

Policy Reference Number:	1.14
Classification:	General
Last Reviewed:	14 October 2020 (Res 112/2021)
Next Review Date:	January 2027
Responsible Officer:	Chief Executive Officer
Approved by:	Council Resolution
Applicable Legislation:	<i>State Records Act 1997</i> <i>Local Government Act 1999</i> <i>Freedom of Information Act 1991</i>
Relevant Policies, Procedures and Standards:	<i>ISO 15489 Records Management</i> <i>State Records SA's Information Management Standard</i>

1. POLICY STATEMENT

This Policy provides the framework for Council to effectively fulfil its obligations and statutory requirements under the State Records Act 1997.

The State Records Act 1997 (the Act) governs the obligations and responsibilities of Council in relation to the management of official records. Under the Act, Council has an obligation to maintain all official records in its custody in good order and condition. This includes obligations in relation to the capture, storage, maintenance and disposal of physical and electronic records including social media.

Council has legal obligations in relation to records management and records are themselves subject to legislation such as the Freedom of Information Act 1991, legal processes such as discovery and subpoenas. Records may also be required by Royal Commissions, Independent Commissioner Against Corruption, the Ombudsman, the Courts, auditors and other people or bodies who may have authority or rights to access records.

Good records management is important to good governance. Records are vital in the support of Council's ongoing business activities. The Council is committed to managing its records and their timely transfer to State Records of South Australia.

The business activities of the District Council of Robe are to be documented, recorded and managed to protect the integrity, enhance the efficiency and preserve the history of Council. Business activities include decisions made, actions taken and interaction with clients/customers. Records will be managed and maintained in accordance with the procedures associated with this policy as this will:

- Provide an effective and efficient recordkeeping environment ensuring standardisation, protection and retrieval of information that underpins quality customer service.
- Support Council's Electronic Document Records Management System.
- Empower users to manage the records and information of Council.
- Allow intellectual property to be shared within Council
- Meet legal and regulatory requirements for the maintenance of records.

2. POLICY PURPOSE

The Council 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 and Framework.

This Policy outlines and directs the practices in relation to the management of the records of Council and the information contained within them and applies to all:

- Council staff (including trainees and volunteers);
- Consultants, contractors and other authorised personnel offered access to Councils resources; and
- Elected Members.

The management of records is an integral process that underpins and supports the business activities of Council. Adherence to this Policy is mandatory and ensure the District Council of Robe is able to:

- Meet its legislative responsibilities;
- Provide evidence for legal actions, investigations and related purposes;
- Provide evidence of business transactions and accountability;
- Validate and support its decisions and actions; and
- Protect the interests of its residents, staff and Elected Members.

3. SCOPE

This Policy applies to all Council:

- Business including electronic business
- Records and information created and stored in all formats; and
- Electronic communications which are relevant to the information gathering, policy formulation or decision making processes of Council.

4. ROLES AND RESPONSIBILITIES

It is the responsibility of all Elected Members and Council staff to adhere to this Policy and associated the Administrative Procedure.

Elected Members and Council staff 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 Council staff must report breaches of this Policy to the Chief Executive Officer.

4.1 COUNCIL'S RESPONSIBILITY

Council as an entity is responsible for ensuring its business activities are documented and preserved. Council is thus responsible for:

- Ensuring its official records are captured and stored
- Providing complete, accurate and reliable records of its functions and activities
- Protecting its integrity and the interests of its staff, residents and ratepayers; and
- Providing a documented history of the Council. When collecting, using, storing and disclosing personal information, Council acknowledges that the National Privacy Principles contained within the Privacy Act set the standard for privacy protection and enables Council to achieve 'best practice' consistency with those standards.

Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse; and to maintain systems to ensure that all personal information collected is stored safely.

4.2 CHIEF EXECUTIVE OFFICER'S RESPONSIBILITIES

The Chief Executive Officer of the Council is responsible under the Local Government Act 1999 to ensure that records required under this, or another Act are properly kept and maintained.

