THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA

BYLAW 20-01

Records and Information Management Bylaw

A BYLAW OF THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF MANAGING THE COUNTY’S CORPORATE RECORDS IN ACCORDANCE WITH THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION AND THE MUNICIPAL GOVERNMENT ACT

WHEREAS, pursuant to the provisions contained in the Freedom of Information and Protection of Privacy Act (Alberta), Section 2, County of Vermilion River must protect personal information by making reasonable security arrangements against such risk as unauthorized access, collection, use, disclosure, or destruction.

AND WHEREAS, pursuant to the provisions contained in the Municipal Government Act (Alberta), Section 214, the Council of Vermilion River may pass a bylaw respecting the destruction of records and documents of the municipality.

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.

NOW THEREFORE, the Council of the County of Vermilion River, duly assembled, hereby enacts as follows:

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
   a. “Archives” means the Provincial Archive where archival records will be transferred.
   b. “County” means the County of Vermilion River
   c. “Department” means the internal administrative division of the County Administration headed by a Manager, and for the purposes of records management, includes any board, committee, commission, panel, agency or corporation that is identified as being included in a department.
   d. “Disposition” means:
      I. the destruction of records,
      II. the storage of records,
III. Or the transfer of records of value to the Archive for archival purposes.

IV. 

b. “Outside Agency” means an organization under a contract with the County.

e. “Record” means a record of information in any form and includes notes, images audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, records or stored in any manner, but does not include software or any mechanism that produces records;

f. “Records and Information Management” means the application of systemic control over records throughout their life cycle, including but not limited to forms management, publications management, records inventory, corporate records, structure development, and implementation, file maintenance, procedures development, filing equipment selection, correspondence and reports maintenance, records scheduling and disposition, FOIP Coordination, management and maintenance of records management software, disaster prevention and recovery planning and creation of vital records management.

CORPORATION RECORDS STRUCTURE, RETENTION AND FINAL DISPOSITION

2. All records in the custody and or control of the County of Vermilion River must be managed in accordance with policy and procedures established by County of Vermilion River pursuant to controlling legislation such as the Municipal Government Act, the Freedom of Information and Protection of Privacy Act, and the Limitations Act.

3. The County adopts the County of Vermilion River Corporate Records Structure and authorizes the CAO to move any required amendments thereto from time to time.

4. This bylaw addresses the lifecycle of the record, which includes the creation, use, receipt, access, maintenance, disclosure, retention and final disposition.

5. The classification, maintenance, retention and final disposition of all County records shall be in accordance with the County of Vermilion River Corporate Records Structure, as amended from time to time.

6. If any individuals’ personal information will be used by the County to make a decision that directly affects the individual, the County shall retain the personal information for at least one year after using that information so that the individual has a reasonable opportunity to obtain access to the information.
7. Where in the County of Vermilion River Corporate Records Structure, it is provided that a records shall be:
   a. Destroyed, such records shall be destroyed without any copy thereof being retained, or
   b. Placed in archives, such records shall be released to Archives upon the decision of the Records Management Coordination; or
   c. Placed in off-site storage, shall be in such places, to live out their retention period on the condition that the records are in-active or semi in-active; or
   d. Remain active within a County department or under the custody of an Outside Agency
   e. The complete and proper destruction of records under this Bylaw is the responsibility of all employees of the County in accordance with the County of Vermilion River Corporate Records Structure and any guidelines approved by the CAO regarding the destruction of records.

**CORPORATE RECORDS CARE AND CUSTODY**

8. Records in the care and custody of County departments are the property of the County.

9. Records in the care and custody of an Outstanding Agency are under the County’s Control when:
   a. The records is specified in the contract as being under the control of the County;
   b. The content of the record related to the County’s mandate and functions;
   c. The County 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 County to inspect, review, or copy the records, produces, received, or acquired.

**SHOULD** any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining bylaw shall be maintained.
THIS Bylaw shall come into force and effect upon receiving third and final reading and having been signed by the Reeve and Chief Administrative Officer.

THAT, Bylaw 10-24, The Records Management Program By-Law, will be rescinded upon third and final reading of this bylaw.

Read a first time this __________ day of ____________________, 2020

Read a second time this ______________ day of ____________________, 2020

Read a third time and finally passed, this __________ day of ____________________, 2020

SIGNED by the Reeve and Chief Administrative Officer this ____ day of __________________, 2020.

__________________________________  Reeve

__________________________________  Chief Administrative Off