



**muswellbrook
shire council**

**Records Management
(STAFF)
Policy No. R22/1**

**Assembled by
Sara Adnum**

**Adopted By Council
9 May, 2011
Minute No. 540**

Records Management Staff

R22/1

Contents

- 1 Purpose, authority and application of this document
 - 2 State records
 - 3 Records as a resource
 - 4 Creation and capture of records
 - 5 Registration of records by Council
 - 6 Security and confidentiality of records
 - 7 Access to records of Council
 - 8 Borrowing records of Council
 - 9 Unauthorised access or disclosure of information
 - 10 Handling and storage of records
 - 11 Disposal of records
 - 12 For more information
 - 13 Approval
- Appendix A – Legislative requirements for recordkeeping
Appendix B – Best practice guidance for recordkeeping
Appendix C – Glossary of terms
Appendix D – Web references for publications referred to in this document

1 Purpose, scope, authority and application of this document

1.1 Purpose of this document

The purpose of this document is to ensure that full and accurate records (see Appendix C: Glossary) of the activities and decisions of staff, 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. InfoXpert Electronic Data Records Management System (EDRMS) is the product designated to manage all Council's corporate documents. Compliance with the requirements of this Records Management Policy and Naming Protocols will maintain the integrity of the EDRMS and enable the search and retrieval of documents from the Corporate Records System.

A record management program (see Appendix C: Glossary) has been established by Council in accordance with section 12(2) of the *State Records Act 1998*. This document provides part of the framework for that program.

1.2 Scope of this document

This document has been specifically developed to assist Staff to meet their recordkeeping responsibilities. Council staff members should refer to Council's *Records Management Policy* and Council's *Business Rules – Capturing and Titling Protocols*.

1.3 Authority of this document

This document has been adopted by the Council by formal minute based on the General Manager's report and recommendations. It has been developed in consultation with Staff and will be revised on a regular basis. Ownership of the policy and procedures rests with the Corporate Records Manager (Director of Corporate and Community Services) who is responsible for reporting to State Records NSW regarding compliance with legislative requirements and recordkeeping standards.

1.4 Application of this document

All Staff must comply with this document in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of staff. This document applies to records in all formats, including electronic records.

2 State records

2.1 Recordkeeping Responsibilities:

The State Records Act 1998 (12.1) states that "each public office must make and keep full and accurate records of the activities of the office". It is the responsibility of every employee to maintain adequate documentation to support any decision made or action taken. Such records are to be captured into the approved Records System and must also include File Notes, records of telephone discussions, oral decisions and commitments, Minutes of Meetings and electronic records.

2.2 What is a Record:

The State Records Act 1998 defines Records as "...any document or other 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."

The Australian Standard AS 4390.1 – 1996 General, Clause 4.21 defines Records as "...recorded information in any form, including data in computer systems, created or received and maintained by an organisation or person, in transaction of business or the conduct of affairs and kept as evidence of such activity."

2.3 Examples of records that are not State records

Conversely, records which are created, sent or received by staff when they are **not** discharging functions of Council are **not** considered to be State records for the purposes of the *State Records Act 1998*.

Examples of records that are not State records include (but are not limited to):

- communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by staff or Council
- records relating to attendance at sports functions, church fetes, community functions when staff are not representing Council
- personal records of staff such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.

2.4 Records as a resource

Records are a vital asset to council. Many records created and received by staff have the potential to:

- support the work of staff and Council's program delivery, management and administration
- help staff and Council to deliver customer services in an efficient, fair and equitable manner
- provide evidence of staff' actions and decisions and establish precedents for future decision making, and
- protect the rights and interests of the Council, staff and its clients and rate payers.

A small percentage of records created and received by staff will become archives (See Appendix C: Glossary), part of the cultural resources of the State.

4 Creation and capture of records

4.1 What records to create and capture

Staff should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- providing advice, instructions or recommendations
- drafts of documents for Council containing significant annotations or submitted for comment or approval by others
- correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- creating and capturing records of Council or committee meetings where the Council is the secretary
- capturing any State records it sends to staff regarding Council business.

