

COUNCIL POLICY



Policy name	Records Management
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Abstract

This Policy outlines clear, guiding principles and standards by which all of Council's recordkeeping activities are to be conducted and provides a framework for the progressive implementation of a compliant Records Management Program throughout Council.

Dates	<table> <tr> <td>Policy or amendment approved</td> <td>20 September 2023</td> </tr> <tr> <td>Policy or amendment takes effect</td> <td>20 October 2023</td> </tr> <tr> <td>Policy is due for review (up to 4 years)</td> <td>20 September 2027</td> </tr> </table>	Policy or amendment approved	20 September 2023	Policy or amendment takes effect	20 October 2023	Policy is due for review (up to 4 years)	20 September 2027
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Endorsed by	Director Corporate Services						
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held on 20 September 2023. Resolution number: 10.9/23						
Policy Custodian	Manager Customer and Information Services						
Relevant to	Gunnedah Shire Council Elected Members Council staff and volunteers, suppliers and contractors, General public						
Superseded Policies	POLICY – Records Management adopted 21 December 2016, Resolution 11.21/16						
Related Documents	Code of Conduct; Council's Management Directive on Records Management for Staff, Records Management for Councillors Procedure and other associated Procedure documents; Council's Privacy Management Plan						
Related Legislation	State Records Act 1998 (NSW) Museums of History NSW Act 2022 Government Information (Public Access) Act 2009 Evidence Act 1995 Privacy and Personal Information Protection Act 1998 Local Government Act 1993 Electronic Transactions Act 2000 Health Records and Information Privacy Act 2002						

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1. Purpose

This Policy outlines clear, guiding principles and standards by which all of Council's recordkeeping activities are to be conducted and provides a framework for the progressive implementation of a compliant Records Management Program throughout Council.

Its purpose is to ensure that full and accurate records of all activities and decisions of Gunnedah Shire Council ("Council") are created, managed and retained or disposed of appropriately in order to meet the organisation's needs as well as comply with all legislative and audit requirements.

2. Scope

- 2.1 This Policy applies to all employees across all business units of Gunnedah Shire Council including casuals, volunteers, contract staff and Councillors.
- 2.2 It pertains to all records, which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of all Council official business, including electronic business.
- 2.3 This Policy is to be read and used in conjunction with Council's Records Management Directive and all associated procedure documents.
- 2.4 A separate procedure has been developed to specifically address the record keeping requirements and responsibilities of Councillors.

3. Definitions

Act	State Records Act 1998 (NSW)
Archives (Archiving)	Those records that are appraised as having continuing value.
Business Activities	Broad term covering all functions, processes, activities and transactions of an organisation and its employees.
Capture (Capturing)	Is a deliberate action which results in the registration of a record into a recordkeeping system.
Dataworks	Technology One's Electronic Content Management System

	is Council's official electronic record keeping system.
Disposal	A range of processes associated with appraising documents and files for retention, deletion or destruction in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody of ownership of records.
Digital Records	A digital record is digital information, captured at a specific point in time that is kept as evidence of business activity. Digital records means 'born digital' records such as emails, web pages, digital photographs, digital audio files, GIS files or database records, as well as scanned version of paper records that have been digitized in business processes.
Document	Recorded information or object which can be treated as a unit. Document means any record of information, and includes anything on which there is writing, marks, figures, symbols or perforations having a meaning for the person qualified to interpret them; anything from which sounds, images or writings can be reproduced with or without the aid of anything else; a map, plan, drawing or photograph.
ECM	Technology One's Electronic Content Management System is Council's official electronic recordkeeping system.
EDRMS	Electronic Document Records Management System
GIPA	Government Information (Public Access) Act 2009 (NSW)
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by an employee of the Council, including Councillors and Contractors.
Recordkeeping	Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
Recordkeeping Systems	Information systems which capture maintain and provide access to records over time.
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 is a planned, co-ordinated set of policies, procedures, systems and activities that are required to manage full and accurate records over time.
Registration	The act of giving a record a unique identity in a recordkeeping system.
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 Museums of History New South Wales has control of under the State Records Act, 1998

	(NSW).
State Record	State Record means a record made or received by a person, whether before or after the commencement of this section: (a) in the course of exercising official functions in a public office, or (b) for a purpose of a public office, or (c) for the use of a public office
Storage Areas	Refers to the official storage areas for Council records.

