

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

1. INTRODUCTION

This Policy provides the framework for Council to effectively fulfil its obligations and statutory requirements under the *State Records Act 1997*.

The *State Records Act 1997* (the Act) governs the obligations and responsibilities of Council in relation to the management of official records. Under the Act, Council has an obligation to maintain all official records in its custody in good order and condition. This includes obligations in relation to the capture, storage, maintenance and disposal of physical and electronics records including social media.

Council has legal obligations in relation to records management and records are themselves subject to legislation such as the *Freedom of Information Act 1991*, legal processes such as discovery and subpoenas. Records may also be required by Royal Commissions, Independent Commissioner Against Corruption, the Ombudsman, the Courts, auditors and other people or bodies who may have authority or rights to access records.

Good records management is importance to good governance. Records are vital in the support of Council's ongoing business activities. The Council is committed to managing its records and their timely transfer to State Records of South Australia.

The business activities of the City of Mount Gambier are to be documented, recorded and managed to protect the integrity, enhance the efficiency and preserve the history of Council. Business activities include decisions made, actions taken and interaction with clients/customers. Records will be managed and maintained in accordance with the procedures associated with this policy as this will:

- Provide an effective and efficient recordkeeping environment ensuring standardisation, protection and retrieval of information that underpins quality customer service.
- Support Council's corporate Electronic Document Records Management System (EDRMS) HPE Content Manager (CM) which is designed to enhance the storage and retrieval of information.
- Empower users to manage the records and information of Council.
- Allow intellectual property to be shared within Council
- Meet legal and regulatory requirements for the maintenance of records.

2. PURPOSE

The Council is an agency under the *State Records Act 1997* and as such, is required to practice adequate records management as defined by the *Adequate Records Management Standard and Framework*.

This Policy outlines and directs the practices of Council staff and Elected Members in relation to the management of the records of Council and the information contained within them.

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

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

The management of records is an integral process that underpins and supports the business activities of Council. Adherence to this Policy is mandatory and ensure the City of Mount Gambier is able to:

- Meet its legislative responsibilities
- Provide evidence of accountability
- Validate and support its decisions and actions
- Protect the interests of its residents, Elected Members and staff
- Provide evidence for legal actions, investigations and related purposes.

3. SCOPE

This Policy applies to all Council:

- Business including electronic business
- Records and information created, collected, processed, used, sentenced, stored and disposed of in the conduct of Council's official business by Elected Members and Council staff at all sites managed and occupied by Council
- 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.

This Policy is to be read in conjunction with the Administrative Procedure – Records Management and Administrative Procedure – Destruction of Official Records.

5. ROLES AND RESPONSIBILITIES

It is the responsibility of all Elected Members and Council staff to adhere to this Policy and associated the Administrative Procedure.

Elected Members and Council staff 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. Elected Members and Council staff must report breaches of this Policy to the General Manager Council Business Services.

Council's Responsibility

Council as an entity is responsible for ensuring its business activities are documented and preserved. Council is thus responsible for:

- Ensuring its official records are captured and stored
- Providing complete, accurate and reliable records of it functions and activities
- Protecting its integrity and the interests of its staff, residents and ratepayers; and
- Providing a documented history of the Council.

When collecting, using, storing and disclosing personal information, Council acknowledges that the National Privacy Principles contained within the Privacy Act set the standard for privacy protection and enables Council to achieve 'best practice' consistency with those standards.

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse; and to maintain systems to ensure that all personal information collected is stored safely.

Chief Executive Officer's Responsibility

The role of the Chief Executive Officer as prescribed by Section 99 of the *Local Government Act 1999* includes ensuring that records required under any legislation are properly kept and maintained.

The Chief Executive Officer is also responsible for ensuring that Elected Members are aware of their records management responsibilities and that they receive the appropriate training and education.

General Managers, Managers and Team Leaders Responsibilities

All General Managers, Managers, Team Leaders and Supervisors are responsible for ensuring staff within their department / team:

- Adhere to this Policy and associated Administrative Procedures
- Receive records management training relative to their roles and responsibilities
- Are formally introduced to the Records Management Policy and associated Administrative Procedures
- Undertake records management training as part of their induction process.
- Have access to the knowledge, software and tools that support the Records Management Policy and associated Procedures
- Have recordkeeping responsibilities included in job and person specifications, performance management agreements and/or contracts and agreements; and
- Capture Council's Intellectual Property (e.g. knowledge that may cease once a staff member leaves).