Creation of records of a confidential nature

On some occasions staff are approached and asked to keep matters discussed relating to Council business confidential. In this case they should refer the person to Council's Privacy Management Plan. This indicates that confidential conversations/correspondence must still be recorded and registered into InfoXpert if they refer to Council business. There are policies and security controls in place to ensure these records have limited access (see Section 6 Security and confidentiality of records), but these records may still need to be produced under relevant legislation, e.g. subpoena or the *Government Information (Public Access) Act 2009 (GIPA)*. With security controls in place records are likely to be less at risk than if they were not in recordkeeping systems.

4.2 How to create records

Council has a number of electronic templates available for staff to create emails, faxes, letters and memos while conducting business for the Council. These will assist staff in ensuring that the essential information is recorded.

Details of significant advice, commitments etc made during telephone or verbal conversations or via SMS should be recorded using the Council's standard file note template (e.g. time, date, parties involved, summary of discussion, commitments, advice given etc and reasons for them). Notes in staff' diaries are generally not adequate where there are recordkeeping requirements: they should be converted into a formal file note. These records should be made **as soon as possible** after the event to ensure the information is accurate.

See Section 6 Security and confidentiality of records for information about the treatment of confidential matters.

4.3 How to capture records

Records of Council business that are created or received by staff (with the exception of those sent from Council as they are already captured) should be saved into InfoXpert as soon as is practicable so that Council can assist with their long term management. Refer to Council's Business Rules – Capturing Documents and Titling Protocols.

Paper records

Documents received in paper format should be forwarded to Council by post or handed in at the front counter of the Administration Centre **must** be given to Records Staff for scanning and capture into InfoXpert. If records are of a sensitive or confidential nature, the staff member should alert the Records Officer, General Manager or Director of Corporate and Community Services to this fact so that appropriate security controls can be applied. Hand written notes or comments are not translated using Optical Character Recognition.

Email records

It is an individual staff member's responsibility to capture all business related emails as close as possible to the time of receipt. Refer to Councils Business Rules – Capturing Documents and Titling Protocols.

If records are of a sensitive or confidential nature, the staff member should alert the Records Officer, General Manager or Director of Corporate and Community Services to this fact so that appropriate security controls can be applied.

See Section 6 Security and confidentiality of records for information about security controls for sensitive records.

Faxes

When faxing a document recorded in InfoXpert, a comment is to be recorded advising the time recorded on the confirmation. Incoming faxes are recorded by Records Officers.

Staff copies

Records required to be retained are archived at Hunter Councils Records Repository. Council utilises a service provided by Hunter Councils for the secure disposal of records. A secure bin is located at the Administration Centre. Once a month the bin is collected. A certificate of destruction is provided certifying that the contents of the bin have disposed of in a secure manner. The routine destruction of copies of records is permitted under the *State Records Act* (section 21(2)). See [Section 11 Disposal](#) for more information.

It is important to recognise that these copies should be treated like the originals with regard to security controls applied (see [Section 10 Handling and storage of records](#)).

6.1 Building controls

Council's paper records are kept securely in the Administration Centre building for current records with some security controls to protect against unauthorised access. Generally the majority of records over three (3) years are transferred to Hunter Councils records repository.

6.2 System controls

The Council's records management software which controls both paper and electronic records restricts access according to security levels. Security Controls exist on both Folders and individual documents within InfoXpert.

6.3 Security labels

Sensitive records in paper format have labels such as 'Red Confidential sheet' attached to them. Staff handling in records which are confidential should be appropriately marked.

6.4 Rules for Council staff

Council staff are bound by Council's Code of conduct, preventing unauthorised access or disclosure of Council records.

See Section 10 Handling and storage of records for advice regarding Staff' security responsibilities when storing records.

7 Access to records of Council

7.1 Access relating to civic duties

Staff 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 obligations e.g. records relating to matters before Council or due to be listed for which there is notification.

As a first step, staff should contact the Records Officer or Administration Officer in whose area the matter is administered. If these staff are not able to give access, then contact the Public Officer (Director of Corporate and Community Services) or the General Manager.

Staff wishing to access records that have access restrictions higher than their level of clearance must contact the Director of Corporate and Community Services.

Records can be made available for viewing during normal business hours. Records must be signed out properly from the records room.

7.2 Access relating to personal interest

Staff 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 State Records Act 1998, or
- the Government Information (Public Access) Act 2009 (GIPA).

7.3 Refusal of access

Should a staff member be refused access to records of Council, the staff member will be provided with reason why it is not in the best interest of the community to release the information requested. To access any information, requests can be made informally or by the formal access application to the Public Officer, in accordance with the GIPA Act.

