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		Responsible Officer/s:	Records Coordinator
		Classification:	Administration
		Issued:	21 July 2014
		Next Review:	April 2024

1. Purpose

The purpose of this policy is to establish a framework for the creation and management of records within The District Council of Grant. The Council operates in an accountable and community orientated environment and is committed to maintaining a records management system that meets its business needs and accountability requirements and to effectively fulfil its obligations and statutory requirements under the *State Records Act 1997 (the State Records Act)*.

The District Council of Grant has a legal obligation under the State Records Act to ensure that official records in its custody are maintained in good order and condition. This includes obligations in relation to the capture, storage, maintenance and disposal of physical records and records in electronic format. Additionally the Chief Executive Officer has a responsibility under the *Local Government Act 1999 (the LG Act)* to ensure that records required by these Acts are properly kept and maintained.

Council has certain legal obligations in relation to records management and to provide access to records under legislation such as the *Freedom of Information Act 1991*, and for legal processes such as discovery and subpoenas. Other persons or bodies such as the Ombudsman, Royal Commissions, the Courts, or Auditors and other people or bodies to whom or which they may be subject, may also require access to the records.

The records management system is an essential part of corporate risk management.

2. Scope

This policy applies to records management for all Council business, including that in electronic form. It concerns records that are created, collected, processed, used, sentenced, stored, and disposed of in the conduct of official business. It applies to all council staff and elected members, and other authorised personnel offered access to council's information resources.

3. Definitions

Record


- (a) written, graphic or pictorial matter; or
- (b) a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).

Official Record

A record made or received by the Council in the conduct of its business. Official records are created and exist in various formats, including hard copy (i.e. paper based) and electronic (email, fax, telephone, digital images).

Disposal

The destruction of a record; the carrying out of any process that makes it impossible to reproduce the information in a record; the transferring or delivering ownership or possession of a record; or the selling of a record.

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Capture

Involves the organisation of official records with unique identifiers in some form of logical sequence, which may be ensured by any of the following:

- Classification and indexing, which allow appropriate linking, grouping, naming, security protection, user permissions and retrieval, disposition and identifying vital records.
- Arrangement in a logical structure and sequence, whether a physical file or electronic directory, which facilitates subsequent use and reference.
- Registration which provides evidence of the existence of records in a records system; and
- Systems which profile or template the actions undertaken in business.


GDS 40 & GDS 21

General Disposal Schedule 40 (**GDS 40**) and General Disposal Schedule 21 (**GDS 21**) are a set of guidelines that applies to the disposal of all records, irrespective of format or media and created or received by any Local Government Authorities in South Australia

4. Policy

The District Council of Grant recognises that its records are a corporate asset and is committed to maintaining complete and accurate records of all business decisions and transactions. Records are to be managed in a cost-effective manner in accordance with records management and record keeping legislative requirements, including:-

- All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification.
- All communications in the form of records, whether paper or electronic, and whether internal or external, are to be captured within the appropriate aspect of the record keeping system.
- Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders, photographs, forms, vital records, files and contracts.
- All contractual arrangements are to ensure the Council's ownership of significant records.
- Any records/files in the possession of individual staff are to be registered to them and, dependent upon security classification, kept accessible.
- Only approved record formats are to be used in effecting the Council's business.
- All records within record keeping series maintained by the District Council of Grant are to be disposed of in accordance with the State Records Office's General Disposal Schedule for Local Government Records.

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- Records are not be removed from the Council's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing approved business

4.1. Electronic Records

4.1.1. Capture of Electronic Records

Good electronic recordkeeping is essential for the creation and capture of electronic records as evidence of business activities. Electronic records are a component of the total records management program at the District Council of Grant.

Responsibility for the management and maintenance of electronic records rests with individuals at all levels in the Council and staff who make use of electronic records will do so in accordance with guidelines to make that usage efficient, consistent and compliant.

All e-mail messages relevant to information gathering, policy formulation or decision-making processes supporting the operations of the Council should be captured and recorded in the Synergy Soft electronic filing system. Failure to properly record emails may give rise to:

- poor audit trail of events or decisions.
- incomplete record of transactions.
- loss of important evidentiary information; and
- information not being available to other Council staff as required as part of the decision making or review processes.

Only those e-mail messages that are deemed to be significant, as distinct from ephemeral records, should be retained by the Council. E-mail messages which convey relatively unimportant information or information of short-term value should not be retained or migrated to the Synergy Soft Electronic filing system.

