

MUNICIPALITY OF JASPER
BYLAW #285

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO REGULATE THE RETENTION AND DISPOSITION OF RECORDS.

WHEREAS Pursuant to the *Municipal Government Act* (RSA 2000, cM-26), as amended, Council may pass a bylaw respecting the retention and destruction of records and documents of the municipality;

AND WHEREAS the *Access to Information Act* (SA 2024, cA-1.4) and the *Protection of Privacy Act* (SA 2024, cP-28.5) provide that the head of a public body must protect personal information in the custody or under the control of the public body by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

AND WHEREAS the Municipality of Jasper creates and maintains records in carrying out its legislative, administrative, operational and service delivery functions;

AND WHEREAS Council recognizes the need to establish requirements for the retention, preservation and authorized destruction of Municipal Records;

AND WHEREAS Council wishes to authorize the Chief Administrative Officer to approve and maintain Records Retention and Disposition Schedules in accordance with applicable legislation and operational requirements;

NOW THEREFORE BE IT RESOLVED that the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1 This Bylaw may be cited as the “Records Retention and Disposition Bylaw”.

2. PURPOSE

- 2.1 The purpose of this Bylaw is to:
- 2.1.1 Establish authority for the retention and disposition of Municipal Records;
 - 2.1.2 Ensure Municipal Records are retained for periods required by law, operational necessity and accountability;
 - 2.1.3 Authorize the destruction of Municipal Records that have fulfilled their retention requirements;
 - 2.1.4 Preserve Records of historical, evidential or permanent value;
 - 2.1.5 Support compliance with applicable legislation including the *Access to Information Act* and the *Protection of Privacy Act*; and
 - 2.1.6 Authorize the Chief Administrative Officer to establish and maintain Records Retention and Disposition Schedules.

3. DEFINITIONS

In this bylaw:

- 3.1 “CAO” means the Chief Administrative Officer of the Municipality of Jasper or designate;
- 3.2 “Council” means the Council of the Municipality of Jasper;
- 3.3 “Disposition” means the authorized destruction, deletion, transfer, migration or preservation of a record;
- 3.4 “Employee” includes permanent, temporary, casual and contract personnel, volunteers, and any individual acting on behalf of the Municipality;
- 3.5 “Historical Record” means a Municipal Record designated for permanent preservation because of its historical, evidential, archival or cultural value;
- 3.6 “Municipality” means the Municipality of Jasper;
- 3.7 “Municipal Record” means a Record in the custody or under the control of the Municipality, that is created, received or maintained in the course of carrying out the Municipality’s legislative, administrative, operational, service delivery, archival or historical preservation functions.

- 3.8 “Record” means any electronic record or other record in any form in which information is contained or stored, including but not limited to information in any written, graphic, electronic, digital, photographic, audio or other medium;
- 3.9 “Records Hold” means the pausing or suspension of the destruction, deletion, transfer or migration of a Municipal Record.
- 3.10 “Records Retention and Disposition Schedule” means a schedule approved by the CAO that establishes retention periods and disposition requirements for Municipal Records.
- 3.11 “Transitory Record” means Municipal Records that have only short-term, immediate or no value to the Municipality, will not be required for future reference, and are required for only a limited period of time for the completion of a routine action or the preparation of a Record or Municipal Record.

4. SCOPE

- 4.1 This Bylaw applies to all Municipal Records regardless of format or storage medium.
- 4.2 This Bylaw applies to all departments, boards, committees, Employees and individuals acting on behalf of the Municipality.
- 4.3 Where there is a conflict between this Bylaw or the Records Retention and Disposition Schedule and Provincial or Federal legislation, the Provincial or Federal legislation shall apply and shall supersede this Bylaw or the Records Retention and Disposition Schedule.
- 4.4 Where Records are in the control or possession of a party other than the Municipality, such Records shall be classified as Municipal Records when:
 - 4.4.1 the Municipality has agreed, by contract, that the Record is a Municipal Record
 - 4.4.2 the Municipality has the authority to regulate the use and Disposition of the Record; or
 - 4.4.3 the third party is a consultant, contractor, agent or service provider and the Record was created, received, maintained or used for or on behalf of the Municipality.

