

	<h1>District Council of Cleve</h1>	Version No:	3
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Policy Name: **RECORDS MANAGEMENT POLICY**

1. INTRODUCTION

The State Records Act 1997 governs the obligations and responsibilities of councils in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records but also records in electronic format.

An official record is a record made or received by the Council in the conduct of its business. This means that, because Elected Members and staff of the Council act as representatives of the Council, 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 official records. However, records that are merely transitory, personal or private in nature will fall outside the definition of “official records”.

Access to official records takes place in a managed manner using prescribed policies and procedures and is one of Councils priorities with regards to the operation of its business needs.

Council Members and Council Staff are aware that if they access any document or file that they will not compromise the reliability of this document/file in any format. This compromising of any record can be in the form of alteration, deletion, addition for any part of the said document or record.

The Council uses SynergySoft Records Management Module as its corporate records management system.

This document provides the policy framework for the Council to effectively fulfill its obligations and statutory requirements under the State Records Act.

The establishment of an effective and efficient record keeping environment ensures standardisation, protection and retrieval of information improving levels of quality customer service.

Good records management is of key importance to good governance. Records are vital ingredients in the support of the Council’s ongoing business activities. The Council is committed to planning and managing its records of continuing value and their timely transfer to the State Records Office.

Council has certain legal obligations in relation to records management and records are themselves subject to legislation, such as the Freedom of Information Act 1991, and legal processes, such as discovery and subpoenas. The records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies to whom or which they may be subject.

2. 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.

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

Records Officers – Administration staff whose duties, as per job description, cover the records management task to be undertaken.

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

- destroy or abandon 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 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 it does not include:

- to transfer or deliver the record to the State Records Office or between the Council and another agency.¹

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

¹ See definition in Section 3(1) of the State Records Act 1997

- A record made or received by the Council in the conduct of its business. 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 official records. However, records that are merely transitory, personal or private in nature will fall outside the definition of “official records” such as;
 - 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 the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
 - a record that has been transferred to the Commonwealth².

3. SCOPE OF THIS POLICY

This Policy applies to all Council business, including electronic business. It concerns records, which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of official business. It applies to all Council staff and Council Members.

Electronic communications which are relevant to the information gathering, policy formulation or decision-making processes of Council are part of the scope of this policy. Electronic messages, which document business activity, should be printed, registered and placed on Council files. All procedures and records management systems are to be consistent with this policy.

4. OBJECTIVES OF THE RECORDS MANAGEMENT SYSTEM

To ensure that the management of the Council’s information resources and records management system provide timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.

To ensure the preservation of the Council’s “*corporate memory*” through sound record keeping practices and the accurate capture of information to meet legal, evidential and accountability requirements.

5. OBLIGATIONS OF RECORDS USERS

Council staff and Council Members must not intentionally damage, alter, dispose of or remove official records of the Council without authorisation to do so from the Records Officer. Council staff and Elected Members are required to handle Council records with care and in a sensible manner to avoid damaging records and with a

² See definition in Section 3(1) of the State Records Act 1997

view to prolonging their life span. Council staff and Elected Members should not eat, drink or smoke near Council records or in records storage areas.

Council staff and Elected Members shall ensure that Council records in any format, including electronic documents and electronic messages, which they personally receive or send are forwarded to the Records Officer to be captured into the Council's record keeping systems. Records must be readily accessible to meet business and accountability requirements.

Electronic records are to be captured and maintained as functioning records by preserving their structure, context and content. In order to maintain their value as evidence, electronic records must be inviolate. That is, they cannot be altered or manipulated for as long as they are retained.

Council staff or Elected Members who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings. Maximum penalty \$10,000 or imprisonment for 2 years. Elected Members and staff must report breaches of this Policy to the Chief Executive Officer.

6. RESPONSIBILITIES AND ACCOUNTABILITIES

6.1 Chief Executive Officer

The role of Chief Executive Officer of the Council, as prescribed by Section 99 of the Local Government Act 1999, includes ensuring that records required under this or another Act are properly kept and maintained.

