

**BYLAW 04-2023 A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR THE MANAGEMENT, RETENTION, AND DISPOSITION OF THE TOWN OF BRUDERHEIM'S RECORDS AND INFORMATION.**

**WHEREAS**, pursuant to section 214 of the Municipal Government Act, RSA 2000, Chapter M-26, a 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, RSA 2000, c.F25, 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

**WHEREAS**, it is the desire of the Town of Bruderheim 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 Town of Bruderheim; 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 17-2018 as set out in Section 692 of the Municipal Government Act, RSA 2000, Chapter M-26 as amended;

The Council of the Town of Bruderheim in the province of Alberta hereby enacts as follows:

**PART 1: SHORT TITLE**

1. This Bylaw is called "*The Records Retention and Disposition Bylaw*".

**PART 2: DEFINITIONS**

2. In this Bylaw, unless context otherwise requires:
  - a. **CAO** means the Chief Administrative Officer, as defined in the Municipal Government Act, or delegate duly appointed by the Chief Administrative Officer of the Town of Bruderheim
  - b. **CONFIDENTIAL** means any record that contains:
    - i) Personal information about individuals;
    - ii) Third party, commercial, financial, scientific, or technical information supplied either explicitly or implicitly in confidence; or,
    - iii) Any other sensitive information as described in Sections 15-28 of the Freedom of Information and Protection of Privacy Act.
  - c. **CONTROL** means having the authority for the management, access, use, disclosure, and protection of this record.
  - d. **CUSTODY** means having physical possession of the record.

- e. **DISPOSITION** means:
  - i) The destruction of records;
  - ii) The transfer, loan, or donation of records of enduring value; or,
  - iii) Permanent archive of records.
  
- f. **ELECTRONIC RECORD** means the 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.
  
- g. **FOIP** is the acronym for Freedom of Information and Protection of Privacy Act, RSA 2000.
  
- h. **MUNICIPAL MANAGER** means the Chief Administrative Officer, as defined in the Municipal Government Act, or delegate duly appointed by the Municipal Manager of the Town of Bruderheim.
  
- i. **PERSONAL INFORMATION** means 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 the Town of Bruderheim which have the administrative, operation, financial, legal, research or historic value.
  
- k. **TRANSITORY RECORD** means 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 retained before disposition.

### **PART 3: RECORDS RETENTION**

- 3. The Municipal Manager 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 record 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 Town in 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 Municipal Manager Bylaw of the Town.

### **PART 4: RECORDS DISPOSITION OR DESTRUCTION**

- 4. All official records, excluding transitory records, may be disposed of in accordance with the retention schedule established by the Municipal Manager.
  - a. All transitory records which do not contain confidential information will be disposed of at any time when they no longer serve valid purpose.
  - b. 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.

- c. The Municipal Manager 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 an electronic format that will enable copies of the original to be made.
- d. 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.
- e. When official records have been disposed of under the authority of this bylaw, written certification of the disposition shall be permanently kept, including;
  - i) Records destroyed;
  - ii) Records transferred, loaned or archived;
  - iii) Records transferred to other municipalities.
- f. Where official records are destroyed under the authority of this bylaw, the proper and complete destruction thereof shall occur.
- g. 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.
- h. 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.

#### **PART 5: PERSONAL INFORMATION**

- 5. Under the authority and pursuant to the Municipal Government Act, RSA 2000, cM-26.1 s214(3), if an individual's personal information will be used by the Town 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.

#### **PART 6: DISCRETION**

- 6. Records may be retained longer than the period required in the retention schedule when deemed appropriate to do so, or where the Municipal Manager 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.
- 6.1 The decision 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.

#### **PART 7: GENERAL**

- 7. The Classification and Retention Schedules will be published and presented to Council annually.

**PART 8: REPEAL**

8. Bylaw 17-2018 is hereby repealed upon third and final reading of Bylaw 04-2023.

**PART 9: EFFECTIVE DATE**

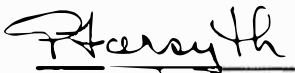
9. This Bylaw become effective on third and final reading and upon being signed.

Read a first time this 21 day of June, 2023

Read a second time this \_\_\_\_\_ of \_\_\_\_\_, 2023

Read a third time and finally passed this \_\_\_\_\_ of \_\_\_\_\_, 2023

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administration

Date Signed: July 5, 2023