

VILLAGE OF ANDREW

Records Retention and Disposition By-law No. 99-05

A Bylaw of the Village of Andrew in the Province of Alberta, establishing Regulations and Procedures for the retention and disposal of Village records. Pursuant to the Provisions of Section 214 of the Municipal Government Act. Being Chapter M-26.1 of the Statutes of Alberta, 1994 and amendments as well as compliance with the Freedom of Information and Protection of Privacy Act. Being Chapter F-18.5 of the Statutes of Alberta, 1994 and amendments thereto.

Whereas, it is the desire of the Village of Andrew, in the Province of Alberta, to provide regulations and procedures with respect to the retention and disposal of Records including, but not limited to: correspondence, records, vouchers, receipts, instruments, and other records in the custody or control of the Village of Andrew: and

Whereas, it is the desire of the municipality to establish the necessary authority to release municipal records to the Alberta Archives or other Archival Centres on either a permanent loan or retention basis: and

Whereas, the authority for such regulations and authorities must be consistent with Federal or Provincial Statutes and Regulations:

Now therefore, the Council of the Village of Andrew, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 – TITLE, DEFINITIONS AND SYMBOLS

Section 1

- a) This Bylaw is cited as **AThe Records Retention and Disposition By-law@** of the Village of Andrew.

Section 2

- a) In this Bylaw, unless the context otherwise requires, the word, term or expression:

AOfficial @ shall mean the Chief Administrative Officer, as defined in the Municipal Government Act or delegate, duly appointed by the Chief Administrative Officer of the Village of Andrew.

ARecords@ shall mean all ledgers, receipts, vouchers, instruments, correspondence, maps, rolls, or other information in the custody or control of the Village of Andrew in any form or format.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 1

Code 12/99

A BY-LAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROVISION OF INFORMATION AND TO ESTABLISH INFORMATION.

WHEREAS, in accordance with the Municipal Government Act, S.A. 1994, Chapter M-26.1, as amended and the Freedom of Information and Privacy Protection Act, S.A. 1994, F-18.5, an Applicant has the right to access their own personal information and other municipal records, unless there is a reason why the information should not be disclosed; and

WHEREAS, in accordance with the said Act, upon request by any person, information in the possession of the municipality must be provided within a reasonable time and on payment of a reasonable fee established by bylaw; and

WHEREAS, in accordance with the said Act, a written appeal may be made to the Village Council;

NOW THEREFORE, the Council of the Village of Andrew in the Province of Alberta, in council duly assembled hereby enacts as follows:

PART 1: BYLAW TITLE

1. That bylaw shall be known as the "Access to Information" Bylaw.

PART II: PURPOSE OF BYLAW

1. The purpose of this bylaw is to facilitate access to information in the possession of the Village and to ensure personal information is protected from unauthorized collection, use or disclosure. Schedule E outlines the process of requesting access to information and is attached hereto.
2. The Village acknowledges that
 - a) information has value and can also be a marketable asset managed by the Village; and
 - b) it is the responsibility of the Village, to consider provision of information routinely requested via **Active Dissemination or Routine Disclosure**
 - c) it is the responsibility of the Village, through its employees, to respond to persons requesting information as quickly and conveniently as possible, unless there are clear and reasonable grounds to withhold the information based on the **Record** classification.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 2

Code 12/99

PART 111: DEFINITIONS

Active

Dissemination: routine disclosure of information by the municipality in bulk quantities. Records the municipality provides for the public on a regular basis.

Appeal: the process available to an Applicant when information requested is not provided or refused or rejected. See the section on Appeals.

Applicant: the individual making a request for information in accordance with this bylaw.

Chief Administrative

Officer: the Village of Andrew, as appointed pursuant to the Municipal Government Act.

Village: the Municipal Corporation of the Village of Andrew.

Council: the Council of the Village.

Error: mistaken or wrong information, or information not reflecting the truth.

Exempt

Information: as defined in PART V11 of this Bylaw.

Formal

Request: see 'requests'.

Freedom of Information

And Privacy Coordinator:

is the Village Manager for the purposes of the Freedom of Information and Protection of Privacy Act (pursuant to Section 89). The Village Manager may delegate the duties for the Freedom of Information and Privacy Coordinator.

