

EC2019-677

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
102375 P.E.I. INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 102375 P.E.I. Inc. of Charlottetown, Prince Edward Island to acquire an interest, by share acquisition, in a land holding of approximately sixteen decimal three five (16.35) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Mallinckrodt Canada Cooperatie U.A. of Hazelwood, Missouri.

EC2019-678

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
102397 P.E.I. INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 102397 P.E.I. Inc. of Grand Tracadie, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land at Grand Tracadie, Lot 35, Queens County, Province of Prince Edward Island, being acquired from Stephen Hobbs and Sandra Hobbs, both of Grand Tracadie, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said 102397 P.E.I. Inc. and on all successors in title.

EC2019-679

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CAPREIT APARTMENTS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to CAPREIT Apartments Inc. of Toronto, Ontario to acquire a land holding of approximately one decimal seven six (1.76) acres of land at Summerside, Lot 17, Prince County, Province of Prince Edward Island, being acquired from 3287998 Nova Scotia Company of Summerside, Prince Edward Island.

EC2019-680

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 CHAPMAN ENTERPRISES INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Chapman Enterprises Inc. of Murray Harbour, Prince Edward Island to acquire a land holding of approximately three (3) acres of land at Murray Harbour, Lot 64, Kings County, Province of Prince Edward Island, being acquired from Stephen Chapman and Lori Brehaut-Chapman, both of Murray Harbour, Prince Edward Island.

EC2019-681

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 GREEN FIELD FARMS LTD.
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2019-215 of March 26, 2019, rescinded the said Order forthwith, thus rescinding permission for Green Field Farms Ltd. of Central Bedeque, Prince Edward Island to acquire a land holding of approximately sixty-four decimal three six (64.36) acres of land at Searletown, Lot 26, Prince County, Province of Prince Edward Island.

EC2019-682

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 GREEN FIELD FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Green Field Farms Ltd. of Central Bedeque, Prince Edward Island to acquire a land holding of approximately sixty (60) acres of land at Searletown, Lot 26, Prince County, Province of Prince Edward Island, being acquired from James Denton Affleck of Summerside, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2019-683

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
KILLAM INVESTMENTS (P.E.I.) INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Killam Investments (P.E.I.) Inc. of Halifax, Nova Scotia to acquire an interest in a land holding of approximately one decimal one one (1.11) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Hummingbird Holdings Inc. of Charlottetown, Prince Edward Island.

EC2019-684

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MACFADYEN FARMS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to MacFadyen Farms Ltd. of Borden-Carleton, Prince Edward Island to acquire a land holding of approximately two decimal seven (2.7) acres of land at Borden-Carleton, Lot 28, Prince County, Province of Prince Edward Island, being acquired from the Estate of Una Perry of Cornwall, Prince Edward Island.

EC2019-685

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MACFADYEN FARMS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to MacFadyen Farms Ltd. of Borden-Carleton, Prince Edward Island to acquire, by lease, an interest in a land holding of approximately eight decimal zero eight (8.08) acres of land at Borden-Carleton, Lot 28, Prince County, Province of Prince Edward Island, being acquired from the Government of Prince Edward Island of Charlottetown, Prince Edward Island.

EC2019-686

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MALLINCKRODT ARD HOLDINGS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Mallinckrodt ARD Holdings Inc. of Hazelwood, Missouri to acquire an interest, by share acquisition, in a land holding of approximately sixteen decimal three five (16.35) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Questcor Pharmaceuticals Inc. of Bedminster, New Jersey.

EC2019-687

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
POLSTRA HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Polstra Holdings Ltd. of Morell, Prince Edward Island to acquire a land holding of approximately sixty (60) acres of land at Byrnes Road, Lot 39, Kings County, Province of Prince Edward Island, being acquired from John B. Gillan of Mount Stewart, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2019-688

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RIOKIM HOLDINGS (P.E.I.) INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to RioKim Holdings (P.E.I.) Inc. of Charlottetown, Prince Edward Island to acquire an interest in a land holding of approximately one decimal one one (1.11) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Hummingbird Holdings Inc. of Charlottetown, Prince Edward Island.

EC2019-689

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 AIDEN JOSIAH BROADHURST
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Aiden Josiah Broadhurst of Campbell River, British Columbia to acquire a land holding of approximately thirty-nine (39) acres of land at Cape Wolfe, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Michael Ellis and Evelyn Ellis, both of O'Leary, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2019-690

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 GAIL FINNISON
 (APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Gail Finnison of Rosseau, Ontario to acquire a land holding of approximately forty decimal eight nine (40.89) acres of land at Ebbsfleet, Lot 2, Prince County, Province of Prince Edward Island, being acquired from the Honourable Darlene Compton, Minister of Finance of Charlottetown, Prince Edward Island.

Further, Council noted that upon conveyance, the said land holding, being Provincial Property No. 13763, will be identified for non-development use in accordance with Section 21 of the *Prince Edward Island Lands Protection Act*.

EC2019-691

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 RONALD MACNEILL AND GWENDOLYN MACNEILL
 (DENIAL)

Council, having under consideration an application (#N5923) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Ronald MacNeill and Gwendolyn MacNeill, both of Fort McMurray, Alberta to acquire a land holding of approximately three decimal three (3.3) acres of land at Darnley, in Lot 18, Prince County, currently owned by Darren James Cousins of Darnley, Prince Edward Island.

EC2019-692

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
STEVEN MIDDLETON
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Steven Middleton of Norland, Ontario to acquire a land holding of approximately thirty-two decimal five (32.5) acres of land at Iris, Lot 62, Queens County, Province of Prince Edward Island, being acquired from the Diocesan Synod of Western Newfoundland of Corner Brook, Newfoundland and Labrador PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2019-693

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DARCIE OULTON JAREMEY AND JOSEPH DAVID LINDSAY
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Darcie Oulton Jaremey and Joseph David Lindsay, both of Stanhope, Prince Edward Island to acquire a land holding of approximately thirteen decimal one three (13.13) acres of land at Hampton, Lot 29, Queens County, Province of Prince Edward Island, being acquired from Trevor Louis Baker of Hampton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2019-694

LIQUOR CONTROL ACT
APPROVAL TO LEASE PROPERTY
RE: PEILCC MARKETING DIVISION

Pursuant to clause 7(1)(g) of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council granted approval to the Prince Edward Island Liquor Control Commission to enter into a one year lease agreement with Northcom Inc., for approximately 1,700 square feet of space at 410 Mount Edward Road, Charlottetown at a cost of \$20.95 per square foot for an annual lease cost of \$35,625.00.

