

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW NO. 2015-33

BEING A BYLAW TO REGULATE THE RETENTION AND DISPOSITION OF COUNTY RECORDS IN ACCORDANCE WITH THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION AND THE ALBERTA MUNICIPAL GOVERNMENT ACT

WHEREAS pursuant to the provisions in Section 38, Part 2 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25, Parkland County must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction; and

WHEREAS pursuant to Section 214(2) of the *Municipal Government Act*, RSA 2000, Chapter M-26 Parkland County Council may pass a bylaw respecting the controlled destruction of records and documents of the municipality; and

WHEREAS pursuant to Section 214(3) of the *Municipal Government Act*, RSA 2000, Chapter M-26, a bylaw required under Section 214(2) must provide that if an individual's personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it; and

WHEREAS pursuant to Section 3(e) of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25 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 Parkland County, in the Province of Alberta, duly assembled, hereby enacts the following:

TITLE

1. This bylaw shall be known as the "Records Management Bylaw", may be cited as such, and will be referred to herein as "this bylaw".

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:
 - (1) "Chief Administrative Officer" means the person appointed to the position under section 205 of the *Municipal Government Act*;
 - (2) "County" means Parkland County;
 - (3) "Disposition" means a range of approved processes associated with the retention, destruction, transfer, or archival preservation of County Records;
 - (4) "Legal Hold" means the process of preserving all records collected and maintained as relevant information specific to a pending or anticipated litigation;
 - (5) "Record" means information created or received in any form that provides evidence of business activity, and includes notes, images, audiovisual recordings, documents, maps, drawings, photographs, letters, and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include transitory records, software or any mechanism that produces records;
 - (6) "Records Management" means the discipline and organizational function of managing records to meet business needs, accountability requirements and community expectations;
 - (7) "Records Management Program" means Parkland County's overarching scheme to administer corporate records throughout their lifecycle from creation or receipt, to active and semi-active use, to final disposition by way of destruction, permanent retention, transfer, or archival storage;
 - (8) "Records Retention and Disposition Schedules" means a collection of control documents that identify the length of time (retention period) that County records must be retained before disposal, the closure criteria that permits the disposal, the categories of disposition, and any applicable legal citations that support the records disposal;
 - (9) "Transitory Record" means information that is not required to fulfill statutory obligations or sustain operational functions. Transitory records have short-term, immediate, or no value to the organization and do not record approvals, recommendations, opinions, decisions or transactions of the County.

INTERPRETATION

3. The headings in this bylaw are for reference purposes only.

RECORDS RETENTION AND DISPOSITION

- 4. The Chief Administrative Officer or delegate shall establish a Records Management Program which includes Records Retention and Disposition Schedules that shall be reviewed and amended as required to ensure County records continue to be identified and managed.
- 5. The Chief Administrative Officer or delegate shall ensure that all County records are disposed of in accordance with the Records Retention and Disposition Schedules.

DESTRUCTION OF RECORDS

- 6. When records have reached their eligible destruction date, the Chief Administrative Officer or delegate shall provide written authorization to destroy the records in accordance with the Records Retention and Disposition Schedules.
- 7. Records relevant to an audit, access to information request or legal hold shall be exempt from the destruction guidelines of the Records Retention and Disposition Schedules. Upon completion of the audit, access request, or legal hold, all exempt records must be retained as evidence of County business activity until the time limitation for court action has expired.
- 8. If an individual's personal information is used by the County to make a decision that directly affects the individual, the County must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

ENACTMENT/TRANSITION

- 9. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 10. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this 12th day of January 2016.

READ A SECOND TIME this 12th day of January 2016.

READ A THIRD TIME and finally passed this 12th day of January 2016.



Mayor



Chief Administrative Officer