Informal Request: see 'requests'

Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW

PAGE 3

Code 12/99

- MASH Sector:** the sectors of public bodies under the Freedom of Information and Privacy of Protection Act, which will be affected by the Act before the year 2000.
- Master System Plan:** the approved Village of Andrew records, classification manual, outlining primaries, scope, codes, riders, retention periods, access and final disposition.
- Omission:** information in a Record which is incomplete or missing or has been overlooked.
- Record:** information recorded in any form, including books, documents, maps, drawings, photographs, letters, vouchers and papers, and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any other Mechanism that produces records, except as this term may Otherwise be defined in the Freedom of Information and Protection of Privacy Act from time to time.
- Refusal:** an information request which is refused by the Village as a Consequence of failure to meet the technical requirements as set out in this bylaw.
- Rejection:** an information request which is rejected for one of the reasons Permitted for rejection in this bylaw as determined by the **Freedom of Information and Privacy Coordinator**.
- Requests:** **Formal Requests** relate to information not routinely provided. These types of requests require the completion of a 'Request for Access to Information' form, prior to release of the information.
- Informal Requests** are requests for information which the Municipality routinely discloses or provides via **Active Dissemination**. Informal requests do not require the completion of a 'Request for Access to Information' form.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 4

Code 12/99

Routine

Disclosure: release of specific information on a regular basis, without the Requirement of completion of a 'Request for Access to Information' form.

Third Party Information

Requests: a request for information relating to a person, group of persons, or an organization other than the Applicant or the Village. This information may directly impact, involve, or belong to the originating party, and cannot not be released without the originating party's permission.

PART IV: RIGHT OF INFORMATION

1. On request pursuant to Part V of this bylaw, provided the Applicant pays the applicable fees as set out in the Fees and Charges bylaw, each Applicant has a right to:
 - a) access a **Record** that is in the possession of the Village;
 - b) view a **Record** in the possession of the Village;
 - c) request copies of a **Record** that is in the possession of the Village;
 - d) request corrections to personal information maintained by the Village;
 - and
 - e) receive a copy of a **Record** maintained by the Village in a format that is reasonably available, unless the **Record** is **Exempt Information** pursuant to this bylaw.

PART V: REQUESTS

1. There are various types of requests regarding information and depending on the request, there are various forms that may be required.
 - a) If the requested information may be obtained by **Informal Request**, any individual may request information by telephoning, writing or by visiting (in person), the department, office or organization where the **Record** is kept, and sufficient detail must be provided in the description to identify the **Record** required.
 - b) If the requested information must be obtained by **Formal Request** or, if the Village must determine if the requested information may be obtained by **Formal Request** or **Informal Request** or to enable the Village to provide an estimate of fees which will be required to obtain the **Record**, an Applicant will be required to complete a 'Request for Access to Information' form as prescribed in Schedule A.

Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW

PAGE 5

Code 12/99

- c) Any applicant has the right to request information relating to a person, group or organization other than the Applicant or the Village, by completing a 'Request for Third Party Information' form as prescribed in Schedule C.
 - d) Any Applicant who believes there is an **Error** or **Omission** in their own personal information held by the municipality, may request a change to the personal information by completing a 'Request for Correction of Personal Information' form as prescribed in Schedule B.
2. All formal requests to access Records held by the municipality, will be identified and tracked by the Village's **Freedom of Information and Privacy Coordinator**, and will be responded to within 30 days of receipt of the request.
3. Any questions or concerns regarding the release or access to information held by the Village or, an agent acting on behalf of the Village, or completion of a request form, may be directed to the Village's **Freedom of Information and Privacy Coordinator**.

PART VI: RESPONSE TO REQUESTS

1. The **Freedom of Information and Privacy Coordinator** shall appoint one or more Village employees in each department to receive a request for information. That appointed employee shall determine if the request is an **Informal** or **Formal Request** as these terms are defined in this bylaw. If the appointed employee determines that the request for information is a **Formal Request**, then the appointed employee shall require the Applicant to complete a **Request for Access to Information Form** as prescribed in Schedule A.
2. Provided the **Record** requested is not for **Exempt Information**, if an employee is able to access the **Record**, within 30 days the Applicant will be:
- a) Provided with a written estimate of any fees that will be charged;
 - b) Allowed to view the **Record**; and
 - c) If the **Record** is reasonably capable of being copied, provided with a copy of the **Record** requested, subject to payment of the applicable fee.
3. If the requested **Record** cannot reasonably be accessed within 30 days of the date of receipt of the request, the Applicant must be told where, when and how a copy of the **Record** will be provided.
4. Pursuant to section 13(1) of the Freedom of Information and Protection of Privacy Act, the head of a public body may extend the time for responding to a request up to 30 days or, with the Freedom of Information and Protection of Privacy Commissioner's permission for a longer period.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 6

Code 12/99

5. If the application is refused or rejected, the Village shall provide the Applicant:
- a) written notification as to the reasons for the Refusal or Rejection and the provision on which the Refusal is based.
 - b) an explanation of the appeal process.
 - c) the name, title, business address and business telephone number of an officer or employee of the Village who can answer any questions the Applicant may have about the Refusal.

