

	<b>Council Members Information Management Policy</b>	
	<b>Version Adoption by Council:</b> <b>Resolution Number:</b> <b>Current Version:</b>	27 June 2022 2022/180 V2
	<b>Administered by:</b> General Manager – Governance and Executive Office	<b>Last Review Date:</b> 2022 <b>Next Review Date:</b> 2024
<b>Document No :</b> D22/25047	<b>Strategic Objective:</b> Proactive Leadership	

## 1. Objective

1.1 The Council Members Information Management Policy (this Policy) provides principle based guidance and directs the practices of the Council Members of Adelaide Plains Council (Council) in relation to the management of their records.

Records of Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses.

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, maintain corporate memory, build context, meet legislative requirements and to ensure the transparency, accountability and security of Council.

## 2. Scope

This Policy applies to all:-

- 2.1. Records created, sent and received by Council Members in the conduct of their role, including emails, letters, texts (SMS) and posts on social media.
- 2.2. Records in all formats and media (paper and digital).

### 3. Definitions

The definitions within this Policy have been taken from the Glossary of Records Management Terms produced by State Records of South Australia.

**Access** – Right, opportunity, means of finding, using or retrieving information.

**Business Activities** – Council Member business activities shall be confined to their activities associated with the role as a Council Member and not include personal business affairs.

**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.

**Destruction** – Process of eliminating, destroying or deleting records, beyond any possible reconstruction.

**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 Optical Character Recognition (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.

**Document(s)** – Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

**Council Member** – A person appointed or elected as a councillor of 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.

**Electronic Document and Records Management System (EDRMS)** – An automated system to 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.

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

**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, and image). *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** – Group term for a range of on-line communication channels, which enable content sharing and collaboration. Including but not limited to: social networking sites (e.g. Facebook, LinkedIn); microblogging sites (e.g. Twitter); blogs; podcasts; forums and discussion boards; wikis.

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

#### **4. Policy Statement**

- 4.1 The business activities of the Council Members of Adelaide Plains Council will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.
- 4.2 This Policy applies to the records and information created, sent and received by Council Members.

#### **5. Legislative Requirements**

- 5.1 Council Members have an obligation under the *State Records Act 1997*, *Local Government Act 1999*, *Freedom of Information Act 1991* and other relevant legislation to create, capture and manage records.
- 5.2 This Policy is to be read and implemented in conjunction with relevant legislation, standards and policies, including:-
  - *State Records Act 1997*
  - *Freedom of Information Act 1991*
  - *Local Government Act 1999*
  - *Adelaide Plains Council - Council Members Communication Policy*
  - *State Records - Information Management Strategy 2019-2022*
  - *State Records - Information Management Standard*
  - *State Records - Appraisal Standard V1.0*
  - *State Records - Disposal Standard V1.0*
  - *State Records - Standard - Minimum recordkeeping metadata requirements V1.0*
  - *State Records - Standard – Managing digital records in systems V1.0*
  - *State Records - Standard – Transfer of Official Records*
  - *Australian Records Management Standard AS ISO 1549 2016*

### 5.3 *State Records Act 1997*

Council Members are subject to the *State Records Act 1997*, and as such are required to manage their records in accordance with the provisions of the Act.

Under the *State Records Act 1997* – Section 3 – Interpretation, agency means:

- (d) a person who holds an office established by an Act; or
- (h) a municipal or district council.

#### Section 17 – Damaging etc of official records

(1) If a person, knowing that he or she does not have proper authority to do so, intentionally –

- (a) damages or alters an official record; or
- (b) disposes of an official record or removes an official record from official custody, the person commits an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

### 5.4 *Freedom of Information Act 1991*

The *Freedom of Information Act 1991* defines the rights of the public to obtain access to information held by the Council. Irrespective of whether or not an email is created using Council or personal email addresses it will always be subject to operation of the *Freedom of Information Act 1991*.

In certain circumstances an agency may refuse access to a document (e.g. an exempt document under Schedule 1 of the *Freedom of Information Act 1991*).

