be destroyed once they are no longer useful and in every case will be destroyed prior to or at the same time as the Record

D. Original Source Documents Migrated to Electronic Font

Original source documents that have been electrically imaged should be destroyed at the time the Recorded is imaged; otherwise the electronic image has no record value.

E. Lists of Records Destroyed

Evidence of Destroyed Records will be maintained in the Records Management System.

F. Records Relating to Pending or Potential Litigation

Destruction of relevant Records will stop if the Association receives notice of pending litigation, audit or Government investigation despite permitted destruction under the Policy. The respective Committee Head will notify the Senior Officers that the Records affected by the action have been placed in Hold status.

G. Back-up of Electronic Records

The applicable content on any back-up of electric records should be destroyed at the same time as the electronic record is destroyed.

H. Third Party Involvement in Record Destruction

Where a third party is retained to destroy Records, the third party service firm will provide a signed affidavit detailing the destruction of the Records. Such destruction notice will be maintained in the Records Management System.