EC2019-695

**MUNICIPAL GOVERNMENT ACT
GENERAL REGULATIONS**

Pursuant to section 261 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

- 1.** In these regulations,
- Definitions
- (a) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1; Act
- (b) “electronic means” means electronic means as specified in subsection 1(2) of the Procedural Bylaw Regulations (EC751/17) under the Act. electronic means
- 2.** A council shall provide notice to the public respecting the sale, grant, transfer or disposal of municipal land or any interest in municipal land as required under subsection 143(1) of the Act Notice of disposition of municipal land
- (a) by publishing the notice, including the contents of the written proposal prepared pursuant to subsection 143(1) of the Act, in a local newspaper circulated in the municipality at least 14 days prior to the proposed disposition; and
- (b) by posting the notice by electronic means, including the contents of the written proposal referred to in clause (a), at least 14 days prior to the proposed disposition and maintaining the electronic posting until the day of the proposed disposition.
- 3.** (1) Where, pursuant to section 203 or subsection 213(3) of the Act, a public hearing is required, the council shall provide notice that meets the requirements of subsection (2) at least seven days before the public hearing is scheduled to commence. Public notice - hearings
- (2) The notice referred to in subsection (1) shall be given Notice requirements
- (a) by electronic means; and
- (b) by at least one of the following means:
- (i) a sign posted prominently in the municipality,
- (ii) a poster posted prominently in the municipality,
- (iii) a newsletter accessible to the general public in the municipality, or
- (iv) a notice in a newspaper which circulates in the municipality.
- 4.** A council shall give notice of availability of the auditor’s report and the financial statements in accordance with subsection 177(1) of the Act by electronic means and by at least one other means of public notification as specified in clause 3(2)(b). Auditor’s report and financial statements
- 5.** A council shall provide public notice of the location and hours of the designated municipal office established by a resolution of council pursuant to clause 85(1)(a) of the Act Municipal office
- (a) by means of a sign posted at the location of the municipal office that clearly states that the premises or part of the premises is the municipal office;
- (b) by means of a notice posted prominently on the municipal office clearly stating the days and hours that the municipal office is open for business; and
- (c) by electronic means stating the address and hours of the municipal office.
- 6.** (1) For the purpose of section 249 of the Act, a council shall ensure that its municipality obtains and maintains a contract of insurance that provides liability coverage in the amount of at least \$1,000,000 per occurrence. Insurance
- (2) In addition to the requirements of subsection (1), a council shall ensure that its municipality obtains and maintains a contract of insurance that provides liability coverage in the amount of at least \$1,000,000 per occurrence for the mayor, other members of council, employees and any other person who performs a service at the request of the municipality, whether or not the person is remunerated for the service. Additional insurance

7. These regulations come into force on April 1, 2020.

Commencement

EXPLANATORY NOTES

SECTION 1 defines “Act” and “electronic means” for the purposes of the regulations.

SECTION 2 establishes the requirements for notice to the public respecting the sale or other disposition of municipal land.

SECTION 3 establishes the requirements for notice to the public of a hearing under section 203 or subsection 213(3) of the Act.

SECTION 4 specifies the methods by which a council must give public notice of the availability of the auditor’s report and the financial statements pursuant to subsection 177(1) of the Act.

SECTION 5 specifies the public notice a council must provide respecting the location and hours of its municipal office pursuant to clause 85(1)(a) of the Act.

SECTION 6 specifies the insurance coverage that a council must ensure is maintained pursuant to section 249 of the Act.

SECTION 7 provides for the commencement of the regulations.

EC2019-696

MUNICIPAL GOVERNMENT ACT ACCESS TO INFORMATION AND PROTECTION OF PERSONAL INFORMATION REGULATIONS

Pursuant to sections 147 and 148 and clause 261(1)(g) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

- 1.** In these regulations, Definitions
- (a) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1; Act
 - (b) “applicant” means a person applying for access to information under the Act or the bylaw; applicant
 - (c) “bylaw” means an Access to Information and Protection of Personal Information Bylaw made by a council of a municipality pursuant to sections 147 and 148 of the Act; bylaw
 - (d) “Coordinator” means an Access to Information and Protection of Privacy Coordinator appointed by the council of a municipality pursuant to the bylaw; Coordinator
 - (e) “development” means development as defined in the *Planning Act* R.S.P.E.I. 1988, Cap P-8; development
 - (f) “law enforcement” means law enforcement
 - (i) policing, including criminal intelligence operations,
 - (ii) a police, security or administrative investigation, including the complaint giving rise to the investigation, that leads or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the investigation or by another body to which the results of the investigation are referred, or
 - (iii) proceedings that lead or could lead to a penalty or sanction, including a penalty or sanction imposed by the body conducting the proceedings, or by another body to which the results of the proceedings are referred;
 - (g) “third party” means a person, a group of persons or an organization other than an applicant or a municipality. third party

2. (1) The bylaw made pursuant to the Act and in accordance with this regulation applies to Application
- (a) access to information referred to in section 147 of the Act; and
 - (b) the protection of personal information pursuant to section 148 of the Act.
- (2) For greater certainty, the bylaw shall not prohibit a municipality from providing access to information, other than personal information, Effect of bylaw on existing information
- (a) that was collected by the municipality prior to the coming into force of the Act;
 - (b) that is in the custody or under the control of the municipality; and
 - (c) to which the municipality would have provided access prior to the making of the bylaw.

