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# Records Management Policy

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| **Classification:** | Policy - Public |
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| **Department:** | Corporate Services |
| **Responsible Officer:** | Chief Executive Officer |
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| **Council File Reference:** | GF/9.63.1/4 |
| **Applicable Legislation:** | Local Government Act 1999<br>Section 5 *State Records Act 1997*<br>Freedom of Information Act 1991<br>Australian Records Management Standard AS ISO 15489-2002<br>General Disposal Schedule No. 20 |
| **Relevant Council Policies / Procedures / Guidelines:** | This Policy should be read in conjunction with:-<br>Wattle Range Council's Records Procedures Manual<br>State Records Destruction Process Guideline |
| **Consultation:** | ELT, All Staff and Council |

## 1. STATEMENT

The *State Records Act 1997* ("the Act") governs the obligations and responsibilities of Councils in relation to the management of official records. Under this Act, each Council has an obligation to maintain official records in its custody in good order and condition. This obligation applies not only to the capture, storage, maintenance and disposal of physical records, but also to records in electronic format.

An official record is defined in section 3 of the Act to mean a record made or received by the Council *in the conduct of its business.*[1] This means that, because Elected Members and staff of the Council variously act as representatives of the Council, any record created, sent, received, forwarded or transmitted by Council staff and/or Elected Members in the performance and discharge of their functions and duties may be classified as an official record. However, records that are merely transitory, temporary, personal or private in nature will fall outside the definition of "*official records*".

The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

[1] See the statutory definition of "official record" set out on page 3 of this Document for exceptions to this definition.

Good records management is of key importance to good governance. Records are vital ingredients in the support of the Council's ongoing business activities. The Council is committed to managing its records of continuing value and their timely transfer to the State Records Office in accordance with the Act, and best practice standards.

In addition to its record management obligations under the Act, the Council is obliged to keep adequate records in order to fulfill its responsibilities under other Acts such as the *Freedom of Information Act 1991*, as well as fulfilling legal processes, such as discovery and subpoenas. Records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies.

This Policy provides the procedural framework for Wattle Range Council to effectively fulfill its records management obligations and to meet the statutory requirements upon it.

The purpose of this Document is to establish a framework for the implementation and maintenance of an appropriate records management system. The Council operates in an accountable and community orientated environment and is committed to maintaining a records management system that preserves the Council's "*corporate memory*", meets its operational business needs as well as its legal and accountability requirements.

This Document applies to all Council business, including electronic business. It concerns records, which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of official business. It applies to all Council staff and Elected Members.
Electronic communications which are relevant to the information gathering, policy formulation or decision-making processes of Council are part of the scope of this Document. Electronic messages, which document business activity, should be printed, registered and placed on Council files until electronic records management procedures and practices are developed and implemented. All procedures and records management systems are to be consistent with this Document.

## 2. DEFINITIONS

**Continuing Value** – records of continuing value are those that contain information that is of administrative, legal, fiscal, evidential or historical value to the Council.

**Corporate Records Officer** - Council's Records Management Officer is assigned the position of Corporate Records Officer for the purpose of this policy.

**Council Business** – may include the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.

**Council staff** – includes persons employed by the Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Council's resources.

**Dispose of** – to dispose of an official record means to:

- destroy or abandon the record;
- carry out an act or process as a result of which it is no longer possible or reasonably practicable to reproduce the whole or a part of the information contained in the record; or
- transfer or deliver ownership or possession of or sell the record, or purport to do so, but does not include to transfer or deliver the record to the State Records Office or between the Council and another agency.

**Elected Member** - A person appointed or elected as a Councillor of a Council under the Local Government Act 1999. Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

**Email** – Is a service that enables people to exchange documents or messages in electronic form. It is a system in which people can send and receive messages through their computers. Each person has a designated mailbox that stores messages sent by other users. You may retrieve, read and forward or re-transmit messages from your mailbox.

**Temporary/Transitory Record** – A record is transitory or temporary in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

**Normal Administrative Practice** – Normal Administrative Practice provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of more than transitory or temporary value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice comprises items of a temporary or transitory nature created, acquired or collected by Council staff or Elected Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Council's record management system.

