



Council Member Records Management Policy

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| Reference Number: | 1.6 |
| Type: | Council Policy |
| Category: | Corporate Governance |
| Relevant Community Plan Outcome: | <ul style="list-style-type: none">• Our values, leadership and collaborative approach are bold and courageous and enables us to deliver value for our Community and create a leading liveable City• Open and accountable governance |
| Responsible Officer(s): | Information Management Lead - Operations |
| First Issued/Approved: | December 2005 |
| Minutes Reference: | CoS 5/06/2023, Item 4.27 |
| Last Reviewed: | June 2023 |
| Next Review Due: | June 2025 |
| 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, Communications & Social Media Policy Mobile Device Policy (including BYOMD) - Council Members Records Management Policy |
| 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 through 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, capture and control records and provide timely access to information when required to perform business functions and transactions.

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 customers.

The City of Charles Sturt is an agency under the State Records Act 1997, and as such is required to adhere to adequate records management practices as defined by the Information Management Standard version 1.2. This Standard, through 5 overarching principles, sets the minimum requirements for a required framework of policies, procedures, and practices for the management of all information, including official records, in the custody of the agency.

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 the Information Management team 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 Electronic Document and Records Management System (EDRMS), and the relevant workflow will be attached, if necessary. 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 in various formats and media. Records include, but are not limited to, letters, reports, photos, emails, 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 over the phone and face-to-face advice;
- a decision is made, as evidence of what was decided, when and by whom e.g.; minutes of meetings or file notes;
- an action or activity has taken place e.g.; 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 e.g.; 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 email), 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.

¹ National Privacy Principles

5. Copyright

Council Members must recognise 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 (GDS40). This schedule must be applied to the records of Council when determining how long records should be retained or when they can be destroyed. 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 lapsed) 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.

Further information regarding disposal, retention and destruction can be obtained from the Records Management Policy.

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.

Incoming hard copy correspondence addressed to Council Members

All incoming hard copy mail received by the Information Management Services team for Council Members will be date stamped and left in the pigeonholes in the Council Members room throughout the week.

All Incoming hard copy mail received by the Information Management Services team for the Mayor will be scanned and registered in Council's records management system and assigned to the EA to the Mayor for actioning.

Incoming email correspondence addressed to Council Member

Council Members are required to use their City of Charles Sturt email account for all official email transactions. Any email correspondence addressed to Council Members sent to council@charlessturt.sa.gov.au (without including their personal email address) will be directed through to the EA to the Mayor for assessment and processing as required.

8. Definitions

| Key Term – Acronym | Definition |
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| Access | Means of finding, using or retrieving information/record. |
| 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 (i.e., 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.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.
- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g., Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g., WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.

Which records should be captured?

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| YES – forward to Information Management team |
| Communications , such as: <ul style="list-style-type: none"> • complaints and compliments • correspondence concerning corporate matters • submissions, petitions and lobbying • information for Council’s interest relating to local government business activity • and functions |
| Lobbying – correspondence or petitions, relating to lobbying matters |
| Telephone, meetings and other verbal conversations – regarding local government projects or business activities |
| Social Media – where the posts/messages: <ul style="list-style-type: none"> • create interest from the public or media • communicate decisions or commit the local government to an action • seek feedback • address issues of safety, and/or • relate to sensitive or contentious issues |
| Work diaries / Appointment books – containing information that may be significant to the conduct of the elected member on behalf of the local government |
| Allowances, benefits and gifts records |
| Addresses / Speeches / Presentations – delivered as part of an elected members’. official duties |
| NO – do not need to be forwarded to Information Management team |
| Duplicate copies – of Council meeting agenda, minutes and papers |
| Draft documents or working papers – which are already captured at the local government |
| Publications – such as newsletters, circulars and journals |
| Invitations – to community events where an elected member is not representing Council or the local government |
| Telephone, meetings and other verbal conversations which: <ul style="list-style-type: none"> • convey routine information only; or • do not relate to local government business or functions |
| Electioneering – or party-political information |
| Personal records – not related to an elected member’s official duties |

Confidential Documents/Records

If a Council Member believes that some of the documentation forwarded to Council for incorporation into the EDRMS is of a highly sensitive or confidential nature, the Council member should advise the Information Management Lead - Operations (via email to council@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 Management 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 Information Management Lead - Operations.

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

Note: These guidelines are based on Records Management Advice - Local Government Elected Members' Records" published by the State Records Office of Western Australia 2023.