4. Policy Principles

4.1 Council values records and information as a strategic resource that is integral to good business and acknowledges that compliance and the application of good recordkeeping practices enables Council to meet its business needs, accountability and governance requirements as well as protect the rights and interests of the Council, its staff, customers and the community.

4.2 Council takes responsibility for its records and information management and is committed to meeting its legislative responsibilities along with implementing best practice in its information management practices and procedures.

4.3 The rationale behind this Policy encompasses the following principles:

4.3.1 Accountability

All Council staff have certain responsibilities for recordkeeping and records management. All persons need to be made aware of and understand the nature of their responsibilities and to whom they are accountable, as the extent of those responsibilities and accountabilities will vary according to individual roles.

4.3.2 Integrity

All records and information generated or managed by Council need to have a reasonable and suitable guarantee of authenticity and reliability.

4.3.3 Protection

Council must ensure a reasonable level of protection to records and information that are private, confidential, privileged, secret or essential to business continuity.

4.3.4 Compliance

All of Council's recordkeeping and records management activities must comply with all applicable statutory and regulatory requirements.

4.3.5 Availability

It is important that Council maintains its records and information in a manner that ensures timely, efficient and accurate retrieval of needed information.

4.3.6 Retention

Council is to maintain records and other information for an appropriate time (and no longer) taking into account business, legal, regulatory, fiscal, operational and historical requirements.

4.3.7 Disposal

Council is to provide for the deletion and destruction of records that have no incremental business value or that create liability for the business.

4.3.8 Transparency

Council's records management activities must be implemented in a defensible, understandable and efficient manner and be available to and understood by both internal and external stakeholders.

4.4 It is intended, through adoption of this Policy and a structured Records Management Program that Council achieves a number of objectives and benefits, including:

- (a) That Council's information assets are managed responsibly and in accordance with best practice;
- (b) Meaningful, accurate, reliable records and information are accessible and useable and available for those with appropriate authority;
- (c) Council has the records it needs to support and enhance ongoing business and customer services, meet accountability requirements and customer expectations;
- (d) That records and information that provide ongoing value to Council business and to the community are identified and proactively protected and managed;
- (e) Compliance with all statutory, regulatory and audit requirements;
- (f) Support for corporate action and governance;
- (g) Facilitation of current and improved business;
- (h) Business continuity (including in the event of a disaster) and the appropriate management of risk;
- (i) Reduced costs as the organisation does not retain records and information unnecessarily;
- (j) That the recordkeeping responsibilities of all staff are adequately identified and communicated; and
- (k) That all records management rules and processes are clearly documented and all staff are trained in correct usage.

5. Policy Statement

5.1 Key Records Management Obligations

5.1.1 State Records NSW is the dedicated authority for recordkeeping standards, regulation, advice, education and policy. Museums of History NSW is the dedicated authority for managing the NSW State archive collection.

5.1.2 The requirement for Council to maintain a Records Management Program stems from the *State Records Act 1998 (NSW)*, per Section 12(2) which stipulates that Council must establish and maintain a records management program in conformity with standards and codes of best practice from time to time approved by the State Records Authority. Also included in the Act, is the monitoring power to require Council to investigate recordkeeping practices when instructed.

5.1.3 Other key responsibilities under the Act and standards include:

- (a) Council must ensure the safe custody and proper preservation of State Records that it has control of;
- (b) Council must make and keep full and accurate records of Council's activities;
- (c) Council is required to maintain accessibility to technology dependent records for as long as they are required;
- (d) Council must ensure that its State archives are managed appropriately as State records may not be destroyed without the approval of the State Records Authority; and
- (e) Council must ensure that the State Records for which it is responsible and that are over thirty (30) years old are the subject of an access direction.

5.2 Other statutory and regulatory requirements

5.2.1 In addition to the *State Records Act 1998*, there are a number of other applicable Acts and Regulations that specify requirements for recordkeeping, for example (note – this is not an exhaustive list):

- Museums of History NSW Act 2022
- State Records Regulation 2010;
- Government Information (Public Access) Act 2009;
- Privacy and Protection of Personal Information Act 1998;
- Evidence Act 1995;
- Health Records and Information Privacy Act 2005;
- Local Government Act 1993; and
- Environmental Planning and Assessment Act 1979.