**Record** – A record means:

- written, graphic or pictorial matter; or
- a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).

**Records Unit** – All Records Management Staff appointed to be responsible for the efficient management of Council's official records in accordance with relevant legislation and established policies and procedures.

**Official Record** – A record made or received by the Council in the conduct of its business, but does not include:

- a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or
- a record made by an agency as a draft only and not for further use or reference; or
- a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or
- a Commonwealth record as defined by the Archives Act 1983 of the Commonwealth or an Act of the Commonwealth enacted in substitution for that Act; or
- a record that has been transferred to the Commonwealth.

## 3. PRINCIPLES

### 3.1 OBLIGATIONS OF RECORDS USERS

Council staff and Elected Members must not intentionally damage, alter, dispose of or remove official records of the Council without authorisation to do so. Council staff and Elected Members are required to handle Council records with care and respect in a sensible manner to avoid damaging records and with a view to prolonging their life span. Council staff and Elected Members must not eat, drink or smoke near Council records or in records storage areas.

Council staff and Elected Members must ensure that Council records in any format, including electronic documents and electronic messages, which they personally receive or send are forwarded to the Records Unit to be captured into the Council's record keeping systems. Records must be readily accessible to meet business and accountability requirements. Staff members of the Records Unit are required to follow authorised procedures in carrying out records management functions.

Electronic records are to be captured and maintained as functioning records by preserving their structure, context and content. In order to maintain their value as evidence, electronic records must be inviolate. That is, they cannot be altered or manipulated for as long as they are retained.

Council staff or Elected Members who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings. Elected Members and staff should report breaches of this Policy to the Corporate Records Officer or Manager Administration.

## 3.2 CONFIDENTIAL RECORDS

If a staff member or Elected Member believes that a record forwarded to the Records Unit for incorporation into the record keeping system is of a highly sensitive or confidential nature, he or she should advise the Corporate Records Officer of that view. It will be at the discretion of the Corporate Records Officer as to whether such information will then be treated as confidential and access to those records restricted.

## 3.3 RECORDS SECURITY

The security of all Council records is crucial, as records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. Records in all formats should be stored securely to prevent unauthorised access, destruction, alteration or removal.

Council staff are responsible for the safe custody of all files and documents that are allocated to them. Sensitive or confidential information should be placed in a secure storage area when not in use. When the action has been completed the file/documents should be returned to the Records Unit for storage.

File storage units should be locked overnight wherever possible to prevent unauthorised access. Amongst other risk management considerations, this reduces the possibility of damage by water or fire in the event of a disaster.

Council records are not to be stored at home or left in cars unattended as they could be lost or damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions. Confidential records must be stored in locked storage cabinets which are accessible only by authorised persons.

## 3.4 RESPONSIBILITIES AND ACCOUNTABILITIES

### 3.4.1 Chief Executive Officer

The role of Chief Executive Officer of the Council, as prescribed by section 99 of the *Local Government Act 1999*, includes ensuring that records required under any legislation are properly kept and maintained.

### 3.4.2 Corporate Records Officer

Responsibility for Council’s records management system is assigned to the Records Management Officer as Corporate Records Officer, under the supervision of the Chief Executive Officer. The Corporate Records Officer is directly accountable to the Chief Executive Officer.

The role of the Corporate Records Officer is to provide a strategic focus for record keeping throughout the Council and responsibility for:

- ensuring that official records are managed in accordance with the *State Records Act*;
- establishing records management policies and procedures for the Council as a whole;
- establishing corporate standards for record keeping and records management;
- measuring performance of Council business units against these standards;
- providing consulting services to Council staff and Elected Members;
- developing corporate electronic records management strategies;
- working with other managers of information resources to develop coherent information architecture across the Council;
- working with other accountability stakeholders, including FOI officers and executive management staff, to ensure record keeping systems support organisational and public accountability; and
- providing Council staff and Elected Members with appropriate training and tools to allow them to meet their records managements responsibilities.

