



Records Management Elected Members Policy

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1 Introduction

The objective of this policy is to outline and direct the practices of Elected Members of the Southern Mallee District Council (the Council) in relation to the management of their records. Records of the Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses.

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 information contained within documents and records.

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

- a person who holds an office established by an Act; or
- a municipal or district council;

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 its decisions and actions;
- Protect their interests and those of the Council.

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 and the Across Government Adequate Records Management Standard 2008. Outcome 10 of the Standard is policies, procedures and practices exist for the management of official records. Policy: All agencies shall develop and implement records management policies, procedures and practices.

This Policy applies to all:

- records created and received by Elected Members in the conduct of their role;
- records in all formats and media.

2 Statement of Commitment

The business activities of the Elected Members of Southern Mallee District Council will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of the Council. Business activities include decisions made, actions taken, transactions completed and interaction with stakeholders. Records will be managed and maintained in accordance with the procedures associated with this policy to ensure the Elected Members and the Council meets their legislative responsibilities. This includes records created, received and stored in all formats and media.

3 Application of the Policy

This Policy applies to the records and information held by Elected Members.

It is the responsibility of all Elected Members to adhere to this Policy as defined in Section 8, Responsibilities.

4 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. A record may be created, received and stored in various formats and media. Records include, but are not limited to, letters, reports, photos, e-mails, faxes, plans, agendas, minutes, publications and databases. They can be both digital (electronic) and physical (paper).

5 Records will be created

Records will be created when;

- advice is given, as evidence of what was said, including phone and face to face advice;
- an action or activity has taken place.
- 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, pose a risk to or embarrass the Council;
- responding to correspondence, complaints or other communication, including phone response to communication;

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 Council;
- when it was created and/or received.

5 Records will be created

All records, including correspondence (hard copy and e-mail), memos, minutes, file notes and reports must identify:

- the date of creation;
- author's full name and position;
- the Council is the originator.

6 Integrity of Information

The public, under the Freedom of Information Act 1991 or in legal proceedings, may access documents, notes, e-mails and records so it is important that a professional approach be taken in relation to content. Comments of a personal or derogatory nature should not be documented in nor attached to records. Anything recorded in any format could be released and transcribed outside of Council.

7 Capture into recordkeeping system

The official records of the Council will be captured into a system, either the appropriate business system or the Synergysoft records management system, as soon as practicable after creation or receipt.

To give records context and meaning and ensure that they are accessible over time, their capture into a system is an essential step in the overall management of the evidence of the business of the Council. Capture of records into a system ensures accurate and valid information is able to be accessed when it is required and gives the record a unique identifier to ensure it can be validated. It also protects records from alteration or deletion when there is not proper authority to do so.

It is a record when:

- The information relates to the business of the Council;
- It is required to provide evidence to support the business and accountability of Council;
- It identifies issues or crisis, or possible issues or crisis for the Council;
- It adds value to an existing record.

Ephemeral material does not need to be managed within the records management system.

Elected Members are required to submit the records in their possession to the Records Management Staff for capture into Council's records management system.

7 Capture into recordkeeping system

Where the records originate in hard copy, the original must be furnished to the Records Management Staff (not a copy). Where the records are created or received in electronic format the electronic records should be e-mailed to the Records Management Staff.

8 Access

Elected members 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.

9 Privacy

Whilst the Information the Privacy Principles, Privacy Act 1988 and the National Privacy Principles are not applicable to the Council, the Principles 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

Elected 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.

10 Disclosure of Information

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 the Freedom of Information Accredited Officer.

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 Council or any person or body Council has dealings with.

¹ National Privacy Principles

10 Disclosure of Information

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;
- legal opinions.

Clarification must be sought from the Chief Executive Officer prior to allowing access.

11 Copyright

Elected Members need to be aware of the provisions of the Copyright Act of 1968 which is the legal protection for people who express ideas and information in writing, visual images, music and moving images. The Council owns the copyright to any publication it produces and external parties own the copyright of what 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.

12 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.

General Disposal Schedule 20 (GDS20) must be applied to the records of the Council when determining how long records should be retained for or when they can be destroyed. The Records Management Staff of Council will make the disposal decisions and manage the processes required by the State Records Act 1997 and State Records of South Australia.

Care must be taken not to destroy information which has value to the Council, which may result in legal action, embarrassment or penalties to the Council.

If there is any doubt about what material can be destroyed consult with the Records 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.

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

13 Responsibilities

The Southern Mallee District Council

The Council as an entity 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 Southern Mallee District Council.

Elected Members responsibilities

All Elected Members have a responsibility to adhere to this Policy by:

- understanding their roles and responsibilities in relation to the management and ownership of records;
- creating records that adequately reflect the business they conduct including advice issued and action taken;
- protecting and caring for records in their possession;
- not removing, destroying or deleting records without proper authority to do so and retaining records in line with GDS20;
- ensuring records are submitted to the Records Management staff for capture and ongoing management to form part of the record holdings of Council;
- ensuring the integrity of the Council is maintained;
- recognising that the records they create and receive in the conduct of the Council's business are the property of the Southern Mallee District Council and must be afforded the care and protection identified in this Policy.

14 Glossary of Terms

<u>Access</u>	Right, opportunity, means of finding, using or retrieving information.
<u>Capture</u>	Deliberate action that 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 the capture of records is concurrent with the creation of records.
<u>Classification</u>	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.
<u>Recordkeeping System</u>	Information system that captures manages and provides access to records through time.
<u>Corporate Files</u>	A folder which stores one or more documents related to a particular subject/project.

14 Glossary of Terms

<u>Destruction</u>	Process of eliminating or deleting records, beyond any possible reconstruction.
<u>Disposal</u>	Range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.
<u>Disposal Schedule General (GDS)</u>	Formal instrument that defines the retention periods and consequent disposal actions authorised for classes of records that are common to State Government agencies, Local Government authorities or Ministerial offices.
<u>Document</u>	Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.
<u>Ephemeral material</u>	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
<u>Official record</u>	Term used in the State Records Act 1997 See “Record” for definition
<u>Record</u>	Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business (AS ISO 15489)
<u>Records Management</u>	The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations. (AS ISO 15489 Part 1 General)
<u>Stakeholder</u>	Client, customer, organisation, other agency or government department who conducts business and/or has a relationship with the Council
<u>Transaction of Business</u>	Umbrella term covering all the functions, processes, activities and transactions of the agency and its employees.
<u>Vital Records</u>	Those records without which the agency could not function; including records needed to operate during an emergency or disaster, re-establish the agency’s functions after an emergency or disaster, and establish and protect the rights and interests of the agency and its clients.

15 Further Information

Members of the public may inspect this Policy on Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

On payment of a fee, a copy of this Policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this Policy should be directed to the Chief Executive Officer contactable at the principal office on 8577 8002.

16 Policy Review

This policy will be within two years or as required by Council.

The Council may at any time alter this policy, or substitute a new policy.

17 Other Relevant Policies/Procedures

Elected Members Code of Conduct Policy

18 References

- State Records Act 1997
- Freedom of Information Act 1991
- Local Government Act 1999
- Copyright Act 1968
- State Records Adequate Records Management Standard 2008
- ISO 15489 Records Management
- State Records of South Australia website
- National Privacy Principles