

Records Management

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Responsible Officer:	Director Corporate and Development
Relevant Legislation:	<i>Freedom of Information Act 1991</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Local Government Act 1999</i> <i>State Records Act 1997</i>
Related Policies:	Employee Conduct Protocol Privacy Policy

1. Introduction

- 1.1 The *State Records Act 1997* is the principal legislation in South Australia governing the obligations and responsibilities of councils concerning managing their records.
- 1.2 Under this *State Records Act 1997*, the City of Burnside must maintain official records in its custody in good order and condition. This includes obligations concerning the capture, storage, maintenance and disposal of physical and electronic official records.
- 1.3 Effective records management is of key importance to effective governance. Records are fundamental in support of the Council's ongoing business activities.

2. Strategic Plan Desired Outcomes

Principles: Spans all Strategic Plan Principles

Theme: Spans all Strategic Plan Themes

Goals: Spans all Strategic Plan Goals

Priorities: Spans all Strategic Plan Priorities

3. Our Approach

- 3.1 Regularly review, update and adopt leading governance, risk management and administrative practices.
- 3.2 The utilisation of technology to deliver timely and cost-effective services.

4. Legislative Requirements and Corporate Policy Context

- 4.1 Records created or received in the course of Council activities, and business are official records under the *State Records Act 1997* regardless of where they are created or received (eg home, private office, Council office) or the means of transmission (eg fax, email, courier, hand deliveries). This includes all records created or received by an Elected Member during their term of office that relate to their work as an Elected Member.
- 4.2 The *Freedom of Information Act 1991* gives a legally enforceable right of access by members of the public (subject to certain restrictions) to corporate records held by government agencies and councils. Official records of the Council may be accessible to an applicant under this Act.
- 4.3 Under Section 99 of the *Local Government Act 1999*, the CEO must ensure that records required under any legislation are properly kept and maintained.
- 4.4 The *Independent Commissioner Against Corruption Act 2012* established the Independent Commissioner Against Corruption (ICAC) and the Office for Public Integrity (OPI). The primary objectives of these bodies are to identify, investigate and or refer cases of corruption, misconduct and maladministration in public administration.

Additionally, the confidentiality of information (records) in connection with a matter that forms or is the subject of a complaint, report, assessment, investigation, referral or evaluation under this Act must be maintained under this Act.
- 4.5 The Privacy Policy outlines how the Council manages personal information.

5. Interpretation

- 5.1 For this Policy:
 - 5.1.1 "**CEO**" means Chief Executive Officer
 - 5.1.2 "**Confidentiality Agreements**" are the agreement entered into by Council's Information Management Team responsible for handling mail marked 'private and confidential' that prohibits staff from disclosing confidential information in their possession except where expressly authorised to do so or in the extent necessary to perform their duties.
 - 5.1.3 "**Continuing Value**" records contain information of administrative, legal, fiscal, evidential or historical value to the Council.
 - 5.1.4 "**Council Business**" includes (but is not limited to) the provision of services, delivery of programs, development of policies, making of decisions, the performance of Council functions and other similar types of transactions.

- 5.1.5 **"Council Employees"** includes persons employed by the Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Council Administration's systems or processes.
- 5.1.6 **"Disposal Schedule"** means a determination made under section 23 of the *State Records Act 1997*, and that applies to the management and disposal of official records for local government under that Act.
- 5.1.7 **"Dispose"** to dispose of an official record means to:
- Destroy or abandon the record;
 - Carry out 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; or
 - Transfer or deliver ownership or possession of or sell the record or purport to do so. It does not include transferring or delivering the record to the State Records Office or between Council and another agency.
- 5.1.8 **"Elected Member"** a person appointed or elected as a councillor of a Council under the *Local Government Act 1999*.
- 5.1.9 **"Electronic Document and Records Management System (EDRMS)"** is an enterprise content management system that allows for the management (creation, use, capture, retention and disposal) of corporate records. The City of Burnside uses the TechnologyOne ECM software as Council's EDRMS.
- 5.1.10 **"Information Management Team"** are officers employed by the City of Burnside responsible for, amongst other things, ensuring Council complies with its records management obligations under the *State Records Act 1997*.
- 5.1.11 **"Official Record"** is a record made or received by the Council in the conduct of its business.
- 5.1.12 **"Record"** a record means:
- Written, graphic or pictorial matter; or
 - A disk, tape, film or another object that contains information or from which information may be reproduced (with or without the aid of another object or device), and includes part of a record, a copy of a record and an object or matter that is attached or annexed to a record or is reasonably required to interpret, explain or comprehend a record, or usually accompanies, or comprises a part of a record.
- 5.1.13 **"Vital Records"** are essential for the ongoing business of an agency, and without which the agency could not continue to function effectively. The identification and protection of such