If staff are refused access to records under another Act, they should refer to any appeal provisions of that Act.

7.4 More information on access

More information on gaining access to Council records can be obtained from; Records Officer records@muswellbrook.nsw.gov.au Phone 6549 3747 or 6549 3781 Public Officer russell.esdaile@muswellbrook.nsw.gov.au Phone 6549 3710

See also Section 9 Unauthorised access or disclosure of council records.

8 Borrowing records of Council

8.1 Borrowing paper-based records

Under section 11(1) of the State Records Act, Councils are required to ensure the safe custody and proper preservation of records they are responsible for. If a staff member needs to borrow a paper-based Council record in the course of their duties for Council, they should request a copy from the Records Officer and sign out the records according to procedure.

8.2 Loss of records

Staff are responsible for records marked out to them and should protect them accordingly. If a record is not able to be located, the staff member must advise the Records Officer as soon as possible.

8.3 Archives

(For the purposes of this policy, an archive refers to those records stored off site and generally more than 3 years old.)

Council policy regarding archives is that they are not to be borrowed. They should rather be viewed within Council offices during normal working hours. Photocopies of

relevant pages can be made by Staff. If the record needs to be retrieved from the Council's archives (Hunter Council's or other sites) the authority of the appropriate Director or Manager is required.

8.4 Use of files

Staff taking files from the file room are required to sign them in and out of the register.

9 Unauthorised access or disclosure of Council records

The Local Government Act 1993 section 664(1) prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances. Staff are also bound by the Council's Code of conduct and this policy not to:

- attempt to access records they are not authorised to see.
- provide unauthorised access to other parties while Council records are in their care.
- disclose confidential information about Council business, or
- disclose personal information of employees, clients etc without the subject's consent.

These rules help to ensure that Council and its staff and clients are protected and that the requirements of relevant legislation, such as privacy legislation, are met (see Appendix A).

10 Handling and storage of records

10.1 Damage or neglect of records is an offence

Damage or neglect of a State record is an offence under section 21 of the State Records Act. Staff should apply the storage and handling rules below to ensure records are protected.

10.2 Handling of records

When handling Council records the following rules apply:

- registered documents are not to be rearranged or removed from Council files (the order provides context for the records) and information on files should never be altered
- no food or drink is to be consumed near records (grease and food particles can attract vermin and liquids can damage records if spilt on them)
- strictly no smoking around records (due to airborne pollutants and the risk of fire)
- if records are damaged during handling, the Records Officer should be informed. No attempts should be made to repair the record (as some repairs can do long term damage).

Information on handling specific formats is available in State Records' Recordkeeping in Brief 14: Handle with care or can be provided by Council's records staff.

10.3 Storage of records

It is acceptable for staff to store records of Council business on a short term basis. Records should be forwarded to the Records Officer as soon as practicable. Generally, storage is permitted only for a minimal duration.

When storing Council records temporarily the following rules apply:

- records are to be kept away from known risks such as water, fire, mould, vermin, vandalism, chemicals, direct sunlight, extreme temperatures etc
- electronic records should be protected against additional hazards such as viruses or electronic fields
- records should be secured appropriate to their level of sensitivity. No Council records should be left in plain view in vehicles or lying around the house.

Staff who are storing records of a sensitive or confidential nature should ensure that they are appropriately protected from unauthorised viewing.

11 Disposal of records

11.1 Disposal in accordance with the State Records Act

State records held by staff must be disposed of in accordance with the State Records Act 1998.

State Records NSW has issued General Retention and Disposal Authority - Local Government records (GA39), which outlines classes of records and how long they should be kept before being legally destroyed or transferred to archives. Periods specified are based on relevant legislation, guidelines and standards. Failure to keep records for the length of time specified in the GA39 may put staff and Councils at risk. Staff should also check to see whether records have some historical value. Please contact Council's Executive Officer or Director of Corporate and Community Services.

Other forms of authorised disposal include:

- by order of a court or tribunal
- 'normal administrative practice' (NAP) where ephemeral, duplicate or facilitative records can be destroyed. State Records has produced Guidelines on Normal Administrative Practice (NAP) which provide further information on the application of NAP.

11.2 Liaison with Council for disposal

Staff should liaise with Records staff regarding the disposal of any records of Council business as Council is responsible for:

- ensuring legislative requirements are met
- ensuring destruction is undertaken appropriately (e.g. that no sensitive information is released due to inappropriate destruction methods), and
- documenting disposal decisions for accountability purposes.