4.1.2. Retention of Electronic Records


Where the electronic record is the only record of the business activity, it will be maintained in electronic form as long as required in accordance with relevant statutes, regulations, archival purposes and business needs.

4.1.3. Access to electronic records

When confidential material is held in electronic form, due diligence must be undertaken by creators and capturers to ensure that such confidentiality is maintained and appropriate access restrictions are assigned. Electronic records must be protected from inappropriate access by authorised levels of access being allocated to individual positions.

4.1.4. Legal and Policy Framework

Electronic records are subject to the full range of laws applying to electronic communications and to recordkeeping, including copyright, breach of confidence, defamation, privacy, contempt of court,

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harassment, vilification and anti-discrimination legislation, the creation of contractual obligations, telecommunications and criminal laws.

The management of electronic records must take into account District Council of Grant policies and guidelines.

4.2. Confidential Records

If a staff member or Council Member believes that a record forwarded to the Records Department for incorporation into the record keeping system is of a highly sensitive or confidential nature, he or she should advise the Records Management Officer of that view. It will be at the discretion of the Records Management Officer as to whether such information will then be treated as confidential and access to those records restricted.

4.3. Records Security

The security of all Council records is crucial, as records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. Records in all formats should be stored securely to prevent unauthorised access, destruction, alteration or removal.

Council staff are responsible for the safe custody of all files and documents that are allocated to them. Sensitive or confidential information should be placed in a secure storage area when not in use. When the action has been completed the file/documents should be returned to Records Management for storage. File storage units should be locked overnight wherever possible to prevent unauthorised access. Council records are not to be stored at home or left in cars unattended as they could be lost or damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions. Confidential records must be stored in locked storage cabinets.

5. Responsibilities


5.1. Chief Executive Officer

The role of the Chief Executive Officer as prescribed by Section 99 of the LG Act, includes ensuring that records required by any legislation are properly kept and maintained.

5.2. Director Corporate Services

The role of the Deputy Chief Executive Officer includes providing a strategic focus for record keeping throughout the Council and responsibility for:

- ensuring that official records are managed in accordance with the State Records Act.
- establishing records management policies and procedures for the Council as a whole.
- establishing corporate standards for record keeping and records management.
- measuring performance of Council business units against these standards.
- developing corporate electronic records management strategies.

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- working with other accountability stakeholders, including Freedom Of Information Officers and Senior Management, to ensure record keeping systems support organisational and public accountability; and
- providing Council staff and Council members with appropriate training and tools to allow them to meet their records management responsibilities.

5.3. Directors and Managers

All Directors and Managers are responsible for supporting and monitoring staff recordkeeping practices as defined by this policy. Directors and Managers should create, and support the creation of records by staff, as part of normal business practices and ensure their staff are familiar with, and adhere to the Records Management Policy and any associated procedures endorsed by the CEO.

5.4. Records Management Officer

- Ensure records are disposed of in accordance with the General Disposal Schedule (GDS 40).
- Coordination of Council's records (physical and electronic), incorporating sound record keeping principles and records management best practice guidelines.
- Assist Council officers and elected members in fulfilling their record keeping responsibilities and provide advice and training throughout the implementation of the records management policy, its associated procedures and strategies.

5.5. Council Staff and Council Members

All Council staff and Council members need to be aware of record keeping requirements that affect the performance and exercise of their duties and functions. The record keeping obligations on Council staff and Council members include:


- Creating records on transaction of business, or as soon as practicable afterwards.
- Capturing official records into Council's record keeping system upon creation or receipt, or as soon as practicable afterwards.

The Mayor and 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. A Council member who receives emails regarding Council business on their personal email account, must transfer such emails to a Council email address as soon as is practicable.

All staff are informed of their records management responsibilities by:

- The inclusion of this policy in the induction process for new employees.
- In-house records management training provided to new employees.
- Including records management responsibilities in all Job Descriptions.
- Regular review of this policy.
- Ensuring this policy is accessible to all staff.

All new staff will be informed of the following in their induction:

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- Their obligations to create specific official records as stated in legislative or administrative instruments.
- The need to capture official records into recordkeeping systems upon creation or receipt, or as soon as practicable afterwards.
- The need to dispose of official records in accordance with the provisions of the General Disposal Schedule (GDS 40).
- Council's policies, procedures and practices regarding:
 - access to records and disclosure of information within the records.
 - record alteration.
 - record version control.
 - record security.
 - validation of records.


