



muswellbrook shire council

Records Management Policy

MSC07E

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Policy Objective

The State Records Act 1998 states the following under Section 12:

12(1) Each public office must make and keep full accurate records of the activities of the office.

The purpose of the Records Management Policy is to ensure that full and accurate records of all activities and decisions of Muswellbrook Shire Council are created, managed, and retained or disposed of appropriately and in accordance with relevant legislation. This will enable Muswellbrook Shire Council to achieve information accessibility, business enhancement and improvement. It will also ensure Council meets its obligations for accountability while protecting the rights and interests of itself, its staff, its clients and the community.

Risks being addressed

This Records Management Policy and the supporting procedures and business rules establish a clear standard of the recordkeeping practices expected from all staff at Muswellbrook Shire Council. This will ensure that Council is compliant with legislative requirements under *State Records Act 1998* as well as other relevant legislation. These same mechanisms will also aid the continuity of organisational knowledge and the status of an accountable and transparent government office.

Scope

This document has been specifically developed to assist staff and councillors to meet their recordkeeping responsibilities under legislative requirements. All staff and councillors must comply with this policy and any other relevant legislation in their conduct of official business for Muswellbrook Shire Council. Staff must also comply with associated records management business rules and procedures (see Associated Council Documentation), which outline the standards required for appropriate recordkeeping. This policy applies to records in all formats, including electronic records.

Policy Statement

Records Management Program

The NSW State Records Act 1998, s.12(2) requires Council to maintain a records management program. Council's Records Management Program is the set of policies, associated business rules and procedures, staff, systems and activities that are required to manage records.

This organisation-wide program covers the full range of Council's records and information, and seeks to ensure that:

- Council has the records it needs to support and enhance ongoing business and customer service, and meet accountability requirements and community expectations.
- These records are managed efficiently and can be easily accessed and used for as long as they are required.
- Records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner.
- Council complies with all requirements concerning records and records management practices.

- Information management activities can be monitored to evaluate performance and compliance.

Accountability Requirements

All Staff

Under the State Records Act 1998, all staff are required to make and keep full and accurate records of their business activities.

All staff are accountable to their supervisors for compliance with this policy and with related policies, business rules and procedures.

All staff are responsible for creating records that document:

- Decisions made.
- Verbal decisions and instructions or commitments given, including telephone conversations.
- Meetings.
- Other events.
- Business activities they are involved in.

All staff shall:

- Make records that support the conduct of their business activities.
- Register records in the Electronic Documents and Records Management System (EDRMS) in accordance with the protocols outlined in the EDRMS Business Rules.
- Ensure all business activity emails are registered in the EDRMS.
- Handle hard copy records and information sensibly and with care, so as to avoid damage to the records.
- Not relinquish control over, damage, alter, destroy or lose records of Council.
- Access records from within the EDRMS.
- Maintain confidentiality of records they have access to in accordance with Council's Code of Conduct, and the requirements of the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act 1998.

Records Section

The Records Section forms part of the range of corporate services that are the responsibility of the Director Environment and Community Services. This section is responsible for the maintenance of the EDRMS and providing a framework that allows staff to meet their obligations in regards to recordkeeping.

These services will include:

- Registration and distribution of incoming correspondence received via mail (post), Council's generic email address, council@muswellbrook.nsw.gov.au, and facsimile number, (02) 6549 3701.

- Archiving and retrieval of council records.
- Monitoring and auditing of records management compliance and processes across Council in accordance with policies, business rules and procedures.
- Implementing new initiatives using the EDRMS and driving organisational use of electronic records.
- Facilitation and training of all EDRMS users.
- Ensuring that all staff are aware of their recordkeeping responsibilities.
- Coordinating the disposal of records in liaison with the relevant business unit manager.
- Acting as System Administrators for Council's EDRMS.

Coordinator Customer Service and Administration

- Monitors compliance with records management policies, business rules and procedures across Muswellbrook Shire Council and makes recommendations for improvement or modifications of practices.
- Supervises System Administrators for Council's EDRMS.
- Implements new processes and procedures related to the EDRMS and promotes organisational use of electronic records.
- Coordinates a records management training program for staff.
- Is responsible for the conduct of records management operations.

Coordinator Information Services

- Provides support and infrastructure that allows records kept in electronic form to be managed so that they are accessible, readable, inviolate, complete, comprehensive and authentic, for as long as required.
- Ensures that information management policies and projects take into account the special nature of records.
- Liaises with Coordinator Customer Service and Administration regarding counter disaster planning for electronic records.
- Implements information security measures.
- Performs routine and comprehensive system backups of data.

