

**Records Management  
Policy for Elected  
Members**

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<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	
<b>Compliance Standard:</b>	

### Introduction

The purpose of the Records Management Policy for Elected Members is to ensure that full and accurate records of all the activities and decisions of Elected Members, in the course of their official duties for Council, are created, managed, and retained or disposed of appropriately to meet the Council's organisational needs and accountability requirements.

A record management program has been established by Council in accordance with the State Records Act 1997. This document provides the framework for that program.

This document has been specifically developed to assist Elected Members to meet their recordkeeping responsibilities. All Elected Members must comply with this document in their conduct of official business for Council. This document applies to records in all formats, including electronic records.

### Official Records

The District Council of Robe, as a government agency, is bound by the State Records Act 1997 which established rules for best practice for recordkeeping in the South Australian Government, encouraging transparency and accountability. When discharging functions of Council, Elected Members are subject to the State Records Act 1997 when they create or receive an 'official record'. An official record means 'a record made or received by an agency in the conduct of its business, but does not include –

- (a) 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
- (b) A record made by an agency as a draft only and not for further use or reference; or
- (c) 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
- (d) A Commonwealth record as defined by the Archives Act 1983 of the Commonwealth as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- (e) A record that has been transferred to the Commonwealth.

Examples of official records include (but are not limited to):

- Correspondence, including emails, regarding building and development matters.
- A petition received from a community group.
- Declarations concerning an Elected Member's pecuniary interests.
- Speech notes made for addresses given at official Council events, and
- Complaints, suggestions or enquiries by rate payers about Council services.

Conversely, records which are created, sent or received by Elected Members when they are not discharging functions of Council are not considered to be official records for the purposes of the State Records Act 1997.

Examples of records that are not official records include (but are not limited to):

- Records relating to political or electoral issues e.g. Lobbying for votes, supportive emails from members of the community regarding elections or political stances.
- Communications regarding matters of personal/general interest rather than Council interest e.g. Information from environmental or other interest groups not specific to issues being considered by Elected Members or Council.
- Records relating to attendance at sports functions, church fetes, community functions when the Elected Member is not representing Council.
- Personal records of Elected Members such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc. that are not related to Council business.

### **Records as a resource**

Records are a vital asset to Council. Many records created and received by Elected Members have the potential to:

- Support the work of Elected members and Council's program delivery, management and administration.
- Help Elected Members and Council to deliver customer services in an efficient, fair and equitable manner.
- Provide evidence of Elected Member's actions and decisions and establish precedents for future decisions making, and
- Protect the rights and interests of the Council, Elected Members and its clients and rate payers.

A percentage of records created and received by Elected Members will become archived, part of the cultural resources of the State.

### **Creation and capture of records**

Elected Members should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- Providing advice, instructions or recommendations.
- Drafts of documents for Council containing significant annotations or submitted for comment or approval by others.
- Correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- Creating and capturing records of Council or committee meetings where the Council is the secretary.
- Capturing any official records it send to Elected Members regarding Council business.

On some occasions Elected Members are approached and asked to keep matters discussed relating to Council business confidential. Confidential conversations/correspondence must still be recorded and registered into Council's recordkeeping systems if they refer to Council business. There are policies and security controls in place to ensure these records have limited access, but these records may still need to be produced under relevant legislation, e.g. Subpoena, the Freedom of Information Act 1991, or the Local Government Act 1999. With security controls in place records are likely to be less at risk than if they were not in recordkeeping systems.

Details of significant advice, commitments etc. made during telephone or verbal conversations or via SMS should be recorded. All aspects of the transaction should be recorded e.g. Time, date, parties involved, summary of discussion, commitments, advice given.

Records of Council business that are created or received by Elected Members (with the exception of those sent from Council, as they are already captured) should be saved into Council's official recordkeeping system as soon as practicable so that Council can assist with long term management.

Records created or received in paper format should be forwarded to Council as outlined in the Records Management Procedures for Elected Members. If records are of a sensitive or confidential nature, the Elected Member should alert the Records Officer to this fact so that appropriate security control can be applied.

Email and other electronic records should be forwarded to Council as outlined in the Records Management Procedures for Elected Members. If records are of a sensitive or confidential nature, the Elected Member should alert the Records Officer to this fact so that appropriate security control can be applied.

If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only while needed for current Council business. The routine destruction of copies of records is permitted under the State Records Act 1997.

It is important to recognise that these copies should be treated like the originals with regard to security controls applied.

### **Registration of records by Council**

Records received from Elected Members for registration will be handled in accordance with the Council's Records Management Procedures.

All mail, unless clearly marked 'Tender,' 'Personal' or 'confidential' will be opened, registered on Council's recordkeeping system and distributed through the normal practice. Any electronic mail received through Council's generic email address that is addressed to Elected Members will be forwarded to the Member. It is the Elected Members responsibility to return any mail that is an official record and requires registration in the Council's recordkeeping system.

