



LACHLAN SHIRE COUNCIL

RECORDS MANAGEMENT POLICY

AND PROCEDURES FOR COUNCILLORS

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1. PURPOSE

The purpose of this document is to ensure that full and accurate records of the activities and decisions of Councillors, in the course of their official duties for Council, are created, managed and disposed of appropriately to meet the Council's organisational needs and accountability requirements.

A **Record Management Program** has been established by Council in accordance with section 12(2) of the *State Records Act 1998*. This document provides part of the framework for that program. More information on the records management program is available in Lachlan Shire Council's *Records Management Policy*.

2. SCOPE

This document has been specifically developed to assist Councillors to meet their recordkeeping responsibilities. Council staff members should refer to Council's *Records Management Policy* and *Records Management Procedures*.

3. APPLICATION OF THIS DOCUMENT

All Councillors must comply with this document in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor. This document applies to records in all formats, including electronic records

4. DEFINITION/S

These definitions have been compiled from the *State Records Authority Glossary of Recordkeeping Terms*. Sources of terms include Australian and International Standards on records management.

Access

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

Appraisal

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability, and community expectations.

Archives

Those records that are appraised as having continuing value.

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Disposal

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

Recordkeeping

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

Recordkeeping systems

Information systems which capture, maintain and provide access to records over time.

Records

Information created, received, and maintained as evidence. Information provided by an organisation or person, in pursuance of legal obligations or in the transaction of business.

Any document or other source of information compiled, recorded or stored in written form, or on film, or by electronic process, or in any other manner or by any other means.

Records Management program

A records management program that encompasses the management framework, the people and the systems required within an organization to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

Retention and Disposal Authority

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records.

State Archive

A State record that the State Records Authority of New South Wales has control of under the *State Records Act, 1998 (NSW)*.

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5. RECORDS AS A RESOURCE

Records are a vital asset to council. Many records created and received by Councillors have the potential to:

- Support the work of Councillors and Council’s program delivery, management and administration
- Help Councillors and Council to deliver customer services in an efficient, fair and equitable manner
- Provide evidence of Councillors’ actions and decisions and establish precedents for future decision making, and
- Protect the rights and interests of the Council, Councillors and rate payers.

A small percentage of records created and received by Councillors will become archives, and so part of the cultural resources of the State.

6. POLICY IN DETAIL

State Records – Some Councillors’ records are State Records

Public offices are bound by the *State Records Act 1998* which establishes rules for best practice for recordkeeping in the NSW Government, encouraging transparency and accountability. Councils are identified as public offices under the Act (section 3(1)). When discharging functions of Council, Councillors are subject to the State Records Act when they create or receive ‘State Records’.

A State Record is ‘any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office’ (section 3(1)).

Examples of State Records

Examples of State records include (but are not limited to):

- Correspondence, including emails, regarding building and development matters
- A petition received from a community group
- Declarations concerning a Councillor’s Pecuniary Interests
- Speech notes made for addresses given at official Council events, and
- Complaints, suggestions or enquiries received from rate payers about Council business.

Examples of Records that are not State Records

Conversely, records which are created, sent or received by Councillors when they are **not** discharging functions of Council are **not** considered to be State Records for the purposes of the *State Records Act 1998*.

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Examples of records that are not State records include (but are not limited to):

- Records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances
- Communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council
- Records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council
- Personal records of councillors such as personal emails, character references for friends, nomination for awards, and letters to local newspapers etc that are not related to Council business.

How to Create Records

Details of significant advice, commitments etc., made during telephone or verbal conversations or via SMS should be recorded and sent to council@lachlan.nsw.gov.au with a File Note Template (time, date, parties involved, summary of discussion, commitments, advice given etc and reasons for them). Notes in Councillors' diaries are generally not adequate where there are recordkeeping requirements: they should be converted into a formal file note and sent to council@lachlan.nsw.gov.au . These records should be made as soon as possible after the event to ensure the information is accurate.

How to Capture Records

Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved by the Records Officer, into Councils recordkeeping system Content Manager as soon as is practicable so that Council can assist with their long term management.

Paper records

Records created or received in paper format should be given to the Executive Assistant. If records are of a sensitive or confidential nature, the Executive Assistant should alert the Records Officer to this fact so that appropriate security controls can be applied.

Email and electronic records

Email and other electronic records should be forwarded to Council promptly for registration into Content Manager. The email address is council@lachlan.nsw.gov.au

Councillors' Copies

If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only while needed for current Council business. The routine destruction of copies of records is permitted under the *State Records Act* (section 21(2)). Liaise with the Records Officer through the General Manager or Director Corporate & Community Services, for advice on the length of time to keep these original records.

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Registration of Councillors' mail including email

Records received from Councillors for registration will be handled in accordance with the Council's Records Management procedures. Mail or email received for Councillors' will be registered into Content Manager by the Records Officer upon receiving it by the Records Officer before distributing it via the Executive Assistant.

7. SECURITY, ACCESS AND CONFIDENTIALITY OF RECORDS

Building Controls

Council's paper records are kept securely with security controls to protect against unauthorised access.

System Controls

The Council's records management software which controls both paper and electronic records restricts access according to security levels.

