

## RECORDS MANAGEMENT POLICY

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Applicable Legislation	Local Government Act 1999 State Records Act 1997

### INTRODUCTION

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 Authority's ongoing business activities as a subsidiary of its constituent Councils. The Authority is committed to managing its records of continuing value and their timely transfer to the State Records Office in accordance with the Act, and best practice standards.

### DEFINITIONS

Authority Business	May include the provision of services and the delivery of programs, development of policies, making of decisions, performance of Authority functions and other similar types of activities.
Authority Staff	Includes persons employed or contracted by the Authority (full time, part time and casual), volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Authority's resources.
Board / Committee Member	A person appointed as a Board Member (including Chairperson) in line with the Charter; or a person appointed as a Committee Member of the Audit & Risk Management Committee in line with the Committee Terms of Reference.
Continuing Value	Records of continuing value are those that contain information that is of administrative, legal, fiscal, evidential or historical value to the Authority.
Disposal of	To dispose of an official record means to: <ul style="list-style-type: none"> <li>• destroy or abandon the record</li> <li>• 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</li> <li>• transfer or deliver ownership or possession of or sell the record, or purport to do so; but does not include to transfer or deliver the record to the State Records Office or between the Authority and another agency <sup>1</sup>.</li> </ul>

<sup>1</sup> See definition in section 3(1) of the State Records Act 1997.

## Records Management Policy

EFS	Electronic Filing System.
Email	A service that enables people to exchange documents or messages in electronic form. You may retrieve, read and forward or re-transmit messages from your mailbox.
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 Authority will be destroyed. Materials that can be disposed of under Normal Administrative Practice comprise items of a temporary or transitory nature created, acquired or collected by Authority staff or Board / Committee Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Authority's record management system. Examples are copies and drafts of records or information that is only indirectly linked to a business process.
Official Record	A record made or received by the Authority in the conduct of its business, but does not include: <ul style="list-style-type: none"><li>• 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</li><li>• a record made by an agency as a draft only and not for further use or reference</li><li>• 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</li><li>• a Commonwealth record as defined by the Archives Act 1983 of the Commonwealth or an Act of the Commonwealth enacted in substitution for that Act</li><li>• a record that has been transferred to the Commonwealth.</li></ul>
Record	A record means: <ul style="list-style-type: none"><li>• written, graphic or pictorial matter</li><li>• 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).</li></ul>
Records Management	Includes the manner in which records are created.
Temporary / Transitory Record	A record is transitory or temporary in nature if it is of little or no continuing value to the Authority and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

### PURPOSE

The aim of this Policy is to establish a framework for the implementation and maintenance of appropriate records management systems ensuring the Authority is committed to ensuring:

- the management of its information resources and records systems provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations
- the preservation of the Authority's "corporate memory" through sound record keeping practices and the accurate capture of information to meet legal, evidential and accountability requirements.

### SCOPE

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

Electronic communications which are relevant to the information gathering, policy formulation or decision-making processes of the Authority are part of the scope of this Policy. Board / Committee Member emails which document

## Records Management Policy

business activity are to be registered and placed on Authority files. All procedures and records management systems are to be consistent with this Policy.

### LEGISLATION AND COMPLIANCE

Section 99(h) of the *Local Government Act 1999* requires the Executive Officer to ensure that records required by this or another Act are properly kept and maintained.

The *State Records Act 1997* governs the obligations and responsibilities in relation to the management of official records. Under this Act, the Authority has an obligation to maintain official records in its custody in good order and condition. This obligation applies to the capture, storage, maintenance and disposal of physical and electronic records. An *official record* is defined in the Act to mean a record made or received by the Authority in the conduct of its business<sup>2</sup>.

In accordance with the State Records Act, the Authority is required to:

- Ensure that records of enduring evidential or informational value are preserved for future reference
- Create business records as an automatic outcome of the transaction of business, or by modified business practices that ensure records are created. Records are also created when the Authority receives documents
- Promote the observance of best practice in the management of records
- Ensure that records are readily accessible for requests under the Freedom of Information Act 1991
- Ensure the right of individual privacy.

In accordance with Section 17 of the *State Records Act 1997*, if a person, knowing that he or she does not have proper authority to do so, intentionally damages or alters an official record, or disposes of an official record or removes an official record from official custody, that person commits an offence under the Act.