The Council's records management staff should be primarily responsible for the disposal of State records, unless other arrangements are approved. Council's disposal procedure is to verify records may be disposed of by reference to GA39. Records of historical value or state records are kept for further investigation.

A special disposal bins is obtained when a large volume of records are disposed of. Security procedures are in place to prevent unauthorised access. Proper records are maintained regarding disposal. For smaller volumes, the Hunter Council's system described earlier is used.

Care should be taken to look at the historical aspect of records. Even though they may be disposed of under the GA 39 they could have important historical value.

12 For more information

For more information about the use of this policy and procedures, contact the Records Officer or Director of Corporate and Community Services.

13 Approval

Adopted by Council at a meeting held on 9 July 2007 Minute Number 124

Acknowledgment: The Council acknowledges the use of State Records NSW, Sample records management policy and procedures for Councillors which draws on policy/procedure documents of State Library of NSW, State Records NSW, Armidale/Dumaresq Council, Shoalhaven City Council, and the Council of the City of Sydney.

Note; The sample records management policy and procedures for Councillors has been adapted for staff use at Muswellbrook Shire Council.

Appendix A – Legislative requirements for recordkeeping

- Environmental Planning and Assessment Act 1979
- Evidence Act 1995
- Health Records and Information Privacy Act 2002
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
- Government Information (Public Access) Act 2009 (GIPA)
- State Records Regulation 2005

All legislation and regulations in accordance with this policy stated above, can be found at <http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/0>

[Note: This list is not exhaustive. It is the responsibility of managers to examine legislation and government directions which govern their activities, and ensure that records arising from these activities conform with recordkeeping requirements.]

Appendix B – Best practice guidance for recordkeeping

- Australian Standard, AS ISO 15489-2002, Records management
- Australian Standard AS5090-2003, Work process analysis for recordkeeping

- NSW Ombudsman, Good Conduct and Administrative Practice: Guidelines for state and local government 2nd Edition, 2006, available at:
<http://www.ombo.nsw.gov.au/publication/PDF/guidelines/Good%20Conduct%202nd%20edition.pdf>

[Can include internal documents such as code of conduct, records management policy and procedures, professional, ethical and quality standards etc that the Council follows and that includes requirements for recordkeeping].

Appendix C - Glossary of terms

This glossary has been compiled from the State Records Authority Glossary of Recordkeeping Terms. Sources of terms include Australian and international standards on records management.

Access

Right, opportunity, means of finding, using or retrieving information. AS ISO 15489 Part 1 Clause 3.1

Appraisal

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations. AS 4390 Part 1 Clause 4.3

Archives

Those records that are appraised as having continuing value. AS 4390 Part 1 Clause 4.5

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. AS 4390 Part 1 Clause 4.9

Recordkeeping

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. AS 4390-1996, Part 1.4.19

Recordkeeping systems

Information systems which capture, maintain and provide access to records over time. AS 4390-1996, Part 1. Clause 4.20

Records

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. AS ISO 15489 Part 1 Clause 3.15

Any document or other 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 (NSW)

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 retention 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 (NSW).

Appendix D – Web addresses for publications referred to in this document

See also Appendix A for links to legislation.

Government Chief Information Office, Guide to labelling sensitive information, 2002, available at: <http://www.gcio.nsw.gov.au/pages.asp?CAT=764&ID=779>

State Records, Destruction of records: A practical guide, revised 2005, available at: http://www.records.nsw.gov.au/recordkeeping/003_destruction_6883.asp

State Records, General Retention and Disposal Authority - Local Government records (GA39), 2010, available at:

<http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/files/GA39.pdf>

State Records, Guidelines on Normal Administrative Practice (NAP), 2005, available at: <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/guidance/guidelines/guideline-8>

State Records, Recordkeeping in Brief 14: Handle with care, 2000, available at: <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/guidance/recordkeeping-in-brief/recordkeeping-in-brief-14>

See also Independent Commission Against Corruption, Lobbying local government councillors, 2006, available at: www.icac.nsw.gov.au which includes recommendations for recordkeeping.

REVIEW HISTORY:

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
Minute No:	124			
Meeting Date:	09/07/2007			
Review Date:	June 2009			
Rescind Date:				