



**Town of Blackfalds
BYLAW NO. 1249.20**

**A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO ESTABLISH
REGULATIONS FOR THE SYSTEMATIC MANAGEMENT, RETENTION AND DISPOSITION OF
TOWN OF BLACKFALDS RECORDS AND INFORMATION.**

WHEREAS the Council of the Town of Blackfalds deems it necessary and appropriate that municipal records and information, consisting of both paper and/or electronic format, be retained, and disposed of in compliance with Federal and Provincial legislation and regulations; and

WHEREAS Section 208(1)(b) of the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, stipulates that all bylaws, minutes of Council meetings and other records and documents of the municipality are kept safe; and

WHEREAS the *Municipal Government Act*, Section 214(2), as amended, provides that 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, Chapter F-25, as amended, mandates that the Head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, use, disclosure or destruction; and

WHEREAS Section 3(e)(ii) 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, resolution or other legal instrument by which a local public body acts; and

WHEREAS the *Electronic Transactions Act*, RSA 2000, Chapter E5.5, Section 20, provides that if a public body (as defined by the *Freedom of Information and Protection of Privacy Act*) has the power to create, collect, receive, use, store, transfer, disclose, distribute, publish or otherwise deal with information and records, it has the power to do so electronically.

NOW THEREFORE the Council of the Town of Blackfalds in the Province of Alberta, duly assembled and under the powers conferred upon it by authority of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, enacts as follows:

PART 1 - TITLE

1.1 That this Bylaw may be cited as the "Records and Information Management Bylaw" for the Town of Blackfalds.

PART 2 - DEFINITIONS

2.1 In this bylaw:

- a) **"CAO"** means the Chief Administrative Officer.
- b) **"Control"** means possessing the authority for management, access, use, disclosure, and protection of a record(s).
- c) **"Council"** means the body of Elected Officials of the Town of Blackfalds.
- d) **"Custody"** means physical possession of a record(s).
- e) **"Disposition"** means the final stage in the records lifecycle which consists of destruction, indefinite retention, or archival preservation.
- f) **"Employee"** means any person hired by the Town of Blackfalds, including those who perform services as appointees, volunteers, students or under contract with the municipality.
- g) **"Electronic Record"** means information that is recorded or stored, on any medium, in or by a computer system or similar device and can be read or perceived by a person on a computer system or similar device.
- h) **"File Plan"** means a timetable that provides for the classification of official records, aids in the identification of vital records and outlines retention periods and disposition details for all Town records.

- i) **"Head"** means the Chief Administrative Officer for the Town of Blackfalds under the *Freedom of Information and Protection of Privacy Act*.
- j) **"Municipality"** means the Town of Blackfalds.
- k) **"Official Record"** means recorded information, in any format, that provides evidence of a business decision, action or transaction.
- l) **"Personal Information"** means recorded information about an identifiable individual.
- m) **"Retention Period"** means the total length of time a record, regardless of format, must be kept before final disposition is implemented.
- n) **"Retention Schedule"** is synonymous with File Plan for the purposes of this bylaw.
- o) **"Transitory Record"** means information of immediate, short-term, or no value to the municipality and will not be required for future reference. Transitory records are required for a limited period for the completion of a routine action.
- p) **"Vital Record"** means recorded information that is required to re-establish the Town's authority as a government and resume normal operation following a disaster or emergency.

PART 3 – RECORDS CUSTODY AND CONTROL

- 3.1 Records in the custody and control of Town departments remain the property of the municipality and must be managed in accordance with the Management of Records and Information Policy.
- 3.2 Records in the custody of an outside agency fall under the Town's control when:
 - a) the record is specified in the contract as being under the control of the municipality;
 - b) the content of the record relates to the Town's mandate and functions;
 - c) the municipality has the authority to regulate use and disposition of the record(s); and
 - d) the outside agency is a contractor and the record(s) were created for the Town.
- 3.3 Once the record(s) are under the control of the municipality, the Town is permitted to inspect, review and/or copy them as required.

PART 4 – RECORDS RETENTION AND STORAGE

- 4.1 The CAO is hereby authorized to:
 - a) establish a records management policy;
 - b) develop, and amend as necessary, a corporate file plan which shall identify retention and disposition requirements for all Town records as driven by legislative and regulatory obligation in addition business need;
 - c) determine whether a record shall be maintained physically or electronically;
 - d) retain any record(s) longer than outlined retention periods when it is deemed appropriate or in response to legal holds;
 - e) provide for the security and storage of all Town records; and
 - f) delegate, and to authorize further delegation of the authorities in this bylaw to any employee of the municipality, in accordance with Section 209 of the *Municipal Government Act*.

PART 5 – RECORDS DISPOSITION

- 5.1 Pursuant to Section 214(1) of the *Municipal Government Act*, Council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will allow copies of the originals to be made.
- 5.2 All official records may be disposed of in accordance with the Management of Records and Information Policy and the file plan established by the CAO.
- 5.3 Any official record(s) which are not referenced in the file plan may only be destroyed under the direction and written approval of the CAO.
- 5.4 Transitory records are exempt from the provisions of this bylaw and may be routinely discarded.



**Town of Blackfalds
BYLAW NO. 1249.20**

- 5.5 Upon expiration of the retention period(s) outlined in the file plan, official records may be disposed of by way of:
- a) proper and complete destruction,
 - b) long-term preservation,
 - c) transfer to the Blackfalds Historical Society, or
 - d) transfer to the Provincial Archives of Alberta
- 5.6 Destruction of all official records shall be carried out in the presence of an authorized witness. The vendor assigned to complete the destruction shall provide documented evidence attesting to the date, time, and location of the destruction as well as the volume of materials destroyed. The certificates of destruction shall be retained on an indefinite basis.
- 5.7 The CAO may authorize destruction of physical records prior to their mandated retention period(s) if those originals have been converted to a verified electronic format that will enable reliable copies of the originals to be made.
- 5.8 The CAO may authorize the transfer of original records of historical value to the Blackfalds Historical Society or the Provincial Archives of Alberta.

PART 6 – ELECTION RECORDS

- 6.1 Disposition of election material shall be completed in accordance with the provisions of the *Local Authorities Election Act*, R.S.A. 2000, Chapter L-21 and amendments thereto.

PART 7 – FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- 7.1 The CAO shall not authorize the destruction of any record which is known to be the subject of an active or pending access request.
- 7.2 In accordance with Section 35(b) of the *Freedom of Information and Protection of Privacy Act* and Section 214(3) of the *Municipal Government Act*, where an individual's personal information is used to make a decision that directly affects the individual, the Town shall retain the record(s) containing the personal information for a minimum of one year following the decision.

PART 8 - PARAMOUNTCY

- 8.1 Should conflict exist between this bylaw or the Management of Records and Information Policy and Federal or Provincial legislation, the Federal or Provincial legislation shall apply.

PART 9 - REPEAL


- 9.1 That Bylaw No. 893/01 and amendments thereto are hereby rescinded.


PART 10 - DATE OF FORCE

- 10.1 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 21st day of September, 2020 A.D.

(Resolution No. 261/20)


MAYOR RICHARD POOLE


CAO MYRON THOMPSON

READ for the second time this 13th day of October, 2020 A.D.

(Resolution No. 279/20)


MAYOR RICHARD POOLE


CAO MYRON THOMPSON

READ for the third and final time this 13th day of October, 2020 A.D.

(Resolution No. 280/20)


MAYOR RICHARD POOLE


CAO MYRON THOMPSON