



Council Member Records Management Policy

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Type:	Council Policy
Category:	Corporate Governance
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> • Be bold and innovative in our practices, leadership and decision making. • Practise transparent and accountable governance.
Responsible Officer(s):	Manager Information Services
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Applicable Legislation:	State Records Act 1997 Freedom of Information Act 1991 Local Government Act 1999 Copyright Act 1968
Related Policies:	Council Members Electronic Communications Policy Council Members' Allowances and Support Policy Council Members Code of Conduct Policy Privacy Policy Media and Communications Policy Mobile Device Policy (including BYOMD) - Council Members
Related Procedures:	Council Member IT Equipment

1. Purpose

The objective of this policy is to outline and direct the practices of the City of Charles Sturt's Council Members in relation to the management of its records. Records of the City of Charles Sturt are created and received as a result of interaction with residents, other agencies, government departments and businesses.

The City of Charles Sturt has an obligation under the State Records Act 1997, Local Government Act 1999, Freedom of Information Act 1991 and other relevant legislation to create, manage and provide timely access to information contained within documents and records.

Adherence to this Policy will ensure the City of Charles Sturt is able to:

- Meet its legislative responsibilities;
- Provide evidence of business transactions and accountability;
- Validate and support its decisions and actions;
- Protect the interests of its Council Members, staff and clients.

The City of Charles Sturt is an agency under the State Records Act 1997, and as such is required to practice adequate records management as defined by the Adequate Records Management Standard. This Standard includes a required framework of policies, procedures and practices for the management of official records.

2. Scope

Any correspondence sent or received and any record created (including meeting notes and minutes) by a Council Member which relates to administrative or operational matters and requires action by a Council officer is to be forwarded to Team Leader Information Management Services for processing. Electronic correspondence can be forwarded to Council via Council@charlessturt.sa.gov.au.

All such correspondence will be classified and registered into Council's EDRMS, the relevant workflow will be attached and the correspondence forwarded to the appropriate Council officer. The Council Member to whom the correspondence was originally directed will be kept informed of progress and provided with a copy of any written response.

It is the responsibility of all Council Members to adhere to this Policy by:

- understanding their roles and responsibilities in relation to the management and ownership of records;
- creating records of decisions and actions where required;
- ensuring records are managed within the appropriate system;
- managing any ongoing activity related to records;
- controlling access to records when required and protect the privacy of individuals in relation to personal information contained within records;
- protecting records from damage or loss by ensuring they are appropriately stored.

3. Record Creation

Where there is a business, fiscal, legal or stakeholder requirement for evidence of a transaction, decision, action or communication, a record must be created. Where appropriate, the business knowledge of Council Members should be documented, not just committed to memory, to assist in business operations and future incumbents in undertaking their role.

A record may be created, received and stored in various formats and media. Records include, but are not limited to, letters, reports, photos, e-mails, faxes, plans, agendas, minutes, publications and databases. They can be both digital and physical.

3.1 Records will be created

Records will be created when;

- advice is given, as evidence of what was said, including phone and face-to-face advice;
- a decision is made, as evidence of what was decided, when and by whom eg; minutes of meetings or file notes;
- an action or activity has taken place eg; maintenance work undertaken, arrangements for a service;
- an issue or potential issue or crisis arises, including possible litigation or one that might be subject to media exposure and may have an impact on or embarrass the City of Charles Sturt;

- responding to correspondence, complaints or other communication, including phone response to communication;
- there is a legislative requirement to do so eg; an approval, minutes or report.

Records need to be:

- complete, accurate and meaningful to provide a reliable and valid account of what they document;
- inviolate (not able to be altered after they are transacted or are the final version);
- created as soon as practicable after an event or action to ensure they are a reliable and accurate account of what took place within 24 hours.

For records to be authentic, complete and accurate they need to comprehensively identify:

- exactly what took place;
- who decided;
- who authored it;
- when an action or decision took place;
- that it originates from the City of Charles Sturt;
- what subject it relates to;
- when it was created and received.

All records, including correspondence (hard copy and e-mail), memos, minutes, file notes and reports must identify:

- the date of creation;
- author's full name and position;
- that the City of Charles Sturt is the originator.

The Mayor and Council 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.

3.2 Version control

Where appropriate, documents and records will include version identification and revision history details to provide an audit trail and evidence of the authorised or official version. This includes identification of the version communicated or sent to stakeholders in the conduct of business.

3.3 Integrity of information

The public, under the Freedom of Information Act 1991, may access documents and records so it is important that a professional approach be taken in relation to document and record content and file notes. Comments of a personal or derogatory nature should not be documented in, nor attached to, records as stipulated in the Council Member Code of Conduct Policy.

4. Access

Records may contain information that is confidential in nature and should not be divulged to certain parties, including other Council Members or staff within the City of Charles Sturt. Council Members must be aware of issues relating to confidentiality and sensitivity when managing, storing, accessing or divulging information either on request from within the City of Charles Sturt or from outside.

