

BYLAW 2506/G/14

**BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA TO
PROVIDE FOR THE MANAGEMENT OF MUNICIPAL RECORDS**

ADMINISTRATIVE NOTE: Legislative references, such as from the Municipal Government Act (s.154 MGA 2000), are indicated in parentheses and do not form part of this bylaw.

WHEREAS pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000 and amendments thereto, a council may pass a bylaw respecting the destruction of records and documents of the municipality;
(s.214 MGA)

AND WHEREAS the judicial life cycle of records and documents of the municipality are consistent with the *Alberta Evidence Act*, Revised Statutes of Alberta 2000 and *Electronic Transactions Act*, Statutes of Alberta 2001;
(AEA s.41; ETA ss.1, 10, 20)

AND WHEREAS the regulations and procedures for municipal records and documents are consistent with all statutes of Alberta and Canada;

AND WHEREAS it is the desire of the Town of Stony Plain to provide for regulations and procedures governing the retention and disposition of municipal documents;

NOW THEREFORE, the Council of the Town of Stony Plain, in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0.0 Title

1.1.0 This bylaw may be cited as the "Records & Information Management" Bylaw

2.0.0 Definitions

In this bylaw:

- 2.1.0 "Council" means the Council of the Town of Stony Plain;
- 2.2.0 "Convenience Copy" means a printed or stored copy of the official record used for ease of reference that is not altered from the master record. Transitory in nature and can be discarded when no longer useful;
- 2.3.0 "Designated Officer" means that person delegated a responsibility by the Chief Administrative Officer;
(ss.209, 210 MGA)
- 2.4.0 "Disposal" means to permanently loan, store outside Town facilities, destroy; or electronically delete;
- 2.5.0 "Electronic Record" means information that is recorded or stored on any medium in or by a computer system or other similar device and can be read, reproduced, or perceived by a person or a computer system or other similar device;
(s.41.1 AEA)
- 2.6.0 "Electronic Records System" includes the computer system or other similar device by or in which information is recorded or stored, and any procedures related to the recording and storage of electronic records;
(s.41.1 AEA)
- 2.7.0 "Master Record" The most complete record of an action, transaction or decision. It is the record that you rely on to take actions and make decisions. The master record is the complete record maintained in the electronic system;
- 2.8.0 "Non-Electronic Records" means those records excluded from the Electronic Record definition as noted in this bylaw and are often referred to as paper records;
- 2.9.0 "Record" means information in the custody or under control of the Town in non-electronic or electronic media, including but not limited to financial data, land files, minutes of meetings, contracts, correspondence and any other documents kept by the Town;
- 2.10.0 "Schedule A" means the Records Retention and Disposition Schedule as amended from time to time;

2.11.0 "Town" means the corporation of the Town of Stony Plain;

3.0.0 Authority and Powers

- 3.1.0 Council may authorize the destruction of paper records if the originals have been recorded on microfiche or on another electronic system that will enable copies of the originals to be made.
(s.214 MGA)
- 3.2.0 Notwithstanding the clause above and any superseding legislation, other records may be destroyed in accordance with Schedule A.
- 3.3.0 Election material shall be destroyed in accordance with the Local Authorities Election Act, RSA 2000.
(s.101 LAEA)
- 3.4.0 A Designated Officer may review and amend Schedule A from time to time for accuracy of retention and disposition time periods, meeting all audit and legal requirements, legislation, and regulations.
- 3.5.0 The Designated Officer is authorized to release or permanently loan records to the Provincial Archives of Alberta, Multicultural Heritage Centre, local Museum or other archival entity. These records shall be recorded on a "Certificate of Gift" form, or equivalent documentation, as provided by the archival entity. This document will be permanently retained in the Town's records system.

