

CITY OF LACOMBE Bylaw 365

Consolidation to February 24, 2020

A Bylaw of the City of Lacombe, in the Province of Alberta, to provide for the regulation and procedures for the retention, disposal and release of municipal documents

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;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF LACOMBE ENACTS AS FOLLOWS:

Short Title

1. This bylaw shall be referred to as "The Records Management Bylaw" for the City of Lacombe. (b. 365.1, 02/24/2020)

Definitions

2. In this bylaw, unless context otherwise required, the term:
 - a) "Chief Administrative Officer" or "CAO" shall mean the Chief Administrative Officer of the City of Lacombe, or delegate authorized by the Chief Administrative Officer to act on their behalf;
 - b) "City" shall mean the City of Lacombe.
 - c) "Disposition" shall mean the formal, structured process of determining what happens to records at the end of their required retention period, actions may include destruction or transfer to another institution such as an archive;
 - d) "FOIP" means the Freedom of Information Protection of Privacy Act R.S.A 2000 c. F-25
 - e) "Hold" shall mean the process to preserve all forms of potentially relevant records when litigation or a freedom of information request is reasonably anticipated or underway.
 - f) "Permanent Record" shall mean 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)
 - g) "Personal Information" shall mean personal information as that term is defined in the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, as amended or replaced.
 - h) "Record" shall mean recorded information, created or received, in any format or media type, which is maintained as evidence of the City of Lacombe's business operations based on business need, or in adherence with legal and regulatory obligation. A record may be in either physical or electronic form.
 - i) "Records Retention Schedule" shall mean the list of approved categories, retention periods during which a Record must be retained before Disposition, and disposition rules for each business activity or subject area within the City of Lacombe's operations.

(b. 365.1, 02/24/2020)

Records Management

3. The Chief Administrative Officer shall:
 - a) establish, by way of internal policy, a Records Retention Schedule.
 - b) ensure that all Records are retained or Dispositioned of in accordance with the Records Retention Schedule.
 - c) Convert records for retention from their original form to an electronic image or other format.

(b. 365.1, 02/24/2020)

4. The Chief Administrative Officer 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) Records retained in provincial or other archives,
 - e) Listing of the Records Retention Schedule, and
 - f) To the extent practical, all other records retained by the municipality.
5. Any document or Record not referenced in the Records Retention Schedule may only be destroyed with the direction and approval of the Chief Administrative Officer.
(b. 365.1, 02/24/2020)
6. Election material that has been locked in the ballot boxes can be destroyed in accordance with the provisions of section 101 in the Local Authorities Election Act R.S.A. c. L-21.

Discretion

7. The Chief Administrative Officer shall have discretion to retain records longer than the retention period provided for in the Records Retention Schedule via a Hold. Such decision to retain records shall be recorded. (b. 365.1, 02/24/2020)

Access to Information

8. The Chief Administrative Officer shall be responsible for the administration of the release of information upon request in accordance with the Freedom of Information Protection Act, and all applicable bylaws, and or policies, of the City of Lacombe. (b. 365.1, 02/24/2020)
9. Information requested that is in the possession of the Municipality, and of which the CAO is not otherwise required to withhold, shall be available for viewing in the municipal office of the Municipality during regular business hours.
10. Copies of the information that may be requested will be provided in paper, electronic data or electronic image format.
11. Fees for access to information requested through a Freedom of Information request is governed by the FOIP Act. For non-FOIP related requests to access information, the fees for searching records, receiving photocopied, faxed, electronically mailed, or receiving reproductions on other media are set forth in Schedule "B" of this bylaw.
(b. 365.1, 02/24/2020)

Schedules

12. (deleted) (b. 365.1, 02/24/2020)
13. Fees will be in accordance with Schedule "B", Fees for Provision of Information Requested.

Enactment

14. City of Lacombe Bylaw 212 is hereby repealed.
15. This Bylaw shall come into force and take effect on its passing thereof.

INTRODUCED AND GIVEN FIRST READING THIS 13th day of September, 2010

GIVEN SECOND READING THIS 13th day of September, 2010

GIVEN THIRD AND FINAL READINGS THIS 13th day of September, 2010

Original Signed

Mayor

Original Signed

Chief Administrative Officer

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Schedule B
Fees for Provision of Information Requested

1. Fees for provision of information requested shall be equal to or less than the fees provided for in the *Freedom of Information and Protection of Privacy Regulations*, Schedule B, as amended or updated.

(b. 365.1, 02/24/2020)

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