

Policy P674 Management of Corporate Records

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| Responsible Business Unit/s | Information Services |
| Responsible Officer | Director Corporate Services |
| Affected Business Unit/s | All business units |

Policy Objectives

Records are recognised as an important information resource of our organisation. The soundness of the City's record management practices significantly impacts upon the effectiveness and efficiency of the performance of its powers and functions.

The *State Records Act 2000* and other applicable legislation requires the City to maintain a record management system that completely, accurately and reliably creates and maintains evidential records and permits the disposal of those records only through an approved scheme.

A cornerstone of the legislation is an instrument of accountability known as the "Record-Keeping Plan". The plan, which must be formulated by every local government and approved by the State Records Office, is a document which sets out the matters about which records are to be created, how they are to be managed and how long they are to be kept.

This policy describes the principles of the City's record management function and documents an orderly and efficient approach to the management of records in a manner consistent with applicable legislative requirements.

Policy Scope

This Policy is relevant to all employees, elected members, contractors and the wider community to ensure relevant records are properly kept.

Policy Statement

The City's records are to be managed as a corporate asset. Complete and accurate records of all business decisions and transactions are to be registered and maintained in the City's Record Management Systems in respect to their context and content. Records are to be managed in a cost effective manner and in accordance with the relevant legislative requirements.

This policy applies to all external and internal records which are handled, received or generated by the City, its employees, elected members or contractors, regardless of the physical format or media type of the records.

What is a Record?

A record is recorded information, regardless of its medium or characteristics. It records business decisions, transactions or a state of knowledge and is generated as part of a business process. Examples include correspondence, electronic documents, forms, electronic messages, plans, photographs, drawings, audio or visual materials etc.

Records created by a public officer (that is, an elected member or officer) in the course of their duties become public records regardless of whether the communication is between staff in the same agency, between different agencies or between public officers and members of the community.

Classification of records [see Definitions]

All records are to be managed in accordance with their security classification and according to their classification as:

- 'significant' or 'ephemeral'; and
- 'vital' or 'non-vital'.

Anonymous correspondence

Anonymous correspondence relating to the City's business needs to be managed as a record and captured into the recordkeeping system and actioned. Anonymous correspondence will be managed with other records relating to the same matter. The City may need to file this correspondence separately, particularly if it contains allegations or matters of a sensitive nature and may apply a higher level of security to this record.

Note that, even if the action is that no action will be taken due to the anonymity of the author, a necessary decision has been made by the City in relation to the correspondence in case the issue is raised again in the future.

Categories of Records

Registers are to be maintained of all records series and special categories including, but not limited to:

- Policies, Management Practices and Delegations;
- Statutory Records under section 5.94 of the *Local Government Act* - for example, local government information which the public can inspect;
- Freedom of Information applications;
- Tenders and Requests for Quotations;
- Assets and Property Ownership including dealings in property;
- Applications, Decisions and Approvals;
- Contracts and Deeds;
- Corporate Databases;

- Plans & Diagrams;
- Personnel and Payroll Records; and
- Correspondence.

Record keeping formats

Only approved record formats are to be used to create City records. Record keeping formats and media are required to be reviewed at least once every five years to ensure that they remain suitable – having regard to accessibility, security of storage, retrievability, cost effectiveness and comparison with contemporary practices.

Employees who acquire or create any records in the course of business do not retain any proprietary interest in the records or the processes associated with creating them. Records are a government asset vested in the City.

All contractual arrangements undertaken by the City which are likely to result in third parties creating ‘significant’ records are to provide for third parties to transfer possession of those records to the City.

Access & Registration

Access to corporate records by employees will be in accordance with designated access and document security classifications, as determined by the Records Coordinator.

Access to City records by the general public will be determined in accordance with the *Freedom of Information Act 1992*.

Access to City records by elected members and external committee members will be via the Chief Executive Officer in accordance with Section 5.92 of the *Local Government Act 1995*.

Disposal of Records

Records are not to be removed from the City’s sites unless in accordance with the approved Retention & Disposal Schedule, or the records are in the custody of an officer performing official City business.

All records within record keeping series maintained by the City are to be disposed of in accordance with the State Records Office General Disposal Schedule for Local Government Records.

Roles & Responsibilities of Elected Members

Elected members are to create and maintain records relating to their role in a manner which properly and adequately records the performance of their functions arising from their participation in the decision-making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council and other communications and transactions of elected members which constitute evidence affecting the accountability of Council and the discharge of its business.

Records of routine matters, personal records, ephemeral records and party political material are exempt from these requirements.

Roles & Responsibilities of City employees and contractors

All staff are to create and retain records relating to the business function they perform. They are to identify 'significant' and 'ephemeral' records and to ensure that 'significant' records are registered within the City's official record keeping system (nominally, HPE Records Manager) at the point of creation or receipt, regardless of the format.

Definitions

Significant Record

Such records contain information which is of administrative, legal, fiscal, evidential or historical value which is not recorded elsewhere on the public record. They typically describe an issue, who was involved, record why a decision was made and may embody actual guidelines.

Ephemeral Records

These are either duplicated records or those having only short term value to the organisation with little or no ongoing administrative, legal, fiscal, evidential or historical value. This may include insignificant drafts, rough notes and records of routine enquiries.

Vital Records

These records are essential to the continuing business of the City. These include those that protect the rights of individuals and the City and are absolutely essential for reconstruction in the event of a disaster.

Non-Vital Records

These relate to documents generally available in the public domain and do not form part of the City's business processes. They are generally used for reference and information purposes and may include documents from other organisations, published directories and third party training manuals.

Note: The distinction between *significant* and *ephemeral* records is a matter of judgment and the preceding definitions may be used as a guide. References to 'records' in this Policy should be taken as a reference to significant public records unless otherwise explicitly stated.

Legislation / Local Law Requirements

In addition to the requirements of the *State Records Act 2000*, records and information professionals should also be aware of other legislation which applies to the proper management of Local Government records. In particular, the following State Acts may apply:

Criminal Code Act 1913

Under the *Criminal Code Act 1913* (Section 85) any public officer found guilty of falsifying records by making false entries, omitting to make an entry, damage or destruction, can incur penalties, including imprisonment.

Evidence Act 1906 and Acts Amendment (Evidence) Act 2000

These Acts include requirements for records where they are produced as evidence. The *Evidence Act 1906* has implications for the destruction of records and the requirements for creating acceptable reproductions.

The *Acts Amendment (Evidence) Act 2000* expands upon the best evidence provisions of the original Act to facilitate the admission of documentary evidence created using modern information technology.

Financial Administration and Audit Act 1985

This Act includes requirements for the management of financial and accounting records.

Freedom of Information Act 1992

The FOI Act prescribes rights and procedures for access to documents held by Government agencies and includes recordkeeping requirements. Once a request for access under the FOI Act has been lodged all files relevant to that request, regardless of whether they are due for destruction, must be identified and preserved until action on the request and on any subsequent reviews by the Information Commissioner or the Supreme Court are completed.

Limitation Act 1935-1978

Limitations have been set by law on periods within which court actions can be initiated by an offending party. Once the period has expired the party sustaining loss or injury cannot sue, and the party causing loss or injury is no longer held accountable. It is therefore expedient for organisations to select and keep those records that might be useful in the event of having to prosecute or defend an action, for the period of limitation.

Other Relevant Policies / Key Documents

City of South Perth Record-Keeping Plan

City of South Perth Strategic Community Plan 2017-2027

Local Government Act 1995