5.2.2 It is important for Council to be aware of the many other sources for 'rules' affecting recordkeeping in the NSW public sector. Whole-of-government policies and directives issued by the Department of Premier and Cabinet, Treasury, Public Service Commission or

Department of Finance, Services and Innovation for example, can also establish requirements in respect to the making, keeping and management of records.

- 5.2.3 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 to recordkeeping requirements.

5.3 Records Management Program Overview

- 5.3.1 This Policy, together with Council's Management Directive on Records Management, Guidance Document on Records Management for Councillors, procedure documents, records management tools, staff, training and maintenance combine with Council's Electronic Document Records Management System ("EDRMS") to formulate Council's Records Management Program.

- 5.3.2 Each of these components plays a significant part in:

- (a) Setting standards for recordkeeping across the organisation;
- (b) Assigning responsibilities and authorities;
- (c) Establishing and promoting procedures and guidelines;
- (d) Providing a range of services relating to the management of Council's records; and
- (e) Integrating records management into Council's business systems and processes.

- 5.3.3 Records and information management processes are at the heart of managing records and information across all operating environments of the organisation. Council's Records Management Program provides for a number of robust records management processes, including but not limited to:

- Records creation and capture;
- Registration;
- Storage, handling and security of records,
- Access, classification and use;
- Vital records;
- Tracking; and
- Retention and disposal.

These processes have been designed to ensure that Council's business needs, accountability and governance requirements are met, in order to deliver effective management of Council's records and information.

Refer to Council's Management Directive on Records Management for the full explanation of the elements of Council's Records Management Program and associated standard operating procedures.

5.4 Corporate Information Systems

- 5.4.1 In addition to Council's official and preferred EDRMS Council may employ other business systems that also fall under the scope of this policy.
- 5.4.2 Council is to maintain a central register of all Council's critical document and record retention systems and implement procedures to make certain that these systems observe the principles of this Policy and comply with the elements of Council's Records Management Program.
- 5.4.3 In addition, Council is to ensure that all of its Corporate Information Systems are tested or audited regularly in order to ensure that they are operating routinely and that there are no issues affecting information integrity, usability or accessibility.

5.5 Risk management

Poor management of Council's records and information has the potential to cause substantial problems for the organisation, such as economic or financial losses, exposure to litigation, injuries, delays, reputational damage and customer dissatisfaction.

A risk-based approach has therefore been taken in the development of this Policy and framework for Council's Records Management Program. Council recognises that its records and information needs to be managed like any other asset and aims to mitigate recordkeeping risks through:

- (a) The implementation of sound internal controls for the capture, registration, identification, storage, security and disposal of all records to ensure the integrity of records and information, particularly the preservation of key corporate information. This in turn provides protection and support in litigation including the management of risks associated with the existence of, or lack of, evidence of organisational activity.
- (b) Managing the publication, use, privacy and protection of records. Council acknowledges that it is vital to ensure that security standards are sufficient to guarantee that exposure or unauthorised use does not take place.
- (c) Governance and management oversight, but also ensuring that recordkeeping responsibilities are allocated clearly and that all staff know what they are expected to do and how they should contribute their records to the shared corporate pool. A degree of human error is inevitable but a culture of accountability is an important safeguard for Council, against risk.

5.6 Contractors and outsourced functions

- 5.6.1 All records created by a contractor performing work on behalf of the Council belong to Council and are classed as State Records under the *State Records Act 1998*. This includes the records of contract staff working on the premises as well as external service providers.
- 5.6.2 Contracts should clearly state that ownership of records resides with Council, and instruction regarding creation, management and access to the records in order to meet Council's legislative, business and accountability requirements, created. Council's Senior Records Officer should be consulted during the formulation of contracts.