### 3.4.3 Council Staff and Elected Members

All Council staff and Elected Members need to be aware of record keeping requirements that affect the performance and exercise of their duties and functions. The record keeping obligations on Council staff and Elected Members include:

- making records to support the conduct of their business activities;
- creating records that would not otherwise be created;
- forwarding records to the Records Unit for capture into paper or electronic record keeping systems;
- learning how and where records are kept within Council;
- not destroying Council records without authority from the Corporate Records Officer;
- not losing records; and
- being aware of records management procedures.

### 3.4.4 Records Unit of the Council

The Records Unit is operationally responsible for the efficient management of Council records (physical and electronic) incorporating sound record keeping principles and records management best practice guidelines.

The Records Unit of the Council is responsible for the effective management and system administration of the Council's primary record keeping system – SynergySoft.

The Records Unit will assist Council staff and Elected Members in fulfilling their record keeping responsibilities and provide advice and training throughout the implementation of this policy, procedure and strategies.

## 3.5 DESTRUCTION METHODS

Official records must only be disposed of in accordance with the General Disposal Schedule No. 20 for Local Government Authorities in South Australia. A copy of GDS 20 can be accessed through the State Records website at http://www.archives.sa.gov.au. Disposal of such records should be undertaken in accordance with the State Records Destruction Process Guidelines. Transitory or temporary records, or records that are personal or private in nature, may be destroyed in accordance with normal administrative practice.

Only records that have been identified as non-official and of no continuing value to the Council can be destroyed by individual Council staff or Elected Members. Council staff and Elected Members should contact the Corporate Record Manager or any other staff member of the Records Unit for assistance with the destruction of such records.

The destruction of records must be complete destruction so that no information is retrievable. Records in physical format should be destroyed by shredding or pulping. Records in electronic format should be destroyed by reformatting, rewriting or degaussing. The use of the "*delete*" function in software packages is **not** sufficient to destroy electronic records, as "deleted" data is still able to be recovered. With the consent of the Corporate Records Officer, use may be made of electronic file shredding software to ensure the complete destruction of electronic records.

## 3.6 GUIDELINES FOR DETERMINING WHAT ARE OFFICIAL RECORDS

The following guidelines relate to some common records which Council staff and Elected Members may create, send, receive, forward or transmit. This is not an exhaustive list, they are simply provided to assist in assessing whether information in any format constitutes an official record under the *State Records Act*.

### 3.6.1 Audio Recordings

All Audio Recordings created by Council will be retained by the Records Unit and disposed of in accordance with GDS 20.

Where audio recordings are made on tape, CD or other hard-copy media, the recordings will be retained by the Records Unit in a secure file storage unit.

Where audio recordings are digital, copies of the audio files must be forwarded to the Records Unit as soon as possible after their creation.

The Council is not obliged to (and probably could not, in any event) retain audio recordings of its meetings which have been created by members of the public, as such records have not been made by the Council, and are therefore not "official records" within the meaning of the Act.

However, where audio recordings are provided by the Council by the member of the public, who has made the recording they will then become an "official record" in that they have been received by the Council. Where audio recordings are provided to the Council, they must be forwarded onto the Records Unit for retention and correct disposal under the Act and GDS 20.

### 3.6.2 Diaries/Appointment Books/Calendars

Diaries, appointment books and calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be an aide memoire of a routine nature, but others may be of significance to the conduct of Council business.

In order to ensure that all "official records" are captured and retained in accordance with the Act, Council staff and Elected Members' diaries, appointment books and calendars should to be forwarded to the Records Unit for incorporation into the Council's records management system at the end of the calendar year to which they pertain.

### 3.6.3 Drafts

A draft record is the preliminary form of any writing in electronic or physical format. Draft records include outlines of addresses, speeches, reports, correspondence, file notes, preparatory notes, calculations and earlier versions of the draft. Drafts may or may not be circulated to other Elected Members or Council staff for comment or revision.