records is a primary object of records management and disaster planning.

6. Policy Objective, Scope and Actions

- 6.1 This Policy relates to all records, including official records in any format created, sent or received in the course of Council's business operations.
- 6.2 The following are not official records:
 - 6.2.1 Unofficial drafts, rough notes and calculations not intended for further use.
 - 6.2.2 Unsolicited promotional material from an external source (e.g. catalogues, price lists).
 - 6.2.3 System printouts or photocopies of records used for personal reference purposes only.
 - 6.2.4 Unimportant phone messages/notes/compliment slips that only hold short term value (hours or days).
 - 6.2.5 Electioneering material.
 - 6.2.6 A record made or received by an agency for delivery or transmission to another person or body (other than an agency) and delivered or transmitted (for example, a simple delivery docket or transmission slip).
 - 6.2.7 A record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the agency's business.
 - 6.2.8 A record that has been transferred to the Commonwealth.
- 6.3 **Electronic Document and Records Management System (EDRMS)**
 - 6.3.1 The EDRMS aims to ensure that the management of the Council's information resources and records provide timely and comprehensive information to meet operational business needs, legislative and accountability requirements and obligations and community expectations.
 - 6.3.2 The EDRMS ensures the preservation of the Council's "*corporate memory*" through sound record-keeping practices and the accurate creation, capture, storage and disposal of information to meet legal, evidential and accountability requirements.
- 6.4 **Legal and Policy Obligations on Elected Members and Staff**
 - 6.4.1 Personal record-keeping systems for the capturing of official records are prohibited. Records must be readily accessible to meet business and accountability requirements.
 - 6.4.2 Elected Members and Council employees:

- must not intentionally damage, alter, dispose of or remove official records of the Council without authorisation to do so under the *State Records Act 1997*;
 - are required to handle official records with care and respect in a sensible manner to avoid damaging, altering, disposing or removing official records and to prolong their life span; and
 - must ensure that official records in any format, including electronic documents and electronic messages, which they create, send or receive, are captured into Council's EDRMS in the format they were created or received.
- 6.4.3 In addition to clause 6.4.2, the Information Management Team must follow authorised procedures in carrying out their specific records management functions and duties.
- 6.4.4 Elected Members and Council employees who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct/Conduct Protocol and/or subject to criminal or civil proceedings under the *State Records Act 1997* and/or the *Independent Commissioner Against Corruption Act 2012*. Elected Members and staff may be required to report breaches of the Policy to the CEO.

6.5 Responsibilities and Accountabilities

- 6.5.1 All Elected Members and Council employees need to be aware of record-keeping requirements that affect the performance and exercise of their duties and functions.
- 6.5.2 The role of the CEO 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.
- 6.5.3 Council employees must:
- not disclose confidential information to any third party during or after the course of their employment at Council;
 - make records to support the conduct of their business activities and create records that would not otherwise be created;
 - capture internal, incoming and outgoing official records into Council's EDRMS as soon as practicable;
 - learn how and where records are kept within Council;
 - ensure that Council records are not destroyed without authority from the Information Management Team; and
 - be aware of records management policies, standards and procedures.
- 6.5.4 Elected Members must:

- make records that support the conduct of their Council activities and create records that would not otherwise be created;
- forward official records to the Information Management Team for capture into Council's EDRMS;
- where possible, attend training concerning records management practices and policies except in circumstances when such training is mandated under Section 80A of the *Local Government Act 1999*, in which case they must attend; and
- be aware of records management policies, standards and procedures.

