

1.23 RECORD KEEPING

OBJECTIVE

1. To provide record keeping principles that identify and protect local government records of continuing value.
2. To provide guidance on the disposal of local government records, particularly those that have no continuing value.
3. To define strategies that will support and document accountability and responsibility throughout the local government.
4. To demonstrate to elected members how to establish an audit trail tracing the justifications and authorisations for certain courses of action

POLICY

1. Definitions

Council means the Council of the Shire of Gingin (the elected body).

Shire means the Shire of Gingin (the administration).

GDALG means the General Disposal Authority for Local Government Records.

Local Government employee means:

- a. a person who, whether or not an employee, alone or with others governs, controls or manages a local government organisation;
- b. a person who, under the Public Sector Management Act 1994, is a public service officer of a local government organisation; or
- c. a person who is engaged by a local government organisation, whether under a contract for services or otherwise;

and includes, in the case of a local government organisation referred to in the *Public Sector Management Act 1994* Schedule 1 items 5 or 6, a ministerial officer assisting the organisation).

Local Government Records means a record created or received by or for a local government organisation or a local government organisation employee or contractor in the course of the work for the organisation.

Records means any record of information however recorded and includes:

- a. anything on which there is writing or Braille;
- b. a map, plan, diagram or graph;
- c. a drawing, pictorial or graphic work, or photograph;

- d. anything on which there are figures, marks, perforations or symbols having a meaning for persons qualified to interpret them;
- e. anything for which images, sounds or writings can be reproduced with or without the aid of anything else; and
- f. anything on which information has been stored or recorded either mechanically, magnetically or electronically.

State Archive means a State record that is to be retained permanently.

2. Policy Statement

- a. The Shire recognises that its records are a local government owned asset and will ensure that they are managed as such. Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) are vested in the Shire of Gingin.
- b. This policy applies to all Council records created or received by a Shire employee, contractor or elected member, or an organisation performing outsourced services on behalf of the Shire of Gingin, regardless of their physical format, storage location or date of creation.
- c. Local Government Records of Continuing Value

Local government records of continuing value are records created or received which:

- i. contain information that is of administrative value to the Shire and the Council. These records may be referred to for many administrative purposes, including the need:
 - to check an interpretation of Council policy or the rationale behind it;
 - to check the facts on a particular case or provide information to management;
 - to monitor progress and coordination of responses to issues;
 - to document formal communications and/or transactions (e.g. a minute, report or submissions) between elected members and another party; and
 - to document elected members' decisions, directives, reasons and actions.
- ii. Contain information that is of legal value to the Shire and the Council on the basis that there are statutory requirements or court orders that stipulate the retention of records, which must be observed.
- iii. Contain information of fiscal value to the Shire and the Council that includes original records documenting the receipt, expenditure and control of public money that must be left for a period of time, and will facilitate transparent accountability by the officers responsible.

- iv. Contain information of **evidential value** to the Shire and the Council such as those that contain information about the legal rights and obligations of the local government including elected members, ratepayers, organisations and the general community.
- v. Contain information of **historical value** to the Shire and the Council and to the State.

d. Local Government Records of No Continuing Value

Local Government records of no continuing value are records which:

- are considered ephemeral (short lived) in that they do not have the attributes stated above and only need to be kept for a limited or short period of time, for example, a few hours or a few days; or
- have only a facilitative or routine instructional value and are used to further some minor activity.

e. Elected Member Roles and Responsibilities

Records will be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council through the creation and retention of records of meetings of Council and Committees of Council. All significant elected member records that come through the Shire's administration will be captured into the Shire's record keeping system.

i. Appointment Books, Calendars and Diaries

Diaries, appointment books and desk calendars are generally used to record appointments. They may also be used to record messages and notes, some of which may only be a note of a routine nature, and some of which may be of significance to the conduct of Shire or Council business.

It is strongly recommended that elected members maintain separate diaries or appointment books for personal and official use.

Elected members' diaries or appointment books which have been used to:

- record basic information such as dates and times of meetings and other appointments; or
- record notes and messages, which have been recorded elsewhere and incorporated into the Shire's record keeping system;

have no continuing value and may be destroyed when reference to them ceases (GDALG ref: 1.10).

Elected members' diaries and appointment books which have been used to record notes and messages of significance to Council business and are not recorded elsewhere have continuing value and are to be forwarded to the Shire for incorporation into the Shire's record keeping system (GDALG ref: 1.10)

ii. Drafts

A draft record is the preliminary form of any writing in electronic or paper formats. Draft records include outlines of addresses, speeches, reports, correspondence, file notes, preparatory notes, calculations and earlier versions of the draft. Drafts may or may not be circulated to other elected members or staff of the Council for comment or revision.

Draft documents which are:

- addresses, speeches, reports, correspondence, file notes that are not circulated to other elected members or staff of the Council, and of which the final version has been produced and forwarded for incorporation into the Shire record keeping system; and
- circulated to other elected members or staff of the Shire, where only editorial or typographical changes have occurred, and of which a final version has been produced and forwarded for incorporation into the Shire's record keeping system;
- have no continuing value and may be destroyed when reference to them ceases (GDALG ref:1.116).

Drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records have continuing value and are to be forwarded to the Shire for incorporation into the Shire's record keeping system.