Notwithstanding the foregoing, the Freedom of Information and Privacy Coordinator may Refuse to confirm or deny the existence of a Record containing information described in Section 17 or Section 19 of the Freedom of Information and Protection of Privacy Act or a Record containing personal information about a third party if disclosing the existence of the information would be an unreasonable invasion of the third party's personal privacy.

6. The Village must respond in writing within 30 days of receiving a 'Request for Correction of Personal Information' form stating:

- a) a correction has been made; or
- b) an annotation or linkage has been attached to the information linking the information with the correction that was requested and not made.

7. Applications may be:

- a) refused on the basis that:
 - i) the request did not meet the technical requirements as set out in this bylaw.
- b) rejected if:
 - i) the completed form or request was illegible;
 - ii) the information requested is **Exempt Information**;
 - iii) the request was considered vexatious or frivolous; or
 - iv) for any reason provided for in the Freedom of Information and Protection of Privacy Act.

8. At any time, if information requested is scheduled for destruction, a copy of the written request, initialed by the Chief Administrative Officer, must be given to the Records Management Coordinator, who on receipt of the written request must delay the destruction of that information, until such time as;
- a) the request has been granted;
 - b) the time for appeal under this bylaw has expired; or
 - c) any appeal or review permitted pursuant to this bylaw or the Freedom of Information and Protection of Privacy Act is refused or rejected.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 7

Code 12/99

PART VII: EXEMPT INFORMATION

1. **Exempt Information** is information
 - a) Which may:
 - i) be an unreasonable invasion of personal privacy;
 - ii) cause financial harm;
 - iii) threaten anyone else's safety or mental or physical health;
 - iv) interfere with public safety; or
 - v) ham law enforcement efforts.
 - b) which is otherwise information which the Freedom of Information and Privacy Coordinator may refuse or be required to refuse to disclose pursuant to the provisions of the Freedom of Information and Protection of Privacy Act.
2. Advice or information given and deliberations or directions made at a private meeting of Council, or a private meeting of a Council Committee, draft reports, draft resolutions or draft bylaws or other legal instruments unless they have been considered at a Council or Committee meeting open to the public or unless the **Record** has been in existence for fifteen (15) years or more, are **Exempt Information**.
3. Information about assessments and taxes is **Exempt Information**, unless disclosure of such information is required or permitted under the Freedom of Information and Protection of Privacy Act or any other statute.

PART VIII: APPEALS

1. An Applicant may appeal to Council from a **Refusal** to provide a **Record** or a **Rejection** of an application by serving to the Village Clerk a written notice in the form prescribed in Schedule D, attached hereto:
 - a) Within 15 days of receiving a written notice of delay, **Refusal** or **Rejection** of the application; or
 - b) Within 60 days of requesting the **Record** if no written notice of delay, **Refusal** or **Rejection** is received.

Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW

PAGE 8

Code 12/99

2. Grounds for an appeal are:
 - a) that the released **Record** was not complete; or
 - b) that the **Record** was withheld without reason being stated; or
 - c) that the reason for withholding the **Record** was insufficient or wrong.
3. Council may only consider an appeal if:
 - a) the persons to whom the information relates and the persons who would be affected by the release of the information have been notified; or
 - b) all possible attempts have been made to notify the Applicants of the appeal.
4. Appeals filed that meet the requirements of this section, will be heard at a regularly scheduled meeting of Council within 60 days after receipt by the Village.
5. Any Applicant filing an appeal will be notified of the hearing, and may be asked to make a presentation or to respond to questions from Council.
6. If an individual who receives notice of the hearing cannot attend, they may authorize, in writing, someone else as agent to attend on their behalf.
7. Council may decide to hear presentations and ask questions of each presenter separately and in private.
8. Council may proceed with the hearing in the absence of the Applicant or any other person who has received notice of the hearing if Council determines that all reasonable attempts have been made by the village to notify the Applicant or any other individual of the hearing.

PART IX: DECISIONS OF COUNCIL

1. At the appeal hearing, Council may:
 - a) hear the Applicant and any other person that Council determines has relevant information for the hearing; and
 - b) determine that all or part of the **Record** requested shall be made available, and in what format; and
 - c) permit the designated officer a further 30 days to make the **Record** available; or
 - d) determine that the **Record** shall not be disclosed; or
 - e) make any other decision that it considers reasonable and justifiable in the circumstances, including refund of appeal fees.

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 9

Code 12/99

2. Subject to the right to review by the Commissioner as set out in the Freedom of Information and Protection of Privacy Act, Council's decision is final, and shall be written in the official minutes of the meeting. The decision shall be available from the Office of the Village Clerk within 30 working days after the hearing is completed.

PART X: FEES

1. Administrative fees as established in the "Fees and Charges Bylaw", shall be charged before an Applicant is entitled to receive the requested information.

THIS Bylaw shall come into force and effect upon the date of the passing of the Third and Final Reading and signing thereof.

