

# KU-RING-GAI COUNCIL

## RECORDS MANAGEMENT POLICY FOR COUNCILLORS

### 1. Purpose

Records are a vital asset and resource 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 Councillor's 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.
- Ensure accountability of Council's business activities through evidence
- Enable information sharing

Transparency and accountability are fundamental characteristics of good governance. Failure to keep adequate records of Council decision making processes and activities can lead to a lack of accountability and a loss of public confidence.

The purpose of this policy 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.

Public offices are bound by the State Records Act 1998 (the Act) which establishes rules for best practice for recordkeeping in NSW Government, encouraging transparency and accountability. Councils are identified as public offices under the Act. When discharging functions of Council, Councillors are subject to the 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.

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The records that Councillors create, send or receive in the course of official Council business may be identified as state records for the purposes of the Act (see the statement of procedures section of this policy for further definition on what records are identified as state records).

Councillors are required to ensure that any records they create or receive that relate to the business of Council are captured into Council's official recordkeeping system in accordance with this policy.

## **2. Scope**

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

## **3. Objectives**

Records are a corporate asset, forming the corporate memory and cultural heritage of the Ku-ring-gai local government area. These records support accountability by providing evidence of actions and decisions and are a vital asset to the organisation. They support informed decision-making, policy formulation, improved customer service, the management of risk and service to protect the interests of Ku-ring-gai Council and its community.

This policy forms part of Council's Records Management Program which provides the framework for Council to effectively fulfil its obligations and statutory requirements under the Act. Council is committed to maintaining a program that meets its operational business needs, accountability requirements and the community expectations. Council will ensure the preservation of its corporate memory through the issue of appropriate recordkeeping practices and procedures.

The overall objective of this policy is to ensure that full and accurate records of the activities and decisions of Councillors, acting in the course of their civic duties for Council, are created, managed and disposed of appropriately to meet organisational needs and legislative requirements.

## **4. Definitions**

A complete list of definitions can be found in the appendices.

## **5. Principles**

Council's records and archives are an exceptionally important information resource. They cannot be easily reconstructed or replaced and are therefore a unique and vital asset. They show valuable precedents and courses of action – without the knowledge of which Council would not be able to effectively function.

Records exist for a variety of administrative, functional, legislative, historical and legal reasons. Their existence serves to protect Council's interests and the interests of the community we serve. Council is committed to managing its records effectively and efficiently whilst ensuring records of continuing value form part of the States cultural heritage.

## **6. Accountabilities**

In accordance with s.10 of the Act, the General Manager has overall responsibility for ensuring that Ku-ring-gai Council complies with the regulations and compliance requirements of the Act.

Responsibility for Council's Records Management Program must be assigned to a nominated senior officer. The General Manager has appointed the Manager Records and Governance to be Council's nominated senior officer. The Manager Records and Governance possesses the authority to develop standards for records management across the organisation, to define rules and requirements associated with records management operations and practices and to monitor and audit compliance with those standards throughout Council.

Council is bound by the Act to establish rules for best practice in record keeping which encourage transparency and accountability. When discharging the functions of Council, Councillors are subject to the Act when they create or receive Council records. All Councillors must comply with this policy in the conduct of their civic duties for Council or in the performance of the function and duties of the office of a Councillor. This policy applies to records in all formats – both paper-based and electronic.

## **7. Interactions between Councillors and rate payers**

Accurate record keeping provides protection for Councillors, in the event that questions are raised regarding their conduct. Documenting events, activities and decisions enables Councillors to recall or provide information on a matter where relevant.

The ICAC 'Lobbying Local Government Councillors' Guideline identifies that maintaining accurate records of meetings support transparency of Councillor conduct particularly in situations involving lobbying on building and development matters. ICAC advises, in relation to record keeping, that Councillors should:

- Document all communications with proponents, eg. meetings, phone calls, emails, etc.
- Provide copies of information presented at meetings to Council officers for assessment
- Refer any documents or meeting notes to Council Officers for registration into Council's official record keeping system
- Request that persons lobbying Councillors put their argument in writing.

## **8. Councillor access to records of Council**

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 civic duties.

Access to records by Councillors is governed by Council's Councillor Access to Information and Interaction with Staff Policy.

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

- The Health Records and Information Privacy Act 2002
- The Government Information (Public Access) Act 2009

## **9. Archival storage and security of records**

All records are required to be stored appropriately to allow for their retrieval, use and preservation. In doing so, the security, privacy and confidentiality of records must be maintained.

Ku-ring-gai Council shall ensure the appropriate archival storage and security of records in accordance with Council's Records Management Policy.

## **10. Disposal and destruction of records**

The disposal and destruction of Council's records is carried out in accordance with the provisions of the General Disposal Authority for Local Government Records (GA-39)), the Standard on the Appraisal and Disposal of State Records and the best practice requirements outlined in AS ISO 15489:2002 (International Standard on Records Management).

## **11. Breaches of this policy**

A breach of this Policy will be taken to be a breach of Council's Code of Conduct. Complaints alleging a breach of this policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the provisions of the Code of Conduct.

## **12. Review**

This policy will be reviewed within four (4) years of adoption or earlier should circumstances arise to warrant a revision.

## Appendix 1

### Legal References

- *State Records Act 1998*
- *State Records Regulation 2010*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Protection Act 2002*
- *Environmental Planning and Assessment Act 1979*
- *Evidence Act 1995*
- *Australian Standards AS ISO 15489.1 Records Management – Part 1: General*
- *Australian Standards AS ISO 15489.2 Records Management – Part 2: Guidelines*

## Appendix 2

### Terms and Definitions

**Accountability:** the principle that individuals, organisations and the community are required to account to others for their actions.

**Archives:** those records that are appraised as having continuing value. Sometimes called the corporate memory. Can also be the place where archival material is kept.

**Business Activities:** umbrella term covering all the functions, processes, activities and transactions of an organisation and its employees. Records that document business activity are vital for supporting informed decision making, corporate memory and ensuring accountability.

**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.

**Electronic Records:** records communicated and maintained by means of electronic equipment.

**Evidence:** information that tends to prove a fact. Not limited to the legal sense of the term.

**Public Office:** public office means each of the following:

- a) a department, office, commission, board, corporation, agency, service or instrumentality exercising any function of any branch of the Government of the State
- b) a body (whether or not incorporated) established for a public purpose
- c) a Council or County Council under the Local Government Act 1993
- d) the Cabinet and the Executive Council
- e) the office and official establishment of the Governor
- f) a House of Parliament
- g) a court or tribunal
- h) a State collecting institution
- i) a Royal Commission or Commission of Inquiry
- j) a State owned corporation
- k) the holder of any office under the Crown
- l) any body, office or institution that exercises any public functions and that is declared by the regulations to be a public office for the purposes of this Act (whether or not the body, office or institutions is a public office under some paragraph of this definition).

**Recordkeeping:** making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

**Recordkeeping Systems:** 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.

**Records:** any 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 (State Records Act 1998, Part 1, Preliminary, Section 3(1), Definitions)

**Records Management:** the discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations.

**Records Management Program:** 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.

**Retention and Disposal Authority:** documents authorised by the Board of State Records NSW that set out appropriate 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.

**State Record:** any record, made or 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.