The Authority is also obliged to keep adequate records to fulfil its responsibilities under other Acts such as the *Freedom of Information Act 1991*, as well as fulfilling legal processes. Records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies.

The Authority recognises that available resources sometimes limit the ability to implement best practices in records management. To meet these challenges, the Authority will prioritise its records management practices using the Corporate Risk Register framework.

### POLICY CONTENT

#### Obligations of Record Users

Authority staff and Board / Committee Members must not intentionally damage, alter, dispose of or remove official records of the Authority without authorisation to do so. Authority staff and Board / Committee Members are required to handle Authority records with care and respect in a sensible manner to avoid damaging records and with a view to prolonging their life span. Authority staff must not eat, drink or smoke in Record storage areas.

Authority staff and Board / Committee Members must ensure that Authority records in any format, including electronic documents and electronic messages, which they personally received or send are captured into the Authority's record keeping systems (paper and/or electronic). Records must be readily accessible to meet business and accountability requirements. Staff members are required to follow authorised procedures in carrying out records management functions.

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.

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<sup>2</sup> See the Statutory definition of an "official record" set out under "Definitions" for exceptions to this definition.

## Records Management Policy

Authority staff or Board / Committee Members who do not comply with this Policy may be subject to disciplinary action under the relevant Codes of Conduct, and/or subject to criminal or civil proceedings. Authority Staff and Board / Committee Members should report breaches of this Policy to the Executive Officer.

### Record Creation

#### Why Create a Record

Where there is an Authority business, fiscal, legal or stakeholder requirement for evidence and validation of a transaction, decision, action or communication, a record must be created.

A record can be a letter, report, email, fax, plan, agenda, photograph, minute, publication and can be created, received and stored in any media (eg. paper, electronic, tape, DVD).

Documented evidence of your decisions, actions and observations may be required in the future to validate and support the actions and decisions of the Authority. Without such evidence it may be difficult to provide information under the *Freedom of Information Act*, litigation, investigations and to stakeholders when it is required. Information relating to an employee's knowledge and experience may be required to pass on to future staff.

Records must be created when:

- advice is given, as evidence of what was said, including phone and face to face advice
- a decision is made, as evidence of what was decided, when and by whom; eg minutes of meetings and file notes
- reporting and consultation eg transcribing a verbal report
- an action or activity has taken place; eg incident with public
- 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 or embarrass the Authority
- responding to correspondence, customer action requests or other client communication, including phone response to communication
- there is legislative requirement to do so eg; under an Act.

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
- what time it was sent
- that it originated from the Fleurieu Regional Aquatic Centre Authority (eg letterhead)
- full email signature block
- what file it relates to
- when it was received.

## Records Management Policy

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

- the date of creation
- authors full name and position
- reference to the relevant file number
- that FRAC was the originator.

### Integrity

Under the *Freedom of Information Act 1991* and legal discovery the public may have access to documents and records of the Authority. It is important that a professional approach be taken in relation to document and record content and file notes. Comments of a personal or derogatory nature should not be documented in or on records, including emails. This includes "Post it Notes" as they can become part of the official record.

A file note should be created where there is substantial additional information required rather than writing on the record as this could compromise the integrity of the original.

### Records Capture

Official records of Authority are to be saved into Authority's Record Management System (ie, Authority filing system on the Executive Officer laptop and back-up hard-drive or in a hard copy file), as soon as practicable after creation or receipt. This includes documents, faxes, emails, photos etc.

### Confidential Records

If a staff or Board / Committee Member believes that a record is highly sensitive or confidential in nature, he or she should advise the Executive Officer of this view. It will be at the discretion of the Executive Officer as to whether such information will then be treated as confidential and access to the records restricted.

### Records Security

The security of all Authority 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 unauthorised access, destruction, alteration or removal.

Authority 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.

File storage units should 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.

Authority records are not to be stored at home 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.

## RESPONSIBILITIES AND ACCOUNTABILITIES

### Executive Officer

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

The Executive Officer is also responsible for approving the destruction of any Authority records that fall under a General Disposal Schedule.

Responsibility for the Authority's Record Management System is assigned to the Executive Officer as part of their duties.

