1. Purpose

1.1 The purpose of this Policy is to provide a framework that will enable Council Members to fulfil their obligations under the State Records Act 1997. This Policy will ensure that Council operates in an accountable and community focused environment and is committed to maintaining a transparent electronic records management system that meets its business needs and legislative requirements.

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. This Policy applies to all:

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

3. Policy Aim

3.1. To capture, document, record and manage the business activities of the Council Members of Light Regional Council to protect the integrity, enhance the efficiency and preserve the history thereof and to comply with legislative requirements.

3.2. Legislative Requirements

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

- The State Records Act 1997
- Freedom of Information Act 1991
- Local Government Act 1999
- Australian Records Management Standard AS ISO 15489-2002
- Social Media Policy
- Council Members Electronic Communication and Equipment Procedure

4. Definitions

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.

Compliance - Ensuring that the requirements of laws, regulations, industry codes and organisational standards are met.

Destruction – Process of eliminating or deleting records, beyond any possible reconstruction in accordance with the State Records Act, 1997.

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.

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.

Document(s) – Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

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.

Email - Email messages are electronic “records”. Email messages are “official records” when they are made or received in the conduct of Council business and contain non-transitory information related to a business decision, activity or project.

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

Official 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, memos, notes, Social media posts).

State Records Act 1997 defines an “official record” as a record made or received by an agency in the conduct of its business.

Social Media - Term used to define the various activities integrating web technology, social interaction, and content creation. Includes web feeds, blogs, micro-blogs, photo sharing, video sharing, podcasts, social networking. Examples Facebook, twitter, Wikipedia, Instagram.

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

Accurately created and maintained records are important, and necessary, because they serve as a history of the transactions and business processes of local government. They are a fundamental tool for providing evidence of public sector accountability and responsibility. It is for these reasons that legislation exists to ensure that official records are properly maintained and preserved for future generations.

Subject to the Act, Council is obliged to ensure that the official records in its custody are maintained in good order and condition.

5.1. **Records Creation**

Council Members are responsible for ensuring;

5.1.1. The records created within the conduct of their role at Light Regional Council (being the property of Council) are managed and cared for in accordance with this Policy, associated policies and legislation.

5.1.2. (Each Council Member is provided with a Light Regional Council email address in the form of user@light.sa.gov.au) that only Council provided email accounts are used for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts are not to be used.

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

5.1.4. Records are complete, accurate and meaningful to provide a valid and reliable account of what is documented.

5.2. **Records Capture**

Council Members are responsible for ensuring any correspondence sent or received and any record created (including meeting notes and minutes) as official records, in any format, are forwarded to the Information Services Department to be captured into Council’s electronic records management system.

- Electronic correspondence can be forwarded to Council via records@light.sa.gov.au.
- Hardcopy records can be given to the minute taker at the conclusion of Council meetings.

The guidelines provided in Schedule 1 to this Policy will assist Council Members in assessing whether a record they have created or received is an official record.

If records are of a sensitive or confidential nature, the Council Member should alert the Records Management officer to this fact so that appropriate security control can be applied.

5.3. **Records Security, Retention and Disposal**

5.3.1. Council Members shall ensure that official records in all formats are stored securely to prevent unauthorised access, destruction, alteration or removal.

5.3.2. 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. Council members may return official records to the authorised information management staff for the purposes of retention and disposal.

5.3.3. The illegal destruction of records carries penalties under the State Records Act 1997. If prosecuted penalties will apply to the individual Council Member involved.

5.3.4. The Mayor’s diary will be retained as a permanent record.

5.4. **Access and Privacy**

5.4.1. Access to Council held information by Council Members will need to be requested through the CEO.

5.4.2. Records may contain information that is confidential in nature and should not be divulged to other parties.
5.5. Integrity of Information

5.5.1. 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.

5.5.2. 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.

