



# RECORDS MANAGEMENT POLICY - COUNCILLORS

Approved By: Council  
 Doc Controller: General Manager  
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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 records management program has been established by Council in accordance with the *Archives Act 1983*.

## 2. SCOPE

This document has been specifically developed to assist Councillors to meet their recordkeeping responsibilities.

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.

## 3. LEGISLATION

- Local Government Act 1993 (refer Division 3 Section 83; Section 340)*
- Personal Information Protection Act 2004*
- Archives Act 1983*
- Evidence Act 2001*
- Electronic Transactions Act 2000*
- Taxation Administration Act 1997 (refer Part 8 Recordkeeping)*
- Right to Information Act 2009*
- Limitations Act 1974*
- Australian Standard, AS ISO 15489-2002, Records management*
- Australian Standard AS5090-2003, Work process analysis for recordkeeping*
- Tasmanian Archive and Heritage Office, State Records Guidelines and Advices*

## 4. DEFINITIONS

For the purpose of this policy the below terms are applicable. Sources of terms include Australian and international standards on records management.

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



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Term	Meaning
<b>Appraisal</b>	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.
<b>Archives</b>	Those records that are appraised as having continuing value.
<b>Disposal</b>	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.
<b>Recordkeeping</b>	Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
<b>Recordkeeping systems</b>	Information systems which capture, maintain and provide access to records over time.
<b>Records</b>	Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. <i>AS ISO 15489 Part 1 Clause 3.15</i> <b>record</b> means a document or an object that is, or has been, made or kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance, or thing; <i>Part 1 Section 3 (1) Archives Act 1983</i>
<b>Records management program</b>	A records management program encompasses the management framework, the people and the systems required within an organisation 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.
<b>Retention and Disposal Authority</b>	Documents authorised by the Tasmanian Archive and Heritage Office that set out appropriate retention periods for classes of records.
<b>State record</b>	<b>State record</b> means – (a) a Crown record; or (b) a record of a State authority; or (c) a record of a local authority; or (d) any other record that was at any time a record mentioned in paragraph (a), (b) or (c)
<b>State archive</b>	<b>State archive</b> means any State record or any other record which is for the time being deposited and preserved in the Archives Office;



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### 5. POLICY

#### 5.1 State records

##### 5.1.1 Some Councillors' records are State records

Local Government authorities are bound by the *Archives Act 1983* which establishes rules for best practice for recordkeeping in Tasmanian Government, encouraging transparency and accountability. Councils are identified as local authorities under the Act (section 3(1)). When discharging functions of Council, Councillors are subject to the Archives Act when they create or receive 'State records'.

A State record is -

- (a) a Crown record; or*
  - (b) a record of a State authority; or*
  - (c) a record of a local authority; or*
  - (d) any other record that was at any time a record mentioned in paragraph (a), (b) or (c)*
- 
- (section 3(1)).*

##### 5.1.2 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 by rate payers about Council services.

##### 5.1.3 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 *Archives Act 1983*.

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



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- 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, letters to local newspapers etc **that are not related to Council business.**

### 5.2 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 its clients and rate payers.

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

### 5.3 Creation and capture of records

#### 5.3.1 What records to create and capture

Councillors should create and capture full and accurate records of any business undertaken in the course of their official duties for Council. This may include:

- providing advice, instructions or recommendations
- drafts of documents for Council containing annotations or submitted for comment or approval by others
- correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- creating and capturing records of Council or committee meetings where the Council is the secretary



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- capturing any State records it sends to Councillors regarding Council business.

### Creation of records of a confidential nature

On some occasions Councillors are approached and asked to keep matters discussed relating to Council business confidential. In this case they should refer the person to Council's Privacy Policy. This indicates that confidential conversations/correspondence must still be recorded and registered into Council recordkeeping systems if they refer to Council business. There are policies and security controls in place to ensure these records have limited access (see Section 5.6 Security and confidentiality of records), but these records may still need to be produced under relevant legislation, e.g. subpoena. With security controls in place records are likely to be less at risk than if they were not in recordkeeping systems.

#### 5.3.2 How to create records

Council has a number of paper and electronic templates available for Councillors to create emails, faxes, letters and memos while conducting business for the Council. These will assist Councillors in ensuring that the essential information is recorded.

Council also supplies a hosted email account for all Councillors (as provided in the DVC-POL-002 Councillor Allowances and Expenses Policy) for the duration of the Councillor's term of office. This email account will be the single point of contact and is to be maintained in accordance with this policy.

Details of significant advice, commitments etc made during telephone or verbal conversations or via SMS should be recorded using the Council's standard file note template (e.g. time, date, parties involved, summary of discussion, commitments, advice given etc and reasons for them). Notes in Councillors' diaries are generally not adequate for this purpose, where there are recordkeeping requirements they should be converted into a formal file note. These records should be made as soon as possible after the event to ensure the information is accurate.

*See Section 5.6 Security and confidentiality of records for information about the treatment of confidential matters.*

#### 5.3.3 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 into official Council recordkeeping systems as soon as is practicable, so that Council can assist with their long term management.

