

CITY OF ST. ALBERT

BYLAW 2/2006

Being a Bylaw to Regulate the Retention and
Disposition of Records by the City of St. Albert

WHEREAS, pursuant to Section 208(1)(d) of the Municipal Government Act the City Manager must ensure that all City Records and documents are kept safe;

AND WHEREAS, pursuant to Section 214 of the *Municipal Government Act*, S.A. 2000, c. M-26 Council may pass a Bylaw respecting the destruction of Records and documents of the municipality;

AND WHEREAS, 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;

The Council of the City of St. Albert, duly assembled, hereby ENACTS as follows:

Title

1. That this Bylaw be referred to as the "Records Bylaw".

Purpose

2. The purpose of this Bylaw is to provide a process to manage the retention and disposition of Records and documents of the City of St. Albert regardless of their physical medium.

Definitions

3. In this Bylaw, unless the context otherwise requires:
 - a) "Act" means *the Freedom of Information and Protection of Privacy Act*, S.A. 200, c. F-25;
 - b) "City" means the City of St. Albert;
 - c) "City Manager" means the chief administrative officer of the City;
 - d) "Discardable" means information other than a Permanent Record that is no longer necessary for the operation of the City;
 - e) "Disposition" means:
 - i. the destruction of Records, or
 - ii. the transfer of Permanent Records to the City's Archives;
 - f) "Division" means the administrative divisions of the City and for the purposes of the Bylaw, includes any statutory committee, management board, or Council committee;
 - g) "Electronic Records " means Records such as word processing files, databases, electronic mail, and web pages;

- h) “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;
- i) “Record” means information in any medium 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 include software or any mechanism that produces Records;
- j) “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;
- k) “Records Schedule” means:
 - i. a system for classifying Records;
 - ii. a timetable that describes a Record’s life span from the date on which it was created to the date of its final disposition, including the periods of its inactive and dormant stages either as Transitory, Discardable or Permanent;
 - iii. instructions as to the manner and time of the disposition of a Record.
- l) “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:
 - i. have only immediate or very short-term usefulness;
 - ii. are not regularly or should not be filed in a Records system; and
 - iii. are required for only a limited period of time for the completion of a routine action or the preparation of a Record.
- m) “Vital Records” mean the Records of the City which contain information essential to:
 - i. the provision of City services and operations;
 - ii. the conduct of emergency operations during and immediately following a disaster;
 - iii. resumption of City services or operations;
 - iv. re-establishment of the legal, financial and functional responsibilities of City, and
 - v. re-establishment of the rights and obligations of individuals, corporate bodies and other municipalities with respect to the City of St. Albert.

Records Schedule

4. The City Manager shall establish, by way of policy, a Records Schedule.
5. The City Manager shall ensure that all Records are retained or disposed of in accordance with the Records Schedule.
6. Any document or Record not referenced in the Records Schedule may only be destroyed with the direction and approval of the City Manager.
7. Where there is a conflict between this Bylaw or the Records Schedule and Provincial or Federal legislation, the Provincial or Federal legislation shall apply and shall supercede this Bylaw and the Records Schedule.

Corporate Records – Care and Custody

8. Records in the care and custody of City Departments are the property of the City.
9. 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 City.
10. Once the Record is under the control of the City, the City is permitted to inspect, review, or copy the Records produced, received or acquired.
11. Bylaw 27/1999, Freedom of Information and Protection of Privacy Bylaw, is hereby repealed.

READ a first time this 7th day of February, 2006.

READ a second time this 7th day of February, 2006.

READ a third time this 7th day of February, 2006.

SIGNED AND PASSED this _____ day of February, 2006.

MAYOR

CHIEF LEGISLATIVE OFFICER