Access to Council Records

Access Relating to Civic Duties

Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations e.g. records relating to matters before Council or due to be listed for which there is notification. Councillors wishing to access records that have access restrictions higher than their level of clearance must seek approval from the General Manager.

Access Relating to Personal Interest

Councillors wishing to access records in relation to a matter of personal interest have the same rights as other members of the public. Access may be obtained, for example, under the:

- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998, or*
- *Government Information (Public Access) Act 2009.*

Borrowing Council Records

Council policy regarding archives is that they are **not** to be borrowed. They should rather be viewed within Council offices during normal working hours in the presence of a Records Officer. Photocopies of relevant pages can be made available to Councillors if restrictions on copying do not apply.

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Unauthorised Access or Disclosure of Council Records

The *Local Government Act 1993* section 664(1) prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances. Councillors are also bound by the Council's *Code of conduct* **not** to:

- Attempt to access records they are not authorised to see
- Provide unauthorised access to other parties while Council records are in their care
- Disclose confidential information about Council business, or
- Disclose personal information of employees, clients etc., without the subject's consent.

These rules help to ensure that Council, its staff and clients are protected and that the requirements of relevant legislation, such as privacy legislation, are met.

8. HANDLING, STORAGE AND DISPOSAL OF RECORDS

Handling of Records

When handling Council records the following rules apply:

- Registered documents are not to be rearranged or removed from Council files (the order provides context for the records), and information on files should never be altered
- No food or drink is to be consumed near records (grease and food particles can attract vermin and liquids can damage records if spilt on them)
- Strictly no smoking around records (due to airborne pollutants and the risk of fire)
- If records are damaged during handling, the Records Officer should be informed. No attempts should be made to repair the record (as some repairs can do long term damage).

Storage of Records

When storing Council records temporarily the following rules apply:

- Records are to be kept away from known risks such as water, fire, mould, vermin, vandalism, chemicals, direct sunlight, extreme temperatures etc.,
- Electronic records should be protected against additional hazards such as viruses or electronic fields
- Records should be secured appropriate to their level of sensitivity. No Council records should be left in plain view in vehicles or lying around the house.

Councillors who are storing records of a sensitive or confidential nature should ensure that they are appropriately protected.

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Disposal of Records in Accordance with the State Record Act

State records held by Councillors must be disposed of in accordance with the *State Records Act 1998*.

State Records NSW has issued *General Retention and Disposal Authority - Local Government Records (GA39)*, which outlines classes of records and how long they should be kept before being legally destroyed or transferred to archives. Periods specified are based on relevant legislation, guidelines and standards. Failure to keep records for the length of time specified in the GA may put Councillors and Councils at risk.

Other forms of authorised disposal include:

- By order of a court or tribunal
- 'Normal Administrative Practice' (NAP) where ephemeral, duplicate or facilitative records can be destroyed. State Records has produced *Guidelines on Normal Administrative Practice (NAP)* which provide further information on the application of NAP.

Councillors should liaise with the Council regarding the disposal of any records of Council business as Council is responsible for:

- Ensuring legislative requirements are met
- Ensuring destruction is undertaken appropriately (e.g. that no sensitive information is released due to inappropriate destruction methods), and
- Documenting disposal decisions for accountability purposes.

The Council's records management staff are responsible for the disposal of State Records, unless other arrangements are approved by the General Manager.

9. ROLES AND RESPONSIBILITIES

General Manager

The General Manager has a duty to ensure that Lachlan Shire Council complies with the requirements of the *State Records Act 1998*, its regulations and the standards issued by State Records NSW.

Director Corporate and Community Services

- The Director Corporate and Community Services functions as Lachlan Shire Council's Senior Responsible Officer for the purposes of the Records Management Program.
- The Director Corporate and Community Services is responsible for making and administering arrangements for the monitoring of the program as required by of the State Records Act 1998, s.12(3).

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Manager Information Services

- The Manager Information Services reports directly to the Director Corporate and Community Services and is responsible for the implementation and efficient operation of Lachlan Shire Council's Records Management Program, and the provision of services to users.
- The Manager Information Services has the authority to develop standards for Information Management across Lachlan Shire Council.
- To define the rules and requirements associated with records and information management operations and record keeping systems; and
- in conjunction with the Records Officer to monitor compliance of corporate information and record keeping practices.

Records Officer

The Records Officer is responsible for the daily management and monitoring the compliance of corporate information and record keeping practices. The Records Officer is also responsible for the efficient and accurate registration of business records and information into CM.

10. RELATED DOCUMENTS

Related Lachlan Shire Council policies include but are not limited to the:

- Code of Conduct for Council Staff
- Code of Conduct for Councillors
- Gifts, Benefits and Bribes Policy
- Secondary Employment Policy

Related Legislation includes but is not limited to:

- Public Interest Disclosure Act 2022
- Local Government Act 1993
- Local Government (General) Regulation 2021
- Government Information (Public Access) Act 2009 (GIPA Act)
- Privacy & Personal Information Protection Act 1998 (PIIP Act)
- Model Code of Conduct for Local Councils in NSW
- State Records Act 1998
- Information Privacy Commissioner Information Access Guideline 1

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11. RIGHT TO VARY OR TERMINATE

Council reserves the right to vary or terminate this policy at any time.

Greg Tory

GENERAL MANAGER

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