

BYLAW NO. 21-16

LEDUC COUNTY

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A POLICY AND RETENTION SCHEDULE FOR THE RECORDS AND INFORMATION PROGRAM AND THAT BYLAW NOS. 16-00, 10-04 AND 9-07 BE RESCINDED.

WHEREAS

pursuant to section 214 of the *Municipal Government Act* being Chapter M-26, Statutes of Alberta and amendments thereto Leduc County Council may pass a bylaw respecting the destruction of records and documents of the municipality. This will include all records regardless of their medium supporting County activities both current and future ensuring Business, Legislative, Fiscal and Historical requirements have been met; and

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

be it resolved that the Council of Leduc County duly assembled hereby enacts as follows:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

- 1 The purpose of this Bylaw is to establish policy and best practices for a program to manage the creation, organization, use, receipt, access, maintenance, storage, retention and disposal of the records of Leduc County regardless of their medium.

DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
 - (a) “**County**” means the Leduc County and includes any board, committee, panel, agency or corporation that is created or owned by Leduc County and all the members or officers of which are appointed or chosen by Leduc County;
 - (b) “**County Manager**” means the person appointed as the Chief Administrative Officer of Leduc County, and includes any person who holds the position of County Manager in an Acting capacity;
 - (c) “**Record**” as defined in the *Freedom of Information and Protection of Privacy Act*, being Chapter F-25; Statutes of Alberta and amendments thereto;
 - (d) “**Transitory Record**” is one that has only immediate, short-term or no value to the County. Transitory records can include working papers that are created for temporary use which supports the official copy in the filing system. A transitory record is not subject to legislated retention and is not required for operational purpose; therefore, does not need to follow the standard disposition procedure required for official records.
 - (e) “**Records Management**” means the application of systematic control over records throughout their life cycle, including but not limited to forms management, records inventorying, filing systems development and implementation, file maintenance procedures development, filing equipment selection, and records scheduling and disposition.

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PART I - CORPORATE RECORDS

**CARE AND
CUSTODY**

3 Records in the care and custody of County Departments are the property of the County.

Where records are in the possession of an Outside Agency, such records will be under the County's control when:

- (a) the record is specified in the contract as being under the 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 the record's use and disposition;
- (d) the Outside Agency is a consultant, and the record was created for the public body; or
- (e) the contract permits the County to inspect, review, or copy the records produced, received or acquired.

**DISPOSITION AND
STORAGE**

4 Disposition and storage of all County records must be in accordance with the Corporate Records and Information Management Policy.

5 The *Freedom of Information and Protection of Privacy Act*, being Chapter F-25 provides 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.

6 An audit trail will be kept of:

- i) Records destroyed; and
- ii) Records retained permanently.

7 Where records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the County Manager or his designate.

8 The County Manager or his designate shall always have a discretion to retain records longer than the period provided for in this By-Law and shall do so where the County has received an indication that there is or may be any litigation involving any of the said records.

This Bylaw repeals Bylaw Nos. 16-00, 10-04 and 9-07.

This Bylaw shall come into effect upon final reading.

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DONE AND PASSED in open Council assembled at Nisku, in the Province of Alberta, this 27 day of September, A.D. 2016.

Read a first time this 27th day of September, A.D. 2016.

Read a second time this 27th day of September, A.D. 2016.

Read a third time with the unanimous consent of the Council Members present and finally passed this 27th day of September, A.D. 2016.

John Whaley

MAYOR

[Signature]

COUNTY MANAGER