Council Members Records Management Policy
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<td>Director Corporate Services</td>
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<td>Manager Knowledge and Information</td>
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| Review History:   | V.1.0 – December 2014  
|                   | V.1.1 – November 2018  
|                   | Administrative change from Elected Members to Council Members and update to Council Members email address. |
| Next Review Date: | March 2019 |
| Legislation:      | The State Records Act 1997  
|                   | Freedom of Information Act 1991  
|                   | Local Government Act 1999  
|                   | Australian Records Management Standard AS ISO 15489-2002 |
| Related Documents: | City of Prospect Privacy Policy  
|                   | City of Prospect Knowledge and Information Management Policy |
1 Purpose

1.1 The Council Members Records Management Policy (the Policy) outlines and directs the practices of Council Members of City of Prospect (Council) in relation to the management of their records. Records of Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses.

1.2 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.

1.3 Records are critical to establish the history, corporate memory, build context, meet legislative requirements and to ensure the transparency, accountability and security of Council.

2 Scope

2.1 The Policy applies to all:

- Records created and received by Council Members in the conduct of their role, including emails and letters;
- Records in all formats and media (paper and digital).
3 Definitions

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

Access - Right, opportunity, means of finding, using or retrieving information.

Capture – Deliberate action that results in the registration of a record into a recordkeeping system assigning a unique identity on its entry into an EDRMS. 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 – Process of eliminating or deleting records, beyond any possible reconstruction.

Digital Documents/Records - 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 – The range of processes associated with implementing records retention, destruction or transfer decisions, which are documented in disposal authorities or other instruments.

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

Council Member – A person appointed or elected as a councillor of a Council under the Local Government Act 1999. Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

Electronic Document Records Management System: EDRMS - 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 organisations work-flow and providing evidence of business activities.

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

Record – Information created, received and maintained as evidence and information by an agency or person, in the pursuance of legal obligations or in the transaction of business (e.g. email, letter, image). State Records Act 1997 defines an "official record" as a record made or received by an agency in the conduct of its business.

Stakeholder - Client, customer, organisation, other agency or government department who conducts business and/or has a relationship with Council.
4 **Policy Statement**

4.1 The business activities of the Council Members of City of Prospect will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.

4.2 The policy applies to the records and information created and received by Council Members.

5 **Legislative Requirements**

5.1 Council 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.

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

1. The *State Records Act 1997*
2. *Freedom of Information Act 1991*
3. *Local Government Act 1999*
4. *Australian Records Management Standard AS ISO 15489-2002*
5. City of Prospect Privacy Policy
6. City of Prospect Knowledge and Information Management Policy

5.3 *State Records Act 1997*

Council 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:

(d) a person who holds an office established by an Act; or

(h) a municipal or district council.
Section 17—Damaging etc of official records

(1) If a person, knowing that he or she does not have proper authority to do so, intentionally—

(a) damages or alters an official record; or

(b) disposes of an official record or removes an official record from official custody, the person commits an offence.

Maximum penalty: $10 000 or imprisonment for 2 years.

5.4 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).

5.5 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.

5.6 City of Prospect Privacy Policy

The Council is committed to a culture that protects privacy and endeavours to protect the personal information it collects, stores, discloses and uses. Council’s Privacy Policy outlines how Council adopts a ‘best practice’ approach to the management of personal information.

5.7 City of Prospect Knowledge and Information Management Policy

Council is committed to ensuring compliance with Records Management legislation whilst striving towards best practice and cutting edge technologies.

The Policy applies to all representatives of Council and guides their responsibilities.
6 Application of Policy

6.1 It is the responsibility of all Council Members to adhere to this Policy

6.2 Attendance as required at Council Members Awareness training which will be delivered by an authorised and appropriately qualified Information Management staff member or external consultant.

6.3 The Mayor and Council Members are responsible for ensuring:

6.3.1 Record Creation

(1) Records created within the conduct of their role at City of Prospect are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.

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

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

6.3.2 Records Capture

(1) Electronic records, such as emails should be copied or forwarded upon creation or receipt to CouncillorsFiling@prospect.sa.gov.au. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS) HP TRIM.

(2) Council Members should not be retaining hard copy original documentation. All original hard copy documentation including records handed to Council Members must be forwarded to the Governance Officer at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate Electronic Document Records Management System (EDRMS) HP TRIM.

6.3.3 Records Retention and Disposal

(1) 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 Information Management staff.

(2) The illegal destruction of records carries penalties under the State Records Act 1997. If prosecuted penalties will apply to the individual Council Members involved.

(3) The Mayor’s diary will be retained as a permanent record.

6.3.4 Access and Privacy
(1) Access to Council held information by Council Members will need to be requested through the CEO.

(2) Records may contain information that is confidential in nature and should not be divulged to other parties.

6.3.5 Public Access to Information

(1) 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 the Governance Officer or a Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

6.3.6 Mail Opening

(1) All mail coming into Council, including mail marked Private and Confidential, will be opened by the Information Management Team regardless of addressee and processed in accordance with Council Records Management policies and procedures.

6.3.7 Council Systems

(1) The Mayor and 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.

6.3.8 Integrity of Information

(1) 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.

(2) 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 become part of the official record.

7 Review

The Policy will be reviewed in line with the Corporate Governance Framework, or as required by legislation.

8 Access to the Policy

The Policy is available for public inspection on Council’s website www.prospect.sa.gov.au and from Customer Service at the Civic Centre, 128 Prospect Road, Prospect SA 5082.
9 Further Information

For further information about this policy please contact:

Director Corporate Services or Manager Knowledge and Information Management

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128 Prospect Road
Prospect SA 5082

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