The role of the Executive Officer is to provide a strategic focus for record keeping throughout the Authority and responsibility for:

- ensuring that official records are managed in accordance with the State Records Act

## Records Management Policy

- establishing records management policies and procedures for the Authority as a whole
- establishing corporate standards for record keeping, records storage and records management
- measuring performance of the Authority against these standards
- providing record keeping advice to Authority staff and Board / Committee Members
- developing corporate records management procedure
- working with other accountability stakeholders to ensure record keeping systems support organizational and public accountability
- providing Authority staff and Board / Committee Members with appropriate training and tools to allow them to meet their records management responsibilities.

### Authority Staff and Board / Committee Members

All Authority staff and Board / Committee 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 Authority staff and Board / Committee Members include:

- creating records to support the conduct of their business activities
- creating records that would not otherwise be created
- capturing records into the appropriate paper or electronic record keeping systems
- learning how and where records are kept within the Authority
- not destroying Authority records without authority from the Corporate Records Coordinator
- not losing records
- being aware of records management procedures
- attending training on record keeping practices and principles
- being aware of the retention period of records in their care.

### Records Unit

The Authority does not have a Records Unit, and as such all Authority staff are operationally responsible for incorporating sound record keeping principles and practices into their day to day activities and complying with the Records Management Procedure as developed and implemented by the Executive Officer.

### Destruction of Records

Official records must only be disposed of in accordance with the *General Disposal Schedule No.20* for Local Government Authorities in South Australia. A copy of GDS 20 can be accessed through the State Records website at <http://www.archives.sa.gov.au>.

Transitory or temporary records, or records that are personal or private in nature, may be destroyed in accordance with normal administrative practice.

Only records that have been identified as non-official and of no continuing value to the Authority can be destroyed by individual Authority staff or Board / Committee Members.

Authority staff and Board / Committee Members should contact the Executive Officer for assistance with the destruction of such records.

## Records Management Policy

The destruction of records must be complete destruction so that no information is retrievable. Records in physical format should be destroyed by shredding or pulping. Records in electronic format should be destroyed by reformatting, rewriting or degaussing. The use of the “delete” function in software packages is not sufficient to destroy electronic records, as “deleted” data is still able to be recovered. With the consent of the Executive Officer, use may be made of electronic file shredding software to ensure the complete destruction of electronic records.

### Transfer of Records

Records that are deemed of permanent value (ie vital under the Disposal Schedule) are to be transferred to the State Records office in accordance with s.19 of the *State Records Act 1997*. The Executive Officer is responsible for engaging with State Records staff, completing the appropriate forms and paperwork associated with records transfers, and appropriately boxing and preparing the records that are to be transferred.

### Process for Capturing Board / Committee Member Records

All Board / Committee Members need to be aware of record keeping requirements that affect the performance and exercise of their duties and functions as set out in this Policy. It is the responsibility of Board / Committee Members to forward all records and emails that touch directly on the Authority’s business processes and transactions to the Executive Officer for retention.

## GUIDELINES FOR DETERMINING WHAT ARE OFFICIAL RECORDS

The following guidelines relate to some common records which staff and Board / Committee Members may create, send, receive, forward or transmit. This is not an exhaustive list, but provides to assist in assessing whether information in any format constitutes an official record under the *State Records Act*.

### Audio Recordings

Should the Authority create an audio recording of its Board Meetings, these audio records will fall within the definition of official record for the purposes of the Act and must be preserved in accordance with correct records management practices under this Policy.

All audio recordings will be retained and disposed of in accordance with GDS 20.

### Letters/Memos/Faxes/Reports/Agenda/Minutes

All official letters, memos, faxes, final reports, agendas and minutes must be saved into the Authority’s electronic file system. Authority staff and Board / Committee Members should observe any internal records management procedures that exist in relation to saving these official records.

### Diaries/Appointment Books/Calendars

Diaries, appointment books and calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be an *aide memoire* of a routine nature, but others may be of significance to the conduct of Authority business.

In order to ensure that all official records are captured and retained in accordance with the Act, any information recorded in Authority staff and Board / Committee Members appointment books and calendars

should be forwarded to the Executive Officer for incorporation into the Authorities record management system at the end of the calendar year to which they pertain.

### Drafts

A draft record is the preliminary form of any writing in electronic or physical format. Draft records include outlines of addresses, speeches, reports, correspondence, file notes, preparatory notes, calculations and earlier versions of the draft. Drafts may or may not be circulated to other Authority Board / Committee Members or staff for comment or revision.