5.7 Education and Training

- 5.7.1 Council's Records Department is to be staffed with appropriately skilled employees so as to be able to assist and support Council and all Council employees in meeting their recordkeeping responsibilities.
- 5.7.2 All Council staff is to have access to and receive training on the elements of Council's Records Management Program, together with appropriate training in the use of any of Council's business systems they are required to utilise within their positions.
- 5.7.3 Councillors will be requested to attend a workshop on the implementation of this Policy with refresher workshops held through the term of Council as part of the Councillor Development Plan.

5.8 Monitoring

- 5.8.1 Council's Records Management Program is an evolving Program that needs to be monitored and audited frequently in order to ensure the effectiveness of Council's recordkeeping systems and processes. Regular planning for the Records Management Program is to be undertaken through specific strategic and operational plans, which will be reviewed on a regular basis.
- 5.8.2 Council must also co-operate and liaise with State Records NSW in relation to monitoring compliance.

5.9 Compliance

- 5.9.1 All Council staff are expected to read this Policy carefully so as to ensure that they are well aware of their recordkeeping responsibilities and processes to which they are to conform.
- 5.9.2 Non-compliance with this Policy may result in disciplinary action being taken.

6. Accountability, Roles and Responsibilities

6.1 Policy Custodian

Council's Manager Customer and Information Services is Custodian of this Records Management Policy.

6.2 Roles and Responsibilities

6.2.1 General Manager

The General Manager is responsible for ensuring that Gunnedah Shire Council complies with the regulations and requirements of the State Records Act and leading staff (either directly or through delegated authority) in their understanding of, and compliance with this Policy.

6.2.2 Director Corporate Services

- Is the nominated Senior Responsible Officer for the oversight of Council's records and information management and has ownership of this Policy;
- Is responsible for reporting to the State Records Authority on Council's Records Management Program; and
- Has responsibility to ensure Council's records management methods and recording systems are reviewed at appropriate intervals to ensure their continuing suitability and effectiveness.

6.2.3 Supervisors/Managers

Responsibilities include:

- To ensure that records are created and managed within their area of supervision in a way that complies with Council's Records Management Policy, Management Directive and Procedures;
- To determine statutory and regulatory requirements for records relating to their specific activities;
- To ensure that contracts with service providers contain records management clauses in accordance with this Policy;
- To ensure staff within their area is aware of their recordkeeping responsibilities and trained in Council's EDRMS and other applicable business systems; and
- To ensure recordkeeping is part of exit procedures.

6.2.4 Records Staff

Responsibilities include:

- To ensure that records are created and managed by the Records Department in a way which complies with this Policy and Council's Records Management Program;

- To maintain a central register of all Council's critical document and record retention systems;
- To make recommendations for improvement or modification of practices relating to Councils records and information;
- To establish and maintain standard operating procedures in support of Council's Records Management Program; and
- To provide assistance and guidance to Council staff in relation to their recordkeeping responsibilities.

6.2.5 All Staff

Responsibilities include:

- To comply with Council's adopted Records Management Policy, Management Directive and Procedures;
- To create full and accurate records of their business activities;
- To ensure that all records are suitably saved into Council's recordkeeping systems;
- To ensure all records are handled with care;
- To not destroy records without authority; and
- To protect sensitive records from unauthorised access.

6.2.6 Elected Members

Responsibilities include:

- To comply with this Records Management Policy and annexed Guidance Document ; and
- To create full and accurate records of their business activities, including records of all decisions and actions made in the course of their duties.

6.2.7 Contractors

Contractors must manage records that they create on behalf of Council, according to the terms of their contracts.

7. Acknowledgements

The following acknowledgements are made recognising organisations or documents that have provided a basis, instructive comment or templates that have been used to develop Council's Records Management Policy:

- (a) Coffs Harbour City Council Records Management Policy;
- (b) Forbes Shire Council Records Management Policy;
- (c) Waverley Council Records Management Policy;
- (d) State Records Authority of NSW;
- (e) "Managing Record Keeping Risk", Keeping Good Companies 2010; and
- (f) Generally Accepted Recordkeeping Principles , www.arma.org

8. Version Control and Change History

Date	Version	Approved by and Resolution No	Amendment
Nov 2016	1.0	Ordinary Meeting 21 Dec 2016 Resolution 11.21/16	
Sep 2023	2.0	Ordinary Meeting 20 Sep 2023 Resolution 10.9/23	