The Chief Executive Officer is also responsible for ensuring that Elected Members are aware of their records management responsibilities and that they receive the appropriate training and education.

4.3 EXECUTIVE'S RESPONSIBILITIES

The Chief Executive Officer, Directors and Managers are responsible for the Council meeting its records management compliance requirements by ensuring:

- Records management policy and procedures are included in induction training.
- Recordkeeping responsibilities are included in job and person specifications and performance reviews.
- Staff adhere to the records management policy and procedures.

4.4 ELECTED MEMBER AND COUNCIL STAFF RESPONSIBILITIES

All Elected Members and Council staff must be aware of and comply with recordkeeping requirements related to the performance and execution of their duties and functions including:

- Creating records that adequately reflect the business they conduct including, where relevant, decisions made and actions taken
- Learning how and where records are kept within Council
- Not removing, destroying or deleting Council records without proper authority to do so
- Ensuring all official records form part of the record holdings of Council Ensuring all official records are captured within Council's Record Management System; and
- Recognising that the records they create and receive in the conduct of Council's business are the property of Council and must be afforded the care and protection identified in this Policy and associated Administrative Procedures.

4.5 FURTHER ELECTED MEMBER RESPONSIBILITIES

Council email addresses are provided to all Elected Members for the purpose of carrying out Council related business. Private email addresses are not to be used. All Elected Member emails that concern Council related matters are required to be captured and stored in Council's Record Management System in accordance with the State Records Act 1997.

Elected Members are responsible for ensuring that they forward to Council staff for inclusion in Council's Record Management System any records deemed to be official records regardless of their format including email, hardcopy and social media.

Lobbying is the activity of ratepayers or members of the community attempting to influence Council through representation 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 considered official records.

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

4.6 RECORDS OFFICER RESPONSIBILITIES

Responsibility for Council's records management system is assigned to the Records Officer. The Records Officer is operationally responsible for the efficient management of Council's records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines and the Council Record Management System administration.

The Records Officer is responsible for:

- Making and implementing recordkeeping decisions such as capture, classification, access, storage and disposal in relation to the records of the Council;
- The development and review of records management policies, procedures and guidelines;
- Ensure records are disposed of in accordance with the General Disposal Schedule 40, Burials and Cremations General Disposal Schedule
- Transferring of permanent records to State Records
- Management and care of Records on loan from State Records
- Providing Elected Members and Council staff with appropriate training and tools to allow them to meet their records management responsibilities.

5. CONFIDENTIAL RECORDS

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

Requests by the public or media for access to information that is not already publicly available comes under the *Freedom of Information Act 1991* and are managed by the Freedom of Information Accredited Officer.

Clarification must be sought from the relevant manager prior to providing access where documents and records contain:

- Personal information relating to an individual;
- Commercial-in-confidence information relating to the Council or an organisation the Council is conducting business with;
- Working papers relating to a proposed project; or
- Legal opinions.

6. RECORDS STORAGE & SECURITY

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

Council staff are responsible for the safe custody of all hardcopy 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 no longer required the file/documents should be returned to Records for storage.

File storage units must 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, damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions.

In the event of an unforeseen disaster the vital records of the Council, irrespective of media and format, must be identified, salvaged, repaired and conserved.

7. DISPOSAL OF RECORDS

Official records must be disposed of in accordance with the General Disposal Schedule (GDS) 40 and the Burials and Cremations GDS.

Only records that have been identified as non-official and of no continuing value to the Council can be destroyed. Elected Members and Council staff are to contact the Records Officer for advice or assistance with the destruction of their non-official records if required.

Inactive temporary records should be stored in an appropriate storage environment onsite.

Disposal of Council records will take place annually or as required. During this process records will be sentenced and sent to offsite storage for archiving or destroyed as per State Records SA (SRSA) requirements.

Prior to the destruction of temporary value records, (where the retention period has elapsed) approval must be given by the Chief Executive Officer.

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.

Documents that contain confidential, personal or sensitive information should not be placed in open bins, but either shredded or placed in confidential waste bins when they are being destroyed.

8. FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

9. POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).