

MOUNTAIN VIEW COUNTY

BYLAW NO. 16/20

Records & Information Management Bylaw

Mountain View County
Province of Alberta
Bylaw No. 16/20

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSITION OF MOUNTAIN VIEW COUNTY RECORDS AND INFORMATION

SECTION 1 - SHORT TITLE AND PURPOSE

- 1.01 This bylaw may be cited as the “The Records & Information Management Bylaw”.
- 1.02 The purpose of this bylaw is to provide a process to manage the retention and disposition of Mountain View County records, regardless of their medium. This bylaw addresses the complete life-cycle of records which includes the creation, use, receipt, access, maintenance, disclosure, retention and final disposition.
- 1.03 Municipal Government Act Section 214, Chapter M-26., RSA 2000 permits the municipality to pass Bylaws for the destruction of records
- 1.04 The Electronic Transactions Act Chapter E-5.5, RSA 2001 permits for an original record to be retained in an electronic form if there exists a reliable assurance as to the integrity of the information contained in the record, is retained in the same format in which the written record was created and the information in the record is accessible so as to be usable for subsequent reference.

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
- a) **“CAO”** shall mean Chief Administrative Officer, as defined in the Municipal Government Act, or delegate, duly appointed by the Chief Administrative Officer of Mountain View County.
 - b) **“County”** shall mean Mountain View County.
 - c) **“Electronics Management System”** shall mean the computer system selected by the County where information is stored, retained and/or disposed of in accordance with this Bylaw.
 - d) **“Official Record”** shall mean information in any form that constitutes a record of the business of Mountain View County which will have some future administrative, operational, financial, legal, research or historical value.
 - e) **“Personal Information”** shall mean any information about an identifiable individual.
 - f) **“Record”** shall mean information in any form and includes notes, images, audio-visual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored

in any manner, but does not include software or any mechanism that produces records. It includes handwritten notes and electronic correspondence or messages which are in the custody or control of the municipality.

- g) **"Retention Schedule"** shall mean the schedule that identifies the timeframe records must be retained before reaching final disposition as established through Internal Procedure by the Chief Administrative Officer.
- e) **"Transitory Record"** shall mean information in any form that has only immediate, short-term or no value and will not be required for future reference and may include duplicates that are deemed to be substantially the same as a record retained under the provisions of this Bylaw and working papers that are created for temporary use to support the official record.

SECTION 3 - RECORD RETENTION AND DISPOSAL

3.01 Authorization to dispose of official records must be in accordance with the Retention Schedule which contains provisions to ensure retention of official records compliance with federal and provincial statutes and regulations.

- a) Where, in this bylaw and the Retention Schedule, it is provided that Official Records of the County, in consultation with the appropriate department, shall be:

- i) ***Destroyed***

- Such records shall be destroyed without any copy thereof being retained.

- ii) ***Transferred to Archives***

- Such records shall be released to either the Provincial Archives of Alberta or other local archives upon the decision and direction of the CAO.

- b) Should an individual's personal information be used by the County to make a decision that directly affects the individual, the County shall retain the personal information for at least one (1) year after using it so that the individual has a reasonable opportunity to obtain access to it.

3.02 Transitory records can be disposed of at any time when they no longer serve any valid purpose. A transitory record is not subject to legislated retention and therefore does not need to follow the standard disposition procedure required for official records. Transitory records containing potentially confidential information shall be disposed of in a manner so that the information contained therein is completely obliterated.

3.03 All Records, except those listed in Section 3.04, may be stored exclusively electronically on the County's Electronic Management System for the time period established in the Retention Schedule provided that the Records can be reproduced in substantially the same format as the original document. Upon being stored electronically, original records may be disposed of immediately upon confirmation that the electronic record is substantially the same as the original record.

- a) In accordance with Section 272 of the *Municipal Government Act* Records that have been signed and sealed by the County may be reproduced and have the same effect as if the signatures and seals had been personally signed and/or affixed.

3.04 The following Records shall be maintained in an original hardcopy format, but may be stored electronically on the County's Electronic Management System for convenience purposes:

- a) Approved Bylaws
- b) Approved Council Minutes

SECTION 4 - DISCRETION

4.01 The CAO shall have discretion to retain records longer than the period required in this bylaw and shall do so where the CAO deems it appropriate and shall do so where the CAO has received an indication that there is, or may be, any litigation involving the said records.

SECTION 5 - RECORDS OF RETENTION AND DESTRUCTION

5.01 When Official Records have been destroyed under this bylaw, the CAO shall so certify in writing. Such certification shall refer to the relevant Retention Schedule Category identify the records destroyed.

- a) The CAO shall keep a record of:
 - i) Records destroyed;
 - ii) Records transferred to archives;
 - iii) Records transferred to other municipalities
- b) Where Official Records are destroyed under this bylaw, the CAO shall ensure the proper and complete destruction thereof.
- c) Destruction of all Official Records shall be carried out in the presence of a witness. The person destroying the records shall provide a statement in writing attesting to the time and place of the destruction of the records, together with a list of the records destroyed and also the names of the persons who witnessed the destruction. The County shall permanently retain the statement of disposition.

SECTION 6 - RECORDS RETENTION SCHEDULES

6.01 The Chief Administrative Officer is authorized to establish a Retention Schedule which shall be used to determine the retention and disposal requirements for all Official Records of the County and of the records of any local boards which are in the custody or control of the County.

SECTION 7 - FOIP REQUESTS

7.01 Where the CAO has received an indication that there is, or may be, a FOIP request involving any official records scheduled for destruction, the CAO is obligated to retain said records for a period of one (1) year after the FOIP request has been made unless a decision has been made according to Section 4.01. Such decisions to retain the records for longer than the period provided for herein shall be recorded.

SECTION 8 – CORPORATE RECORDS CARE AND CONTROL

- 8.01 Records in the care and control of County departments are property of the County.
- 8.02 Records in the care and control of an outside agency are under control of the County when:
 - a) the record is specified in the contract as being under control of the County;
 - b) the content of the record relates to the County’s mandate and functions;
 - c) the County has the authority to regulate and control the records use and disposition;
 - d) the outside agency is a consultant and the record was created for the County; or
 - e) the contract permits the County to inspect, review or copy the records produced, received or acquired.

SECTION 9 - STORAGE

- 9.01 It shall be the responsibility of the CAO to provide for the security and storage of all County records including the determination as to the format that Records will be stored.

SECTION 10 - REPEAL OF BYLAW

- 10.01 Bylaw No. 04/13 and amendments thereto are hereby repealed.

SECTION 11 - EFFECTIVE DATE

- 11.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

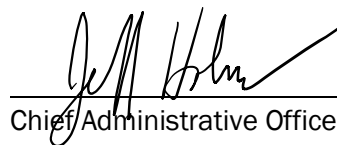
Read the first time this 10th day of June 2020.

Read the second time this 10th day of June 2020.

Read the third time this 24th day of June 2020.



Reeve



Chief Administrative Officer

June 24, 2020

Date of Signing