READ A FIRST TIME IN COUNCIL THIS 22nd DAY OF SEPTEMBER, AD 1999.

READ A SECOND TIME IN COUNCIL THIS 27th DAY OF OCTOBER, AD 1999.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 27th DAY OF
OCTOBER, AD 1999.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

October 27, 1999
Date Signed

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 10

Code 12/99

**Schedule A
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
REQUEST FOR ACCESS TO INFORMATION**

REQUEST NO:

This is a request for: (Please check one)

☐ General information

☐ My own personal information

☐ Personal Information for another person
(Attach original proof of authority to act for the

person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

APPLICANT

☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Last name

First name

Company name (if applicable)

Mailing address

City or Town

Province

Postal code

Telephone (home)

Telephone (work)

Fax/E-mail Address

INFORMATION REQUESTED

☐ I would like to receive a copy of the original record

☐ I would like to examine the original record

☐

☐ I will pick up the information when

☐ I would like the information mailed to me when ready

Please describe in as much detail as you can, the information or records to which you want access. If you want access to personal information, be sure to provide all the person's previous names. If you need more space, please use the back of this form.

I certify the information I have provided is true and correct to my knowledge

Applicant's signature:

Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

☐ FEE CHARGED \$

DATE RECEIVED

☐ Approved

☐ Refused

☐ Rejected

Applicants Signature for Information Received (or double registered mail receipt attached hereto)

Date

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 11

Code 12/99

**Schedule B
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
REQUEST FOR CORRECTION OF PERSONAL INFORMATION**

This is a request for correction to: (Please check one)

☐ My own personal information ☐ Personal information for another person (Attach original proof of authority to act for the person)

FROM:

Which Public Body are you asking for information? (Please fill in name of Department, Agency, Board or Commission)

APPLICANT

☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss Last name First name

Company name (if applicable)

Mailing address

City or Town

Province

Postal code

Telephone (home)

Telephone (work)

Fax/E-mail Address

INFORMATION REQUESTED FOR CORRECTION

Please describe in as much detail as possible, the records you wish to have corrected. Be sure to provide the last name appearing on the records if it is different from the name given above. If you need more space, please use the back of this form.

Please describe the correction you are requesting and the reason for it. Please attach any supporting documentation.

I certify the information I have provided is true and correct to my knowledge

Applicant's signature:

Date

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used to respond to your request. A fee may be charged for providing the information requested.

☐ FEE CHARGED \$

DATE RECEIVED

☐ Approved

☐ Refused

☐ Rejected

Applicants Signature for Information Received (or double registered mail receipt attached hereto)

Date

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 12

Code 12/99

Schedule C
Request for Third Party Information

Request for Third Party Information

To: Village Council
c/o Office of the Village Clerk
Box 180
Andrew, Alberta T0B 0C0

Date: _____

Information Specifics:

- ☐ Whole File
explain: _____
- ☐ Part File

- ☐ Specific Item

I hereby grant access to the above noted information to the following person(s) or organization(s). I understand that as the first party to this information, I have the ability to waive confidentiality for the above mentioned information to the aforesaid named organization(s) or person(s) and that the named organization(s)/person(s) are responsible for information fees.

Organization requesting information

Address _____

Signature - First Party

Printed Name - First Party

The Signature of the THIRD PARTY hereby denotes acceptance of the aforementioned Conditions.

Signature - Third Party

Printed Name - Third Party

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 13

Code 12/99

**Schedule D
Appeal Forms**

If any Applicant wishes to appeal a decision regarding information access, he or she must complete this Notice of Appeal and mail or deliver this Notice of Appeal to the Office of the Village Clerk, within sixty (60) working days after applying for the information or fifteen (15) days following receipt of written notification of refusal or rejection.

NOTICE OF APPEAL TO VILLAGE COUNCIL

To: Village Council
c/o Office of the Village Clerk
Box 180
Andrew, Alberta T0B 0C0

Date: _____

I request information about: (please attach a separate page if necessary)

MY REASONS FOR APPEAL ARE:

- ☐ Information has not been released
- ☐ The information is not in the format I requested
- ☐ It proposes to release information that affects my interests
- ☐ The information I received is not complete

Additional clarification or comments:

Signature - Third Party _____

Printed Name - Third Party _____

Mailing Address: _____

Phone: Res.: _____
Work: _____
Fax: _____

NOTE: A HEARING WILL BE HELD BY THE COUNCIL YOU WILL BE INFORMED OF THE DATE OF THE HEARING

****WRITTEN NOTICE OF REFUSAL OR REJECTION MUST BE ATTACHED AT THE TIME OF SUBMISSION****

**Bylaw No. 99-05
ACCESS TO INFORMATION BYLAW**

PAGE 14

Code 12/99

**Schedule E
Request and Appeal Process Summary**

