


DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Records Management Policy



“Working with our Rural & Coastal Communities”

	IT-POL-01 – RECORDS MANAGEMENT	Version No:	1.1
		Issued:	April 2019
		Next Review:	March 2021

Responsibility:	Corporate Services
Minute reference:	C122 (2)
Applicable Legislation:	State Records Act 1997 Freedom of Information Act 1991
Related Policies/Procedures:	Elected Member Code of Conduct Employee Code of Conduct State Records guidelines – ‘What is an official record’ Internal destruction approval process
Review Frequency:	Upon Council election

1. INTRODUCTION

The District Council of Lower Eyre Peninsula recognises the importance of developing and implementing a records management policy. Council has a legal obligation under the State Records Act 1997 to ensure that official records in its custody are maintained in good order and condition. The Chief Executive Officer also has a responsibility under the Local Government Act to ensure that records required by these Acts are properly kept and maintained. The development and implementation of adequate records management policy will help to ensure Council meets these obligations, as well as ensuring that Council’s evidentiary, accountability and information needs are met.

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 orders and subpoenas. The records may also be required by Royal Commissions, the Ombudsman, auditors and other people or bodies to whom or which they may be subject.


2. PURPOSE OF THIS POLICY

The purpose of this policy is to establish a framework for the implementation of a records management system. The Council operates in an accountable and community orientated environment and is committed to maintaining a records management system that meets its business needs and accountability requirements.

3. SCOPE

This Document 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 Document. Electronic messages, which document business activity, should be registered and placed on Council files. All procedures and records management systems are to be consistent with this Document.

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4. DEFINITIONS

4.1 Record:

- (a) written, graphic or pictorial matter; or
- (b) a disk, tape, film, CD, DVD or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).

4.2 Official Record:

A record made or received by the Council or its elected members in the conduct of Council business. An official record may be paper-based and/or electronic and may be held off-site.

4.3 Normal Administrative Practice (NAP):

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 ephemeral value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice comprises items of an ephemeral or transitory nature created, acquired or collected by Council employees or Council 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.

4.4 Disposal:

The destruction of a record; the carrying out of any process that makes it impossible to reproduce the information in a record; the transferring or delivering ownership or possession of a record; or the selling of a record.

4.5 Capture:

Involves the organisation of official records with unique identifiers in some form of logical sequence, which may be ensured by any of the following:

- Classification and indexing, which allow appropriate linking, grouping, naming, security protection, user permissions and retrieval, disposition and identifying vital records;
- Arrangement in a logical structure and sequence, whether a physical file or electronic directory, which facilitates subsequent use and reference;
- Registration which provides evidence of the existence of records in a records system; and
- Systems which profile or template the actions undertaken in business.

4.6 General Disposal Schedule (GDS):

The current General Disposal Schedule for Local Government sets out the guidelines that apply to the disposal of all records, irrespective of format or media and created or received by any Local Government Authorities in South Australia.

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5. POLICY OBJECTIVES

- Official records are created in all appropriate circumstances;
- Official records are captured into corporate record keeping system upon creation or receipt, or as soon as practicable afterwards;
- All official records of the District Council of Lower Eyre Peninsula are disposed of in accordance with provisions of the State Records Act, 1997;
- All access to official records takes place in a manner consistent with prescribed policies, procedures and legislation.
- Official Council records can be found upon demand or with the minimum effort;
- Council records are preserved for future reference and use.

6. 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. Council staff and Elected Members are required to handle Council records with care and respect in a sensible manner to avoid damaging records and with a view to prolonging their life span.

7. RECORD 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 unauthorised 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.

Hard copies of documents will be managed by the administrators of the Records Management System and any copies printed by staff will be marked as copy so as to easily identify their status.

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.

Council records are not to be stored at home or left in cars unattended as they could be lost or damaged or stolen. Vital records will be stored securely in the specified locations at the Council offices and confidential records must be stored in locked storage cabinets which are accessible only by authorised persons.

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8. RESPONSIBILITIES & ACCOUNTABILITIES

8.1 Chief Executive Officer

The role of the Chief Executive Officer of the Council, as prescribed by Section 99 of the Local Government Act 1999, includes ensuring that records required under any legislation are properly kept and maintained. In particular, the Chief Executive Officer will: -


- Ensure that the Records Management Policy is reviewed every four years to ensure that it is relevant to emerging trends, amended standards, legislation and guidelines;
- Ensure that the Records Management Policy, and all responsibilities contained within this policy, is brought to the attention of all employees members, and all new employees members in their induction;
- Take responsibility for the overall management of Council's official records;
- Ensure records are disposed of in accordance with the current General Disposal Schedule for Local Government;
- Provide controlled access to official records;
- Identify the location of official records;
- Be responsible for the reliability of official records.

8.2 Records System Administrators

The Records System Administrators are responsible for the efficient management of Council records (physical and electronic), incorporating sound record keeping principles and records management best practice guidelines for use by staff.