PART 1 - ACCESS TO INFORMATION

3. (1) The bylaw shall provide that information referred to in subsection (2) and in subsection 6(3), subject to the limitations specified in that subsection, that is under the control of the municipality shall be accessible to any person Accessibility
- (a) if the municipality has established an office, at the office of the municipality during either
 - (i) regular office hours, or
 - (ii) if there are no regular office hours, at a time agreed to between the person and the Coordinator; or
 - (b) if the municipality has no office, at a time and place agreed to between the person and the Coordinator.
- (2) The bylaw shall include a provision requiring the municipality to promptly make available for public inspection the following information: Public documents
- (a) current approved financial plans;
 - (b) current approved annual financial statements;
 - (c) audited financial reports;
 - (d) minutes of all meetings of the council and council committees;
 - (e) resolutions contained in the register referred to in clause 93(3)(i) of the Act;
 - (f) bylaws or proposed bylaws which have received first reading;
 - (g) all compensation, expenses and other payments made annually to each council member for the previous fiscal year;
 - (h) all compensation, expenses and other payments made annually to council committee members and all members of any boards or other bodies established by council for the previous fiscal year;
 - (i) current strategic plans;
 - (j) all policies.
4. (1) The bylaw shall provide that the council of a municipality shall appoint an Access to Information and Protection of Privacy Coordinator whose duties shall include Coordinator to be appointed
- (a) accepting and processing applications for access to information;
 - (b) clarifying and responding to access to information applications, including deciding whether to grant or refuse the application for access to information;
 - (c) providing education and training to members of council and employees of the municipality with respect to the bylaw and the Act as it applies to access to information and the protection of personal information;
 - (d) assisting municipal staff in conducting searches in response to access to information applications;
 - (e) preparing fee estimates; and
 - (f) providing a written annual report to the council of the municipality which includes, at a minimum,
 - (i) the number of applications for access to information,
 - (ii) the number of applications where access to information was granted, and
 - (iii) the number of applications where access to information was denied.
- (2) The bylaw shall provide that the following persons are not eligible to be appointed as the Coordinator for the municipality: Ineligible persons
- (a) a person who is appointed or employed as the chief administrative officer of another municipality;

(b) a member of council.

5. (1) The bylaw shall establish rules in relation to applications for access to information including that

Application for access to information

- (a) an application for access to information shall be made by the applicant, in writing, to the Coordinator; and
- (b) an application for access to information shall
 - (i) provide sufficient detail to enable the Coordinator to identify the information sought, and
 - (ii) indicate whether the applicant is requesting a photocopy of the information or to examine the information.

(2) The bylaw shall provide that the requirement in subsection (1) for an application to be in writing may be satisfied by an application in electronic format where the Coordinator consents to receiving the application by electronic means.

Form of written communication

(3) The bylaw shall provide that subsequent communications between an applicant and the Coordinator may be by electronic means where both the Coordinator and the applicant consent to communicate by that means.

Subsequent communications, electronic means

6. (1) The bylaw shall provide that, subject to subsections (2) and (3), an applicant is entitled to access to information and the Coordinator shall provide access to information that was created or collected by the municipality which, at a minimum, includes access to the types of information referred to in subsection 147(1) of the Act.

Entitlement to access

(2) The bylaw shall provide that an application for access to information that contains personal information of another individual or information of a third party, or information not referred to in subsection 3(2), shall be made to the Coordinator in accordance with the requirements of section 5.

Written application required

(3) Where the information requested by an applicant under subsection (2) contains personal information of another individual or information of a third party, the applicant shall only be entitled to access to the information identified with respect to each of the following clauses of the Act:

Limited access

- (a) clause 147(1)(a), the information contained in the assessment list as defined in clause 1(1)(c) of the Regulations under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4, or a portion of that list;
- (b) clause 147(1)(h),
 - (i) the nature of the permit application, together with only the name and address of the applicant for the permit, and
 - (ii) if the application was for a development permit,
 - (A) any maps or site plans provided as part of the development application delineating the location of the proposed development,
 - (B) a summary of the public notification process,
 - (C) a summary of the responses received as a result of the public notification process,
 - (D) staff reports in relation to the application, and
 - (E) the minutes of Planning Board in relation to the application;
- (c) clause 147(1)(i), the name of the person to whom the approval has been granted and a general description of the approval;
- (d) clause 147(1)(j), the name of the recipient and the amount and purpose of the grant, contribution or donation to the recipient;
- (e) clause 147(1)(k), the name of the person to whom the contract has been awarded, the amount of the contract and a general description of the goods or services that are to be provided under the contract.

7. (1) The bylaw shall provide that where access to the record or information requested is authorized by the Act, the bylaw or any other Act, and the information is reasonably accessible to the municipality, the Coordinator shall, within 30 days of the application for access to information,

Duties of Coordinator

- (a) provide the applicant with a written estimate of any fees that may be charged for copies of the record or document containing the information; and

- (b) subject to subsection 10(6), allow the applicant access to the information.
- (2) The bylaw shall provide that where, in the opinion of the Coordinator, the requested information cannot reasonably be accessed within 30 days of the date of receipt of the application, the Coordinator
- (a) shall inform the applicant, in writing, when the information will be accessible; and
- (b) provide the applicant with a written estimate of any fees that will be charged for copies of the record or document containing the information.
- (3) The bylaw shall provide that where the Coordinator refuses the application for access to information, the Coordinator shall provide the applicant with written notification of the reasons for the refusal and the provision of the Act or bylaw on which the refusal is based.
- 8.** The bylaw shall provide that no person, other than a member of council or staff of the municipality authorized by the chief administrative officer in the performance of the person's duties, shall have the right to have access to information that is subject to solicitor-client privilege.
- 9.** (1) The bylaw shall establish rules in relation to the inspection of records or documents that, at a minimum, include that the inspection of records or documents containing the information requested shall be made under the supervision of an employee of the municipality.
- (2) Subject to section 10, copies of records or documents shall be provided by the municipality to an applicant, on request by the applicant, as
- (a) a photocopy of the record or document; or
- (b) an electronic version of the record or document, if available.
- 10.** (1) The bylaw may establish a schedule of fees setting out the amounts that the municipality may charge an applicant for the following services:
- (a) for a photocopy of a record or document referred to in subsection 3(2), an amount not to exceed 8 cents per page, where the request is made within 2 years from the date the information was made available for public inspection;
- (b) for all other records or documents to which a right of access to the information is established pursuant to subsection 147(1) of the Act, fees in accordance with subsection (5) for
- (i) locating, retrieving and producing the information,
- (ii) preparing the information for disclosure,
- (iii) supervising the examination of information;
- (c) for a record or document referred to in clause (b), providing photocopies of the record or the document containing the information at a rate not to exceed 8 cents per page.
- (2) The bylaw may provide in the schedule of fees a fee for providing a record or document referred to in subsection (1) in an electronic format, if available.
- (3) Where the bylaw establishes a schedule of fees in accordance with subsection (1), the bylaw shall clearly provide that the fees do not apply to a request for the applicant's own personal information, except for the cost of producing a photocopy, if requested.
- (4) Where the bylaw establishes a schedule of fees in accordance with subsection (1), the bylaw may provide that
- (a) an applicant may, in writing, request that the Coordinator excuse the applicant from paying all or part of a fee for a specified service; and
- (b) the Coordinator may excuse an applicant from paying all or part of the fee for the specified service if, in the opinion of the Coordinator,
- (i) the applicant cannot afford to pay the fee or for any other reason it is appropriate to waive payment of the fee, or
- (ii) the record or document containing the information relates to a matter of public interest, including the environment or public health or safety.

