

**BYLAW 19-021
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR THE MANAGEMENT, RETENTION AND DISPOSITION OF LAC LA BICHE COUNTY RECORDS AND INFORMATION.

WHEREAS, pursuant to section 214 of the *Municipal Government Act*, RSA. 2000, c. M-26, Council may pass a bylaw respecting the destruction of records and documents of the municipality;

AND WHEREAS, section 38 of the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25, as amended, requires the Head of a public body to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction,

AND WHEREAS, section 3 of the *Freedom of Information and Protection of Privacy Act* does not prohibit the transfer, storage or destruction of any record in accordance with a bylaw of a local government body;

AND WHEREAS, pursuant to the *Electronic Transaction Act*, Chapter E-5-5, RSA 2000, the municipality has the authority to create, record, transmit, or store information in digital form or any other intangible form by electronic, magnetic, or optical means, or any other means that have similar capabilities for creation, recording, transmission or storage and;

AND WHEREAS, it is the desire of Lac La Biche County to provide regulations regarding the retention and disposition of municipal records, consisting of both paper format and electronic format, under the custody and control of the Lac La Biche County, and;

WHEREAS the authority for such regulations must be consistent with Federal or Provincial Statutes and Regulations, and;

WHEREAS it is deemed expedient to repeal Bylaw 09-019 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, Chapter M 26, as amended;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

TITLE

1.0 This Bylaw shall be cited as the Records Retention and Disposition Bylaw of Lac La Biche County No. 19-021.

PURPOSE

2.0 The purpose of this Bylaw is to delegate authority to the Chief Administrative Officer to establish regulations for the management, retention and disposition of records and information of Lac La Biche County, regardless of their physical medium.

DEFINITIONS

3.0 In this Bylaw, unless context otherwise requires:

- (a) "CAO" shall mean the Chief Administrative Officer, as defined in the *Municipal Government Act*, or delegates, duly appointed by the Chief Administrative Officer of Lac La Biche County;
- (b) "County" shall mean Lac La Biche County;
- (c) "Confidential" means any record that contains
 - (i) personal information about individuals;
 - i. third-party, commercial, financial, scientific or technical information supplied either explicitly or implicitly in confidence; or
 - ii. any other sensitive information as described in Sections 15-28 of the *Freedom of Information and Protection of Privacy Act*;
- (d) "Control" means having the authority for the management, access, use, disclosure, and protection of this record;
- (e) "Custody" means physical possession of the record;
- (f) "Disposition" means
 - i. the destruction of records, or
 - ii. the transfer, loan or donation of records of enduring value; or
 - iii. permanent archive of records.
- (g) "Electronic Record" means information that is recorded or stored on any medium in or by a computer system or other similar device and can be read or perceived by a person or a computer system or other similar device.
- (h) "FOIP" acronym for *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000.
- (i) "Personal Information" shall mean any information about an identifiable individual, as defined in section 1(n) of FOIP;

- (j) "Official Record" is defined as information created, received, and maintained as evidence and information in any form, in pursuance of legal obligations or in the transaction of business of Lac La Biche County which have administrative, operational, financial, legal, research or historical value;
- (k) "Transitory Record" shall mean records that have short-term immediate or no value and will not be required for future reference;
- (l) "Retention Period" means the total length of time a record, both electronically or in paper format, must be kept before final disposition is implemented;
- (m) "Retention Schedule" means the legal timetable that identifies the retention period during which an official record must be retained before disposition.

RECORDS RETENTION

4.0 The CAO is hereby authorized:

- (a) to approve a classification and retention schedule that identifies the retention period and disposition, consistent with applicable legislation;
- (b) to authorize revisions to the classification and retention schedule, as required, for compliance with applicable legislation or for municipal business purposes;
- (c) to ensure a corporate records and information management program is established to provide for the systematic control of the creation, use, maintenance, storage, security, retrieval, and disposition of records, in any medium, created or received by the County in the conduct of its operations; and
- (d) to delegate, and to authorize further delegation of the authorities in this bylaw to any employee of the municipality, in accordance with the CAO Bylaw of the County.

RECORDS DISPOSITION OR DESTRUCTION

- 5.0 All official records, excluding transitory records, may be disposed of in accordance with the retention schedule established by the CAO.
- 5.1 All transitory records which do not contain confidential information will be disposed of at any time when they no longer serve any valid purpose.
- 5.2 All transitory records that contain personal or confidential information shall be disposed of in a secure manner at any time when they no longer serve any valid purpose.
- 5.3 The CAO may authorize the destruction of the original copies of records prior to the time outlined in the retention schedule if those originals have been converted to electronic format that will enable copies of the originals to be made.

- 5.4 Upon expiration of the period established in the retention schedule, and if no reason exists for further retention of a given class of records, the records may be disposed of.
- 5.5 When official records have been disposed of under the authority of this bylaw, written certification of the disposition shall be permanently kept, including:
- (a) Records destroyed;
 - (b) Records transferred, loaned or archived;
 - (c) Records transferred to other municipalities.
- 5.6 Where official records are destroyed under the authority of this bylaw, the proper and complete destruction thereof shall occur.
- 5.7 Destruction of all official records, shall be carried out in the presence of a witness. The individuals destroying the records shall provide documented evidence of destruction attesting to the time and location of the destruction, together with a list of the records destroyed and the names of the persons who witnessed the destruction. The statements of destruction shall be permanently filed.
- 5.8 Disposition of election material shall be in accordance with the provisions of the *Local Authorities Election Act*, Revised Statutes of Alberta, 2000, Chapter L-21 and amendments thereto.

PERSONAL INFORMATION

- 6.0 Under the authority and pursuant to the *Municipal Government Act*, R.S.A 2000, cM-26.1 s214 (3), if an individual's personal information will be used by the County to make a decision that directly affects the individual, the municipality 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 the information.

DISCRETION

- 7.0 Records may be retained longer than the period required in the retention schedule when deemed appropriate to do so, or where the CAO has:
- (a) received an indication that there is or may be any litigation or FOIP request involving any said records;
 - (b) approved a request to retain any said records for a business purpose; or
 - (c) approved a request to retain any said records for historical purposes.
- 7.1 Decisions to retain records longer than the period provided for herein, shall be recorded in the records information management system as a records and information hold.

REPEAL

- 13 Bylaw 09-019, Records Retention Bylaw is hereby repealed upon this Bylaw coming into effect.

EFFECTIVE DATE

14 This Bylaw shall come into effect upon passing of the third reading.

MOTION BY DEPUTY MAYOR TKACHUK THAT BYLAW 19-021 BE GIVEN FIRST READING THIS 9TH DAY OF JULY, 2019.

MOTION BY COUNCILLOR BORGUN THAT BYLAW 19-021 BE GIVEN SECOND READING THIS 9TH DAY OF JULY, 2019.

MOTION BY COUNCILLOR STEDMAN THAT BYLAW 19-021 BE GIVEN SUBMITTED FOR THIRD READING THIS 9TH DAY OF JULY, 2019

MOTION BY COUNCILLOR MOORE THAT BYLAW 19-021 BE GIVEN THIRD READING THIS 9TH DAY OF JULY, 2019.

"Original Signed"
Mayor

"Original Signed"
Chief Administrative Officer