The Records System Administrators will assist Council employees and Elected Members in fulfilling their records keeping responsibilities, and provide advice and training throughout the implementation of this policy, procedure and strategies. In particular the Records System Administrators will:

- Ensure records are disposed of in accordance with the current General Disposal Schedule for Local Government;
- Coordinate Council's Records Management Program (sentencing, storage etc).

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8. RESPONSIBILITIES AND ACCOUNTABILITIES cont'd:

8.3 Council Employees and Elected Members

All Council employees and Elected Members need to be aware of record keeping requirements that affect the performance and exercise of their duties and functions.


All employees and elected members are informed of their records management responsibilities by:

- The inclusion of this policy in the induction process for new employees;
- In-house records management training provided to new employees and refresher training where identified and required;
- In-house records management training provided to elected members;
- Including records management responsibilities in all Job Descriptions;
- Regular review of this policy; and
- Ensuring this policy is accessible to all employees and Elected Members.

8.3.1 Employees:

The record keeping obligations for Council employees include: -

- Learning how and where Council records are kept within Council;
- Creating records to support the conduct of their business activities;
- Managing the records they create in the performance of their duties;
- Complying with the records management processes in place at Council;
- Entering the records created in the performance of their duties into the records management system of Council;
- Attending training relating to managing Council records and the Records Management system of Council;
- Not destroying Council records without authority from the Manager Corporate Services or delegate;
- Not misplacing records;
- Maintaining the confidentiality and integrity of Council records and information, either as received or created; and,
- Being aware of Council's records management procedures and their responsibilities in regards to records.

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8. RESPONSIBILITIES AND ACCOUNTABILITIES cont'd:

8.3.2 Elected Members

In 2014, the Ombudsman considered the matter of council member emails and the use of private email addresses to carry out council business and found that the practice was contrary to good record-keeping practice.¹

Council email addresses are provided to all council members for the purpose of carrying out council related business and the council email addresses must be used by members for that purpose. All council members' emails that concern Council related matters will be captured and stored in the council's record management system in accordance with the State Records Act.

Specific record keeping obligations on Elected Members include: -

- Maintaining the integrity of the records created in the performance of their duties;
- Using only the Councillor email address provided to them for the conduct of Council business;
- Forwarding records to the Executive Assistant capture into Council's electronic record keeping system;
- Not destroying Council records without authority from the Manager Corporate Services or delegate;
- Not misplacing records;
- Maintaining the confidentiality and integrity of Council records and information, either as received or created; and
- Being aware of Council's records management procedures

9. DESTRUCTION METHODS

Official records must only be disposed of in accordance with the current 'General Disposal Schedule' applicable for Local Government Authorities in South Australia.

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 by the Manager Corporate Services or delegate can be destroyed by individual Council staff or Elected Members and must still be disposed of in an appropriate manner.

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**

¹ Ombudsman Report, *Investigation into the City of Playford*, 2014.

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sufficient to destroy electronic records, as "deleted" data is still able to be recovered.

10. GUIDELINES FOR DETERMINING WHAT ARE ‘OFFICIAL RECORDS’

Records include but are not limited to:

- **Diaries, appointment books and calendars** – Both staff and Elected Members should be provided to the system administrators at the end of the calendar year for sentencing and destruction.
- **Lobbying material** – received or created
- **Drafts** – Both electronic and physical from start to finish should be stored in the electronic records system
- **Election material** – Election materials created by an candidate for electioneering are the private record of the candidate and do not need to be forwarded to Council, however all records created by Council must be captured and campaign donation returns completed by Elected Members and provided to Council for entry into the records system.
- **Messages** – 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 Council 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 Council’s record keeping systems; and
- messages that do not relate to the business functions of Council, have no continuing value and may be destroyed when reference to them ceases.
- **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 captured in Council’s electronic record keeping system from start to finish.

11. AVAILABILITY

Copies of this policy may be purchased for the fees outlined within Council’s current Schedule of Fees & Charges. This policy is available for inspection at the Council offices during ordinary business hours or on Council’s website (www.lowereyrepeninsula.sa.gov.au) at no cost.

Note:

<i>R19/7023 - Policy – IT-POL-01 – Records Management - (V1.1)</i>	<i>Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.</i>	Page 8 of 9 This copy printed on: 27/05/2019
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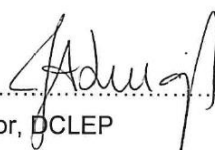
The State Records Act 1997 imposes a maximum penalty of \$10,000 or two years imprisonment if a person, knowing they do not have proper authority, disposes of an official record.

SIGNED:
CEO



Date: 18 / 04 / 2019

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Mayor, DCLEP



Date: 18 / 04 / 2019

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
V1.0	20/11/2015	Adopted
V1.1	18/4/2019	Amendments to clarify the responsibility of staff with Council's records management software.
V1.1	18/4/2019	Adopted by Council (following Council Election)