Notification by Coordinator

Notification of refusal

Information not available

Inspection of records or documents

Copies of records or documents

Fees

Fee for electronic versions

Exception

Request for waiver of fees

(5) Where the bylaw establishes fees in relation to the costs of services and materials referred to in subsection (1), the bylaw shall include that the total amount of the fees charged shall not exceed the actual cost to the municipality of the services and materials provided by the municipality.

Maximum fees

(6) The bylaw may include provisions stating that either or both of the following apply:

Advance payment, deposit

- (a) all fees associated with the request for access to information shall be paid before the release of copies of the records or the documents containing the information;
- (b) a deposit of 50 per cent of the estimated fees shall be paid to the municipality before any search for the information requested shall be commenced.

PART II – PROTECTION OF PERSONAL INFORMATION

11. The bylaw shall provide that no personal information may be collected by or for a municipality unless

Authority to collect information

- (a) the collection of that information is expressly authorized by or under an enactment of Prince Edward Island or Canada or a bylaw of the municipality;
- (b) the information relates directly to and is necessary for an operating program or activity of the municipality; or
- (c) the information is collected for the purposes of law enforcement.

12. The bylaw shall provide that personal information shall be collected directly from the individual to whom it relates unless

Manner of collection

- (a) the information may be disclosed to the municipality under the *Freedom of Information and Protection of Privacy Act*;
- (b) another method of collection is authorized by that individual or by an enactment or bylaw referred to in clause 12(a);
- (c) the information is necessary
 - (i) to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the municipality and is collected in the course of processing an application made by or on behalf of the individual the information is about, or
 - (ii) to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the municipality and is collected for that purpose;
- (d) the information is collected for the purpose of collecting a fine or a debt owed to the municipality;
- (e) the information is collected for the purpose of managing or administering personnel of the municipality;
- (f) the information concerns an individual who is designated as a person to be contacted in an emergency, or other specified circumstances;
- (g) the information is collected for the purpose of determining suitability for an honour or award; or
- (h) the information is collected for the purpose of law enforcement.

13. Where personal information is collected directly from an individual under section 11 or 12, the bylaw shall establish rules ensuring that the individual is informed of

Right to be informed

- (a) the purpose for which the information is collected;
- (b) the specific legal authority for the collection; and
- (c) the contact information of an employee of the municipality who can answer the individual's questions about the collection.

14. (1) Where an individual's personal information will be used by a municipality, the bylaw shall establish rules which, at a minimum, require the municipality to

Accuracy of personal information

- (a) make every reasonable effort to ensure that the information is accurate and complete; and
- (b) retain the personal information in accordance with the records retention bylaw of the municipality.

(2) For greater certainty, a reference in this section and in sections 15, 18, 19, 20, 21 and 22 to the collection, use or disclosure of personal information by a municipality includes the collection, use or disclosure of the personal information by

Reference to municipality

- (a) an employee of the municipality;
- (b) a volunteer, including a volunteer firefighter;
- (c) a person appointed to conduct an inquiry under subsection 217(2) of the Act;
- (d) a supervisor appointed under subsection 219(2) of the Act; and
- (e) an official trustee appointed under subsection 220(1) of the Act.
- 15.** (1) The bylaw shall establish rules in relation to the correction of personal information collected by the municipality that, at a minimum, shall
- Right to request a correction to personal information
- (a) allow an individual to request that the Coordinator correct personal information where the individual believes there is an error or omission in the individual's personal information; and
- (b) prohibit the Coordinator from correcting or otherwise altering an opinion included in an individual's personal information, including a professional or expert opinion.
- (2) The bylaw shall establish rules in relation to a request for a correction to personal information, including that
- Written request
- (a) a request for a correction to personal information shall be made in writing by the individual whose personal information it is, or by an authorized person on that individual's behalf; and
- (b) the request for a correction to personal information shall provide sufficient detail to enable the Coordinator to identify the personal information that is the subject of the request.
- (3) The bylaw shall provide that the requirement in subsection (2) for a request to be in writing may be satisfied by a request in electronic format where the Coordinator consents to receiving the request by electronic means.
- Form of written request
- (4) The bylaw shall provide that subsequent communications between an individual making a request for correction and the Coordinator may be by electronic means where both the Coordinator and the individual consent to communicate by that means.
- Subsequent communications, electronic means
- (5) The bylaw shall provide that the Coordinator shall make the correction requested in accordance with the procedure specified in section 16 unless prohibited by law from doing so.
- Making correction to personal information
- 16.** (1) The bylaw shall provide that where
- Record of request to correct to personal information
- (a) a correction is made in response to a request under clause 15(1)(a), the Coordinator shall make a notation either on the record or document in question or attached to it that a correction has been requested and made; or
- (b) no correction is made in response to a request under clause 15(1)(a), or a correction is prohibited under clause 15(1)(b), the Coordinator shall make a notation that there was a request to make a correction to the individual's personal information either on the record or document in question or attached to it.
- (2) The bylaw shall provide that within 60 days after the request under clause 15(1)(a) is received, the Coordinator shall give written notice to the individual that
- Notice to individual
- (a) the correction has been made under clause (1)(a); or
- (b) no correction has been made under clause (1)(b).
- (3) The bylaw shall provide that the Coordinator shall notify any third party to whom personal information has been disclosed within the preceding year that a request to correct that personal information has been made and the decision that was made in response to the request.
- Notice to third party
- (4) Notwithstanding subsection (3), the coordinator may dispense with notifying a third party as required in that subsection if
- Exception
- (a) in the opinion of the Coordinator, the request to correct the personal information and the decision that was made is not material; and
- (b) the individual who requested the correction is advised and agrees in writing that notification is not necessary.
- (5) The bylaw shall provide that where the personal information that is the subject of a request for correction was collected by another party or
- Transfer of request

another party created the record or document containing the personal information, the Coordinator may, within 30 days from receiving the request to correct the personal information under section 15, transfer the request to that party.