This applies to all forms of communication including electronic transmission as specified in the Electronic Communications Policy.

Whilst the Privacy Act 1988 and the National Privacy Principles are not applicable to the City of Charles Sturt, the principles, together with Council's Privacy Policy, should be used as a guide in the collection, storage, use and disclosure of personal information.

Records containing information relating to a person require specific management. Personal information means "information or an opinion, whether true or not true, (including information or an opinion forming part of a database) relating to a natural person or the affairs of a natural person, whose identity is apparent, or can reasonably be ascertained, from the information or opinion including a photograph or other pictorial representation."¹

Council Members must take care when collecting, storing, using and disclosing personal information relating to individuals and the provisions of the *Freedom of Information Act 1991* must be applied in relation to access to records containing personal information. Relevant personal information must only be used and disclosed for the purpose it was collected for. Requests by the public or media for access to information that is not already publicly available come under the *Freedom of Information Act 1991* and are managed by accredited Freedom of Information Officers.

Where information is requested outside of the *Freedom of Information Act 1991* care must be taken to ensure access will not compromise the integrity of the City of Charles Sturt.

Clarification must be sought from Council's accredited Freedom of Information Officers prior to allowing access where documents and records contain:

- personal information relating to an individual;
- commercial-in-confidence information relating to the City of Charles Sturt or an organisation with which the City of Charles Sturt is conducting business;
- working papers relating to a proposed project;
- legal opinions.

5. Copyright

Council Members need to be aware of the provisions of the *Copyright Act 1968* which is the legal protection for people who express ideas and information in writing, visual images, music and moving images. The City of Charles Sturt owns the copyright to any publication it produces and external parties own the copyright of work they produce. Permission from the owner of the copyright may be required before any work is reproduced. Copyright generally lasts for the life of the creator plus 70 years and where duration depends on year of publication, it lasts until 70 years after it is first published.

6. Disposal – Retention and Destruction

Under the *State Records Act 1997* it is illegal to dispose of records (destroy or remove) except in accordance with an approved records disposal schedule. All Local Government agencies in South Australia utilise a General Disposal Schedule (GDS) as issued by State Records. This schedule must be applied to the records of Council when determining how long records should be retained or when they can be destroyed.

¹ National Privacy Principles

The GDS identifies the retention periods for records based on an appraisal of the records' value including their cultural, historical, fiscal, business, social and legal value. As well as the primary GDS, Council also works under the framework of other disposal schedules relating to Native Title and protection of children and vulnerable people in our community. For this reason, recordkeeping is paramount for instances where Council Members are meeting with members of the public.

Records are either temporary (can be destroyed when their retention period has expired) or permanent (must be transferred to State Records of SA when administrative use ceases or 15 years after creation).

Prior to the destruction of temporary value records, (where the retention period has elapsed) approval must be sought from Council's Chief Executive Officer (or delegate). All documentation relating to the disposal process must be maintained to validate the legal disposal of records if required. This validation may be required for an application under the *Freedom of Information Act 1991* or for legal discovery.

Information resources that are not considered to be records and have no ongoing value to the City of Charles Sturt (ephemeral material) may be destroyed without applying the disposal schedule. Care must be taken not to destroy information which has value to the City of Charles Sturt, which may result in legal action, embarrassment or penalties to the City of Charles Sturt. If there is any doubt about what material can be destroyed consult with the Information Management staff.

Under the *State Records Act 1997* section 17, the intentional illegal destruction, damage, alteration or removal of official records could incur penalties of \$10,000 or 2 years imprisonment of the **individual** responsible. Further penalties may be applied.

Expired records that contain confidential, personal or sensitive information should not be placed in open bins, but either shredded or sent to Council's Information Management staff for confidential destruction.

7. Council Member Responsibilities

The City of Charles Sturt as an agency is responsible for ensuring its business activities are documented and preserved to meet its obligations within government of South Australia, protect its integrity and the interests of its staff and clients, whilst providing a documented history of the City of Charles Sturt.

All Council Members have a responsibility to adhere to this Policy by:

- creating records that adequately reflect the business they conduct including decisions made and actions taken;
- protecting and caring for records in their possession;
- not removing, destroying or deleting records without proper authority to do so;
- ensuring records are captured and managed within the appropriate system;
- ensuring version control is managed;
- ensuring all activity carried out on records is recorded and maintained;
- ensuring the integrity of the information held by City of Charles Sturt is maintained;
- ensuring all records created and managed in the conduct of business form part of the record holdings and are supplied to the City of Charles Sturt for ongoing management, maintenance and access;
- recognising that the records they create and receive in the conduct of the City of Charles Sturt's business are the property of the City of Charles Sturt and must be afforded the care and protection identified in this Policy.