6. References

Legislation

- The State Records Act 1997
- Freedom of Information Act 1991
- Local Government Act 1999
- Australian Records Management Standard AS ISO 15489-2002
- Code of Conduct for Council Members

Council Policies

- Social Media Policy
- Council Members Electronic Communication and Equipment Procedure

7. Review and Re-evaluation

This policy is to be reviewed biennially and aligned with Council elections

8. History of Policy Amendment

Adopted by Council 22 September 2015, see Minutes Reference GAP9.2.6/2015 Page 2015/320
SCHEDULE 1

COUNCIL MEMBER RECORDS MANAGEMENT POLICY GUIDELINES

This guideline has been developed to assist Council Members in assessing whether a record they have created or received is an official record.

Types of Records created and received by Council Members

The following descriptions and guidelines relate to records created in any format (e.g. paper, word-processed document, email) or received by any method (e.g. post, fax, email, hand-delivered). Council Members can forward records of continuing value to the Council for incorporation into the record keeping system.

Please note: Primary and Ordinary returns are excluded from this Policy and are dealt with separately under the Local Government Act.

Agendas and Minutes

Council Members are involved in meetings as part of their role as a Council Member.

Guidelines:

- Agendas where the agenda is replicated in the minutes and copies of agendas relating to Council Meetings.
  - Have no continuing value and may be destroyed when reference to them ceases
- Agendas where the agenda is not replicated in the minutes and minutes of meetings which have not been recorded elsewhere.
  - Have continuing value and are to be forwarded for incorporation into the record keeping system

Diaries/Appointment Books/Calendars (including electronic diaries)

Diaries, appointment books and calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be an aide memoire of a routine nature, and some of which may be of significance to the conduct of local government business.

It is strongly recommended that Council Members maintain separate diaries or appointment books for personal and official use.

The State Records Act and General Disposal Schedule (GDS) 20 specifically requires Mayor’s diaries to be retained permanently.

Guidelines:

- Council Members’ (excluding Mayor) diaries or appointment books which have been used to record basic information such as dates and times of meetings and other appointments; and
- Council members’ diaries and appointment books which have been used to record notes and messages, which have been recorded elsewhere and incorporated into the Council’s record keeping system.
  - Have no continuing value and may be destroyed when reference to them ceases
- Council members’ (excluding Mayor) diaries and appointment books, which have been used to record notes and messages of significance to Council business and are not recorded elsewhere.
  - Have continuing value and are to be forwarded for incorporation into the record keeping system
• The Mayor's diaries, appointment books and calendars.
  - Have continuing value and are to be forwarded for incorporation into the record keeping system

**Drafts and Working Papers**

A draft record is the preliminary form of any writing in electronic or paper formats. Draft records include outlines of addresses, speeches, reports, correspondence, file notes, preparatory notes, calculations and earlier versions of the draft.

Drafts may or may not be circulated to other Council members or Council staff for comment or revision.

Working papers are documents, background notes and reference materials that are used to prepare or complete other documents.

**Guidelines:**

- Drafts of addresses, speeches, reports, correspondence, file notes that are not circulated to other Council members or staff;
- Drafts circulated to other Council members, where only editorial or typographical changes have occurred.
- Working papers that do not relate to significant decisions or actions, or contain significant information, and where the final document has been forwarded for capture into the local government’s record keeping system
  - Have no continuing value and may be destroyed when reference to them ceases
- Drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records – for example: Drafts which contain significant or substantial changes or annotations (other than editorial changes);
- Drafts relating to the formulation of legislation, legislative proposals and amendments;
- Drafts relating to the formulation of policy and procedures, where the draft provides evidence of the processes involved or contains significantly more information than the final version;
- Drafts of legal documents (contracts, tenders etc); and
- Working papers which document significant decisions, reasons and actions, or contain significant information (even if that information is not contained in the final form of the document)
  - Have continuing value and are to be forwarded for incorporation into the Council’s record keeping system.

**Duplicates**

Duplicates are exact reproductions or copies of records.

**Guidelines:**

- Duplicates of records issued to an Council Member by Council for information or reference purposes only, eg Council and Committee meeting agendas, copies of Acts and Regulations; and
- Duplicates of internal or external publications issued or received for information or reference purposes (eg annual reports, brochures, trade journals, price lists)
  - Have no continuing value and may be destroyed when reference to them ceases
• Duplications of records received by an Council Member and sourced from outside Council that are relevant to furthering the business activity of Council
  - Have continuing value and are to be forwarded for incorporation into the Council’s record keeping system

**Messages**

Messages may be sent or received via a range of methods, such as telephone and voice mail, email, post-it or sticky notes, facsimile, pieces of paper, transmission reports.