(6) The bylaw shall provide that where a request is transferred under subsection (5), the Coordinator shall notify the individual of the transfer as soon as possible.

Notice of transfer

17. The bylaw shall establish rules in relation to the protection of personal information that, at a minimum, require the chief administrative officer to ensure that personal information is protected by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, disposal or destruction.

Security of personal information

18. (1) The bylaw shall, in order to ensure that personal information is protected, establish rules in relation to the use of personal information which, at a minimum, include that a municipality may use personal information only

Use of personal information by municipality

- (a) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;
- (b) if the individual to whom the information pertains has identified the information and consented, in writing, to the use; or
- (c) for a purpose for which that information may be disclosed by the municipality under sections 19 and 20.

(2) The bylaw shall provide that the municipality may use personal information only to the extent necessary to enable the municipality to carry out its purpose in a reasonable manner.

Extent of use

19. (1) The bylaw shall establish rules in relation to the disclosure of personal information which, at a minimum, include that a municipality may disclose personal information only

Disclosure of personal information by municipality

- (a) for the purpose of complying with the Act or the bylaw;
- (b) for the purpose of complying with an enactment of Prince Edward Island or Canada;
- (c) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;
- (d) if the individual the information is about has identified the information and consented, in writing, to the disclosure;
- (e) for determining an individual's suitability or eligibility for a program or benefit, including determining if an individual remains eligible or suitable for a program or benefit that individual is already participating in;
- (f) if the information is necessary for the delivery of a program or service of the municipality;
- (g) for the purpose of managing or administering personnel of the municipality or to a representative of a bargaining agent who has been authorized, in writing, by the employee to whom the information pertains to make an inquiry; or
- (h) to a law enforcement agency in Canada to assist in an investigation
 - (i) undertaken with a view to a law enforcement proceeding, or
 - (ii) from which a law enforcement proceeding is likely to result.

(2) The bylaw shall provide that a municipality may disclose personal information about an individual

Permitted disclosure

- (a) when the information is available to the public;
- (b) if the information is of a type that is routinely disclosed in a business or professional context and the disclosure is
 - (i) limited to the individual's name and business contact information, including business title, address, telephone number, facsimile number and email address, and
 - (ii) does not reveal other personal information about the individual or personal information about another individual; or
- (c) if the Chief Administrative Officer believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.

- 20.** For the purposes of clauses 18(1)(a) and 19(1)(c), a use or disclosure of personal information is consistent with the purpose for which the personal information was collected or compiled if the use or disclosure
- (a) has a reasonable and direct connection to that purpose; and
 - (b) is necessary for performing the statutory duties of, or for operating an authorized program of, the municipality that uses or discloses the personal information.
- Use or disclosure consistent with purpose
- 21.** The bylaw shall establish rules in relation to the protection of personal information that, at a minimum, include that
- (a) a municipality may disclose personal information in an individually identifiable form for a research purpose, including statistical research, only if
 - (i) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form,
 - (ii) the provision of information is not harmful to the individual the information is about and the benefits to be derived from the provision of information are clearly in the public interest,
 - (iii) the chief administrative officer has approved conditions relating to the following:
 - (A) security and confidentiality,
 - (B) the removal or destruction of individual identifiers at the earliest reasonable time, and
 - (C) the prohibition of any subsequent use or disclosure of the information in individually identifiable form without the express authorization of the council; and
 - (b) the person to whom the information is disclosed has signed an agreement to comply with the approved conditions, the Act, the bylaw and any other bylaws, policies and procedures of the municipality relating to the confidentiality of personal information.
- Disclosure for research or statistical purposes
- 22.** The bylaw shall provide that the only personal information that a municipality shall disclose to an applicant in relation to a third party is information authorized to be disclosed under the Act or the bylaw made in accordance with these regulations.
- Disclosure of personal information to applicant
- 23.** The bylaw shall establish rules in relation to the disclosure of information, including personal information, which, at a minimum, include that the Coordinator may refuse to disclose to an applicant
- (a) information, including personal information about the applicant, if the disclosure could reasonably be expected to
 - (i) threaten anyone else's safety or mental or physical health, or
 - (ii) interfere with public safety;
 - (b) personal information about the applicant if, in the opinion of a physician, psychologist, psychiatrist or any other appropriate expert depending on the circumstances of the case, the disclosure could reasonably be expected to result in immediate and grave harm to the applicant's health or safety; and
 - (c) information in a record or document that reveals the identity of an individual who has provided information to the municipality in confidence about a threat to an individual's safety or mental or physical health.
- Refuse to disclose information where threat to health or public safety
- 24.** The bylaw shall provide that an individual who believes that the individual's personal information has been collected, used or disclosed, or has not been corrected, in contravention of the Act or the bylaw may, in writing, file a complaint with the council of the municipality and request that a review of the matter be conducted.
- Complaint and review
- 25.** (1) The bylaw shall provide that on receiving a complaint and a request for a review of the matter referred to in section 24, the council of the municipality shall, by resolution and as soon as practicable, appoint an adjudicator as specified in subsection (2).
- Response by council
- (2) The bylaw shall provide that the adjudicator referred to in subsection (1) shall be an independent third party.
- Appointment of adjudicator
- (3) The bylaw shall provide that all costs associated with the review of the complaint by the adjudicator, including the fees and expenses of the adjudicator, shall be the responsibility of the municipality.
- Costs of investigation