### Paper records



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Records created or received in paper format should be forwarded to Council for capture within Council records management system. Where these records are received via Council on behalf of a Councillor, capture will be completed prior to the forwarding to a Councillor.

If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or delegated Council 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. If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or delegated Council Officer to this fact so that appropriate security controls can be applied.

*See Section 5.6 Security and confidentiality of records for information about the treatment of confidential matters.*

### **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 authorisation of approved Disposal Authorities or Schedules issued by the State Archivist. *See Section 5.11 Disposal for more information.*

It is important to recognise that these copies should be treated like the originals with regard to security controls applied (*see Section 5.10 Handling and storage of records*).

## **5.4 Registration of records by Council**

### **5.4.1 Registration procedures**

Records received from Councillors for registration will be handled in accordance with the Council's Records management procedures.

*See Section 5.6 Security and confidentiality of records for information about the treatment of confidential matters.*

### **5.4.2 Councillors' mail (including email)**

Mail will be provided to all Councillors on a weekly basis. The capture and retention will be undertaken in accordance with this policy.



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### 5.6 Security and confidentiality of records

#### 5.6.1 Building controls

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

#### 5.6.2 System controls

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

#### 5.6.3 Information Security Classification

Sensitive records in all formats have labels such as 'Commercial in Confidence' along with their associated management rules.

#### 5.6.4 Rules for Council staff and Councillors

Council staff and Councillors are bound by Council's Code of conduct, preventing unauthorised access or disclosure of Council records. (See also *Local Government Act 1993* Division 3 Section 28C.)

See Section 5.10 Handling and storage of records for advice regarding Councillors' security responsibilities when storing records.

### 5.7 Access to records of Council

#### 5.7.1 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.

Records can be made available for viewing during normal business hours. Records must be viewed at the Council Administration Building.

#### 5.7.2 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:



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- Personal Information Protection Act 2004
- Right to Information Act 2009
- Right to Information Regulations 2010

### 5.7.3 Release of publicly available information

In accordance with Council's obligations under the *Right to Information Act 2009*, access to publicly available information will be provided on our website.

The public have legislative rights to apply for access to information held by our organisation under the *Right to Information Act 2009*. This applies to all information held by the agency, whether in officially endorsed records management systems or in personal stores such as email folders or shared and personal drives. Responses to applications for access under Right to Information legislation are the responsibility of Councils delegated Right to Information Officer(s).

### 5.7.4 Refusal of access

If a Councillor is refused access to records, they should refer to any appeal provisions of the relevant Act.

### 5.7.5 More information

More information on gaining access to Council records can be obtained from person(s) within Council responsible e.g. Right to Information Officer (RIO), Executive Manager Corporate and Community Services etc.

See also Section 5.9 Unauthorised access or disclosure of council records.

## 5.8 Borrowing records of Council

### 5.8.1 Borrowing paper-based records

Under the *Archives Act 1983*, Councils are required to ensure the safe custody and proper preservation of records they are responsible for. If a Councillor needs to borrow a paper-based Council record in the course of their duties for Council, they can be accessed within the Administration Building.

Files are not permitted to be leave the Administration Building.

### 5.8.2 Loss of records





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Councillors are responsible for records marked out to them and should protect them accordingly. If a record is not able to be located, the Councillor is to advise the General Manager or delegated Council Officer as soon as possible.

### 5.8.3 Archives

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.

### 5.9 Unauthorised access or disclosure of Council records

The *Local Government Act 1993* 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 and its staff and clients are protected and that that the requirements of relevant legislation, such as privacy legislation, are met.

### 5.10 Handling and storage of records

#### 5.10.1 Damage or neglect of records is an offence

Damage or neglect of a State record is an offence under the Archives Act. Councillors should apply the storage and handling rules below to ensure records are protected.

#### 5.10.2 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)



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- if records are damaged during handling, the [records manager] should be informed. No attempts should be made to repair the record (as some repairs can do long term damage).

Information on handling specific formats can be provided by Council's records staff.

### 5.10.3 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.

### 5.11 Disposal of records

#### 5.11.1 Disposal in accordance with the *Archives Act 1983*

State records held by Councillors must be disposed of in accordance with the *Archives Act 1983*.

All agency records are destroyed when they reach the end of their required retention period set out in Retention and Disposal Schedules issued by the Tasmanian Archive and Heritage Office (TAHO). Retention periods take into account all business, legal and government requirements for the records. Council uses a number of authorised schedules to determine retention, transfer and destruction actions for records, including:

- DA2200 Disposal Schedule for Local Government Records
- DA2158 Short Term Value Records
- DA2159 Source Records
- DA2101 Electoral Records

Records cannot be disposed of other than in accordance with relevant Retention and Disposal Schedules, and Destruction Authorities approved by the State Archivist. Failure to keep records for the length of time specified in authorised Schedules may put Councillors and Councils at risk.

Disposal of any records of Council business, must be done under the guidance and direction of Council's delegated officer.



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### 5.11.2 Liaison with Council for disposal authorisation

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 should be primarily responsible for the disposal of State records, unless other arrangements are approved.

## 6. RELATED DOCUMENTS

DVC-POL-001 Councillors Code of Conduct

DVC-POL-002 Councillors Allowances and Expenses Policy