

# CITY POLICY



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**POLICY NUMBER: C596**

**REFERENCE:**

City Policy C448: City of Edmonton Archives  
Freedom of Information and Protection of Privacy Act  
City Council 2004 02 2004

**ADOPTED BY:**

City Council January 23, 2018

**SUPERSEDES:**

**Policy C503: Records and  
Information Management for City  
Council**

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**PREPARED BY:** The Office of City Clerk

**DATE:** 10 November 2017

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**TITLE:** **Records and Information Management for Elected Officials**

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**Policy Statement:**

To support access to information, protection of privacy, preservation of information, and appropriate disposition of records, Elected Officials have a legal and ethical obligation to manage records they create, maintain, and receive.

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**The purpose of this policy is to:**

The purpose of this Policy is to ensure that the City maintains best practices for records, information and data management and that the municipal corporation of the City of Edmonton adheres to its legal obligations.

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This policy is subject to any specific provisions of the Municipal Government Act or other relevant legislation or Union Agreement.

## 1. DEFINITIONS

- 1.01 Disposition: The end of life outcome for a record including secure destruction/deletion of records or transfer of records to another entity.
- 1.02 Public body: as defined in the Freedom of Information and Protection of Privacy Act. The City of Edmonton is a public body under the FOIP Act. Some agencies, boards, and commissions on which an Elected Official serves may be a public body separate from the City.
- 1.03 Record: as defined in the Freedom of Information and Protection of Privacy Act. A record of information in any form and includes notes, images, audio visual recordings, x-rays, 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 mechanism that produces records.
- 1.04 Retention: The period of time that a record is kept in accordance with legislation and operational requirements.

## 2. PROCEDURES

### 2.01 Types of Records

Elected Officials may create, maintain, or receive five types of records during their term.

2.01.1 Constituency Records

2.01.2 City Records

2.01.3 Agency, Board, and Commission Records

2.01.4 Transitory Records

2.01.5 Personal Records

Records are comprised of data and information, and may exist in a variety of formats and locations including, but not limited to: email, hard-copy, text messages, google hangouts, Google Docs, Google Drive, and Network Drives.

It is recommended that Elected Officials create physical folders in file cabinets and/or create electronic folders in email and network drives to separate Constituency Records; City Records; Agency, Board, and Commission Records; and Personal Records. Creating physical and virtual folders will ensure that each record type is managed as per direction listed below.

Transitory records should be routinely securely destroyed/deleted.

### 2.02 Management of Record Types

2.02.1 Constituency Records constitute information generated, maintained, or received by the Elected Official as a result of the Elected Official serving a constituency. These records often document communications between the elected official and constituency members. City Administration is not engaged in the receipt or transmittal of the communications.

Correspondence between the Elected Official, citizens, a community league or any organization of the constituency. Correspondence can occur through various mediums including social media posts and comments, emails and letters.

Examples of Constituency Records with Archival Value  
Correspondence between the Elected Official and an MLA, the Premier or the Prime Minister

Disposition

At the end of an Elected Official's term(s), constituency records may be:

- a) Retained by the Elected Official for future use;
- b) Securely Destroyed by the Elected Official;
- c) Donated to the City of Edmonton Archives; and/or
- d) Provided to the incoming Elected Official by the outgoing Elected Official provided that the:
  - i) records do not contain personal information;
  - ii) the records relate to current constituency matters;
  - iii) and the Elected Official indicates in writing that the constituency records are intended for the incoming Elected Official.

If the outgoing Elected Official does not take any action regarding constituency records at the end of a term, the City will securely destroy/delete the records.

Freedom of Information and Protection of Privacy Act (FOIP)

Constituency Records are not subject to the FOIP Act. Elected Officials are not required to produce constituency records, pursuant to a FOIP request, and Elected Officials are not required to follow the requirements regarding protection of personal information and collection, use, and disclosure of personal information contained in constituency records. However, Elected Officials have an ethical obligation to protect the privacy of individuals whose personal information is contained in constituency records to the same standard as FOIP

- 2.02.2 City Records document the activities, transactions, and decisions of the City. City records are generated, maintained, or received as a result of a City employee performing their employment duties for the City. The Office of the Elected Official may need to generate, maintain, or receive City Records as a consequence of the Elected Official fulfilling their duties with the City. However, the Elected Official should not maintain the sole or official copy of a City record.

Examples of City Records

Memos sent from Administration to City Council and meeting minutes of City committees.

Disposition

City records are subject to the City's records retention and disposition schedule, and may only be disposed of in accordance with an approved schedule.

At the end of an Elected Official's term(s), if in possession of any City Records, the Elected Official must securely provide all City Records to the Office of the City Clerk for management.