Examples of such documents include drafts that:

- contain significant or substantial changes or annotations;
- relate to the formulation of legislation, legislative proposals and amendments;
- relate to the formulation of policy and procedures, where the draft provides evidence of the processes involved or contains significantly more information than the final version; or
- are of legal documents (contracts, tenders etc).

iii. Duplicates

Duplicates are exact reproductions or copies of records where the original or authorised copy of the record is captured in the Shire's record keeping system.

For duplicates of records issued to an elected member for comment or revision, see cl. 2eii **Drafts**.

Duplicates of:

- records issued to an elected member by the Council or the Shire for information or reference purposes only and where the original or authorised copy is captured in the Shire's record keeping system; and
- internal or external publications issues or received for information or reference purposes (e.g. annual reports, brochures, trade journals, price lists);

have no continuing value and may be destroyed when reference to them ceases (GDALG ref 1.11.1). Duplicates of information that is confidential in nature should be disposed of in the secure bins located in the Gingin Administration Centre.

Duplicates of records received by the elected member and sourced from outside the Shire that are relevant to furthering the business activity of the Council have continuing value and are to be forwarded to the Shire for incorporation into the Shire's record keeping system.

iv. Messages and Facilitating Instructions

Messages and other facilitating instructions may be sent or received via a range of methods, such as telephone and voicemail, email, post- it or sticky notes, facsimile, pieces of paper and transmission reports.

Messages and facilitating instructions may be sent or received on a variety of matters. Some messages or facilitating instructions will have continuing value, as they are considered significant to the conduct of Council or Shire business. Others, such as those that are very routine in nature, will only have a short-term value.

Messages that:

- are routine facilitative instructions, such as edit corrections, distribution lists for information purposes, simple administrative instructions and social invitations and messages;
- original messages that have been transferred or transcribed into appropriate formats for incorporation into the Shire's record keeping system; and
- do not relate to the business functions of the Council or the Shire;

have no continuing value and may be destroyed when reference to them ceases. (GDALG ref 1.11.5).

Messages or facilitating instructions that:

- contain information relating to the business functions of the Council such as directives, proposals, recommendations, definitions or interpretations from the Elected Member to another party or vice versa; and

- are part of an actual business transaction itself, or have policy/procedure implications, or are otherwise identified as being significant to the conduct of Council business;

have continuing value and are to be forwarded to the Shire for incorporation into the Shire's record keeping system (GDALG ref: 1.11.5).

v. Working Papers/Records

Working papers/records are papers, background notes and reference materials that are used to prepare or complete other documents. These documents become the official record and should be forwarded for capture into the Shire's record keeping system.

Working papers/records that are primarily facilitative and do not relate to:

- significant decisions, reasons or actions; and
- do not contain significant information; and
- instances where the final document has been forwarded for capture into the Shire's record keeping system;

have no continuing value and may be destroyed when reference to them ceases. (GDALG ref: 1.11.9).

Working papers/records which document significant decisions, reasons and actions OR contain significant information (even if that information is not contained in the final form of the document) have continuing value and are to be forwarded to the Shire for incorporation into the Shire's record keeping system. (GDALG ref: 1.11.9)

vi. Correspondence

This section deals with local government records not covered under the previous headings and relates to correspondence or "mail" received and sent by elected members in any format (e.g. by post, fax, email, courier, hand-delivered) whether received or sent at the Council offices or at an elected member's private residence, place of business or postal address.

Correspondence addressed to elected members at the Shire of Gingin, including that marked Private, Confidential, Personal, himself/herself, etc, should be opened by designated officers and, if of continuing value, incorporated into the Shire's record keeping system before forwarding to the elected member.

Correspondence addressed to elected members at their private address/place of business/postal address that is a local government record and is of continuing value should be forwarded to the Shire for incorporation into Council's record keeping system along with any response which the elected member may have made.

Correspondence of no continuing value need not be incorporated into the Shire's record keeping system and may be destroyed when reference to it ceases.

f. Council Employee Roles and Responsibilities

i. Chief Executive Officer

The Chief Executive Officer is to ensure that there is a system for the maintenance and management of records that is compliant with records management legislation and State guidelines and procedures.

ii. Executives and Managers

All executives and managers are to ensure that staff members under their supervision comply with the records management policies and procedures in the Record Keeping Plan.

iii. All Staff

All staff are to create and retain records relating to the business activities they perform. They are to identify significant and ephemeral records and ensure significant records are registered in the records management system.

EXPLANATORY NOTES

There are legislative requirements for managing records. The primary legislation relating to the keeping of public records is the *State Records Act 2000*.

Other legislation impacting upon records management includes:

- *Evidence Act 1906*;
- *Limitation Act 1935*;
- *Freedom of Information 1992*;
- *Local Government Act 1995*;
- *Financial Administration and Audit Act 1985*;
- *Criminal Code 1913* (Section 85); and
- *Electronic Transactions Act 2003*.

Under the *State Records Act 2000*, Council is obligated to prepare and submit an organisational Record Keeping Plan to the State Records Commission for approval. A State Records Commission (SRC) directive concerning Record Keeping Plan compilation requirements stipulates that, following its adoption, an applicable Record Keeping Policy is to be included as part of the Plan, ideally appearing as an appropriately annotated appendix.

GOVERNANCE REFERENCES

Statutory Compliance	<i>State Records Act 2000</i>
Industry Compliance	State Records Commission Standard 2 – Recordkeeping Plans
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2021
Department	Corporate & Community Services (Records)		

Version	Decision Reference	Synopsis
1.	15/052012	Policy adopted
2.	21/01/2020 - Item 11.1.2	Existing policy repealed and new policy adopted