### **Security and confidentiality of records**

Council's paper records are kept securely within the Council office, with security controls to protect against unauthorised access. The Council's records management software which controls both paper and electronic records restricts access according to security levels.

Council staff and Elected Members are bound by Council's *Code of Conduct*, preventing unauthorised access or disclosure of Council records.

### **Access to records of Council**

Refer to the *Elected Members Access to Council Documents Policy*, for access to records of Council.

### **Borrowing records of Council**

Councils are required, under the State Records act 1997, to ensure the safe custody and proper preservation of records they are responsible for. If an Elected Member needs to borrow a paper-based or electronic Council record in the course of their duties for Council, they must follow the guidelines in the Records Management Procedures for Elected Members.

### **Unauthorised access or disclosure of Council records**

The Local Government Act 1991 prohibits the disclosure of information obtained in connection with the administration of executive of the Act, except in certain specific circumstances.

Elected Members are also bound by Council's Elected Members Code of Conduct not to disclose confidential information about Council business or employees of Council. These rules help to ensure that Council and its staff are protected and that the requirements of relevant legislation, such as privacy legislation, are met.

### **Handling and storage of records**

Damage or neglect of an official record is an offence under the State Records Act 1997.

When handling Council records the following rules apply:

- Registered documents are not to be rearranged or removed from Council files (the order provides the context for the records) and information on files should never be altered.
- No food or drink is to be consumed near records (grease and food particles can attract vermin and liquids can damage records if spilt on them).
- Strictly no smoking around records (due to airborne pollutants and the risk of fire).
- If records are damaged during handling, the Records Officer should be informed. No attempts should be made to repair the record (as some repairs can do long term damage).

Elected Members should not permanently house the storage of any Council records. When storing records on a temporary basis, prior to transferring them to the Council office, the following rules apply:

- Records are to be kept away from known risks such as water, fire, mould, vermin, vandalism, chemicals, direct sunlight, extreme temperatures etc.
- Electronic records should be protected against additional hazards such as viruses or electronic fields.
- Records should be secured appropriate to their level of sensitivity. No Council records should be left in plain view in vehicles or lying around the house.

An Elected Member who has records of a sensitive or confidential nature in their control, should ensure that they are appropriately protected.

### **Disposal of Records**

Official records held by Elected Members must be disposed of in accordance with the State Records Act 1997. Elected Members should liaise with the Council regarding the disposal of any records of Council business as Council is responsible for:

- Ensuring legislative requirements are met
- Ensuring destruction is undertaken appropriately, and
- Documenting disposal decisions for accountability purposes.

The Records Officer is primarily responsible for the disposal of official records. Normal Administrative Practice (NAP) provides for the routine destruction of non official records.

### **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](http://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](mailto: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.

### **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).

## **Appendix A**

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### **Other relevant Council documents**

- Privacy Policy
- Records Management Procedures
- Records Management Business Plan
- Council's Codes of Conduct for Elected Members
- Council's Electronic Communication Facilities Policy
- Elected Member access to Council documents Policy

### **Legislative and government requirements for recordkeeping**

- State Records Act 1997 – including all standards and retention and disposal schedules issued under the Act
- Freedom of Information Act 1991
- Electronic Transactions Act 2000
- Evidence Act 1929
- Local Government Act 1999
- Copyright Act 1968

Note: These lists are not exhaustive. It is the responsibility of the Records Officer to examine legislation and government directions which govern their activities, and ensure that records arising from these activities conform with recordkeeping requirements.

## **Appendix B – Glossary of terms**

This glossary has been compiled from the *State Records of South Australia Glossary of Terms*.

### **Access**

Right, opportunity, means of finding, using or retrieving information. *AS ISO 15489.1 – 2002*

### **Accountability**

The principle that individuals, organisations and the community are responsible for their actions and may be required to explain them to others. *AS ISO 15489.1 - 2002*

### **Active Records**

Those records required for day-to-day functioning of an organisation. Also referred to as a Current Record.

### **Archives**

Those records that are appraised as having continuing value. *AS 4390 Pt 1*

### **Capture**

A deliberate action, which results in the registration of a record into a recordkeeping system. For certain business activities, this action may be designed into electronic systems so that capture of records is concurrent with the creation of the record. *AS 4390-1996 Pt 1*

### **Classification**

Systematic identification and arrangement of business activities and / or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system. *AS ISO 15489.1 - 2002*

### **Compliance**

Systematic identification and arrangement of business activities and / or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system. *AS 3806-1998 Compliance Programs*

### **Destruction**

The process of eliminating or deleting records beyond any possible reconstruction. *AS ISO 15489.1 - 2002*

### **Disaster Plan**

A written procedure setting out the measures to be taken to minimise the risks and effects of disasters such as fire, flood or earthquake etc, and to recover, save and secure the vital records should such as disaster occur. *Ellis, J 'Keeping Archives' 1995*

