

RECORDS MANAGEMENT POLICY

1. STATEMENT OF POLICY INTENT

The intent of this policy is to establish a framework for the management of council records which is consistent with minimum legislative requirements.

2. DEFINITIONS AND ABBREVIATIONS

Act	Local Government Act 1993 (NSW)
GM	General Manager
Regulations	Local Government (General) Regulations 2005 (NSW)

3. POLICY

INTRODUCTION

The NSW State Records Act 1998 requires Council to make and keep full and accurate records as evidence of business activities

As the overall efficiency of Councils records operation can only be enhanced with the co-operation of its users, it is important that all staff familiarize themselves with its operation.

It is also important to understand that the records received or created by Council staff in the course of official duty, belong to the Wentworth Shire Council and ultimately, to the state of New South Wales. They do not belong to the council staff that receive, create or use them and as such, they must be captured into Council's Corporate Information Management System (TRIM) at the time of their creation or receipt.

The records both generated and maintained by Council constitute its official "CORPORATE MEMORY" and in many instances will provide the basis upon which future decisions are made. It is therefore essential that full and accurate records of Council's activities be maintained.

** Electronic messages (e-mail) which are relevant to the information gathering, policy formulation or decision making processes of Council are part of the scope of this policy.

LEGISLATIVE REQUIREMENTS

Council's Records Management Practices are subject to a wide range of statutory controls. These controls relate to both State and Commonwealth Legislation. Applicable legislation is summarised in section 5.1 of this document and detailed below.

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

Local Government Act 1993 (NSW)

This Act provides the legal framework for the operation of Local Government New South Wales and covers certain aspects of accountability related to record keeping and record management.

State Records Act 1998 (NSW)/State Records Amendment Act 2005 (NSW)

This Act provides protection for Council Records in all formats or media the Act also gives authority to the State Records Office for the determination of record keeping standards by which all Council officers must comply.

Crimes Act 1900 (NSW)

Section 138 of this Act states that persons who steal, destroy or damage any record or document of any court, business, office or employment under the Crown shall be liable to penal servitude for seven years.

Government Information (Public Access) Act 2009 (GIPA)

The object of this Act is to extend, as far as possible, the rights of the public –

- (a) to obtain access to information held by the government; and
- (b) to ensure that records held by the Government concerning personal affairs of members of the public are not incomplete, incorrect, out of date or misleading.

Evidence Act 1995

Evidence legislation in Australia, as it relates to the work of record keepers, is primarily concerned with the acceptability of documentary sources by a court of law.

The Evidence Act of 1995 changed the definition of documents and the abolition of the 'original document' rule. The changes are particularly important in terms of authentication and the use of computer or optical disk technology for the storage of information. Indicates that photocopies of documents or files could be provided as evidence to a court.

A Scanned Document is 100% reproduction of an original document and therefore acceptable as evidence. Optical Character Recognition (OCR) documents are not acceptable as evidence as the conversion process may alter the document.

Privacy & Personal Information Protection Act 1995 (PIPA)

This Act protects the rights of individual as they relate to the collection storage usage and disclosure of their personal information.

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

Archives Act 1983

The Commonwealth Archives Act relates to the preservation and use of archival resources and for related purposes of any records that are deemed to be Commonwealth Records. This act relates to records created or maintained by Council Officers acting under Commonwealth guidelines.

State Record Act 1998 (NSW)/State Records Regulation 2010 (NSW)

Australian Standard AS4390 Records Management
 Standard on Full and Accurate Records
 Standard on Records Management Programs
 Standard on the Physical Storage of State Records
 Standard on Record keeping in the Electronic Business Environment
 Policy on Electronic Messages as Records & Record keeping
 Local Government Records Disposal Authority (GDA 10)

RECORDS CREATION & CONTROL

Records are created to provide evidence of the business activities carried out in our organizations. They help fulfil the requirement of government to be accountable for the decisions it makes and the resources it uses. Records provide a means of tracking business transactions, increasing the efficiency of those transactions and allow the chronicling of the corporate memory. Essentially, records are an important and valuable asset for any organisation thus; their creation and control should be managed accordingly.

Records control procedures should be established and strictly adhered to and they must encompass the creation and control of all records including electronic records, financial records and human resources records as well as traditional paper based correspondence and subject files. All staff within an agency should be made aware of these procedures and any responsibilities they may have to ensure they are adhered to.

This Section addresses the situations in which records should be created, the way records should be classified and tracked and the management of incoming mail.

Records should be created in the following situations:-

- where evidence of Council functions, activities and transactions is required
- where a requirement may exist (or develop) to prove that proper decision making processes have been followed
- where there is the possibility that members of the public or other parties will have a requirement to know what activities have taken place, what decisions have been made, the order and time in which events occurred and the people involved
- where there is a need to protect the rights or interests of the organization, its employees, its clients or the general public

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

- where their absence could cause the inability of the Council or its employees to defend themselves against legal action or accusations of impropriety or fraud
- where their absence might result in political embarrassment
- where there is a specific legislative requirement for a record to be maintained

Legislation will often mandate the creation and maintenance of certain records. It is the responsibility of WSC staff to ensure that relevant legislation is monitored and that appropriate changes are made to record creation and maintenance practices.

MAIL HANDLING

Policy **Mail handling procedures should ensure that mail is dealt with in a timely manner and that the flow of correspondence within WSC is as efficient as possible.**

Incoming correspondence including that received through Australia Post, Courier Services, E-Mail facilities, facsimile / fax or by personal delivery should be opened and registered on TRIM at the earliest opportunity. No correspondence required to be captured, as part of corporate memory should be forwarded for action before it has been registered.

