

TOWN OF OLDS BYLAW 2025-02

BEING A BYLAW OF THE TOWN OF OLDS TO PROVIDE A PROCESS TO MANAGE THE RETENTION AND DISPOSITION OF TOWN OF OLDS RECORDS AND INFORMATION, REGARDLESS OF THEIR MEDIUM.

WHEREAS section 214 (2) of the Municipal Government Act, R.S.A. 2000, c M-26, states that Council may authorize the destruction of documents;

WHEREAS section 214 (3) of the Municipal Government Act, R.S.A. 2000, c M-26, governs the retention of personal information, and

WHEREAS sections 88, 93, and 95 of the Freedom of Information Protection of Privacy Act R.S.A 2000 c. F-25 allows citizens to access information and the Municipality to set fees for these services;

WHEREAS, the *Electronic Transactions Act Chapter E-5.5, RSA 2001* permits for an original record to be retained in an electronic form if there exists a reliable assurance as to the integrity of the information contained in the record, is retained in the same format in which the written record was created and the information in the record is accessible so as to be usable for subsequent reference.

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

BYLAW TITLE

1.0 This Bylaw may be referred to as the **"Records and Information Management Bylaw."**

DEFINITIONS

2.1 Terms not specifically defined have the same definition as provided in the *Municipal Government Act* and *Freedom of Information Protection of Privacy Act*.

2.2 **"CAO"** means the Chief Administrative Officer or designate;

2.3 **"Disposition"** means the structured process of determining what happens to a record at the end of its retention period, actions may include destruction or permanent retention in an archive;

2.4 **"Electronic Management System"** shall mean the computer system selected by the Town where information is stored, retained and/or disposed of in accordance with this Bylaw.

2.5 **"FOIP ACT"** means the *Freedom of Information and Protection of Privacy Act R.S.A 2000 c. F-25* as amended from time to time.

- 2.6 **"Hold"** means the process of preserving all forms of potentially relevant information when litigation or a freedom of information request is reasonably anticipated or underway.
- 2.7 **"MGA"** shall refer to the *Municipal Government Act, RSA 2000 C M-26*, as amended from time to time.
- 2.8 **"Personal Information"** means personal information as that term is defined in the Freedom of Information and Protection of Privacy Act, RSA 2000, F-25, as amended or replaced.
- 2.9 **"Record(s)"** means information, regardless of format, created, received, and maintained as evidence and information by an organization or person, in pursuance of legal obligations or in the transaction of business;
- i. Active Record - A readily accessible record related to current, ongoing or in-process activities and referred to on a regular basis to respond to day-to-day operational requirements.
 - ii. Inactive Record - A record no longer needed to conduct current business but preserved until it meets the end of its retention period.
 - iii. Transitory Record - A record in any media that has short-term value, is not part of an administrative or operational record series, is not regularly filed in a record information system, and is required only for a limited period of time for the completion of a routine action or the preparation of records, which include but are not limited to temporary information, duplicate documents, draft documents, publications, advertising material and blank information media can be destroyed immediately or after meeting its transitory need. Also known as the convenience copy or a transitory record.
- 2.10 **"Retention Schedule"** means the timetable that identifies the retention period during which a record must be retained before Disposition; *and*
- 2.11 **"Town"** means the Municipal Corporation of the Town of Olds.

STATEMENT OF TO WHOM AND TO WHAT THE BYLAW APPLIES

- 3.1 This Bylaw applies to all Records and Information in the possession of the Town.
- 3.2 This bylaw addresses the complete life cycle of Town records which includes the creation, use, receipt, access, maintenance, disclosure, retention and final disposition

RECORDS AND INFORMATION RETENTION AND DISPOSITION

- 4.1 All Records and Information may be stored exclusively electronically on the Town's Electronic Records and Information Management System for the time period established in the Retention Schedule provided that the Records can be reproduced in substantially the same format as the original document. Upon being stored electronically, original

records may be disposed of immediately upon confirmation that the electronic record is substantially the same as the original record.

- a. In accordance with Section 272 of the *Municipal Government Act* Records that have been signed and sealed by the Town may be reproduced and have the same effect as if the signatures and seals had been personally signed and/or affixed.
- 4.2 Authorization to dispose of official records must be in accordance with the Retention Schedule which contains provisions to ensure retention of official records compliance with federal and provincial statutes and regulations.
- 4.3 The CAO is hereby authorized:
 - a. To establish, by way of procedure, a Records Retention Schedule,
 - b. Ensure that all Records are retained or Dispositioned of in accordance with the Records Retention Schedule, and
 - c. Convert records for retention from their original form to an electronic image or other format.
- 4.4 The CAO shall keep an index of:
 - a. Records permanently retained and details of storage, where appropriate,
 - b. Records permanently retained in electronic image or format,
 - c. Records destroyed,
 - d. Listing of the current Records Retention Schedule,
 - e. Records retained in provincial or other archives, and
 - f. To the extent practical, all other Records retained by the Town.
- 4.5 The CAO shall be responsible for the administration of the release of information in accordance with the FOIP Act.
- 4.6 Fees for access to information are governed by the FOIP Act and the Town Rates Bylaw.

PERSONAL INFORMATION

- 5.1 If the Town uses Personal Information to make a decision that directly affects the individual, the Town must retain the Personal Information in accordance with the classification and retention schedule, which in any event, will not be less than one year after using it so that the individual has a reasonable opportunity to obtain access to it.

DISCRETION

- 6.1 The CAO shall have discretion to retain records longer than the period required retention period provided for in the Record Retention Schedule via a Hold and shall do so where the CAO deems it appropriate and shall do so where the CAO has received an indication that there is, or may be, any litigation involving the said records.

DESTRUCTION

- 7.1 Any Record not referenced in the Records Retention Schedule may only be destroyed with the direction and approval of the CAO.
- 7.2 Where Official Records are destroyed under this bylaw, the CAO shall ensure the proper and complete destruction thereof.
- 7.3 Destruction of all Official Records shall be carried out in the presence of a witness. The person destroying the records shall provide a statement in writing attesting to the time and place of the destruction of the records, together with a list of the records destroyed and also the names of the people who witnessed the destruction. The Town shall permanently retain the statement of disposition.
- 7.4 Disposition of election material shall be completed in accordance with the provisions of the *Local Authorities Election Act*, RSA 2000, Chapter L-21 and amendments thereto.

PENALTY CLAUSE

- 8.1 Penalties shall be defined as provided in the *Municipal Government Act* and *FOIP Act*.

REPEAL CLAUSE

- 9.1 Bylaw 2023-18 Records and Information Management and all amendments thereto are hereby repealed.

EFFECTIVE DATE

- 10.1 This Bylaw shall come into force and take effect on its passing thereof.

READINGS

Read a first time this 27th day of January 2025.
Read a second time this 10th day of February 2025.
Read a third time this 10th day of February 2025.

SIGNATURE LINE



Judy Dahl,
Mayor



Brent Williams,
Chief Administrative Officer

Signed by the Chief Elected Official and the Chief Administrative Officer this 11th day of February 2025.