

Council Members Information Management Policy

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Review Frequency	4 yearly prior to Council Elections or as required
Status	Recommended
Last Reviewed	17 April 2023 (Resolution Ref: C23161)
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File Number	18.63.001 / PL2023164
Responsible Division	Office of the CEO
Related Documents	Information Management Policy Council Member Training and Development Policy Council Member Induction Policy Privacy Policy and Procedure Risk Management Policy Behavioural Standards Policy
Applicable Legislation	<i>State Records Act 1997</i> <i>Freedom of Information Act 1991</i> <i>Local Government Act 1999</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Ombudsman Act 1972</i> <i>Surveillance Devices Act 2016</i>

1. Purpose

Alexandrina Council is committed to implementing best practice in the management of its records information and in accordance with business and legislative requirements.

The Council Members Information Management Policy (the Policy) outlines and directs the practices of Council Members of Alexandrina 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.

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.

Records are critical to establish the history, corporate memory, build context, meet legislative requirements and ensure the transparency, accountability and security of Council.

2. Scope

Any correspondence sent or received, and any record created (including notes and minutes) by a Council Member which relates to administrative or operational matters and requires action by a Council officer is to be forwarded to Information Management via cm@alexandrina.sa.gov.au.

The Policy applies to all:

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

3. Definition

The definitions within the 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.

Capture – Deliberate action that results in the registration of a record into a recordkeeping system assigning a unique identity on its entry into an Electronic Document Management System (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 or deleting records, beyond any possible reconstruction.

Digital Documents/Records - A record created, and/or maintained by means of digital computer technology. This includes records that are 'born digital' or have undergone conversion from a non-digital format (ie 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.

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

Corporate Records Management System - 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 organisation workflow and providing evidence of business activities.

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.

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 (eg email, letter, image). State Records Act 1997 defines an 'official record' as a record made or received by an agency in the conduct of its business.

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

4. Policy Statement

The business activities of the Council Members of Alexandrina Council will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.

The policy applies to the records and information created and received by Council Members.

5. Legislative and Governance Requirements

Council Members have an obligation under the State Records Act 1997, Local Government Act 1999, the Freedom of Information Act 1991 and other relevant legislation to create and manage documents and records. The Policy is to be read and implemented in conjunction with relevant legislation, and other standards, Codes of Conduct and policies, including:

- *The State Records Act 1997*
- *Freedom of Information Act 1991*
- *Local Government Act 1999*
- *Australian Records Management Standard AS ISO 15489-2002*
- *Alexandrina Council Privacy Policy*
- *Alexandrina Council Information Management Policy*

5.1 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*,

5.1.1 Section 3 - Interpretation agency means:

- a person who holds an office established by an Act
- a municipal or district council.

5.1.2 Section 17 - Damaging etc of official records. If a person, knowing that he or she does not have proper authority to do so, intentionally:

- damages or alters an official record
- 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.

5.2 Freedom of Information Act 1991

5.2.1 The Freedom of Information Act 1991 defines the rights of the public to obtain access to information held by the Council.

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

5.3 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.

5.4 Alexandrina Council Privacy Policy

The Council is committed to a culture that protects privacy and endeavours to protect the personal information it collects, stores, discloses and uses. Council's Privacy Policy outlines how Council adopts a 'best practice' approach to the management of personal information.

5.5 Alexandrina Council Information Management Policy

Council is committed to ensuring compliance with Records Management legislation whilst striving towards best practice and cutting-edge technologies.

6. Application of Policy

Attendance is required at Council Member Awareness training, which will be delivered by an authorised and appropriately qualified Information Management staff member or external consultant. It is the responsibility of all Council Members to adhere to this Policy.

6.1 The Mayor and Council Members are responsible for ensuring:

6.1.1 Record Creation

- 6.1.1.1 Records created within the conduct of their role at Alexandrina Council are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.
- 6.1.1.2 Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.
- 6.1.1.3 Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

6.1.2 Records Capture

- 6.1.2.1 Electronic records, such as emails should be copied or forwarded upon creation or receipt to cm@alexandrina.sa.gov.au. These records will then be captured into the Corporate Records Management System.
- 6.1.2.2 Council Members should not be retaining hard copy original documentation. All original hard copy documentation including records handed to Council Members must be forwarded to the Executive Assistant to the Mayor and Council Members at Council Meetings or Workshops as soon as practicable. These records will then be captured into the Corporate Records Management System.

6.1.3 *Records Retention and Disposal*

6.1.3.1 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.

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

6.2 The Mayor's diary will be retained as a permanent record.

6.3 *Access and Privacy*

6.3.1 Access to Council held information by Council Members will need to be requested through the Chief Executive Officer in accordance with s.61 of the *Local Government Act 1999*.

6.3.2 Records may contain information that is confidential in nature and should not be divulged to other parties.

6.4 *Public Access to Information*

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 Chief Executive Officer, General Manager or a Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

6.5 *Mail Opening*

All mail coming into Council, including mail marked 'Private and Confidential', 'Personal' or identified with protective markings, will be actioned/opened by the Information Management Team in accordance with Council's Mail Identified with Protective Markings Procedure regardless of addressee and processed in accordance with Council Information Management policies and procedures.

6.6 *Council Systems*

The Mayor and Council Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, ie personal email accounts will not be used.

6.7 *Integrity of Information*

6.7.1 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, elected members and customers, actions, transactions, decisions and agreements.

- 6.7.2 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.

7. Availability of Policy

This Policy will be available for inspection on the Council’s website www.alexandrina.sa.gov.au. Copies can also be provided upon payment of a fee in accordance with Council’s Schedule of Fees and Charges.