

CITY OF SPRUCE GROVE

BYLAW NO. C-639-07

RECORDS AND INFORMATION MANAGEMENT BYLAW

Being a Bylaw of the City of Spruce Grove, in the Province of Alberta to provide for the protection of personal information as well as the transfer, storage or destruction of any City record.

WHEREAS, pursuant to section 208(1)(d) of the *Municipal Government Act*, the Chief Administrative Officer must ensure that all records and documents of the municipality are kept safe, and

WHEREAS, the pursuant to section 38 of the *Freedom of Information and Protection of Privacy Act* RSA 2000, Chapter F-25, the head of a public body must protect personal information from unauthorized access, collection, use disclosure or destruction.

NOW THEREFORE, The Municipal Council of the City of Spruce Grove duly assembled, hereby enacts as follows:

DEFINITIONS

- 1.1 “**City**” means the City of Spruce Grove.
- 1.2 “**Department**” means the administrative departments of the City and for the purposes of this Bylaw, includes any statutory committee, management board, Council committee or task force.
- 1.3 “**Disposition**” means;
 - a. the destruction of records, or
 - b. the transfer of records of enduring value to City approved archives.
- 1.4 “**Electronic Record** “ means records such as word processing files, databases, electronic mail, and web pages.
- 1.5 “**Freedom of Information and Protection of Privacy (FOIP) Coordinator**” means the person delegated in writing to administer the provisions of the Freedom of Information and Protection of Privacy Act on behalf of the City of Spruce Grove in accordance with section 85 of the Act.

- 1.6 **“Head of a Public Body”** means the City Manager as indicated in the City Manager Bylaw C-539-04 as amended and for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- 1.7 **“Outside Agency”** means an organization and/or individual under a contract with the City.
- 1.8 **“Permanent Record”** means information of enduring value that may or may not be required for the ongoing administrative purposes but which is retained for the life of the organization because of its legal, fiscal, evidentiary, informational, cultural, historic or aesthetic value.
- 1.9 **“Public Body”** means the City of Spruce Grove and includes any board, committee, commission, task force or panel created by the City and all members or officers of which are appointed or chosen by the City of Spruce Grove.
- 1.10 **“Record”** means a record of information in any form including books, documents, maps, drawings, photographs, letters, vouchers and papers, sound recordings, videotapes, electronic files, electronic mail transmissions, databases and spreadsheets, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.
- 1.11 **“Records Management”** means the application of systematic control over records throughout their life cycle, including but not limited to forms management, manuals management, records inventorying, filing systems development and implementation, file maintenance procedures development, filing equipment selection, correspondence and reports maintenance and records scheduling and disposition.
- 1.12 **“Retention Schedule”** means a control document which authorizes the length of time City records are to be retained, the medium in which they are to be preserved and the method of disposition in order to meet the City’s operational and legal requirements.
- 1.13 **“Transitory Records”** are records that are not required to meet statutory obligations or to sustain administrative or operational functions. Transitory Records are records in any media that:
 - a. are not regularly filed or should not be filed in a records system; and
 - b. are required for only a limited period of time for the completion of a routine action or the preparation of a record.

- 1.14 “**Vital Records**” mean the records of the City which contain information essential to:
- a. the provision of City services and operations;
 - b. the conduct of emergency operations during and immediately following a disaster;
 - c. resumption of City services or operations;
 - d. re-establishment of the legal, financial and functional responsibilities of City, and
 - e. re-establishment of the rights and obligations of individuals, corporate bodies and other municipalities with respect to the City of Spruce Grove.

GENERAL

- 2.1 The Records Management Policy shall include the standards, guidelines and roles and responsibilities for the management of corporate records.
- 2.2 If at any time, any of the provisions of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provisions shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it has been enacted without illegal, invalid or ultra vires provision.

ACCESS TO INFORMATION

- 3.1 Where an applicant is required to pay a fee for services, the fee payable is in accordance with the Freedom of Information and Privacy Protection Regulation, AR 200/95, as amended from time to time or any successor Regulation that sets fees for requests for information from the Province.
- a. Where information is provided to an individual outside of the scope of the *Freedom of Information and Protection of Privacy Act*, then any applicable fees will be charged in accordance with the General Office Charges and Fees Bylaw, as amended.
- 3.2 Should an individual’s personal information be used by the City to make a decision that directly affects that individual, the City must retain the

personal information for at least one year after using it so that the individual has a reasonable opportunity to gain access to it.

CORPORATE RECORDS STRUCTURE

- 4.1 The Corporate Records Structure is used to:
 - a. Create records (electronic and physical); and
 - b. Schedule all records for required retention and disposition.
- 4.2 The Corporate Records Structure shall include Freedom of Information and Protection of Privacy designations in accordance with the Act.
- 4.3 The Corporate Records Structure shall be approved by the City Manager.

CARE AND CUSTODY OF RECORDS

- 5.1 Records in the care and custody of City Departments are the property of the City.
- 5.2 Where records are in the possession of an Outside Agency, such records will be under the City's control when:
 - a. the record is specified in the contract as being under the control of the City;
 - b. the content of the record relates to the City's mandate and functions;
 - c. the City 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 City to inspect, review, or copy the records produced, received or acquired.
- 5.3 Vital Records are paper records to be preserved and protected in accordance with the Corporate Records Structure.
- 5.4 Archived Records are records that have been selected for permanent or long-term preservation. The process of archiving shall be completed in accordance with the Corporate Records Structure.

DESTRUCTION OF RECORDS

- 6.1 Any City records that are eligible for final disposition and are the subject of litigation will not be destroyed and will be retained until the records are no longer the subject of litigation or potential litigation.
- 6.2 When records have reached their destruction date, the Head of the Public Body shall certify in writing the records that are to be destroyed in accordance with the Corporate Records Structure. This certification shall form a permanent listing of those records that have been destroyed.
- 6.3 Destruction of all records shall be carried out in the presence of a witness. The person who destroys the records shall provide a statement in writing attesting to the time and place of the destruction together with a listing of the records destroyed and the names of the witnesses present.

GENERAL

- 7.1 This Bylaw shall come into force on the date of its third and final reading.
- 7.2 Bylaws C-395-00 and C-366-99 and any amendments hereto are hereby repealed.

First Reading Carried February 26, 2007

Second Reading Carried February 26, 2007

Third Reading Unanimously Consented to
and Carried February 26, 2007

Mayor

General Manager of Corporate
Services