Business Unit Managers/Supervisors

- Responsible for staff compliance with Council's Records Management Policy, business rules and associated procedures and processes as amended.
- Ensures their staff receive training on records management and the use of the EDRMS.
- Ensures their staff respond to correspondence and action requests, and that this information is captured in the EDRMS in accordance with Council's policy, business rules and procedures.
- Authorises the disposal of records in liaison with Coordinator Customer Service and Administration and Records staff.

Director Environment and Community Services

- Represents records management interests at a Senior Management and Executive level.
- Monitors compliance with records management policies, business rules and procedures across Muswellbrook Shire Council.
- Ensures that all staff are aware of their recordkeeping responsibilities.
- Develops strategic and operational plans for the Records Management Program.
- Has ownership of the Records Management Policy.
- Drives compliance of Council staff with the Records Management Policy and associated procedures.
- Ensures the preservation of digital records is addressed in policy, planning and implementation of Council's Records Management Program.
- Reports to the State Records Authority on compliance with legislative requirements and recordkeeping standards.

General Manager

- Ensures that Council complies with the requirements of the *State Records Act 1998* and the standards and requirements issued under the Act. This includes the requirement for the public office to ensure that any records requiring technology to be read and understood remain readable and available for as long as they are required (section 14).
- Complies with other legislation relating to records management and recordkeeping.

Councillors

Under the State Records Act 1998, councillors are required to keep full and accurate records of their conduct of official business for Council. This includes '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' (State Records Act 1998, section 3(1)).

Generally, it does not include electoral or personal matters (i.e. where the councillor is not representing Council); however, as per the Model Code of Conduct 2018 (section 8.24), if a record is stored or created on resources supplied by Council (including technology devices and email accounts) it must be treated as a Council record, regardless of whether the original intention was to create the information for personal purposes.

All councillors are responsible for creating records that document:

- Decisions made.
- Verbal instructions, advice or commitments given, including telephone conversations.
- Meetings or other events not otherwise captured by Council staff.
- Other business activities they are involved in.

Examples include (but are not limited to):

- Correspondence received and sent relating to work undertaken for Council.

- Petitions received from the community.
- Declarations concerning a councillor's pecuniary interests.
- Speeches and speech notes made for addresses given at official Council events.
- Complaints, suggestions or enquiries from the community about Council services.
- Drafts of documents for Council containing significant annotations or submitted for comment or approval by others

All councillors shall:

- Make records that support the conduct of their business activities.
- Ensure all records are forwarded to Council for registration in the EDRMS.
- Submit records for registration into the EDRMS via the front counter of the Administration Centre, the General Manager, or post (for hard copy records), or email to council@muswellbrook.nsw.gov.au (for electronic documents).
- Alert the General Manager or a Records Officer of any sensitive or confidential records so that appropriate security controls can be applied. There are policies and security controls in place to ensure these records have limited access (see Storage and Security of Records below), but these records may still need to be produced under relevant legislation, e.g. subpoena, the Government Information (Public Access) Act 2009. With security controls in place records are less likely to be at risk than if they were not in recordkeeping systems.
- Maintain confidentiality of records in accordance with Council's Code of Conduct, and the requirements of the Government Information (Public Access) Act 2009 and Privacy and Personal Information Protection Act 1998.
- Handle hard copy records and information sensibly and with care, so as to avoid damage to the records.
- Not relinquish control over, damage, alter, destroy or lose records of Council.

Access to Council Records

Records must be available to all authorised staff that require access to them for business purposes.

Access to confidential information contained in Personnel Files is restricted to the General Manager, Directors, Human Resources staff and designated Records Officers.

All access to Council's records by members of the public will be in accordance with the relevant legislation, i.e. Government Information (Public Access) Act 2009 (GIPA); State Records Act 1998; Privacy and Personal Information Protection Act 1998; Evidence Act 1995; and the Environmental Planning and Assessment Act 1979.

Requests to access records in this manner will be determined by Council's Public Officer (Manager Integrated Planning, Risk & Governance).

Members of Council staff who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with Council's procedures.

Councillors who have a private interest only in Council information have the same rights of access as any member of the public. If any councillors are precluded from participating in a matter due to a conflict of interest, they are not entitled to request access to information in relation to the matter unless it is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Storage and Security of Records

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

- Electronic records shall be stored in the EDRMS with appropriate security applied to all folders created.
- Hard copy records are housed in secure storage areas on-site or off-site at Council's designated records repository.
- Legal documents are scanned and stored electronically in the EDRMS. Legal documents are recorded in the legal documents register, and hard copies are stored in the records area strong room.
- All Council records shall be stored in conditions appropriate to their format and used in accordance with the Australian Standards on Records Storage (AS ISO 15489) to minimise their deterioration.
- Unauthorised alteration, distribution, removal, or destruction of Council records is prohibited.
- Hard copy records must not be left unattended in unsecured areas or vehicles, or when being viewed by members of the public. At no time shall Council records be left unattended in areas accessible to unauthorised personnel or members of the public.
- Personal computers must not be left unattended in unsecured areas without being locked to prevent unauthorised access to records and information.
- All electronic records are backed up systematically.
- Measures will be taken to prevent the loss of records in the event of a disaster, including imaging of records, off-site storage, fire-proof containment and disaster planning.
- Computer access must be password protected.