General Managers, Managers and Team Leaders are responsible for:

- Supporting and monitoring staff recordkeeping practices as defined by this Policy and associated Administrative Procedures; and
- Supporting the capture and creation of records by staff as part of normal business practices.

Elected Member and Council Staff Responsibilities

All Elected Members and Council staff must be aware of and comply with recordkeeping requirements related to the performance and execution of their duties and functions including:

- Creating records that adequately reflect the business they conduct including, where relevant, decisions made and actions taken
- Learning how and where records are kept within Council
- Not removing, destroying or deleting Council records without proper authority to do so
- Ensuring all official records form part of the record holdings of Council

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

- Ensuring all official records are captured within Council's EDRMS or the appropriate business system; and
- Recognising that the records they create and receive in the conduct of Council's business are the property of Council and must be afforded the care and protection identified in this Policy and associated Administrative Procedures.

Further Elected Member Responsibilities

Council email addresses are provided to all Elected Members for the purpose of carrying out Council related business. Private email addresses are not to be used. All Elected Member emails that concern Council related matters are required to be captured and stored in Council's EDRMS in accordance with the *State Records Act 1997*.

Elected Members are responsible for ensuring that they forward to Council staff for inclusion in Council's EDRMS any records deemed to be official records regardless of their format including email, hardcopy and social media.

Lobbying is the activity of ratepayers or members of the community attempting to influence Council through representation to Elected Members and may include one or more Elected Members lobbying other Elected Members.

Records such as correspondence or petitions relating to lobbying matters, regardless of whether the lobbying itself is of Council or community interest, have continuing value and are considered official records.

Election materials or records created or received by an Elected Member in regard to electioneering are private records of the Elected Member and do not need to be forwarded to Council.

Senior Records Officer

Responsibility for Council's records management system is assigned to the Senior Records Officer. The Senior Records Officer is operationally responsible for the efficient management of Council's:

- Records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines; and
- EDRMS system administration.

The Senior Records Officer is responsible for:

- Ensuring official records are managed in accordance with the *State Records Act 1997*
- Establishing records management policies and procedures for the Council as a whole
- Establishing corporate standards for recordkeeping and records management
- Measuring performance of Council business units against these standards
- Providing consulting services to Council staff and Elected Members
- Developing corporate electronic records management strategies
- Working with other managers of information resources to develop coherent information architecture across the Council

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

- Working with other accountability stakeholders, including Freedom Of Information officers and executive management staff, to ensure recordkeeping systems support organisational and public accountability; and
- Providing Elected Members and Council staff with appropriate training and tools to allow them to meet their records management responsibilities.

6. CONFIDENTIAL RECORDS

If an Elected Member or staff member believes that a record forwarded to Records staff for incorporation into the recordkeeping system is of a highly sensitive or confidential nature, he or she must advise Records of that view. It will be at the discretion of Records staff whether such information will then be treated as confidential and access restricted.

7. RECORDS SECURITY

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

Council staff are responsible for the safe custody of all hardcopy 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 no longer required the file/documents should be returned to Records for storage.

File storage units must be locked overnight wherever possible to prevent unauthorised 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 or left in cars unattended as they could be lost, damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions. Confidential records must be stored in a secured environment whether they are in hardcopy or electronic form.

8. DISPOSAL OF RECORDS

Official records must be disposed of in accordance with the General Disposal Schedule 20 (GDS 20) for Local Government Authorities in South Australia.

- Senior Records Officer is the only person with the authority to dispose of official records.
- Chief Executive Officer is responsible for approving destruction of records at the Council.
- Unauthorised or illegal destruction under the *State Records Act 1997* carries penalties of a \$10,000 fine or up to 2 years imprisonment, which may be placed on an organisation or an individual.

Only records that have been identified as non official and of no continuing value to the Council can be destroyed in accordance with Normal Administrative Practice (NAP). Refer to the 'Definitions' section. Elected Members and Council staff are to contact Records staff for advice or assistance with the destruction of their non official records if required.