8. Definitions

Key Term – Acronym	Definition
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.
EDRMS	Council’s Electronic Document and Records Management System.
Ephemeral material	Information relating to personal activities, drafts, reference material, duplicates etc, which have no value to the business of Agency and do not add value to another record
Official record	<p>A record made or received by Council in the conduct of its business.</p> <p>This includes records made or received by a Council member in the conduct of the business of their office (ie Mayor or Councillor), but does not include records that are merely transitory or ephemeral in nature or that are personal or private in nature.</p> <p>[The guidelines provided in Schedule 1 to this Policy will assist Council members assess whether a record they create or receive is an official record.]</p>
Record	<p>(a) written, graphic or pictorial matter; or</p> <p>(b) 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)</p>
the Act	State Records Act, 1997.
GDS	<p>Means the over-arching General Disposal Schedule for Local Government Records in South Australia.</p> <p>This records management tool is applied to determine a minimum for when official records should be archived or destroyed.</p>

Schedule 1

Council Members Guidelines for Official Records

How to Deal with Specific Kinds of Records

The following descriptions and actions relate to some common records which Council members may generate or deal with and will assist them in assessing whether correspondence (including emails) and other documents constitute official records under the State Records Act 1997.

1. Diaries/Appointment Books/Calendars (including electronic diaries)

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, and some of which may be of significance to the conduct of local government business. The GDS specifically requires Mayor's and CEO diaries to be retained permanently.

Guidelines

- The Mayor's diaries, appointment books and calendars have continuing value and are to be forwarded to Council for incorporation into Council's Records management system at the end of the calendar year to which they pertain.

2. Drafts and Working Papers

A draft record is the preliminary form of any writing in electronic or paper formats. 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 Council Members or Council staff for comment or revision.

Working papers are documents, background notes and reference materials that are used to prepare or complete other documents.

Guidelines

- Drafts of addresses, speeches, reports, correspondence, file notes that are not circulated to other Council Members or staff;
- Drafts circulated to other Council members, where only editorial or typographical changes have occurred; and
- Working papers that do not relate to significant decisions or actions, or contain significant information, and where the final document has been forwarded for capture into the local government's record keeping system have NO continuing value and may be destroyed when reference to them ceases.

However:

- Drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records – 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); and
- 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 Council for incorporation into Council's Records management system.

3. Duplicates

Duplicates are exact reproductions or copies of records.

Guidelines

- Duplicates of records issued to a Council Member by Council for information or reference purposes only, eg Council and Committee meeting agendas, copies of Acts and Regulations; and
- Duplicates of internal or external publications issued or received for information or reference purposes (eg annual reports, brochures, trade journals, price lists) have NO continuing value and may be destroyed when reference to them ceases.

However:

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

4. Messages

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

Guidelines

- Routine or simple administrative instructions, such as edit corrections, distribution lists for informational purposes, file creation requests, and social invitations and messages;
- 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.

However:

- Messages which contain information relating to the business function of Council such as directives, proposals, recommendations, definitions or interpretations from a Council 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 have continuing value and are to be forwarded to Council for incorporation into Council's Records management system.

5. Photos and Other Digital Images

Photographs may have been taken to record significant events or activities or to provide evidence in support of certain claims or actions.

Guidelines

- Photos and other digital images which record significant Council events or activities or provide evidence in support of an action or claim have continuing value and are to be forwarded to Council for incorporation into Council's Records management system.

Note:

It is only necessary to retain those photos etc which show the best example of each event or activity. Duplicate copies of those showing similar views are not required.

6. Telephone and Other Verbal Conversations

Council 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 local government business. These conversations should be documented in an appropriate format (eg a file note).

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

Guidelines

- Documentation of conversations involving the exchange of routine or simple administrative instructions or information;
- Original notes of significant conversations that have already been transferred or transcribed into appropriate formats for incorporation into Council's record keeping system; and
- Documentation of conversations that do not relate to the business functions of Council have NO continuing value and may be destroyed when reference to them ceases.

However:

- Conversations which relate to the business functions of Council involving the issuing of directives, proposals, recommendations, definitions or interpretations from the Council member to another party or vice versa; and
- Conversations that are part of an actual business transaction itself, or have policy/procedure implications, or otherwise identified as being significant to the conduct of Council's business have continuing value, should be documented in an appropriate format, and forwarded to Council for incorporation into Council's Records management system.

7. Electioneering Material

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

Confidential Documents/Records

If a Council member believes that some of the documentation forwarded to Council for incorporation into the record keeping system is of a highly sensitive or confidential nature, the Council member should advise the Team Leader Information Management (via email to records@charlessturt.sa.gov.au). Such information will then be treated as confidential and access to those records restricted.

Destruction Methods

Council members should contact Council's Information Services staff for assistance with the destruction of their non-official records.

Council members should take care to only destroy records that have been identified as non-official and having no continuing value to Council. In the case of uncertainty assistance should be sought from the Manager Information Services or Team Leader Information Management.

The destruction of records must be done completely so that no information is retrievable.

Note: These guidelines are based on "Managing Your Government Records" A Guide for Local Government Councillors published by State Records Office of WA 2003.