5. ADMINISTRATION

- 5.1 The CAO is responsible for the administration of this Bylaw.
- 5.2 The CAO may establish policies, procedures, standards and practices necessary to implement this Bylaw.

6. RETENTION OF RECORDS

- 6.1 The CAO is authorized to establish, approve, amend and maintain one or more Records Retention and Disposition Schedules.
- 6.2 Records Retention and Disposition Schedules shall:
 - 6.2.1 Identify categories of Municipal Records;
 - 6.2.2 Establish retention periods; and
 - 6.2.3 Reflect legal, operational, fiscal and historical requirements.
- 6.3 Approved Records Retention and Disposition Schedules shall constitute the Municipality's official authority for the retention and disposition of records.

7. RETENTION REQUIREMENTS

- 7.1 Municipal Records shall be retained in accordance with approved Records Retention and Disposition schedules.
- 7.2 No person shall direct the Disposition of a Municipal Record except in accordance with:
 - 7.2.1 This Bylaw;
 - 7.2.2 An approved Records Retention and Disposition Schedule; or
 - 7.2.3 Applicable Provincial or Federal legislation.
- 7.3 Municipal Records shall be maintained in a manner that preserves their integrity, authenticity, reliability and accessibility for the duration of their retention period.

8 AUTHORIZATION

- 8.1 The CAO is authorized to destroy, delete or otherwise dispose of records that have:
 - 8.1.1 Fulfilled the retention requirements established in an approved Records Retention and Disposition Schedule; and
 - 8.1.2 Not been made subject to a Records Hold or legal preservation requirement.
- 8.2 The CAO may delegate authority for the destruction of records to designated Employees.

9 DOCUMENTATION OF DESTRUCTION

- 9.1 The Municipality shall maintain documentation sufficient to demonstrate Municipal Records were destroyed in accordance with this Bylaw.
- 9.2 Documentation may include:
 - 9.2.1 Records categories;
 - 9.2.2 Dates of destruction;
 - 9.2.3 Destruction method;
 - 9.2.4 Authorization; and
 - 9.2.5 Destruction certificates where applicable.

10 RECORDS HOLDS

- 10.1 The CAO may place a Records Hold on Municipal Records that are:
 - 10.1.1 Subject to an access to information request;
 - 10.1.2 Subject to litigation or reasonably anticipated litigation;
 - 10.1.3 Relevant to an investigation, audit, review or inquiry;
 - 10.1.4 Required for an ongoing administrative purpose; or
 - 10.1.5 Otherwise required by law to be retained.
- 10.2 Notwithstanding the criteria outlined in section 10.1, the CAO may place a Records Hold on a Municipal Record for any reason the CAO deems appropriate.
- 10.3 If an individual's personal information will be used by the Municipality to make a decision that directly affects the individual, the Municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.
- 10.4 Municipal Records subject to a Records Hold shall not be destroyed until the Records Hold is released by the CAO.

11 PRESERVATION OF HISTORICAL RECORDS

- 11.1 Historical Records shall not be destroyed.
- 11.2 The CAO may bring forward recommendations to Council to designate records as Historical for perpetual preservation.
- 11.3 Council has the authority to designate records as Historical.

12 TRANSITORY RECORDS

- 12.1 Transitory Records may be destroyed when no longer required for administrative purposes.
- 12.2 Transitory Records are not subject to retention periods established in a Records Retention and Disposition Schedule.
- 12.3 A Transitory Record shall not be destroyed if it is subject to a Records Hold.

13 RESPONSIBILITY

- 13.1 Employees shall comply with this Bylaw and all policies, procedures and schedules established under it.

13.2 No person shall knowingly destroy, alter, conceal or remove a Municipal Record except as authorized by this Bylaw.

14 **DELEGATION**

14.1 The CAO may delegate any authority under this Bylaw except the authority to approve or rescind a Records Retention and Disposition Schedule.

15 **SEVERABILITY**

15.1 If any provision of the Bylaw is adjudged by a Court of competent jurisdiction to be invalid for any reason, the remaining provisions of this Bylaw shall remain in force.

16 **COMING INTO EFFECT**

16.1 This Bylaw comes into force and effect on the final day of passing.

READ a first time this 7th day of July, 2026

READ a second time this 4th day of August, 2026

READ a third time and finally passed this 18th day of August, 2026

Mayor

Chief Administrative Officer