

# POLICY

<b>Policy Name</b>	Council Member Records Management Policy
<b>Policy Category</b>	Governance
<b>Department / Officer</b>	Corporate and Customer Services
<b>Date Adopted</b>	27 May 2019
<b>Date/s Reviewed</b>	26 August 2019, 26 June 2023
<b>Review Frequency</b>	Every three years
<b>Strategic Plan Reference</b>	Aspiration 6 – We are a financially sustainable and well-governed organisation
<b>Attachments</b>	Nil

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## 1. Purpose

As a public authority, the City of Victor Harbor is required to capture and manage records of its business activities and transactions in accordance with the legislative provisions under the *State Records Act 1997*, *Freedom of Information Act 1991*, and *Local Government Act 1999* (SA).

This policy requires Council Members to provide official Records that document council business activities and transactions to be captured, stored and maintained within the City of Victor Harbor record keeping software program. This policy is based upon the principles of good governance, transparency, and mutual trust.

## 2. Scope

This policy applies to all records created, sent, and received by Council Members in the conduct of their role, including emails, letters and posts on social media. It also includes records in all formats and media (paper and digital).

## 3. Policy Statement (Summary)

The City of Victor Harbor is committed to ensuring the business activities of Council Members are documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.

This Policy applies to the records and information created, sent and received by Council Members. It is the responsibility of Council Members to adhere to this policy.

## 4. Legislation and Compliance

Council Members have an obligation under the *State Records Act 1997*, *Local Government Act 1999*, *Freedom of Information Act 1991*, and other relevant legislation to create, capture and manage records. Adherence to this Policy will ensure Council Members are able to:-

- Meet their legislative responsibilities;
- Provide evidence of business transactions and accountability;
- Validate and support their decisions and actions;
- Protect their interests and those of Council.

*Section 99(1)(h) of the Local Government Act 1999* requires the Chief Executive Officer to ensure that records required by this or another Act (which includes the *State Records Act 1997*) are properly kept and maintained.

Council is required to comply with the *State Records Act 1997*. It must ensure that official records in its custody are maintained in good order and condition. This obligation applies to the capture, storage, maintenance and disposal of physical and electronic records.

In addition to its record management obligations under the *State Records Act 1997*, Council is obliged to keep adequate records in order to fulfil its responsibilities under other acts such as the *Freedom of Information Act 1991*. Records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies.

## 5. Definitions

The definitions within this Policy have been taken from the Glossary of Records Management Terms produced by State Records of South Australia.

**Access** means the right, opportunity, means of finding, using or retrieving information.

**Capture** means deliberate action that results in the registration of a record into a recordkeeping system. For certain business activities, this action may be automated, so that the capture of records is concurrent with the creation of records in electronic systems.

**Destruction** means process of eliminating, destroying or deleting records, beyond any possible reconstruction.

**Digital Documents/Records** means a Record created, and/or maintained by means of digital computer technology. Includes records that are 'born digital' or have undergone conversion from a non-digital format (i.e. digitised using OCR or imaging technology).

**Disposal** means the range of processes associated with implementing records retention, destruction or transfer decisions, which are documented in disposal authorities or other instruments.

**Document(s)** means structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

**Council Member** means a person appointed or elected as a councillor of Council under the *Local Government Act 1999*.

**Electronic Document and Records Management System (EDRMS)** means an automated system used to manage the creation, use, management and disposal of physical and electronically created documents and records for the purposes of supporting the creation, revision and management of digital documents, improving an organisation's work-flow and providing evidence of business activities.

**File** means an organised unit of documents accumulated during current use and kept together because they deal with the same subject, activity or transaction.

**Record** means information created, received and maintained as evidence and information by an organisation or person, in the pursuance of legal obligations or in the transaction of business (AS ISO 15489).

**Social Media** means group term for a range of on-line communication channels, which enable content sharing and collaboration. Including but not limited to: social networking sites (e.g. Facebook, LinkedIn); microblogging sites (e.g. Twitter); blogs; podcasts; forums and discussion boards; wikis.

## 6. Policy Content

Council Members are responsible for ensuring: -

### 6.1 Record Creation

Records created within the conduct of a Council Members role at City of Victor Harbor are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies, and legislation.

Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.

Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

### 6.2 Records Capture

Council Members emails will be captured into Council's Corporate Electronic Document and Records Management System (EDRMS) by staff. Other electronic records, such as social media posts, should be copied or forwarded upon creation or receipt to the Executive Assistant or delegate. These records will then be captured into Council's corporate EDRMS.

Council Members should not retain hardcopy original documentation. All original hardcopy documentation, including records handed to Council Members, must be forwarded to the Executive Assistant of the Chief Executive Officer at Council Meetings or Briefing Sessions as soon as practicable. These records will then be captured into

the Corporate System by a Records Management Officer.

### **6.3 Records Retention and Disposal**

There is to be no intentional deletion, destruction or alteration of official records. Records are only to be disposed of in accordance with the provisions of the *State Records Act 1997* by authorised Records Management staff.

The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted, penalties will apply to the individual Council Member involved.

The Mayor's diary/calendar will be retained as a permanent record.

### **6.4 Access and Privacy**

Access to Council held information by Council Members will need to be requested through the Chief Executive Officer or delegate in accordance with Council's Council Member Access to Information Policy.

Records may contain information that is confidential in nature and must not be divulged to other parties.

### **6.5 Public Access to Information**

Requests by the public or media for access to Council information and records are to be managed by a Freedom of Information Accredited Officer. Access by the public or media to information is protected by provisions in the *Freedom of Information Act 1991* and advice should be sought from a Records Management Officer or a Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

### **6.6 Mail Opening**

All mail coming into Council (in all formats), including mail marked 'Private and Confidential', will be opened by a Records Management Officer, regardless of the addressee and processed in accordance with Council's Records Management policies and procedures.

### **6.7 Council Systems**

Council Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used (**including forwarding of email to personal accounts**).

### **6.8 Integrity of Information**

Under the *Freedom of Information Act 1991*, Ombudsman's investigations and legal discovery, the public may apply to access Council records. It is important that a professional approach be taken in relation to documenting and recording all forms of communication with staff, Council Members and customers, actions, transactions,

decisions, and agreements.

Comments of a personal or derogatory nature should not be documented in or on records, including emails, under any circumstance. This includes comments on “post it” notes as they may become part of the official record.

## **7. Risk Management**

This Policy addresses legislative risk and promotes consistency in the creation, storage and access of records, in order to prevent unauthorised access, destruction, alteration or removal of Council records.

## **8. Implementation/Delegations**

The Chief Executive Officer is the delegated authority to implement this Policy.

## **9. Related Documents**

Behavioural Standards for Council Members  
Code of Practice for Access to Meetings and Documents  
Council Member Access to Information  
Media, Communications and Social Media Policy  
Privacy Policy  
Records Management Policy  
Risk Management Policy

## **10. Availability of Policy**

This policy is available on Council’s website at [www.victor.sa.gov.au](http://www.victor.sa.gov.au).