Freedom of Information and Protection of Privacy Act (FOIP)

City Records are subject to the FOIP Act and must be produced by the Elected

Official upon notification from the Delegated FOIP Head on receipt of a request. A City record may not be destroyed if it is the subject of a current FOIP request. FOIP requires that Elected officials protect the privacy of individuals whose personal information is contained in City records.

- 2.02.3 Agencies, Boards and Commissions Records document the activities, transactions, and decisions of an Agency, Board, or Commission that is a public body separate the City of Edmonton. These records are generated, maintained, or received as a result of an Elected Official performing duties for the Agency, Board, or Commission. The Office of the Elected Official may need to generate, maintain, or receive these records as a consequence of the Elected Official fulfilling duties for an Agency, Board, or Commission. However, the Office of the Elected Official should not maintain the sole or official copy of a record of an Agency, Board, or Commission.

When an Agency, Board, or Commission is a public body separate from the City, City bylaw establishes which position on the Agency, Board, or Commission is responsible for the management of the records of the Agency, Board, or Commission.

When an Agency, Board, or Commission is not a separate public body, the records of the Agency, Board, or Commission should be treated as a City Record.

Examples of an Agency, Board, or Commission Record

Minutes and agendas of the Edmonton Police Commission or Edmonton Library Board. The Edmonton Police Commission and the Edmonton Library Board are separate public bodies from the City of Edmonton.

Disposition

At the end of the Elected Official's appointment(s) to an Agency, Board, or Commission, the Elected Official should securely provide records to the individual designated in bylaw as the individual responsible for management of records for the Agency, Board, or Commission (often this is the Chair, Executive Director, or Secretary).

Freedom of Information and Protection of Privacy Act (FOIP)

If an Agency, Board, or Commission is a public body separate from the City of Edmonton, Elected Officials must produce records upon notification from the Agency, Board, or Commission of receipt of a request. An Agency, Board, or Commission record may not be destroyed if it is the subject of a current FOIP request. FOIP requires that Elected officials protect the privacy of individuals whose personal information is contained in records of an Agency, Board, or Commission.

- 2.02.4 Transitory Records are records generated, maintained, or received that are required for a limited period of time for the completion of a routine action or preparation of an official record. Transitory records are not required to meet statutory obligations or to sustain

administrative or operational functions. Transitory records are not of enduring value. Transitory records could be created, maintained or received as a result of an Elected Official fulfilling their duties with the City, fulfilling their duties on an Agency, Board, or Commission or as a result of the Elected Official serving a constituency.

#### Example of a Transitory Record

- a) Memo sent to all of Council by City Administration. City Administration is responsible for maintaining the official copy of the memo; therefore, an Elected Official's copy of the memo is transitory.
- b) Drafts of constituency records. While Elected Officials may create notes or drafts for final versions of records, they do not possess enduring value for statutory, administrative or operational requirements.

#### Disposition

Elected Officials must dispose of transitory records once the record is no longer required. Frequent purging of transitory records is recommended. Transitory records with sensitive information should be shredded, securely deleted or placed in a confidential grey shredding bin. If an outgoing Elected Official does not take any action regarding transitory records at the end of a term, the City will securely destroy/delete the records.

#### Freedom of Information and Protection of Privacy Act (FOIP)

Transitory Records are subject to the FOIP Act and could be subject to a request received by the City or an Agency, Board, or Commission on which the Elected Official serves. A Transitory Record may not be destroyed if it is the subject of a current FOIP request. FOIP requires that Elected officials protect the privacy of individuals whose personal information is contained in transitory records in accordance with FOIP if a transitory record is subject to FOIP to the standard of FOIP if the transitory record is not subject to FOIP.

- 2.02.5 Personal Records document the activities of Elected Official as private citizens and do not demonstrate evidence of a business decision or activity of the City or another public body such as an Agency, Board, or Commission.

#### Examples of a Personal Record

- a) Campaigning records, excluding the Campaign Disclosure Forms
- b) Membership records of affiliations with political parties or associations
- c) Emails to/from family and friends
- d) Reference materials

#### Disposition

At the end of an Elected Official's term(s) an Elected Official must:

- a) Take or remove personal records; and/or
- b) Securely destroy/delete personal records.

If the outgoing Elected Official does not take any action regarding personal records at the end of a term, the City will securely destroy the records.

#### Freedom of Information and Protection of Privacy Act (FOIP)

Personal Records are not subject to the FOIP Act. Elected Officials are not required to produce personal records, pursuant to a FOIP request, and Elected Officials are not required to follow the requirements regarding protection of personal information and collection, use, and disclosure of personal information contained in personal records. However, Elected Officials have an ethical obligation to protect the privacy of individuals whose personal information is contained in a personal record to the standard of FOIP.