- 26.** (1) The bylaw shall provide the process to be followed by the adjudicator in reviewing the complaint, including authorizing the adjudicator to decide all questions of fact and law arising during the course of the review. Adjudicator's process
- (2) The bylaw shall provide that the individual who requested the review and the municipality shall be given the opportunity to make representations to the adjudicator. Opportunity to make representations
- (3) The bylaw shall provide that no person other than the individual who requested the review and the municipality is entitled to be present during, to have access to or to comment on representations made to the adjudicator, except with the written consent of both parties. Persons entitled to be present, etc.
- (4) The bylaw shall authorize the adjudicator to decide whether the representations may be made orally, in writing or both. Method of making representation
- (5) The bylaw shall provide that the individual who requested the review and the municipality may be represented by legal counsel or an agent. Right to counsel
- (6) The bylaw shall provide that the adjudicator's review shall be completed within 90 days after the council of the municipality receives the request unless the adjudicator Time limit
- (a) notifies the individual who requested the review and the municipality that the adjudicator is extending that period; and
- (b) provides an anticipated date for the completion of the review.
- 27.** (1) The bylaw shall provide that on completing a review under section 26, the adjudicator shall issue a decision, in writing, including reasons for the decision, ordering one or more of the following: Decision of adjudicator
- (a) that the municipality not correct the personal information of the individual who requested the review;
- (b) that the municipality correct the personal information of the individual who requested the review;
- (c) that the municipality stop collecting, using or disclosing personal information in contravention of the Act or the bylaw;
- (d) that the chief administrative officer destroy personal information collected in contravention of the Act or the bylaw;
- (e) that the complaint be dismissed.
- (2) The bylaw shall provide that, in addition to the order referred to in subsection (1), the adjudicator may make other recommendations that the adjudicator determines appropriate. Recommendation of adjudicator
- (3) The bylaw shall require the adjudicator to provide a copy of the decision Notice of decision
- (a) to the person who requested the review;
- (b) to the chief administrative officer of the municipality concerned; and
- (c) to the council of the municipality concerned.
- 28.** The bylaw shall provide that Effect of decision
- (a) subject to clause (b), not later than 40 days after being given a copy of a decision of the adjudicator, the municipality shall comply with the decision;
- (b) the municipality shall not take any steps to comply with the decision of the adjudicator until the end of the period for bringing an application for judicial review of the decision under the *Judicial Review Act* R.S.P.E.I. Cap. J-3; and
- (c) if an application for judicial review is made before the end of the period referred to in clause (b), the decision of the adjudicator is stayed until the application is dealt with by the court.
- 29.** The bylaw shall provide that the adjudicator may, at any time during the review, attempt to informally resolve the complaint referred to in section 24. Informal resolution
- 30.** These regulations come into force on April 1, 2020. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 establishes the application of the bylaw for the purposes of sections 147 and 148 of the Act and clarifies the application of the bylaw to information that was collected by a municipality prior to the coming into force of the Act.

SECTION 3 provides that the bylaw shall establish the time at which and place where a person can have access to the information specified in section 147 of the Act.

SECTION 4 provides that the bylaw must require the council of a municipality to appoint an Access to Information and Protection of Privacy Coordinator and specify the Coordinator's duties. The chief administrative officer of another municipality, or a member of council, is not eligible to be appointed as the Coordinator.

SECTION 5 requires the bylaw to establish the specified rules in relation to applications for access to information.

SECTION 6 requires the bylaw to provide access as specified to the listed types of information in the control of the municipality.

SECTION 7 requires the bylaw to set out the process to be followed by the Coordinator in providing or refusing applications for access to information.

SECTION 8 requires the bylaw to protect information that is subject to solicitor-client privilege, subject to the specified exceptions.

SECTION 9 requires the bylaw to establish minimum rules as specified in relation to the inspection of records or documents.

SECTION 10 authorizes the bylaw to establish a schedule of fees that the municipality may charge an applicant for the specified services.

SECTION 11 requires the bylaw to limit the collection of personal information by or for a municipality as specified.

SECTIONS 12 and 13 require the bylaw to establish the specified rules for the collection of personal information.

SECTION 14 requires the bylaw to establish minimum rules regarding the accuracy, completeness and proper records management of personal information to be used by a municipality. The section also clarifies that in this section and the other specified sections, the collection, use or disclosure of personal information by a municipality includes the collection, use or disclosure of that personal information by an employee of the municipality.

SECTION 15 requires the bylaw to establish minimum rules as specified relating to the correction by an individual of the individual's personal information.

SECTION 16 requires the bylaw to specify the procedure to be followed by the Coordinator in response to a request for the correction of personal information.

SECTION 17 requires the bylaw to establish minimum rules respecting the protection of personal information as specified.

SECTION 18 requires the bylaw to establish minimum rules respecting the use of personal information as specified.

SECTION 19 requires the bylaw to establish minimum rules respecting the disclosure of personal information as specified.

SECTION 20 clarifies what shall be considered a use or disclosure of personal information that is consistent with the purpose for which the personal information was collected or compiled.

SECTION 21 requires the bylaw to establish minimum rules respecting the protection of personal information as specified.

SECTION 22 requires the bylaw to restrict the disclosure of personal information in respect of a third party as specified,

SECTION 23 requires the bylaw to establish rules respecting the refusal by the Coordinator to disclose information, including personal information.

SECTION 24 requires the bylaw to provide a process for an individual to file a complaint that his or her personal information has been collected, used or disclosed in contravention of the Act or the bylaw.

SECTION 25 requires the bylaw to provide a process as specified for the chief administrative officer to receive and deal with a complaint referred to in section 24.

SECTION 26 requires the bylaw to set out the process to be followed by the adjudicator in reviewing the complaint and to provide the adjudicator with the required authority to decide the matter.

SECTION 27 requires the bylaw to specify the form of the adjudicator's decision and the orders it may include. The section also requires the bylaw to provide that the adjudicator may also make recommendations as the adjudicator considers appropriate.

SECTION 28 requires the bylaw to specify the effect of the adjudicator's decision and the municipality's obligations regarding it.

SECTION 29 requires the bylaw to provide that the adjudicator may at any time during the review attempt to informally resolve the complaint.

SECTION 30 provides for the commencement of the regulations.

