

Records Management – Elected Members Policy

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Corporate Plan:	<i>Records Management enables Elected Members to maintain transparency in their official functions as representatives of Council.</i>
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Responsible Officer(s):	<i>Records Officer</i>
Council File Reference:	<i>Council Policies (P)</i>
Applicable Legislation:	<i>State Records Act 1997, Local Government Act 1999, Freedom of Information Act 1991</i>
Relevant Policies:	
Related Procedures:	<i>This Policy is not subject to Public Consultation</i>
Delegations:	<i>N/A</i>

1. Purpose

The Elected Members Records Management Policy has been developed in accordance with the intent and requirements of the State Records Act 1997. The Policy provides a basis to ensure Elected Members assist Council to meet both legislative and legal requirements associated with retaining official records. An official record is a record made or received by the council in the conduct of its business. This means that as Elected Members act as representatives of the Council, any record created, sent, received or forwarded in the performance of their functions and duties may be classified as an official record.

Records that are transitory, personal or private in nature will fall outside of the definition of an official record

2. Definitions

Record	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)
Formats	Record Management applies to all formats. This includes, but is not limited to, paper, microform, audio visual, graphic and electronic

Disposal	Destruction of the 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 part of the information contained in the record
Transitory Record	Transitory records are defined as a record that is of little or no continuing value to Council and only needs to be kept for a limited period of time such as a few hours or a few days.

3. Principles

The Aim of the Policy is to formalise procedures for Elected Members and to provide guidelines to assist with the management of official Council records. Management of Records includes physical records and electronic records and includes not only the capture of records into Councils record keeping system but also the disposal of records.

4. Policy Statement

4.1. Legislation

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.

The Policy is to be read and implemented in conjunction with relevant legislation, standards and policies, including:

- The State Records Act 1997
- Freedom of Information Act 1991
- Local Government Act 1999

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:

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

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).

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.

4.2. Policy

Elected Members will preserve all records that fall within this policy. Records will be forwarded to the Council Records Officer in accordance with this policy. Documents can be referred in electronic or hardcopy format. This policy applies to all Council business conducted by Elected Members and applies to all Elected Members.

4.3. Normal Administrative Practice (NAP)

Normal Administrative Practice provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of continuing value to Council will be destroyed.

Material that can be disposed of under NAP comprises items of transitory nature created, acquired or collected by Elected Members in the course of their official duties such as

- Transitory or short term items ie phone messages, notes, circulars;
- Rough working papers and / or calculations created in the preparation of an official record;
- 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 a council 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;
- Transitory electronic data.

4.4. Guidelines for the determination of an official record

4.4.1. Diaries

The Mayors' diary needs to be retained as a permanent record. The Mayors' diary will be maintained with the assistance of the Executive Assistant.

4.4.2. Duplicates

Duplicates are exact reproductions or copies of records and only need to be retained if the records are received by an Elected Member and sourced from outside Council and are relevant to furthering the business activity of Council.

4.4.3. Messages

Messages can be sent and received via a range of methods, such as telephone and voice mail, email, post it or sticky notes, facsimile, pieces of paper and transmission reports.

Messages which contain information relating to the business functions of Council such as directives, proposals, recommendations, definitions or interpretations from an Elected Member to another party or vice versa, and messages that are part of an actual business transaction itself, or have policy / procedure implications, or are otherwise identified as being significant to the conduct of Council's business must be retained.

4.4.4. Photos and other Digital Images

Photos and other digital images that record significant Council events or activities or provide evidence in support of an action or claim should be retained.

It is only necessary to retain the photos etc that show the best example of each event or activity. Duplicate copies of those showing similar view are not required

4.4.5. Telephone and other Verbal Conversations

Elected Members can have telephone and other face to face conversations at any time on a variety of matters.

Some conversations may involve the relay of information, or involve matters of significance to the conduct of Council business. These conversations must be documented in an appropriate format ie file note.

Other conversations may only be very basic or routine in nature, such as issuing or receiving of basic instructions or information and need not be documented.

Conversations which relate to the business functions of Council such as directives, proposals, recommendations, definitions or interpretations from an Elected Member to another party or vice versa, and messages that are part of an actual business transaction itself, or have policy / procedure implications, or are otherwise identified as being significant to the conduct of Council's business must be retained.

4.4.6. Election Material

Electioneering materials or records created or received by an Elected Member in regard to electioneering are private records of the Elected Member and as such do not need to be forward to Council's records officer.

4.4.7. Provision of records to Records Officer

All records provided to the Records Officer will be treated confidentially and access to these records restricted to relevant personnel.

It must be noted, however, that such information may still be accessible by application under the Freedom of Information Act 1991

4.4.8. Electronic Records

Electronic records received or sent by an Elected Member must be forwarded to bbc@bbc.sa.gov.au. These records will be secured such that only the Records Officer will have access to the records for the purpose of administering (storing, sentencing, archiving and disposing) these records in accordance with the State Records Act 1997 and any other relevant legal or legislative requirement.

Council's Freedom of Information Officers (currently Chief Executive Officer and Records Officer) can also be given access to these records for the purpose of complying with the requirements of the Freedom of Information Act 1991 and other relevant legal or legislative requirements.

4.4.9. Hard Copy Records

Originals of all official (hard copy) records created or received by Elected Members must be forwarded to Council's Record Officer for the purposes of proper records management.

Official records received from Elected Members will be assessed, scanned and registered into SynergySoft by Records Officer. If follow up action is required the record will be forwarded to relevant Council officer.

A copy of any result such as outgoing correspondence will be forwarded to the Elected Member for their information. This correspondence does not need to be returned to the Records Officer as it will already be captured in Councils record management system as an official record.

4.4.10. Obligations of Elected Members

Elected Members must not intentionally damage, alter or dispose of or remove official records without authorisation to do so.

Elected Members are required to handle Council records with care and respect in a sensible manner to avoid damaging the record.

Elected Members must ensure that Council records in any format, including electronic documents and messages, which they personally receive or send are forwarded to the Records Officer to be captured into the Councils record keeping system.

Elected Members need to protect Council records which includes ensuring they are not left in cars unattended as they may be lost, damaged or stolen.

The Mayor and Elected Members will only utilise Council systems for official correspondence created or received in the conduct of their roles in council ie personal email accounts will not be used.

4.4.11. Confidential Records

If an Elected Member believes that a record forwarded to Records Officer for capture in the record keeping system is of a highly sensitive or confidential nature, he or she should advise the Records Officer of that view.

It will be at the discretion of the Chief Executive Officer as to whether such information will then be treated as confidential and access to those records restricted.

4.4.12. Destruction of Records

Official records must be disposed off in accordance with the General Disposal Schedule No 40 (GDS40) for Local government Authorities in South Australia and is carried out by the Records Officer. Transitory, personal or private records may be destroyed by Elected Members under Normal Administrative Practice (NAP).

4.4.13. Records Security

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

Electronic version on the Intranet is the controlled version.

Printed copies are considered uncontrolled.

Before using a printed copy, verify that is the current version.