

**TOWN OF MORINVILLE  
PROVINCE OF ALBERTA  
BYLAW 22/2023  
RETENTION AND DISPOSITION BYLAW**

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A BYLAW OF THE MUNICIPALITY OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROVIDE REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSITION OF MUNICIPAL RECORDS.

**WHEREAS**, pursuant to the provisions contained in Section 214 of the *Municipal Government Act (Alberta)*, as amended or repealed and replaced from time to time, the Council of the Municipality of Morinville (Morinville) may pass a bylaw respecting the retention and destruction of Records and documents of the Municipality;

**AND WHEREAS**, pursuant to the provisions contained in the *Freedom of Information and Protection of Privacy Act (Alberta)*, Morinville must protect personal Information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction;

**AND WHEREAS**, the *Freedom of Information and Protection of Privacy Act (Alberta)* does not prohibit the transfer, storage, or destruction of any Record in accordance with a bylaw of a local government body;

**AND WHEREAS**, the *Electronic Transactions Act (Alberta)* provides that Information and Records of a public body can be in electronic form.

**NOW THEREFORE**, the Council of the Town of Morinville in the Province of Alberta, duly assembled, hereby enacts as follows.

**1.0 TITLE**

1.1 This Bylaw shall be cited as the "Retention and Disposition Bylaw."

**2.0 DEFINITIONS**

2.1 "CAO" means the Chief Administrative Officer of Morinville appointed pursuant to s. 205 of the Act or the designate of the Chief Administrative Officer;

2.2 "Council" means Council of Morinville;

2.3 "Disposition" means the removal of Information from the custody and control of the Municipality by physical or electronic means;

2.4 "Information" means content in any form and may include, but is not limited to, notes, images, books, documents, maps, drawings, photographs, letters, papers, reports, plans, surveys, audio and visual recordings, electronic files, electronic mail transmissions, databases, spreadsheets, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces Information ~~records~~. Depending on its value to the Municipality, Information may be deemed to be Transitory Information or a Record;

2.5 "Information Management" is the process of collecting, organizing, storing, protecting and using information resources effectively and efficiently. It involves managing both the physical and digital aspects of Information, including data, documents, Records, and other types of Information, to support business operations, decision-making, and compliance with legal and regulatory requirements;

2.6 "Morinville" or "Municipality" means the Municipal Corporation of Morinville;

2.7 "Outside Agency" means an organization under a contract with the Municipality;

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- 2.8 "Record" means a resource with long-term value or purpose. A Record may be Information in any form and be stored in any manner. A Record will be retained within the Municipality's custody for the duration in which the Record is deemed of value to the Municipality;
- 2.9 "Retention" means the period of time for which Information will be retained to meet legal or operational requirements;
- 2.10 "Transitory Information" means Information that has short-term, immediate or no value and will not be required for future reference and which falls within one of the following categories:
- 2.10.1 emails or instant messages that are primarily for information purposes and do not contain a transaction, agreement, or decision;
  - 2.10.2 duplicate copies of documents that have been retained elsewhere;
  - 2.10.3 drafts, notes, and working papers that are used to develop a final document, report or project;
  - 2.10.4 routine notifications, announcements, and invitations that have no long-term significance;
  - 2.10.5 reference materials that are not part of business process or transaction, such as news clippings, pamphlets, brochures and unsolicited mail;
  - 2.10.6 logs and registers that are used for scheduling, tracking, or monitoring activities on a temporary basis; or
  - 2.10.7 blank information media.

**3.0 RETENTION & DISPOSITION OF RECORDS**

- 3.1 This Bylaw addresses the Retention and Disposition of Records in the custody and or control of the Municipality.
- 3.2 The Municipality shall establish Information Management policies and procedures that govern how Information in the custody of the Municipality is retained and disposed of.
- 3.3 All Information in the custody and or control of the Municipality shall be managed in accordance with the Information Management policies and procedures established by the Municipality's Administration.
- 3.4 The Information Management policy of the Municipality shall include the definition of a Records Retention schedule.

**4.0 RECORDS CARE & CUSTODY**

- 4.1 Records in the care and custody of an Outside Agency are under the Municipality's control when:
- 4.1.1 the Record is specified in the contract as being under the control of the Municipality;
  - 4.1.2 the content of the Record relates to the Municipality's mandate and functions;
  - 4.1.3 the Municipality has the authority to regulate the Record's use and Disposition;
  - 4.1.4 the Outside Agency is a consultant, and the Record was created for the Municipality;
  - 4.1.5 the contract permits the Municipality to inspect, review, or copy the Records produced, received, or acquired;
  - 4.1.6 No person shall be in contravention of a specific provision of this Bylaw if permission has been granted to the contravention by the CAO.

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**5.0 INFORMATION DESTRUCTION**

5.1 The Information Management policies and procedures established by the Municipality's Administration shall address how information shall be disposed of.

**6.0 SEVERABILITY**

6.1 Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw shall remain valid and enforceable, and the Bylaw shall be interpreted as such.

That Bylaw 1/2019 is hereby repealed.

This Bylaw shall come into full force and effect when it receives third reading and is duly signed.

READ a first time this 28<sup>th</sup> day of November, 2023.

READ a second time this 28<sup>th</sup> day of November, 2023

READ a third and finally passed the 9<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Simón Boersma  
Mayor

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Chief Administrative Officer