- The opening and registering of particular categories of documents, such as tender documents, must be carried out according to relevant Council Policy.
- The internal distribution / collection of mail will be well planned and regular so that there is confidence in the system. This should avoid people by-passing the system, or maintaining separate (and sometimes duplicate) systems, which reduce the operating efficiency of Council.
- Unsolicited / junk mail should not normally be registered or filed.

ALLOCATION OF CORRESPONDENCE

a) Mayor

Correspondence addressed to the Mayor or "Mayor and Councillors" is to be processed in the normal way and referred to the Mayor unless marked "Private & Confidential".

b) Individual Councillors

Correspondence addressed to individual Councillors is to be processed in the normal way and referred to Personal Assistant to the Mayor & Councillors unless marked "Private & Confidential".

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

c) General Manager

Correspondence addressed personally to the Chief Executive is to be registered and allocated in the normal way and referred to the General Manager.

IDENTIFICATION

Policy **Records should be uniquely identified and registered on the Corporate Records and Information Management system (TRIM) as soon as they are received/created and no other Records and Information Management Processes affecting the record should take place until registration is complete.**

Registration of records should link the record to descriptive information about the context of the record and to related records and should consequently include the following information:

- unique identifying such as name or record number (or both)
- creating organization and / or individual
- whom the record was intended for (action officer)
- the date the record was created and/or received
- the level of security or sensitivity that has been accorded to the content

Registration of electronic records must include additional contextual information, refer to PROS 99/007.

CLASSIFICATION

Policy **Records must be classified in accordance with the WSC Classification Scheme.**

SECURITY

Policy **Record Security requirements should be established at creation / registration and should include identification restrictions relating to their availability for access, use or alteration.**

Various records contain unique sensitivity requirements, which should be identified, and security restrictions used. Some considerations in regard to the sensitivity of particular groups of records include:-

- whether or not the records contain personal information concerning individuals
- whether or not the records contain information, which is considered commercial in confidence.
- whether or not the records contain information which needs to be restricted to Senior Management

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

MOVEMENT

Policy **The physical movement of records should be documented sufficiently to ensure that physical items can be located as required.**

STORAGE

Policy **Records must be stored in conditions, which ensure that they are accessible and retrievable in appropriate timelines for the length of time they are retained.**

DISPOSAL

Policy **The Public Records Office can only authorize policy Disposal of official public records. Authorization is given in the form of the General Disposal Schedule**

ELECTRONIC RECORDKEEPING

In order to offer a speedier, more efficient and more informative service, many Council transactions are now conducted electronically.

Policy **Councils business processes and systems must operate to capture records which provide evidence of all business transactions conducted electronically and to ensure that those records retain their integrity and are accessible for the length of time they are retained.**

OWNERSHIP

Policy **All records which are made or received by WSC or an individual employed by the Council, during the conduct of business are corporately owned by the Council and consequently are subject to the record keeping practices and procedures of Council**

4. RESPONSIBILITY/ACCOUNTABILITY

- 4.1. Staff members shall not alienate, relinquish control over or destroy records of Council without authorisation to do so.
- 4.2. Staff members shall ensure that records in any format, including electronic documents and electronic messages are captured into the Councils Record Keeping System TRIM

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

- 4.3. Staff members are required to follow procedures in carrying out Records Management Functions.
- 4.4. Staff members are required to handle records with care and respect in a sensible manner to avoid damaging records with a view of prolonging their life span. Staff should not eat, drink or smoke near records or in records storage areas.
- 4.5. Employees should minimize the length of time files are kept at their desks so as to ensure access to other appropriate personnel and files should not be removed from Council Offices.
- 4.6. Protect sensitive records from unauthorized access. Records that contain personal and confidential information must not be disclosed to unauthorized persons.

5. RELATED DOCUMENTS

5.1. ASSOCIATED LEGISLATION

Local Government Act 1993 (NSW)
 State Records Act 1998 (NSW) & State Records Amendment Act 2005 (NSW)
 Crimes Act 1900 (NSW)
 Government Information (Public Access) Act 2009 (GIPA)
 Evidence Act 1995
 Privacy & Personal Information Protection Act 1995 (PIPA)
 Archives Act 1983

5.2. ASSOCIATED GOVERNMENT POLICY PROVISIONS

Government Policy Framework for Electronic Records Management
 State and Local Records Management Policy
 Recordkeeping Policy
 Management of Electronic Records in Australian Government

5.3. ASSOCIATED COUNCIL DOCUMENTS

CP10 Collection and Recording of Information
 CP11 Complaints Handling
 CP89 Fraud Control
 CP104 Internal Reporting
 CP106 Councillor Access to Information and Interpretation
 CP109 Communications
 CP134 Privacy
 CP141 Access to Information held by Council
 CP141d Privacy Management Plan

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		

6. POLICY STATUS

This policy was formally adopted by Council on 15 July 2009 and commenced operation on 15 July 2009. This policy replaces the previous version adopted on 22 May 2002 and includes the State Records Amendment Act 2005 (NSW), removal of FoI Act 1989 being replaced by the Government Information (Public Access) Act 2009 (GIPA), removal of Privacy Act 1988 being replaced by the Privacy & Personal Information Protection Act 1995 (PIPA) and changing Chief Executive wording to General Manager.

7. POLICY REVIEW

This policy may be amended at any time and must be reviewed at least twelve months since its adoption (or latest amendment).

8. AUTHORISATION

.....
 Position: General Manager
 Date: /...../.....

Maintained by:	DCS	Date Adopted by Council:	17/11/2010
File Number:	C9/7	Version No:	3
Previous Effective Date	15/7/2009	Date for Review	17/11/2011
Other Reference:	N/A		
Application:	All staff and councillors		
Attachments:	Nil		