6.5.5 Elected Members and Council employees should not:

- use personal email addresses to send/receive emails in the conduct of Council business while acting in their capacity as an Elected Member; and
- intentionally lose, destroy or damage records.

6.5.6 Elected Members and Council employees should take all reasonable measures to ensure any mail regarding personal affairs is sent to a personal address.

6.6 Access to Information

6.6.1 Elected Members, the CEO and Council employees will have different and appropriate access to information and records of Council based on their role, the information, or a combination of both.

6.6.2 Responsibility is assigned to individual Council employees to ensure sensitive information is preserved in confidence.

6.6.3 In addition to the confidentiality clauses included in contracts of employment and the Employee Conduct Protocol, Confidentiality Agreements must be signed by members of the Information Management Team.

6.7 'Private and Confidential' Addressed Mail

6.7.1 Subject to clause 6.8.3, the Information Management Team will open and process all mail, including mail addressed '*Private and Confidential*'. Council mail stamped or marked as '*Private and Confidential*' may still be an official record. If, on opening, a record marked '*Private and Confidential*' is deemed an official record, it will be scanned and registered by an Information Management officer and assigned the appropriate level of security in Council's EDRMS.

6.7.2 The CEO must ensure that written procedures and contractual arrangements with staff are in place to ensure that confidentiality

concerning Ombudsman and ICAC/OPI matters is rigorously maintained.

6.8 **Exceptional Circumstances for Dealings with Council Documents Outside of Usual Records Keeping Practices**

6.8.1 It may be appropriate for certain documents to be stored outside of Council's offices at external premises, including those of a consultant who has assisted the Council with the matters to which the document(s) relate. Where Council engages a consultant to undertake core functions of Council on its behalf, it is recognised that Council's records management obligations extend to records generated by the consultant. In these circumstances, legal possession (and therefore ownership) of the records remains with the Council regardless of where the records are kept.

6.8.2 The storage of documents outside the Council's offices in circumstances where the Council maintains lawful possession of them as the relevant owner of the documents does not contravene the Council's obligations under the *State Records Act 1997*. Accordingly, this practice may be permitted by the CEO under this Policy provided that the CEO is satisfied that the documents:

- will be maintained in good condition safely and securely;
- will not be disposed of;
- will be produced to the Council upon request; and
- a date is agreed for when the records will be returned to Council.

6.8.3 The Council will maintain a register of all documents that are not stored under its usual record-keeping practices. The Register will contain the following detail:

- a general description of the document(s);
- the staff member (or Elected Member) responsible for the document;
- how the document has been stored;
- Council's disposal obligations concerning the document; and
- the date on which the CEO's consent was obtained.

6.9 **Records Security**

6.9.1 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.

- 6.9.2 Elected Members and Council employees are responsible for the safe custody of all files and documents allocated to them. Sensitive or confidential information should be placed in a secure storage area when not in use. When the action has been completed, the file/documents should not be returned to the Information Management Team for storage.
- 6.9.3 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.
- 6.9.4 Council records are not to be stored at home or left in cars unattended as they could be lost, damaged or stolen.
- 6.9.5 Vital records should be stored in protective or fire-resistant conditions with suitable access conditions.
- 6.9.6 Physical records deemed confidential must be stored in locked storage cabinets that are accessible only by authorised persons.

6.10 Retention and Destruction of Records

- 6.10.1 Records and official records must be retained and disposed of in accordance with authorised disposal schedules for Local Government Authorities in South Australia.
- 6.10.2 The Information Management Team is responsible for destroying the Council's official records under the *State Records Act 1997* and relevant disposal schedules. Individual Elected Members or Council employees may only destroy the records identified as non-official records under this Policy.
- 6.10.3 The Information Management Team will coordinate a robust approval process to authorise the destruction of official records.
- 6.10.4 The destruction of records must be complete 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 can still be recovered.

7. Review and Authority

- 7.1 This Policy will be reviewed every four years at maximum in line with Council's Policies and Protocols Framework.

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au
- 8.2 The Policy will be available for inspection, free of charge, at the Civic Centre during ordinary business hours, and a copy may be purchased at a fee as set annually by Council.

9. Further Information

9.1 For further information about this Policy, please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065
Telephone; 8366 4200; Email; burnside@burnside.sa.gov.au