Messages may be sent or received on a variety of matters. Some messages will have continued 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.

**Guidelines:**

• Routine or simple administrative instructions, such as edit corrections, distribution lists for informational purposes, file creation requests, and social invitations and messages;

• 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

• Messages which contain information relating to the business function of Council such as directives, proposals, recommendations, definitions or interpretations from a Council member to another party or vice versa; and

• Messages that are part of an actual business transaction itself, or have policy/procedure implications, or are otherwise identified as being significant to the conduct of Council’s business
  - Have continuing value and are to be forwarded for incorporation into the Council’s record keeping system

**Photos and Other Digital Images**

Photographs may have been taken to record significant events or activities or to provide evidence in support of certain claims or actions.

**Guidelines:**

• Photos and other digital images which record significant Council events or activities or provide evidence in support of an action or claim.

**Note:** It is only necessary to retain those photos etc which show the best example of each event or activity. Duplicate copies of those showing similar views are not required.

**Telephone and Other Verbal Conversations**

Council members may have telephone or other face-to-face conversations at any time on a variety of matters.

Some conversations may involve the relay of information, or involve matters of significance to the conduct of local government business. These conversations should be documented in an appropriate format (e.g. a file note).

Other conversations may only be very basic or routine in nature, such as the issuing or receiving of basic instructions or information, and need not be documented.
Guidelines:
- Documentation of conversations involving the exchange of routine or simple administrative instructions or information;
- Original notes of significant conversations that have already been transferred or transcribed into appropriate formats for incorporation into Council’s record keeping system; and
- Documentation of conversations that do not relate to the business functions of Council.
  - Have no continuing value and may be destroyed when reference to them ceases
- Conversations which relate to the business functions of Council involving the issuing of directives, proposals, recommendations, definitions or interpretations from the Council Member to another party or vice versa; and
- Conversations that are part of an actual business transaction itself, or have policy/procedure implications, or otherwise identified as being significant to the conduct of Council’s business.
  - Have continuing value and are to be forwarded for incorporation into the Council’s record keeping system

**Electioneering Material**
Electioneering materials or records created or received by an Council Member in regard to electioneering.
- Have no continuing value and may be destroyed when reference to them ceases

**Social Media Posts**
Social media posts made or received by Council Members in the course of their duties are considered Official Records. This is regardless of whether the post was made on a Council Member’s personal account.

Social media posts need to be captured as close to the point of creation as possible due to the social media sites having no guarantee of long-term access to the post.

Types of social media posts include:
- The original post from the social media site
- Responses, if any are received, to the original post

Guidelines:
- Posts that gather responses or information that is later used to inform a decision or a policy position;
- Posts that trigger an action or response;
- Posts that provide information about activities, programs or services not captured in another official record form;
- Posts that have policy/procedure implications, or otherwise identified as being significant to the conduct of Council’s business.
  - Have continuing value and are to be forwarded for incorporation into the Council’s record keeping system
- Posts that republish content that has been captured in an official form e.g. Council’s Website, Newspaper public notice;
- Posts to raise awareness to pre-existing Council publications e.g. Annual Report Document; Annual Business Plan
  - Have no continuing value and may be destroyed when reference to them ceases
**Context to be captured**

It is important when capturing these records that both the content and the context of the post are captured.

**Context to be stored with the record are:**

- Date and time post was sent or received
- The name of the Council Member that posted the message and to whom it was sent
- For posts/replies to the Council Member, the name used by the person who posted the message (no need to determine the sender’s actual identity)
- The purpose of the message
- The name of the social media application that the message was published on.

**Methods to capture ‘Official Records’**

- Manually saving a screen shot of the post along with information regarding its context as a document
- Using an automated application to capture posts and save an electronic copy of the social media data.

I understand and agree to the above conditions

Print Name: ____________________________________________

Signature: ____________________________________________

Date: ____________________________________________

Authorised by the Chief Executive Officer

Signature: ____________________________________________

BRIAN CARR - CEO

Date: ____________________________________________