### **Disposal**

The range of processes associated with implementing records retention, destruction or transfer decisions, which are documented in disposal authorities or other instruments. *AS ISO 15489.1 – 2002*

### **Disposal Schedule**

A systematic listing of records created by an organisation or agency, which plans the life of these records from the time of their creation to their disposal. A Disposal Schedule is a

continuing authority for implementing decisions on the value of records specified in the schedule. A disposal schedule includes:

- The records created by the agency;
- The retention period for each series or class of records;
- The disposal sentence for each series or class of records, specifying whether the records are to be retained as archives or destroyed;

General disposal schedules cover functions common to a number of agencies, typically used by government archival authorities to cover functional areas such as Personnel, Finance and Stores.

A recent development in appraisal methodology is the view that functional analysis is more efficient than records analysis in producing disposal schedules. The resultant disposal schedules are based on function or activity within function, either across a range of related organisations or to provide a specific disposal schedule for a particular agency. *Ellis, J 'Keeping Archives' 1995*

### **Dispose**

Dispose of an official record means destroy or abandon the record; or carry out an act or process as result of which it is no longer possible or reasonably practical to reproduce the whole or part of the information contained in the record; or transfer or deliver ownership or possession of or sell the records, or purport to do so. Does not include to transfer or deliver the record to State Records or between one agency and another. *State Records Act 1997*

### **Electronic Records**

Records communicated and maintained by means of electronic equipment.

### **Evidence**

Information that tends to prove a fact. Not limited to the legal sense of the term.

### **File**

An organised unit of documents accumulated during current use and kept together because they deal with the same subject, activity or transaction. *National Archives of Australia*

### **Inactive Records**

Records that are no longer required by an agency for administrative or other purposes on a regular basis. Also referred to as non-current records. *National Archives of Australia*

### **NAP - Normal Administrative Practice**

NAP is the concept that material can be destroyed according to 'normal administrative practices'. This provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of continuing value to the organisation will be destroyed.

Originating in the National Archives the term is in general use in Commonwealth Government agencies and has been adopted by some Australian states.

Material that can be disposed of under NAP comprises items of an ephemeral or transitory nature created, acquired or collected by agency officers in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the agency recordkeeping system. NAP falls into six main groups:

- transitory or short term items, e.g. phone messages, notes, compliment slips, office notices and circulars;
- rough working papers and/or calculations created in the preparation of official records;



- drafts not intended for further use or reference, **excluding** official version drafts of agreements, submissions and legal documents;
- duplicate copies of material retained for reference purposes only;
- published material which does not form an integral part of an agency record;
- system printouts used to verify or monitor data, or answer ad hoc queries, that are not part of regular reporting procedures and not required for ongoing use.

### **NAP in electronic media**

Just as telephone conversations or other verbal communications that contain information of ongoing value should be documented, so voice mail, email, facsimiles, word processed documents, spreadsheets, etc. should be captured into corporate recordkeeping systems when they contain information of ongoing value.

Agency induction and procedures must ensure that all officers are aware of their recordkeeping responsibilities and that electronic records with ongoing value are captured and retained in an appropriate way.

Only data included in the six categories outlined above may be deleted from electronic systems according to Normal Administrative Practice.

### **Official Record**

A record made or received by an agency in the conduct of its business, but does not include:

1. 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
2. A record made by an agency as draft only and not for further use or reference; or
3. 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
4. A Commonwealth record as defined by the Archives Act 1983 of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
5. A record that has been transferred to the Commonwealth. *State Records Act 1997*

### **Permanent Record**

A record that has archival value and will be retained permanently and will be available for research by the general community subject to appropriate access conditions.

### **Record**

As defined by the State Records Act, 1997 means:

1. written, graphic or pictorial matter; or
2. 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). *State Records Act 1997*

### **Recordkeeping**

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. *AS 4390-1996*

### **Recordkeeping System**

Information systems, which capture, maintain and provide access to records over time.

### **Sentencing**

Sentencing is the process of identifying and classifying records according to a disposal authority and applying the disposal action specified in it. Sentencing is the implementation of decisions

made during appraisal. It allows agencies to apply the decisions made about classes of records to individual records. Together appraisal and sentencing help agencies to identify how long records should be retained. *National Archives of Australia*

**Storage**

The function of storing records for future retrieval and use.

**Temporary Record**

Records that do not have archival value and may be destroyed when a prescribed retention period has elapsed.

**Thesaurus**

An alphabetical presentation of a controlled list of terms linked together by semantic, hierarchical, associative or equivalence relationships. Such a tool acts as a guide to allocating classification terms to individual records. *AS ISO 15489.1 – 2002*

**Vital Records**

Those records without which an organisation could not continue to operate, that is, those records containing information needed to re-establish the organisation in the event of a disaster. Vital records are those which protect the assets and interests of the organisation as well as those of its clients and shareholders.