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

Disposal of Council records will take place annually or as required. During this process records will be sentenced and sent to offsite storage for archiving or destroyed as per State Records SA (SRSA) requirements.

Method	Description
Destruction	A list of records due for destruction will be signed off by the Senior Records Officer in conjunction with specified Review Officer(s) prior to being submitted to the CEO for approval and confidential destruction in accordance with Administrative Procedure – Destruction of Official Records.
Archiving	Records will be sentenced, boxed and archived. A register will be maintained for reference and retrieval purposes. Records are initially sent to the Records Shed at the Depot with consignments of permanent records transferred to SRSA on an as required basis.

9. DIGITISATION AND DISPOSAL OF SOURCE RECORDS

General Disposal Schedule 21 (GDS 21) for the management and disposal of source documents and digitised versions after digitisation will be applied to digitised records managed in Council's EDRMS and their source documents in conjunction with the GDS 20.

Once source documents have been digitised by rendering into an open and enduring format (PDF, JPG or TIFF), the digitised version will be managed as the corporate record within the system. The location of source documents will be recorded in the metadata of the digitised record and they will be retained for a minimum of 1 year or as determined by its business use. Source documents will be day batched with the exception of:

- Permanent source documents will be filed in hardcopy permanent files after digitisation
- Source documents of records deemed to be vital records which will be stored in the strong room after digitisation and will be retained according to the GDS 20
- Source documents required for business use will be kept by the relevant department / team for an agreed period prior to being transferred into custody of Records for destruction in accordance with this Policy and the GDS 21.

Access to day batched temporary source documents and permanent source document files will be controlled by the Records staff.

10. 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 Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to Council's resources.

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

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

- 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
- Transfer or deliver ownership or possession of or sell the record, or purport to do so.

‘Dispose of’ does not include transferring or delivering the record to the State Records Office or between the Council and another agency.

Ephemeral or Transitory Record - a record is transitory or ephemeral 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 (NAP) - 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 ephemeral value to the Council will be destroyed. Material that can be disposed of under NAP comprises items of an ephemeral or 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 recordkeeping system and is not considered destruction of official records.

Record - means:

- Written, graphic or pictorial matter: or
- A disk (magnetic or optical), tape, film or other object that contains information (in any form) or from which information may be reproduced (with or without the aid of another object or device).

Official Record - as defined by the *State Records Act 1997* is a record made or received by Council in the conduct of its business, but does not include a record:

- Made or received for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted
- Made by an agency as a draft only and not for further use or reference
- Received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency
- That is 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
- That has been transferred to the Commonwealth.

11. REVIEW AND EVALUATION

This Policy is scheduled for review by Council every second year and as required by any legislative changes that occur prior to the scheduled review.

12. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council’s principal office during ordinary business hours and on the Council’s website www.mountgambier.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council’s Schedule of Fees and Charges.

 City of Mount Gambier	COUNCIL POLICY R180 RECORDS MANAGEMENT	Version No:	3
		Issued:	November 2017
		Next Review:	November 2019

File Reference:	AF11/1738
Applicable Legislation:	State Records Act 1997 Local Government Act 1999 Freedom of Information Act 1991 Copyright Act 1968 Development Act and Regulations 1993 Evidence Act 1929 (as amended) Electronic Transactions Act 2000 Ombudsman Act 1972 Independent Commission Against Corruption Act 2012
Reference: Community Plan	Goal 1, Our People
Related Policies:	Privacy Policy
Related Procedures:	Administrative Procedure - Records Management Administrative Procedure - Destruction of Official Records
Related Documents:	Australian Standard 150 15489.1-2002 Adequate Records Management Framework General Disposal Schedule 20 General Disposal Schedule 21 Code of Conduct for Employees (Gazetted 20/2/2014) Code of Conduct for Council Members (Gazetted 29/8/2013) Freedom of Information Statement

DOCUMENT DETAILS

Responsibility:	General Manager, Council Business Services
Version:	3.0
Last revised date:	21 November 2017
Effective date:	21 November 2017
Minute reference:	Council Meeting 21 November 2017, Strategic Standing Committee Item 13.15
Next review date:	November 2019
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	20 May 2014 15 December 2015, 21 November 2017