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BYLAW 1105/06

RECORDS AND INFORMATION MANAGEMENT BYLAW

STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF MANAGING THE COUNTY'S CORPORATE RECORDS IN ACCORDANCE WITH FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION AND THE MUNICIPAL GOVERNMENT ACT.

WHEREAS, pursuant to the provisions contained in the *Freedom of Information and Protection of Privacy Act* (Alberta), Section 2, Sturgeon County must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction.

WHEREAS, pursuant to the provisions contained in the *Municipal Government Act* (Alberta), Section 214, the Council of Sturgeon County may pass a bylaw respecting the destruction of records and documents of the municipality.

AND WHEREAS, 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.

NOW THEREFORE the Council of Sturgeon County, duly assembled, hereby enacts as follows:

¹DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
 - a) “**Archives**” means the Musée Heritage where archival records will be transferred.
 - b) “**County**” means Sturgeon County;
 - c) “**Department**” means the internal administrative division of the County Administration headed by a Manager, and for the purposes of records management, includes any board, committee, commission, panel, agency or corporation that is identified in Schedule “A” as being included in a department;

¹ 1518/20

- d) **“Digitization”** means the process of rendering physical (hard copy) recorded information in electronic (digital) form.
- e) **“Digitization Program”** means the process and standards to create digitized records that are sufficiently authentic, trustworthy, and reliable to serve as County Records and allow for the suitable management of digitized records as County Records.
- f) **“Disposition”** means:
 - a. the destruction of records,
 - b. the storage of records
 - c. or the transfer of records of value to Musée Heritage for archival purposes.;
- g) **“Outside Agency”** means an organization under a contract with the County;
- h) **“Record”** means a record of information in any form and includes notes, images, audiovisual 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;
- i) **“Records and Information Management”** means the application of systematic control over records throughout their life cycle, including but not limited forms management, publications management, records inventory, corporate records structure development, and implementation, file maintenance procedures development, filing equipment selection, correspondence and reports maintenance, records scheduling and disposition, FOIP Coordination, management and maintenance of records management software, disaster prevention and recovery planning, and creation of vital records management.

2CORPORATE RECORDS STRUCTURE, RETENTION, AND FINAL DISPOSITION

2. All records in the custody and or control of Sturgeon County must be managed in accordance with policy and procedures established by Sturgeon County pursuant to controlling legislation such as the Municipal Government Act, the Freedom of Information and Protection of Privacy Act, and the Limitations Act.
3. The County adopts the Sturgeon County Corporate Records Structure and Digitization Program and authorizes the CAO to move any required amendments thereto from time to time.
4. This bylaw addresses the lifecycle of the record, which includes the creation, use, receipt, access, maintenance, disclosure, retention and final disposition.
5. The classification, maintenance, retention and final disposition of all County records shall be in accordance with the Sturgeon County Corporate Records Structure, as amended from time to time.

6. If an individuals' personal information will 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 year after using that information so that the individual has a reasonable opportunity to obtain access to the information
7. Where in the Sturgeon County Corporate Records Structure, it is provided that a record shall be:
 - a. destroyed, such records shall be destroyed without any copy thereof being retained, or
 - b. placed in archives, such records shall be released to Archives upon the decision of the Records Management Coordinator; or
 - c. placed in off-site storage, shall be so places, to live out their retention period on the condition that the records are in-active or semi in-active; or
 - d. remain active within a County department or under the custody of an Outside Agency.
8. The complete and proper destruction of records under this Bylaw is the responsibility of all employees of the County in accordance with the Sturgeon County Corporate Records Structure and any guidelines approved by the CAO regarding the destruction of records.

CORPORATE RECORDS CARE AND CUSTODY

9. Records in the care and custody of County departments are the property of the County.
10. Records in the care and custody of an outside agency are under the County's control when:
 - i. the record is specified in the contract as being under the control of the County;
 - ii. the content of the record relates to the County's mandate and functions;
 - iii. the County has the authority to regulate the record's use and disposition;
 - iv. the outside agency is a consultant, and the record was created for the public body; or
 - v. the contract permits the County to inspect, review, or copy the records produces, received, or acquired.

EFFECTIVE DATE

11. That, Bylaw 635/89, The Records Retention By-Law, will be rescinded upon third and final reading of this bylaw.

This Bylaw shall come into force and take effect upon being passed.

NOTE: Consolidation created under Section 69 of the *Municipal Government Act*, RSA 2000, C.M-26 and Bylaw 1473/20, printed under the authority of Legislative Services.

Amendments:Bylaw 1518/20, passed by Council October 13, 2020.