The Chief Executive Officer acknowledges:-

- that all records are to be reliable, evidential, secure and inviolate to meet business and accountability needs.
- a strategic approach to records management is necessary and that forward planning will be investigated and associated resourcing will be allocated.
- establishing strategic and corporate standards for record keeping and records management;

6.2 Manager Corporate Services

Responsibility for Council's records management system is assigned to the Manager Corporate Services, under the supervision of the Chief Executive Officer.

The role of the Manager Corporate Services is to provide a strategic focus for record keeping throughout the Council and responsibility for:

- ensuring that official records are managed in accordance with the State Records Act;
- establishing, reviewing, planning and managing records management policies and procedures for the Council as a whole;
- undertaking the correct method of storage or disposal for all records.
- measuring performance of Council business units against these standards and reporting to senior management regularly;

- providing consulting services to Council staff and Council Members;
- developing corporate electronic records management strategies;
- working with other managers of information resources to develop coherent information architecture across the Council;
- working with other accountability stakeholders, including FOI officers and executive management staff, to ensure record keeping systems support organisational and public accountability; and
- providing Council staff and Council Members with appropriate training and tools to allow them to meet their records management responsibilities.
- ensure that policies and procedures are regularly reviewed and adopted by Council and senior management.
- undertaking the correct method of storage or disposal for all records for Council Members and Council Staff.

6.3 Council Staff and Elected Members

All Council staff and Elected Members need to be aware of record keeping requirements that affect the performance and exercise of their duties and functions. The record keeping obligations on Council staff and Elected Members include:

- making records to support the conduct of their business activities;
- to create, capture, access and locate records to ensure reliability;
- forwarding records to the administration staff for capture into paper or electronic record keeping systems;
- learning how and where records are kept within Council;
- not destroying Council records without authority from the Records Manager;
- not losing records; and
- being aware of records management procedures.

7. CONFIDENTIAL RECORDS

If a staff member or Elected member believes that a record is of a highly sensitive or confidential nature, he or she should advise the Chief Executive 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.

8. DESTRUCTION METHODS

Official records must be disposed of in accordance with the General Disposal Schedule 20 for Local Government Records in South Australia. Transitory records, or records that are personal or private in nature, may be destroyed in accordance with normal administrative practice. All destruction will be directed to the Manager Continuous Improvement to ensure that it is administrated and recorded correctly.

9. RECORDS SECURITY

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

Council staff are responsible for the safe custody of all files and documents that are allocated to them. Sensitive or confidential information should be placed in a secure storage area when not in use. When the action has been completed the file / documents should be returned to the appropriate storage area or to the Records Officer.

File storage units are to be locked overnight to prevent unauthorized access. Amongst other risk management considerations, this reduces the possibility of damage by water or fire in the event of a disaster.

Council records are not to be stored at home, in offices or left in cars unattended as they could be lost or damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions. Confidential records must be stored in locked storage cabinets which are accessible only by authorised persons.

10. ACCESS

All computers are password protected and the SynergySoft program has security protection assigned for staff members. SynergySoft is only accessible on approved computers.

Access to personnel files can be accessed in the presence of the Payroll officer or Chief Executive Officer. Access to Workers Compensation / Rehabilitation Files can be viewed in the presence of the Manager Corporate Services. Confidential Minutes are to be viewed in the presence of the Chief Executive Officer or anyone acting in that position.

11. PUBLIC AVAILABILITY OF POLICY

The public may inspect a copy of this policy, without charge, at the offices of the Council during normal office hours, and may obtain a copy for a fee fixed by Council, if any. Further enquiries in relation to the policy should be directed to the Chief Executive Officer.

12. REVIEW OF POLICY

The Council may review this policy from time to time, however it is anticipated that a review of the policy will be under taken after 3 years. Council has the right to review this policy at any time, if considered desirable.