5.6. Obligations of Records Users

5.6.1. Council staff

- Shall not intentionally damage, alter, dispose of or remove official records of the Council without authorisation to do so.
- Are required to handle council records with care and respect in a sensible manner to avoid damaging records and with a view to prolonging their life span.
- Shall ensure that council records in any format, including electronic documents and electronic messages (i.e. Emails), which they personally receive or send are captured into council's record keeping system. Records must be readily accessible to meet business needs and accountability requirements.
- Add notes to documents that are captured to ensure ongoing integrity, reliability and accountability.
- Be aware of the Copyright Act; drawings, plans, photographs etc. are all protected by the copyright Act; therefore, copies should not be taken of these and handed out for public use i.e. Development/Building plans. This would also refer to advertising plans/drawings over the Web.

All official records including electronic records are to be captured and maintained as functioning records by preserving their structure, context and content. In order to maintain their value as evidence, Council records cannot be altered or manipulated for as long as they are retained.

Persons who breach this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings as per the State Records Act. Elected Members and staff should report breaches of this Policy to the Chief Executive Officer or their manager.

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5.6.2. Elected Members

Council email addresses are provided to all council members for the purpose of carrying out council related business and the council email addresses must be used by members for that purpose. Private email addresses are not to be used for Council business.

All council members' emails that concern council related matters are required to be captured and stored in council's record management system in accordance with the State Records Act.

6. **Management and Care of Records on Loan from State Records**

The State Records Act outlines a number of objectives focussed on the appropriate care and management of agencies' (District Council of Grant) official records. It establishes State Records as the principal repository for agencies' official records that are no longer required for administrative purposes, and sets out the following objectives:-


- preserving official records of continuing evidential or informational value for future reference
- ensuring agencies and members of the public are provided with appropriate access to official records in the custody of State Records.

State Records is authorised to impose conditions on agency access to official records, to ensure these objectives are met.

6.1. **Conditions of loan**

Official records in the custody of State Records will only be loaned to agencies in accordance with the following conditions:-

- Agencies may only recall for loan those official records for which they have
- administrative responsibility.
- Agencies must not further loan official records they receive on loan from State Records to other agencies or third parties, without written prior authorisation from State Records.
- Agencies must not alter the official records they receive on loan in any way, without prior written authorisation by State Records.
 - pages must not be added or removed
 - file numbers and titles must not be changed
 - files must not be taken apart
 - records must be kept in their original order/arrangement
 - file covers must not be removed or replaced
 - records must not be marked in any way
 - self-stick notes such as post-it notes must not be affixed to files/records
 - records must be retained and returned in the container/package in which they were received

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- barcode labels must not be removed from boxes and bags containing records
- Agencies must not attempt to perform any repairs or physical treatments to the official records they have received on loan. Agencies are to advise State Records if they have any concerns about the condition of an official record when it is returned.
- Loans of official records to agencies are made for a period of 90 days. Return dates are printed on the labels on the containers/packages in which official records are issued. If agencies need to retain an official record for longer than 90 days, they must contact State Records ahead of the expiry of the loan period, to negotiate an extension. Failure to do so will lead to the issuing of a Request to Return Official Records Notice and attract the administration fee prescribed in the *State Records Regulations 2013*.

7. References / Other Documents

7.1. Legislation

State Records Act 1997
Local Government Act 1999
Freedom of Information Act 1991
Libraries Act 1982

7.2. Council Policies / Procedures

Electronic Use Policy
Code of Conduct for Council Members
Code of Conduct for Council Employees
Electronic Records Induction Procedure
Records Disaster Recovery Plan
Records Management Procedure Manual for Elected Members


7.3. Other

General Disposal Schedule 40
General Disposal Schedule 21
Management and Care of Records on Loan to Agencies Standard

8. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	21 July 2014	14089.1.1

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Amended	16 February 2015	15022.2
Amended	4 September 2017	17109.3
Minor amendment	5 September 2017	Approved by CEO
Amended	4 February 2019	19013.3.3
Minor formatting amendments	4 May 2020	Governance Officer
Minor amendment	13 October 2020	Approved by CEO
Minor formatting amendments	11 November 2021	Governance Officer