Drafts will be of no continuing value and may be destroyed when reference to them ceases if they:

- contain addresses, speeches, reports, correspondence, file notes that are not circulated to other Elected Members or staff; or
- are circulated to other Elected Members, where only editorial or typographical changes have occurred.
- drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records have continuing value and are to be forwarded to the Records Unit for incorporation into Council's records management system. For example:
    - drafts which contain significant or substantial changes or annotations (other than editorial changes);
    - drafts relating to the formulation of legislation, legislative proposals and amendments;
    - drafts relating to the formulation of policy and procedures, where the draft provides evidence of the processes involved or contains significantly more information than the final version; or
    - drafts of legal documents (contracts, tenders etc).

### 3.6.4 Duplicates

Duplicates are exact reproductions or copies of records where the original or authorised copy is contained within the Council's record keeping system.

Duplicates of records will be of no continuing value and may be destroyed when reference to them ceases where they are:

- issued to a staff member or Elected Member by the Council for information or reference purposes only; or
- of internal or external publications issued or received for information or reference purposes (eg. annual reports, brochures, trade journals, price lists).

Duplications of records received by a staff member or Elected Member and sourced from outside the Council that are relevant to furthering the business activity of the Council have continuing value and are to be forwarded to the Records Unit for incorporation into the Council's records management system.

### 3.6.5 Messages

Messages may be sent or received via a range of methods, such as telephone and voice mail, email, social media postings, post-it or sticky notes, facsimile, pieces of paper, or transmission reports.

Messages may be sent or received on a variety of matters. Some messages will have continuing value, if they are considered significant to the conduct of Council business. Others, such as those very routine in nature, will only have temporary value.

For example:

- routine or simple administrative instructions, such as edit corrections, distribution lists for informational purposes, file creation requests, and social invitations and messages;
- information only messages, duplicates or working copies/memos;
- private messages or personal comments between officers which would not provide evidence or be required for accountability purposes;
- original messages that have been transferred or transcribed into appropriate formats for incorporation into Council's record keeping systems; and
- messages that do not relate to the business functions of Council,

have no continuing value and may be destroyed when reference to them ceases.

Messages that will have continuing value and are to be forwarded to the Records Unit for incorporation into Council's records management system include those which:

- contain information relating to the business activities of the Council such as directives, proposals, recommendations, definitions or interpretations from a Elected Member to another party or vice versa; and
- messages that are part of an actual business transaction itself, or have policy/procedure implications, or are otherwise identified as being significant to the conduct of Council's business, including:
    - a directive or approval for a particular course of action;
    - formal communications between internal officers or external agencies;
    - final versions of reports;
    - policy documents and statements; or
    - formal minutes of Council Committees,
    - are of continuing value to the Council and must be printed and recorded in hard copy format or captured into the record keeping system.

### 3.6.6 Working Papers

Working papers are documents, background notes and reference materials that are used to prepare or complete other documents. Those final documents become an official record and should be forwarded for capture into Council's record keeping system.

Working papers that do not relate to significant decisions or actions, or contain significant information, and where the final document has been forwarded to the Records Unit for capture into the Council's record keeping system have no continuing value and may be destroyed when reference to them ceases.

Working papers which document significant decisions, reasons and actions, or contain significant information (even if that information is not contained in the final form of the document) have continuing value and are to be forwarded to the Record's Unit for incorporation into the Council's records management system.

### 3.6.7 Telephone and Other Verbal Communications

Council staff and Elected Members may have telephone or other face-to-face conversations at any time on a variety of matters. Some conversations may involve the relay of information, or involve matters of significance to the conduct of Council business. These conversations should be documented in an appropriate format (eg. a file note).

Other conversations may only be basic or routine in nature, such as the issuing or receiving of basic instructions or information, and need not be documented.

Documentation of conversations which involve the exchange of routine or simple administrative instructions or information or that do not relate to Council business has no continuing value and may be destroyed when reference to them ceases. Original notes of significant conversations that have been transferred or transcribed into appropriate formats for incorporation into Council's record keeping system will also have no continuing value and may be destroyed when reference to them ceases.

Conversations will have continuing value and should be documented in an appropriate format and forwarded to the Records Unit for incorporation into Council's records management system are those which:

- relate to the business functions of Council involving the issuing of directives, proposals, recommendations, definitions or interpretations from the Elected Member to another party or vice versa or that are part of an actual business transaction itself; and
- have policy/procedure implications, or otherwise identified as being significant to the conduct of Council business.