EC2019-697

MUNICIPAL GOVERNMENT ACT RECORDS RETENTION REGULATIONS

Pursuant to section 117 and clause 261(1)(f) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, Council made the following regulations:

- | | |
|--|--|
| 1. In these regulations, | Definitions |
| (a) "Act" means the <i>Municipal Government Act</i> R.S.P.E.I. 1988, Cap. M-12.1; | Act |
| (b) "permanent record" means a record that a municipality is required to retain permanently; | permanent record |
| (c) "record" means a record of information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing or otherwise processing information; | record |
| (d) "temporary record" means a record that a municipality is required to retain for a minimum period of time in accordance with the Schedule to these regulations. | temporary record |
| 2. A council shall ensure in respect of each record, that | General retention and disposition requirements |
| (a) the record is retained by the municipality in accordance with these regulations and the Schedule to these regulations; | |

- (b) where the record is not stored in the municipal office, the record is stored in a location and a manner that the council has determined is secure and will preserve the integrity of the record; and
- (c) documentation of the final disposition of the record is maintained by the municipality which provides details of the destruction of the record or its transfer to permanent storage, as the case may be.
- 3.** (1) A council shall ensure that each temporary record of a type specified in the Schedule to these regulations is
- Requirements for temporary records
- (a) retained in the municipal office for a minimum of two years; and
- (b) during that period, is accessible within 24 hours.
- (2) A council may, at the end of the retention period specified in clause (1)(a), move a record to which subsection (2) applies to a storage facility outside the municipality for the remainder of the retention period specified in the Schedule to these regulations in respect of that record, if
- Off-site storage
- (a) the storage facility meets the requirements of clause 2(b); and
- (b) the record is accessible within three business days.
- 4.** (1) A council shall ensure, in respect of each permanent record, that the record
- Permanent records
- (a) is retained in the municipal office for a minimum of five years;
- (b) during that period, is accessible within 24 hours; and
- (c) is not destroyed.
- (2) A council shall, as soon as reasonably possible after the end of the retention period specified in clause (1)(a), move a record to which subsection (1) applies to permanent storage in a facility that the council has determined is secure and will preserve the integrity of the record.
- Transfer to permanent storage
- (3) A council shall ensure that, while in permanent storage, the record referred to in subsection (2) is accessible within three business days.
- Accessibility
- 5.** (1) A council may, at the end of the retention period specified in respect of a temporary record, provide for the secure destruction of the record.
- Authorized destruction of temporary records
- (2) Subject to the requirements for retention of duplicate copies specified in the Records Retention Schedule set out in the Schedule to these regulations, a council may destroy or authorize the destruction of a duplicate copy of a record at any time.
- Duplicate copies, destruction
- (3) A council shall ensure in respect of each record that reasonable care is taken to protect the record against damage, deterioration, unauthorized destruction, sale or other disposition, or theft.
- Protection of records
- 6.** (1) A council that retains a record in electronic form shall ensure that the record is retained and retrievable for the minimum retention period.
- Retention in electronic form
- (2) A council that retains a permanent record in electronic form shall copy the record to paper or microfilm for the purpose of transfer to permanent storage.
- Copies required
- (3) Microfilm applications of permanent records shall conform to industry-accepted technical standards and established preparation and documentation procedures.
- Requirements for microfilm storage
- 7.** The Schedule to these regulations is adopted and forms part of these regulations.
- Schedule adopted
- 8.** These regulations come into force on April 1, 2020.
- Commencement

SCHEDULE

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*.

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(c) closed after information is superseded (replaced or take the place of) or obsolete (no longer in use) (S/O)

SUBJECT	DESCRIPTION	RETENTION PERIOD (YEARS)	ENDS
Accountants	Working Papers	7	FY
Accounts	Paid (summary sheet)	7	FY
	Payable vouchers	7	FY
	Receivable duplicate invoices	7	FY
Administration	Reports (not part of Minutes)	7	CY
Advertising	Electoral	4	CY
	Other notices- MGA, other legislation	2	CY
Agendas	Part of Minutes	PERMANENT	
Agreement	General	12	S/O
	Development	12	S/O
	Major legal	12	S/O
	Minor legal	12	S/O
Annexations	Correspondence	7	CY
	Final Order	PERMANENT	
Annual Reports	Council, Boards, Commissions	5	CY
Applications	Site plan approval	2	CY
	Subdivision (after final approval)	3	CY
	Part-time employees (after end of employment)	1	CY
Appointments	Other than those in Minutes	3	FY
Assessment	Rolls	PERMANENT	
	Assessment review Board (ARB) Minutes	PERMANENT	
	ARB work file	5	FY
	Appeals	12	FY
	ARB records	7	FY
	Duplicate roll	7	FY
	Review Court records	7	FY
Assessment Appeal	Board file	5	FY
Assets	Asset Management Inventory	20	S/O
	Records of surplus	7	FY
	Temporary files	2	FY
Bank	Deposit books	7	FY
	Deposit slips	7	FY
	Memos (credit/debit)	7	FY
	Reconciliations	2	FY
	Statements	7	FY
Boards	Minutes	PERMANENT	S/O
	Authority & Structure	5	CY
	Correspondence	5	CY
Briefings/Reports	To Council	7	CY
Budgets	Operating (in minutes)	PERMANENT	
	Capital (in minutes)	PERMANENT	
	Working papers	3	FY
Bylaws	All	PERMANENT	
Cash	Receipts journal	7	FY
	Disbursements journal	7	FY
	Duplicate receipts	7	FY
Certificates	Of Title	PERMANENT	
Census	Reports	12	CY
Cheques	Cancelled (paid)	7	FY

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	Register	7	FY
	Stubs	7	FY
Claims	Notice of	12	S/O
	Statements of	12	S/O
Committee	Minutes	PERMANENT	
Compensation	Records	10	FY
Contracts	Files (completion of)	12	S/O
	Forms	12	FY
	Major legal	12	S/O
	Minor legal	12	S/O
Council	Minutes	PERMANENT	
Court Cases		12	S/O
Destroyed Records	Index	PERMANENT	
	Signed destroyed records statements	PERMANENT	
Documents	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
	Leases (after expiration)	12	S/O
	Notices of change of land titles	12	S/O
Elections	All election documents other than ballot box contents	4	CY
	Ballot box contents	In accordance with the MGA	CY
Engineering	Drawings	PERMANENT	
Employee Benefits	Health, Dental, WCB Claims, etc.	5	CY
Employees	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
Financial Statements	Interim	10	FY
	Working papers	7	FY
	Final	12	FY
Franchises		PERMANENT	
Income Tax	Deductions	7	FY
	TD1	7	FY
	T4	7	FY
	T4 Summaries	7	FY
Inquiries	From the public	3	CY
Insurance	Claims	12 (after settled)	FY
	Records (after expiration)	12	FY
Land	Appraisals	1 (after sold)	
Leases	After expiration	7	S/O
Legal	Opinions	12	S/O
	Proceedings	12	S/O
Legislation	Acts (after superseded)	1	CY
Licenses	Applications	3	CY

