

APPENDIX A

BYLAW NO. 1859

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO ESTABLISH STANDARDS FOR THE RETENTION, MANAGEMENT, USE, DISCLOSURE AND DESTRUCTION OF MUNICIPAL RECORDS HEREBY CITED AS THE RECORDS MANAGEMENT BYLAW.

WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

AND WHEREAS, under section 208 of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, it shall be of the responsibility of the Chief Administrative Officer to ensure that all records and documents of the municipality are kept safe;

AND WHEREAS, under section 214 of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, Council may pass a bylaw respecting the destruction of records and documents of the municipality;

AND WHEREAS, under Section 38 of the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, Chapter F-25, and amendments thereto, the municipality must protect personal information by making reasonable security arrangements against such risk as unauthorized access, collection, use, disclosure or destruction;

AND WHEREAS, under Section 10 of the Electronic Transactions Act, S.A. 2001, Chapter E-5.5, and amendments thereto, information or a record to which this Act applies must not be denied legal effect or enforceability solely by reason that it is in electronic form;

AND WHEREAS, the Council of the Municipal District of Bonnyville No. 87 deems it necessary and appropriate to ensure municipal records, both paper and electronic format, are retained and disposed of in a manner consistent with applicable statutes and regulations;

AND WHEREAS, Council recognizes that records and information are a valuable resource critical to municipal operations, and are committed to ensuring that all records, regardless of their format or medium are managed efficiently, effectively, and in accordance with all legal and regulatory requirements;

NOW THEREFORE, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

1 DEFINITIONS

- 1.1 Words in the singular shall include the plural or vice versa whenever the context so requires.
- 1.2 In this Bylaw:
 - (a) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipal District of Bonnyville appointed by Council, or their authorized delegate;
 - (b) "Council" means the duly elected Council of the Municipal District of Bonnyville No. 87;

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- (c) “Delegate” means a person who is authorized to exercise certain powers of the Chief Administrative Officer;
- (d) “Destruction” means the disposal of records using secure methods approved by the Chief Administrative Officer;
- (e) “Disposition” means the final retention action carried out on a record and may include secure destruction or permanent storage at an approved storage facility;
- (f) “Medium” means the form in which a record is provided;
- (g) “Personal Information” means the same as defined in the *Freedom of Information and Protection of Privacy Act*, R.S.A., Chapter F-25, as amended;
- (h) “Record” means information in any recorded format that is in the custody and control of the Municipal District of Bonnyville No. 87 which includes but is not limited to documents (whether in hard copy or electronic format), handwritten notes, draft documents, voice mails, vouchers, drawings, letters, paper, e-mails, books, maps, and photographs;
- (i) “Record Retention Schedule” means a comprehensive schedule identifying the municipality’s records and indicates the retention period the records must be retained and accessible after the closure criteria has been met;
- (j) “Transitory Record” means any record, typically received or produced in the course of routine actions or for convenient reference, that contains information not considered to be of ongoing value to the municipality;
- (k) “Vital record” means any record that is utilized to carry out a function or obligation of the municipality and in which holds administrative, operational, financial, legal and/or historical value to the Municipal District of Bonnyville No. 87 and must be retained for the purpose thereof.

2 AUTHORITY AND RESPONSIBILITY

2.1 It shall be the responsibility of the Chief Administrative Officer to:

- (a) Establish and enforce a Records Management Program for the Municipal District of Bonnyville No. 87 in accordance with federal and provincial legislation.
- (b) Ensure that all records are retained or disposed of in accordance with this provincial legislation and this Bylaw.
- (c) Ensure that all records are retained or disposed of in a confidential manner and in accordance with applicable federal and provincial legislation, and the Record Retention Schedule established as part of the municipal Records Management Program.
- (d) Authorize the destruction of the original copies of records prior to the retention outlined in the Record Retention Schedule if those originals have been converted to an electronic format that will enable copies of the originals to be made.

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3 RECORDS MANAGEMENT

- 3.1 Municipal staff must ensure that any records they create, receive, or use are managed and controlled in accordance with the Municipal District of Bonnyville No. 87's Records Management Program.
- 3.2 All records in the custody and control of the Municipal District of Bonnyville No. 87 shall be securely stored to protect information and to prevent unauthorized access.
- 3.3 The municipality's Record Management Program shall apply to all records in the custody and control of the Municipal District of Bonnyville No. 87 regardless of their medium.
- 3.4 Physical Records will be stored in a secure location approved by the Chief Administrative Officer until they are copied in an electronic format that will enable copies of the originals to be made, or until they are eligible for destruction under the Record Retention Schedule.
- 3.5 Records originally created, sent, or received electronically shall be retained in the same format, or in a format that accurately represents the information contained in the record that was originally created, sent, or received.
- 3.6 Records identified as official are fundamental to the Municipal District of Bonnyville No. 87's ability to function and contain information necessary to recreate legal and financial status, and to preserve the rights and obligations of stakeholders including employees, customers, and citizens.

4 RECORD RETENTION AND DESTRUCTION

- 4.1 All substantive records will be retained and destroyed in accordance with this Bylaw and the Records Management Program.
- 4.2 Any substantive record not referenced in the Record Retention Schedule may only be destroyed with direction and written approval of the Chief Administrative Officer. A listing of substantive records not referenced will be maintained.
- 4.3 All personal information collected or used for the purpose of making a decision that directly affects the respective individual shall be retained for a period of at least one year after the information is used to make a decision in accordance with provincial legislation. This retention period shall override any other conflicting records retention period.
- 4.4 Transitory records may be discarded routinely following established procedures.
- 4.5 Paper records are only to be digitized and destroyed in accordance with the Records Management Program.
- 4.6 Records are to be reviewed for retention and disposition on an annual basis.
- 4.7 Election material shall be destroyed in accordance with the *Local Authorities Election Act, R.S.A. 2000, Chapter L-21*.

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5 REPEAL

5.1 Upon third reading of Bylaw No. 1859, Bylaw No. 1658 and all amendments thereto are hereby repealed.

6 SEVERABILITY

6.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

7 EFFECTIVE DATE

7.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

READ A SECOND TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

READ A THIRD TIME IN COUNCIL THIS _____ DAY OF _____, 2024.

REEVE

CHIEF ADMINISTRATIVE OFFICER