### 3.6.8 Lobbying

Lobbying is the activity of ratepayers or members of the community attempting to influence the Council through representations to Elected Members, and may include one or more Elected Members lobbying other Elected Members.

Records, such as correspondence or petitions, relating to lobbying matters, regardless of whether the lobbying itself is of Council or community interest, have continuing value and are to be forwarded to the Records Unit for incorporation into Council's records management system.

### 3.6.9 Election Material

Election materials or records created or received by a Elected Member in regard to electioneering ***are private records of the Elected Member***, and do not need to be forwarded to the Council.

Any records created or received by the Council that relate to the preparation of elections have continuing value and are to be forwarded to the Records Unit for incorporation into Council's records management system. Such records include:

- public notification;
- nominations;
- ballot papers;
- vote cards;
- postal votes;
- how to vote cards;
- arrangements;
- requests, e.g. postal votes;
- declaration of eligibility;
- polling stations.

## 4. ELECTED MEMBERS

### 4.1 Training

Attendance as required at Elected Member Awareness training which will be delivered by an authorized and appropriately qualified Records Management staff member or an external consultant.

### 4.2 Responsibilities

The Mayor and Elected Members are responsible for ensuring;

**Council Systems**

#### 4.2.1 Council Systems

- That the Mayor and Elected Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used for Council business.

#### 4.2.2 Record Creation

- Records created within the conduct of their role at Wattle Range Council are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.
- Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.
- Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

#### 4.2.2 Records Capture

- Electronic records, such as Council Elected Member emails must be copied or forwarded upon creation or receipt to records@wattlerange.sa.gov.au these records will then be captured into the corporate Electronic Document Records Management System (EDRMS) SynergySoft.
- Elected Members should not be retaining hard copy original documentation. All original hard copy documentation including records handed to elected members must be forwarded to the Director Corporate Services at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS) SynergySoft.

#### 4.2.3 Records Retention and Disposal

- There is to be no intentional deletion, destruction or alteration of official records. Records are only to be disposed of in accordance with the provisions of the State Records Act 1997 by authorised Records Management staff.
- The illegal destruction of records carries penalties under the State Records Act 1997. If prosecuted penalties will apply to the individual Elected Member involved.
- The Mayor's diary will be retained as a permanent record.

#### 4.2.4 Access and Privacy

- Access to Council held information by Elected Members will need to be requested through the CEO and Directors.
- Records may contain information that is confidential in nature and should not be divulged to other parties.

#### 4.2.5 Public Access to Information

- Requests by the public or media for access to Council information and records are to be managed by a Freedom of Information Accredited Officer. Access by the public or media to information is protected by provisions in the Freedom of Information Act 1991 and advice should be sought from the Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

#### 4.2.6 Mail Opening

- All mail coming into Council, including mail marked Private and Confidential, will be opened by the Records Management Staff regardless of addressee and processed in accordance with Council Records Management policies and procedures.

#### 4.2.7 Integrity of Information

- Under the Freedom of Information Act 1991, Ombudsman's investigations and legal discovery, the public may apply to access Council records. It is important that a professional approach be taken in relation to documenting and recording all forms of communication with staff, elected members and customers, actions, transactions, decisions and agreements.
- Comments of a personal or derogatory nature should not be documented in or on records, including emails, under any circumstance. This includes comments on "post it" notes as they become part of the official record.

## 5. REVIEW

This Policy will be reviewed every four years in line with Wattle Range Council's Corporate Governance framework, or as required by legislation.

## 6. AVAILABILITY

This Policy is available for inspection without charge at the following location during ordinary business hours:

- Principle Office, "Civic Centre, George Street Millicent
- Council's website www.wattlerange.sa.gov.au

A copy of the Policy may be purchased from the Principle Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

## 7. ADOPTION AND AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

| Date | Authorised by | Minutes Reference |
|---|---|---|
| 10 November 2015 | Council | Folio 6156; Item 13.2.8 |
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