DISTRICT COUNCIL OF Streaky Bay
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ELECTED MEMBERS RECORDS MANAGEMENT POLICY

Policy No: **DCSB-G-09.12**	Approved on: **20 February 2024**	Administered by: **General Manager of Business**
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Strategic Plan link:
A Council that is actively responsive to community needs and delivers financial sustainability, governance and leadership.

References and related Policies, Procedures and Forms:
Local Government Act 1999
Local Government (Financial Management) Regulations 2011
State Records Act 1997
Freedom of Information Act 1991 (South Australia)
DCSB-G-09-01 Code of Conduct for Elected Members
DCSB-RM-13.01 Records Management Policy

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1. Purpose

The purpose of the Elected Members Information and Records Management Policy is to ensure that full and accurate records of activities and decisions of the District Council of Streaky Bay are created, managed, retained or disposed of appropriately, and in accordance with relevant legislation. This will ensure the District Council of Streaky Bay has evidence of its activities that are available and accessible to ensure accountability, transparency and compliance.

2. Scope

This Council Policy applies to the management of all corporate official records (electronic and hard copy) created, sent or received by Elected Members (including the Mayor) in the course of their role as elected leaders within our community.

This Council Policy does not apply to the management of corporate official records created, sent, or received by employees of the District Council of Streaky Bay.

3. Definitions

Continuing Value – records of continuing value are those that contain information that is of administrative, legal, fiscal, evidential, or historical value to the Council.

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.

Dispose of - to dispose of an official record means to:

- Destroy or abandon record;
- Carry out an act or process as a result of which it is no longer possible or reasonably practicable to reproduce the whole or a part of the information contained in the record: or
- Transfer or deliver ownership or possession of or sell the record, or purport to do so,

But does not include to transfer of deliver the record to the State Records Office between the Council and another agency.[i]

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.

Email – Is a service that enables people to exchange documents or messages in electronic form. It is a system in which people can send and receive messages through their computers. Each person has a designated mailbox that stores messages sent by other users. You may retrieve, read and forward or re-transmit messages from your mailbox.

Employees – includes persons employed by the Council, volunteers, trainees, work experience placement, independent consultants and contractors and other authorised personnel offered access to the Council's resources.

Temporary/Transitory Record – A record is transitory or temporary in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

Normal Administrative Practice – Normal Administrative Practice provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of more than transitory

or temporary value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice compromises items of a temporary or transitory nature created, acquired or collected by Council staff or Council Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Council's record management system.

Record – A record means:

- Written, graphic or pictorial matter; or
- 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).

Official Record – A record made or received by Council in the conduct of its business, but does not include:

- 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
- A record made by an agency as a draft only and not for further use or reference; or
- 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
- A Commonwealth record as defined by the *Archives Act 1983* of Commonwealth or an Act of the Commonwealth enacted in substitution for that Act; or
- A record that has been transferred to the Commonwealth.[ii]

4. Legislation

The *State Records Act 1997* requires councils to comply with any Policy provided by the Minister. The General Disposal Schedule 40 (GDS40) identifies the records which are of corporate significance to Council, members of the public and the state in general and provides specifications for their management, retention and disposal. These records must be kept in an accessible format for the life of the record.

Elected Members are responsible for decision making on behalf of our community and as such, any record created, sent, received, forwarded, or transmitted by Council staff and/or Elected Members in the performance and discharge of their functions and duties may be classified as an official record.

All official records will be captured and managed in the District Council of Streaky Bay ERDM[PW1] System in accordance with the provisions of the *State Records Act 1997*. Legal advice provides the following examples of what may be an official record of Elected Members:

- The diaries of the Mayor and Elected Members.
- Records relating to Elected Member representation on external committees.
- Records relating to Elected Member consultation with residents or ratepayers (e.g.
- community ward forums).
- The activities associated with gatherings held by Elected Members to formulate,
- discuss, amend, or resolve issues and matters pertaining to the management of the
- Council.
- Records relating to Elected Member participation in official Council activities.
- Records relating to Elected Member requests for access to information in accordance
- with section 61 of the Local Government Act 1999.
- Records relating to information provided to Elected Members.
- Records that document interaction between Council and other bodies.
- Records that document interaction between Council and other bodies on significant
- issues of public interest and debate, or is of value to the history of the Council.

The Freedom of Information Act 1991 defines the right of the public to obtain access to information held by the Council. In certain circumstances an agency may refuse access to a document (exempt documents under Schedule 1 of the Freedom of Information Act 1991).

5. Application of the Policy

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

5.1 Elected Member Awareness training can be arranged, on receival of request to the Chief Executive Officer, which may be delivered by an authorised and appropriately qualified Information Management staff member or external consultant.

5.2 The Mayor and Elected Members are responsible for ensuring:

5.2.1 Record Creation

(a) 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.

(b) Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.

(c) Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

5.2.2 Records Capture

(a) Electronic records, such as emails should be copied or forwarded upon creation or receipt to rm@streakybay.sa.gov.au. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS).

(b) 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 at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS).

(c) Sitting Elected Members are entitled to request access to the official records which they have submitted for capture and management.

5.2.3 **Records Retention and Disposal**

(a) 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 Administration Staff.

(b) Only records that have been identified as non-official records may be destroyed by individual Elected Members

(c) The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted penalties will apply to the individual Elected Member involved.

5.2.4 Access and Privacy

(a) Access to Council held information by Elected Members will need to be requested through the CEO.

(b) Records may contain information that is confidential in nature and should not be divulged to other parties.

5.2.5 Public Access to Information

(a) 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.

5.2.6 Mail Opening

(a) All mail coming into Council, including mail marked Private and Confidential, will be opened by Councils Customer Service Officer regardless of addressee and processed in accordance with Council Records Management policies and procedures.

5.2.7 Council Systems

(a) 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.

5.2.8 Integrity of Information

(a) 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.

(b) 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.

6 Records Management

All records shall be kept and disposed of in accordance with Councils Records Management Policy & procedure and the current General Disposal Schedule.

7 Further Information and Policy Availability

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.streakybay.sa.gov.au

District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

8 Document History

Version No:	Issue Date:	Description of Change:	Date Endorsed
1.00		First Version	21 May 2015
2.00		Updated definitions, principles, adapted to current practices, updated related policies and procedures.	20 February 2024

9 Acknowledgment

I, _____ *(print full name)* have read and understood the District Council of Streaky Bay's <insert policy name> and I agree to abide by this policy which is outlined above.

Employee Signature: _____Date Signed: _____

[i] See definition in section 3(1) of State Records Act 1997.
[ii] See definition in section 3(1) of State Records Act 1997.