

Policy Document

Elected Members Records Management Policy

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Strategic Plan link: Strategy 1.1.7 Ensure compliance of relevant Council policies and procedures with legislative requirements.		
References and related Policies & Procedures: State Records Act 1997 Freedom of Information 1991 Local Government Act 1999 DCSB-G-09.01 Code of Conduct for Elected Members DCSB-RM-13.01 Records Management Policy		

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1 Purpose

- 1.1 The Elected Members Records Management Policy (the Policy) outlines and directs the practices of Elected Members of District Council of Streaky Bay (Council) in relation to the management of their records.

Records of Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses.

- 1.2 Adherence to this Policy will ensure Elected Members are able to:

- ☐ Meet their legislative responsibilities;
- ☐ Provide evidence of business transactions and accountability;
- ☐ Validate and support their decisions and actions;
- ☐ Protect their interests and those of Council.

- 1.3 Records are critical to establish the history, corporate memory, build context, meet legislative requirements and to ensure the transparency, accountability and security of Council.

2 Scope

- 2.1 The Policy applies to all:

- ☐ Records created and received by Elected Members in the conduct of their role, including emails and letters;
- ☐ Records in all formats and media (paper and digital).

3 Definitions

- 3.1 The definitions within the Policy have been taken from the Glossary of Records Management Terms produced by State Records of South Australia.

Access - Right, opportunity, means of finding, using or retrieving information.

Capture – Deliberate action that results in the registration of a record into a recordkeeping system assigning a unique identity on its entry into an EDRMS. For certain business activities, this action may be automated, so that the capture of records is concurrent with the creation of records in electronic systems.

Destruction – Process of eliminating or deleting records, beyond any possible reconstruction.

Digital Documents/Records - A record created, and/or maintained by means of digital computer technology. Includes records that are 'born digital' or have undergone conversion from a non-digital format (i.e. digitised using OCR or imaging technology).

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

Document(s) – Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

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.

Electronic Document Records Management System: EDRMS - An automated system used to manage the creation, use, management and disposal of physical and electronically created documents and records for the purposes of supporting the creation, revision and management of digital documents, improving an organisations work-flow and providing evidence of business activities.

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

Record – Information created, received and maintained as evidence and information by an agency or person, in the pursuance of legal obligations or in the transaction of business (e.g. email, letter, image). *State Records Act 1997* defines an ‘official record’ as a record made or received by an agency in the conduct of its business.

Stakeholder - Client, customer, organisation, other agency or government department who conducts business and/or has a relationship with Council.

4 Policy Statement

- 4.1 The business activities of the Elected Members of District Council of Streaky Bay will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.
- 4.2 The policy applies to the records and information created and received by Elected Members.

5 Legislative Requirements

- 5.1 Elected Members have an obligation under the *State Records Act 1997*, *Local Government Act 1999*, the *Freedom of Information Act 1991* and other relevant legislation to create and manage documents and records.
- 5.2 The Policy is to be read and implemented in conjunction with relevant legislation, standards and policies, including:
 - 1. The *State Records Act 1997*
 - 2. *Freedom of Information Act 1991*
 - 3. *Local Government Act 1999*
 - 4. *Australian Records Management Standard AS ISO 15489-2002*
 - 5. District Council of Streaky Bay Records Management Policy
- 5.3 *State Records Act 1997*

Elected Members are subject to the *State Records Act 1997*, and as such are required to manage their records in accordance with the provisions of the Act.

Under the *State Records Act 1997* - Section 3—Interpretation agency means:

- (d) a person who holds an office established by an Act; or
- (h) a municipal or district council.

Section 17—Damaging etc. of official records

- (1) If a person, knowing that he or she does not have proper authority to do so, intentionally—
 - (a) damages or alters an official record; or
 - (b) disposes of an official record or removes an official record from official custody, the person commits an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

5.4 *Freedom of Information Act 1991*

The *Freedom of Information Act 1991* defines the rights of the public to obtain access to information held by the Council.

In certain circumstances an agency may refuse access to a document (e.g. an exempt document under Schedule 1 of the Freedom of Information Act 1991).

5.5 *Local Government Act 1999*

The *Local Government Act 1999* assigns the overall responsibility and accountability for the proper management of official records to the Chief Executive Officer of the agency.

The Act has specific requirements relating to the creation and access of information.

5.6 District Council of Streaky Bay Records Management Policy

Council is committed to ensuring compliance with Records Management legislation whilst striving towards best practice and cutting edge technologies.

6 **Application of Policy**

6.1 It is the responsibility of all Elected Members to adhere to this Policy

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

6.3 The Mayor and Elected Members are responsible for ensuring:

6.3.1 Record Creation

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

6.3.2 Records Capture

- (1) Electronic records, such as emails should be copied or forwarded upon creation or receipt to EMFiling@streakybay.sa.gov.au. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS) LGE Records. Those emails requiring action are to be forwarded to the CEO or appropriate responsible Manager
- (2) 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 Executive Assistant / Governance Officer at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS) LGE Records.

6.3.3 Records Retention and Disposal

- (1) 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 Business Services staff.
- (2) The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted penalties will apply to the individual Elected Member involved.
- (3) The Mayor's diary will be retained as a permanent record.

6.3.4 Access and Privacy

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

6.3.5 Public Access to Information

- (1) 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.

6.3.6 Mail Opening

- (1) All mail coming into Council, including mail marked Private and Confidential, will be opened by the Records Officer regardless of addressee and processed in accordance with Council Records Management policies and procedures.
- (2) Unless authorised, employees may not retrieve or read email that was not sent directly to them.

6.3.7 Council Systems

- (1) 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.

6.3.8 Integrity of Information

- (1) 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.
- (2) 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.

7 Access to the Policy

The Policy is available for public inspection on Council's website www.streakybay.sa.gov.au and from Customer Service at the Council Office, 29 Alfred Terrace, Streaky Bay, SA 5680

8 Further Information

For further information about this policy please contact:

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