	Business (after expired)	5	CY
	Literature	2	CY
Local Improvements	Records	PERMANENT	
Maps	Base (original)	PERMANENT	
	Contour	PERMANENT	
Maintenance Reports		12	CY
Minutes	Council	PERMANENT	
	Boards	PERMANENT	
	Committees	PERMANENT	
Monthly Reports	Road	5	FY
Municipal Affairs	Annual reports	5	FY
Organization	Structure and records	2	S/O
Payroll	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
	Overtime		
	Time sheets - weekly	7	FY
Employment Insurance	5 (after cessation of employment)	FY	
Permits	Development	12	S/O
			CY
Petitions		10	CY
Plans	Official	PERMANENT	
	Amendments	PERMANENT	
	Subdivision	PERMANENT	
Policy	After superseded	5	CY
Progress Reports	Project	5	CY
	Under contract (final payment)	7	S/O
Property Files		Until sold +10	FY
Prosecution	All	12	S/O
			CY
Publications	Local reports	3	CY
Purchase	Land	Until Sold +12	FY
Receipts	Books	7	FY
	Duplicate cash	7	FY
	Registration	7	FY
Receptions & Special Events (non-historic)		3	CY
Reports	Accident	12	S/O
	Accident statistics	12	S/O
	Field	12	S/O
Requisitions	Copies	2	FY
	Duplicate	7	FY
	Paid	7	FY

Resolutions	Minutes	PERMANENT	
Subdivision	After Final Approval	12	CY
Street	Sign Inventory Register	PERMANENT	
Tax Recovery	Records	PERMANENT	
Taxes	Arrears	7	FY
	Final Billing	12	FY
	Municipal Credits	7	FY
	Receipts	7	FY
	Rolls	PERMANENT	
	Sale Deeds	PERMANENT	
Termination	Employees	7	CY
Tenders	Files	12	FY
	Successful	12	FY
	Purchase Quotations	12	FY
	Unsuccessful	10	FY
Traffic	Streets	7	CY
Training and Development Files		5	CY
Trial Balances	Monthly	5	FY
	Year End	7	FY
Vendors	Acknowledgments To	2	FY
	Contracts	12	FY
	Suppliers Files	12	FY
Vouchers	Duplicate	7	FY
Weed Control Reports	Until updated	1	CY
Zoning	Bylaws	PERMANENT	
	Bylaw Enforcement	5	CY

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 establishes general rules that apply to the retention of records by a council of a municipality.

SECTION 3 specifies requirements that apply to records that are required to be retained for specified periods of time according to the Schedule to the regulations, including requirements respecting storage and accessibility.

SECTION 4 specifies requirements that apply to records that are required to be permanently retained by a municipality, including requirements respecting storage and accessibility.

SECTION 5 specifies requirements that apply to the destruction of temporary records and duplicate copies.

SECTION 6 specifies requirements for the retention and storage of records in electronic format.

SECTION 7 adopts the Schedule to the regulations and provides that it forms part of the regulations.

SECTION 8 provides for the commencement of the regulations.

EC2019-698**STUDENT FINANCIAL ASSISTANCE ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 38 of the *Student Financial Assistance Act* R.S.P.E.I. 1988, Cap. S-8.2, Council made the following regulations:

1. Section 1 of the *Student Financial Assistance Act* General Regulations (EC709/10) is amended by the addition of the following after clause (n):

(n.1) “severe permanent disability”, in respect of a person, means a functional limitation of the person caused by a physical or mental impairment that severe permanent disability

(i) prevents the person from performing the daily activities necessary to participate in substantially gainful employment, as defined in section 68.1 of the Canada Pension Plan Regulations, and

(ii) is expected to remain with the person for the duration of his or her life;

2. (1) Clause 37(3)(b) of the regulations is amended by the deletion of the words “with a permanent disability and, as a result, is unable to pay the student loan” and the substitution of the words “who, by reason of the person’s severe permanent disability, is unable to repay the student loan and will never be able to repay it”.

(2) Subsection 37(5) of the regulations is amended by the deletion of the words “permanent disability” and the substitution of the words “severe permanent disability”.

3. These regulations are deemed to have come into force on August 1, 2019.

EXPLANATORY NOTES

SECTION 1 adds a definition for “severe permanent disability” to the definition section of the regulations. This new definition aligns with recent federal amendments made to the Canada Student Financial Assistance Regulations which came into force on August 1, 2019. This new definition expands eligibility for student loan forgiveness to include persons with a severe permanent disability who may be able to engage in employment or participate in post-secondary education to a limited degree.

SECTION 2 amends the student loan forgiveness provision in the regulations to expand eligibility to include persons with a severe permanent disability.

SECTION 3 provides for the commencement of these regulations.

EC2019-699

**CIVIL SERVICE ACT
PUBLIC SERVICE COMMISSION
CHIEF EXECUTIVE OFFICER - APPOINTMENT
ANDREW THOMPSON
(TO RESCIND)**

Council, having under consideration Order-in-Council EC2013-778 of November 5, 2013, rescinded the said Order, thus rescinding the appointment of Andrew Thompson as Chief Executive Officer of the Public Service Commission, effective October 24, 2019.

EC2019-700

CIVIL SERVICE ACT
PUBLIC SERVICE COMMISSION
CHIEF EXECUTIVE OFFICER - APPOINTMENT
TANYA ROWELL
(APPROVED)

Pursuant to section 5 of the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 Council appointed Tanya Rowell to serve at pleasure as Chief Executive Officer of the Public Service Commission effective October 24, 2019.

EC2019-701

PUBLIC DEPARTMENTS ACT
DEPARTMENT OF AGRICULTURE AND LAND
ACTING DEPUTY MINISTER - APPOINTMENT
BRIAN MATHESON
(TO RESCIND)

Council, having under consideration Order-in-Council EC2019-417 of June 11, 2019, rescinded the said Order, thus rescinding the appointment of Brian Matheson as Acting Deputy Minister of Agriculture and Land, effective October 1, 2019.

EC2019-702

PUBLIC DEPARTMENTS ACT
DEPARTMENT OF AGRICULTURE AND LAND
DEPUTY MINISTER - APPOINTMENT
BRIAN MATHESON
(APPROVED)

Pursuant to subsection 7(1) of the *Public Departments Act* R.S.P.E.I. 1988, Cap. P-29 Council appointed Brian Matheson to serve at pleasure as Deputy Minister of Agriculture and Land, effective October 1, 2019, and with seniority as a deputy head from June 7, 2019.