

# BRAZEAU COUNTY

## BYLAW NO: 1248-26

**BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PROTECTION OF PERSONAL INFORMATION AS WELL AS THE TRANSFER, STORAGE, AND DESTRUCTION OF ANY COUNTY RECORD.**

**WHEREAS**, pursuant to section 208(1)(b) of the *Municipal Government Act*, R.S.A 2000, c. M26; the Chief Administrative Officer must ensure that all records and documents of the municipality are kept safe;

**AND WHEREAS**, pursuant to Section 214 of the *Municipal Government Act*, S.A. 2000, c. M26 Council may pass a Bylaw respecting the destruction of records and documents of the municipality;

**AND WHEREAS**, pursuant to the *Protection of Privacy Act*, S.A. 2024, c. P 28.5, public bodies must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction;

**AND WHEREAS**, pursuant to the *Access to Information Act*, S.A. 2024, c. A-1.4, public bodies may allow right of access to the records in custody or under the control of the public body subject to limited and specific exceptions as set out under the Act.

**NOW THEREFORE**, the Council of Brazeau County, duly assembled, enacts as follows:

### 1. TITLE

1.1 This Bylaw may be cited as the "Information Management Bylaw."

### 2. PURPOSE

The purpose of this Bylaw is to provide governance to for the organization, disposition and management of content, information, and records at Brazeau County, regardless of medium.

### 3. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 3.1 Except as otherwise provided for in this Bylaw, the terms used in the Act, where used or referred to in this Bylaw, shall have the same meaning as defined or provided in the Act.
- 3.2 **“Access”** means the right, opportunity or means of finding, viewing, using or retrieving information.
- 3.3 **“ATIA”** means the *Access to Information Act*, S.A. 2024, c. A-1.4 as amended from time to time or any successor regulation, which provides for public accountability through a right of access to records under the control of public bodies.
- 3.4 **“Certificate of Destruction”** means a document stating that certain records were destroyed in accordance with an organization’s formal retention policies or schedules.
- 3.5 **“Corporate Records Classification System”** means a system in which records are organized and filed under major functions and activities to support the operations of the organization.
- 3.6 **“Content”** means all records, information, and data regardless of format, state, or classification.
- 3.7 **“County”** means the Corporation of Brazeau County and where the context so requires, the area included within the boundaries of the County.
- 3.8 **“Data”** means any symbols or characters that represent raw facts or figures and form the basis of information.
- 3.9 **“Disposition”** means the formal, structured process of determining what happens to records at the end of their required retention period, actions may include destruction or archiving.
- 3.10 **“Head”** means the person or group of persons designated under section 98(a) as the head of the public body under the *Access to Information Act*.
- 3.11 **“Information”** means data that has been given value through analysis, interpretation, or compilation in a meaningful form.
- 3.12 **“Information Management”** means managing information, whether record or non-

record, throughout its life cycle of creation, use, and destruction, while also obtaining business value from it.

- 3.13 **“Official Record”** means records that are relied on as evidence of government activities, events or transactions, or are needed to understand the delivery of programs. Official records are required to meet legal or financial obligations, or to provide evidence of decision-making activities.
- 3.14 **“Outside Agency”** means an organization under a contract with the Municipality;
- 3.15 **“Personal Information”** means recorded information about an identifiable individual.
- 3.16 **“POPA”** means the *Protection of Privacy Act, c. P 28.5* as amended from time to time or any successor regulation. The authority-based legislation that governs the protection of privacy related to personal information in the custody or under the control of Alberta public bodies.
- 3.17 **“Record”** means any electronic record or other record in any form in which information is contained or stored, including information in any written, graphic, electronic, digital, photographic, audio or other medium, but does not include any software or other mechanism used to store or produce the record.
- 3.18 **“Retention Period”** means the length of time a record must be kept to meet administrative, fiscal, legal, or historical requirements.
- 3.19 **“Retention Schedule”** means the list of approved categories, retention periods during which a record must be retained prior to disposition, and disposition rules for each category within the County’s operations.
- 3.20 **“Transitory Record”** means records of a routine nature having short-term or limited value with no records retention requirement. Transitory records are (1) not an integral part of the County’s administrative or operational records files, (2) not required to sustain the County’s administrative or operational functions, (3) not filed under a records classification system, and (4) recorded only for the time required for completion of actions or ongoing records associated with them. They are subject to legislative and legal proceedings, including the ATIA.
- 3.21 **“Vital Record”** means a record that is fundamental to the functioning of an organization and necessary to the continuance of operations.

#### **4. GENERAL**

- 4.1 The Information Management Policy shall include the standards, guidelines, roles, and responsibilities for the management of records.
- 4.2 If at any time, any provisions of this Bylaw are declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provisions shall not apply and the remained 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.
- 4.3 For the purposes of this Bylaw, the terms records, information, and content shall have the same meaning and shall be interchangeable.

#### **5. RECORDS DISPOSITION AND RETENTION**

- 5.1 The Chief Administrative Officer is hereby authorized to:
  - (a) develop a policy to provide for the systematic control of the creation, use, maintenance, storage, security, retrieval, retention, and disposition of records created or received by the County in the conduct of its operations with said policy to adhere to all provincial and federal standards relating to records and information management; and
  - (b) develop a Corporate Classification System and Retention Schedule.
- 5.2 Disposition and storage of all County information must be in accordance with the Corporate Classification System and Retention Schedule.
- 5.3 Any County records that are eligible for final disposition and are the subject of litigation holds will not be destroyed and will be retained until the records are no longer the subject of the hold.
- 5.4 Destruction of corporate information, records, and data shall be certified in writing by the Head or Designate. The Certificate of Destruction shall form a permanent listing of corporate information, records, and data that have been destroyed.

#### **6. CORPORATE RECORDS CLASSIFICATION STRUCTURE**

- 6.1 The Corporate Records Classification Structure is used to:

- (a) Organize corporate information, including but not limited to: electronic and physical records, data, content, and information.
- (b) Manage all corporate information throughout its lifecycle, from creation to disposition.
- (c) The Chief Administrative Officer shall approve the Corporate Records Classification Structure.

## **7. CARE AND CUSTODY OF RECORDS**

- 7.1 All the records in the custody and care of Brazeau County are the property of Brazeau County.
- 7.2 Where records are in the possession of an Outside Agency, such records will be under the County's control when:
  - (a) The record is specified in the contract as being under the control of the County;
  - (b) The content relates to the County's functions and mandate;
  - (c) The County has the authority to regulate the use and disposition;
  - (d) The Outside Agency is a consultant, and the records are created for the public body; or
  - (e) The contract permits the County to inspect, review, or copy the records produced, received, or acquired.
- 7.3 Vital records shall be identified, preserved, and protected in accordance with the Corporate Records Classification System and Retention Schedule.

## **8. PRIVACY AND ACCESS TO INFORMATION**

- 8.1 All corporate records are subject to POPA and ATIA and are governed by the Privacy and Access to Information Bylaw 1249-25.

## **9. SEVERABILITY**

9.1 Should any provision of this Bylaw be deemed invalid then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this bylaw except to the extent necessary to give effect to such severance.

**10. EFFECTIVE DATE**

10.1 This Bylaw shall take effect upon the third reading and duly signed thereof.

10.2 Bylaw 397-2001, and amendments, are hereby repealed.

**READ** a first time this 2nd day of June 2026

**READ** a second time this 2nd day of June 2026

**READ** a third time and finally passed this 2nd day of June 2026

  
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Reeve

  
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Chief Administrative Officer