## Records Management Policy

Drafts will be of no continuing value and may be destroyed when reference to them ceases if they:

- contain addresses, speeches, reports correspondence, file notes that are not circulated to other Authority Board / Committee Members or staff
- are circulated to other Authority Board / Committee Members, where only editorial or typographical changes have occurred.

Drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records have continuing value and are to be retained and saved into the Authority's records management system. For example:

- drafts which contain significant or substantial changes or annotations (other than editorial changes)
- drafts relating to the formulation of legislation, legislative proposals and amendments
- drafts relating to the formulation of policy and procedures, where the draft provides evidence of the processes involved or contains significantly more information than the final version
- draft of legal documents (contracts, tenders etc).

### Duplicates

Duplicates are exact reproductions or copies of records where the original or authorised copy is contained within the Authority's record keeping system.

Duplicates of records will be of no continuing value and may be destroyed when reference to them ceases where they are:

- Issued to a staff member or Authority Board / Committee Members by the authority for information or reference purposes only
- of internal or external publication issued or received for information or reference purposes (eg. Annual reports, brochures, trade journals, price lists).

However, duplicates of records sourced from outside the Authority that are relevant to furthering the business activity of the Authority have continuing value and are to be retained in the record management system.

### Messages

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

Messages may be sent or received on a variety of matters. Some messages will have continuing value, if they are considered significant to the conduct of Authority business. Others, such as those very routine in nature, will only have temporary value. For example:

- routine or simple administrative instructions, such as edit corrections, distribution lists for informational purposes, file creation requests, and social invitations and messages
- information only messages, duplicates or working copies/memos
- private messages or personal comments between officers which would not provide evidence or be required for accountability purposes
- original messages that have been transferred or transcribed into appropriate formats for incorporation into the Authority's record management systems
- messages that do not relate to business functions of the Authority have no continuing value and may be destroyed when reference to them ceases.



## Records Management Policy

Messages that will have continuing value and are to be retained in the Authority's record management system include those which:

- contain information relating to the business activities of the Authority such as directives, proposals, recommendations, definitions or interpretations from an Authority Board / Committee Members to another party or vice versa
- 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 the Authority's business, including:
  - a directive or approval for a particular course of action
  - formal communications between internal officers or external agencies
  - final versions of reports
  - policy documents and statements
  - formal minutes of Authority Committees, are of continuing value to the Authority and must be printed and recorded in hard copy format or captured into the electronic record keeping system.

### Working Papers

Working papers are documents, background notes and reference materials that are used to prepare or complete other documents. Those final documents become an official record and should be retained in the Authority's record keeping system.

Working papers that do not relate to significant decisions or actions, or contain significant information, and where the final document has been retained in the Authority's record keeping system have no continuing value and may be destroyed when reference to them ceases.

Working papers which document significant decisions, reasons and actions, or contain significant information (even if that information is not contained in the final form of the document) have continuing value and are to be retained in the Authority's record keeping system.

### Telephone and Other Verbal Communications

Authority staff and Board / Committee Members may have telephone or 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 Authority business. These conversations should be documented in an appropriate format (e.g. file note).

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

Documentation of conversations which involve the exchange of routine or simple administrative instructions or information or that do not relate to Authority business has no continuing value and may be destroyed when reference to them ceases. Original notes of significant conversations that have been transferred or transcribed into appropriate formats for retention into the Authority's record keeping system will also have no continuing value and may be destroyed when reference to them ceases.

## Records Management Policy

Conversations which have continuing value and should be documented in an appropriate format and retained in the records keeping system are those which:

- relate to the business functions of the Authority involving the issuing of directives, proposals, recommendations, definitions or interpretations from the Authority Board / Committee Member to another party or vice versa or that are part of an actual business transaction itself
- have policy/procedure implications, or otherwise identified as being significant to the conduct of Authority business.

## AVAILABILITY OF POLICY

This Policy will be available on the [Fleurieu Aquatic Centre Website](#).

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### Document History

VERSION	DOCUMENT	ACTION	DATE
1.0	Approved version	FRAC Authority endorsement	29 April 2016
2.0	Revised version	FRAC Authority endorsement at meeting 18 May 2018	