Archiving, Disposal and Destruction of Records

Council has an authorised Functional Retention and Disposal Authority (GA39) covering records relating to its core functions and activities. Administrative records common to all or many public offices such as financial and personnel records are covered under general retention and disposal authorities compiled by State Records NSW.

No records of Council can be disposed of unless in accordance with these retention and disposal authorities, or Normal Administrative Practice. Any sentencing and disposal of records must be supervised by Records staff. Approval and signed authorisation for destruction of records must be sought from the relevant business unit manager in consultation with the Coordinator Customer Service and Administration and Records staff.

To initiate the destruction of records, staff are required to contact Records staff. Destruction of records is carried out in accordance with the provision of GA39 and GA36, under the State Records Act. A record is kept detailing records destroyed and the approval for their destruction.

Records that are no longer currently used, but are still required to be retained, are to be archived. The archiving process for records should be organised in consultation with Records staff.

Records to be destroyed are transported off-site in a secure manner and disposed of by either pulping or shredding.

Records that are classified as State Records and are over thirty years old must be covered by an access direction, which either opens or closes the records to public access.

Definitions

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

Access – Right, opportunity, means of finding, using or retrieving information.

Access direction – A direction made by a public office to open or close a series, group or class of records in the open access period to public access.

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.

Archives – Those records that are appraised as having continuing value.

Business activities – Umbrella term covering all the functions, processes, activities and transaction of an organisation and its employees.

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.

Normal Administrative Practice (NAP) – Disposal of ephemeral or facilitative records without the formal authorisation of State Records.

Public Office – A council or county council under the Local Government Act 1993.

Recordkeeping – Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

Recordkeeping requirements – Requirements arising from regulatory sources, business needs and community expectations that identify the types of records that should be created and the management framework needed in order to have, and accountably manage, all the business information that is necessary for an organisation.

Recordkeeping systems or EDRMS (Electronic Document Records Management System) – Information systems which capture, maintain and provide access to records over time.

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. 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 – Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.

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. There are two main types:

- Functional retention and disposal authorities authorise the retention and disposal of records unique to a specific organisation.
- General retention and disposal authorities authorise the retention and disposal of records common to more than one organisation.

Sentencing – The process of identifying and classifying records according to a retention and disposal authority and applying the disposal action specified in it.

State Archive – A State record that the State Records Authority of New South Wales has control of under the *State Records Act 1998 (NSW)*.

State Record – 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. *State Records Act 1998 (NSW)*

System Administrator – A user role with designated responsibility for the operation of Council's EDRMS, including monitoring and managing the system and its use.

Delegations

The General Manager has delegation under all legislation where Council has powers, authorities, duties and functions, including State Records Act 1998, subject to Schedule 2 of the Delegation of Authority to General Manager.

The General Manager and Public Officer are responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).

Legislation

- State Records Act 1998
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Evidence Act 1995
- Environmental Planning & Assessment Act 1979
- Australian Standards AS ISO 15489.1 Records Management – Part 1: General
- Australian Standards AS ISO 15489.2 Records Management – Part 2: Guidelines
- State Records Regulation 2015
- State Records GA39 – General Retention and Disposal Authority – Local Government Records
- State Records GA36 – General Retention and Disposal Authority – Imaged Records

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.

References

This policy replaces the existing Records Management (Councillors) Policy No. R24/1 and Records Management Staff R22/1.

Dispute Resolution

Staff shall seek guidance from the most appropriate role identified within the **Accountability Requirements** section of the **Policy Statement** in an attempt to reach an agreeable outcome. If an agreement cannot be reached, matters will be escalated to Director Environment and Community Services in the first instance and the General Manager thereafter.

The General Manager is the interpreter of this Policy and shall be the primary arbiter in respect to the application of the Policy.

Associated Council Documentation

- [Electronic Document and Records Management System \(EDRMS\) Business Rules \(Doc ID: 597529\)](#)
- [Procedure – Retention and Disposal – Hard Copy Records \(Doc ID: 756792\)](#)
- [Procedure – Digitisation and Disposal – Hard Copy Records \(Doc ID: 751186\)](#)
- [Delegation of Authority to General Manager \(Doc ID: 903306\)](#)
- [Model Code of Conduct \(Doc ID: 955840\)](#)

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