4.0.0 General Retention and Disposition

- 4.1.0 If an individual's personal information will be used by the Town to make a decision that directly affects that individual, the Town must retain the personal information for at least one year after using it.
(s.214(3) MGA)
- 4.2.0 The records retention and disposition schedule, known as Schedule A, must at least:
- 4.2.1 Describe the records under the control of the Town,
 - 4.2.2 Specify how long records must be kept,
 - 4.2.3 Show criteria for closure of records,
 - 4.2.4 Indicate the final disposition method of the records; and may
 - 4.2.5 State legislative reference where applicable.
- 4.3.0 Records are to be reviewed for retention and disposal on an annual basis and may be retained longer than the period provided for in Schedule A, as deemed necessary.
- 4.4.0 Schedule A does not form a part of this bylaw but is attached to this bylaw for reference purposes.
- 4.5.0 Pursuant to section 4.4.0 above, a current version of Schedule A will be retained at all times in the Town's records system.
- 4.6.0 Retained non-electronic records shall be kept in an appropriate medium such as storage box, file cabinet or binder with adequate identification of contents, time period and retention period.
- 4.7.0 Electronic records shall be kept in a secure manner with appropriate firewalls, administrative and user rights and safety measures, and retained and disposed of according to Schedule A.
- 4.8.0 Upon each occasion of disposing of or relocating electronic or non-electronic records, an affidavit shall be completed listing: a description of the records disposed, date of disposal, manner in which records were disposed, signature of person who disposed of records, and reason supporting destruction. This affidavit shall be retained permanently in the Town vault and/or through the Town's electronic records system.
- 4.9.0 Generally Accepted Recordkeeping Principles will be used as the guideline to effective records management and is attached as Schedule B but not forming part of this bylaw.

5.0.0 Effectiveness and Review

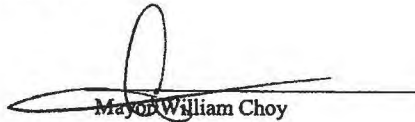
- 5.1.0 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.
- 5.2.0 Bylaw 2354/G/08 shall be repealed.
- 5.3.0 For the purpose of ensuring that the bylaw is reviewed for ongoing relevancy and necessity, it will be reviewed within its fifth year (balance forward to 2019) or sooner if deemed necessary.
- 5.4.0 This bylaw shall come into force and take effect upon the date of third and final reading in accordance with Section 213, Municipal Government Act, Revised Statutes of Alberta 2000.

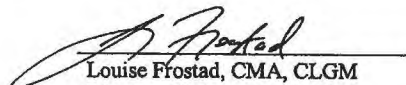
Read a first time this 10th day of February, A.D. 2014

Read a second time this 10th day of February, A.D. 2014

Given unanimous consent this 10th day of February, A.D. 2014

Read a third time this 10th day of February, A.D. 2014


Mayor William Choy


Louise Frostad, CMA, CLGM
Director of Corporate Services

DISPOSAL OF RECORDS AFFIDAVIT

(Does not form part of Bylaw 2506/G/14)

I, _____, swear (solemnly affirm) that, as authorized by the Town Council of the Town of Stony Plain in Bylaw 2506/G/14 the municipal records were disposed of as listed below:

<u>Description of Records</u>	<u>Date Disposed</u>	<u>Disposal Method</u>	<u>Reason</u>
• List the records disposed	• List date that records were disposed	• List manner in which records were disposed	• Specify reason for destruction, ie end of retention, obsolete, superseded, original paper record, duplicate

So help me God.

SWORN before me at the Town)
of Stony Plain in the Province)
of Alberta, this _____ day of)
_____, A.D., 20 _____)

Sample

Commissioner for Oaths

RETENTION AND DISPOSITION

Schedule A

**Attached to but not forming part of Bylaw
2506/G/14**

Printed October 1, 2008

Effective February 10, 2014

SCHEDULE B

(Does not form part of Bylaw 2506/G/14)

Generally Accepted Recordkeeping Principles (GARP)¹

- **Principle of Accountability**
An organization shall assign a senior executive who will oversee a recordkeeping program and delegate program responsibility to appropriate individuals, adopt policies and procedures to guide personnel, and ensure program auditability.
- **Principle of Integrity**
A recordkeeping program shall be constructed so the records and information generated or managed by or for the organization have a reasonable and suitable guarantee of authenticity and reliability.
- **Principle of Protection**
A recordkeeping program shall be constructed to ensure a reasonable level of protection to records and information that are private, confidential, privileged, secret, or essential to business continuity.
- **Principle of Compliance**
The recordkeeping program shall be constructed to comply with applicable laws and other binding authorities, as well as the organization's policies.
- **Principle of Availability**
An organization shall maintain records in a manner that ensures timely, efficient, and accurate retrieval of needed information.
- **Principle of Retention**
An organization shall maintain its records and information for an appropriate time, taking into account legal, regulatory, fiscal, operational, and historical requirements.
- **Principle of Disposition**
An organization shall provide secure and appropriate disposition for records that are no longer required to be maintained by applicable laws and the organization's policies.
- **Principle of Transparency**
The processes and activities of an organization's recordkeeping program shall be documented in an understandable manner and be available to all personnel and appropriate interested parties.

¹ <http://www.arma.org/garp/>