### 5.5 *Local Government Act 1999*

The *Local Government Act 1999* assigns the overall responsibility and accountability for the proper management of official records to the Chief Executive Officer of the agency. The Act has specific requirements relating to the creation and access of information.

### 5.6 *Adelaide Plains Council – Council Members Communication Policy*

The *Council Members Communication Policy* applies to all Council Member requests for information from staff. It governs the interaction of Council Members and Council staff and outlines Council's approach to dealing with Council Member requests for service, information and documentation.

## **6. Application of Policy/Responsibilities**

- 6.1 It is the responsibility of all Council Members to adhere to this Policy.
- 6.2 Attendance as required at Council Member Awareness training which will be delivered by an authorised and appropriately qualified Records Management staff member or external consultant.
- 6.3 All Council Members are responsible for ensuring:-
  - 6.3.1 Record Creation
    - (1) Records created within the conduct of their role at Adelaide Plains Council are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.
    - (2) Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.
    - (3) Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.
  - 6.3.2 Records Capture
    - (1) Electronic records, such as emails, should be copied or forwarded upon creation or receipt to [info@apc.sa.gov.au](mailto:info@apc.sa.gov.au). These records will then be captured into the corporate Electronic Document and Records Management System (EDRMS), 'Content Manager'.
    - (2) Council Members should not retain hardcopy original documentation. All original hardcopy documentation including records handed to Council Members must be forwarded to the Minute Taker at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate EDRMS.
    - (3) Hardcopy documents may also be delivered to either the Principal Office at Mallala or the Two Wells office during normal business hours for capture into the corporate EDRMS.

### 6.3.3 Records Retention and Disposal

- (1) There is to be no intentional deletion, destruction or alternation of official records. Records are only to be disposed of in accordance with the provisions of the *State Records Act 1997* by authorised Records Management staff as part of the formal Disposal Process.
- (2) The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted penalties will apply to the individual Council Member involved.
- (3) Council Members who may wish to dispose of confidential documents appropriately may bring them to the Principal Office or the Two Wells Office for secure disposal in the Confidential Disposal Bin.

### 6.3.4 Access and Privacy

- (1) Access to Council held information by Council Members will need to be requested through the CEO or delegate in accordance with Council's *Council Members Communication Policy*.
- (2) Records may contain information that is confidential in nature and such confidential information must not be divulged to other parties.

### 6.3.5 Public Access to Information

- (1) Requests by the public or media for access to Council information and records are to be managed by a Freedom of Information Accredited Officer. Access by the public or media to information is protected by provisions in the *Freedom of Information Act 1991* and advice should be sought from the Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

### 6.3.6 Mail Opening

- (1) All mail coming into Council (in all formats), including mail marked 'Private and Confidential', will be opened by the Records Team regardless of addressee and processed in accordance with Council's Information Management policies and procedures.

#### 6.3.7 Council System

6.3.8 Council Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used.

#### 6.3.9 Integrity of Information

- (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.
- (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 may become part of the official record.

### 7. Related Documents

Code of Conduct for Council Members

Council Members Communication Policy

Code of Practice – Access to Council Meetings and Documents

Council Members Training and Development Policy

Information Technology and Communication Policy

Risk Management Policy

Social Media Policy

Public Interest Disclosure Procedure

### 8. Document Review

This Policy will be reviewed every two (2) years, in accordance with Council's Policy Review Schedule, by or as required by legislation.

## **9. References**

*State Records Act 1997*

*Freedom of Information Act 1991*

*Local Government Act 1999*

*Council Members Communication Policy*

*General Disposal Schedule 40 Version 1*

## **10. Further Information**

Members of the public may inspect this Policy on Council's website at

[www.apc.sa.gov.au](http://www.apc.sa.gov.au) or at Council's Principal Office at:

2a Wasleys Road, Mallala SA 5502

On payment of a fee, a copy of this Policy may be obtained.

Any queries in relation to this Policy should be in writing and directed to the General Manager, Governance and Executive Office.