

## Information Management Advice 49 Recordkeeping for Local Government Councillors

### Introduction

*Local government Councillors come to council with an understanding of the major issues in their community, and the knowledge, experience and commitment to provide strong leadership and good governance to the Council. If they have not come from a government environment, however, they may not have a knowledge or understanding of the responsibilities for recordkeeping and the regulatory and best practice requirements they are expected to meet when undertaking duties on behalf of Council.*

*Transparency and accountability are fundamental characteristics of good governance. Failure to keep adequate records of Council decision making processes and activities can lead to a lack of accountability and a loss of public confidence.*

*Councils need to provide an educative role to ensure Councillors understand and meet their recordkeeping responsibilities, both to facilitate efficient conduct of Council business and to ensure that decisions and actions are transparent and accountable.*

*This Advice provides guidance to local government Councillors, Mayors and records managers on their obligations for managing Councillors records.*

### Are Councillors' records State records?

Yes. Any records created, received or sent in their official capacity as a Councillor is part of Council's public record and hence a State record.

Examples may include:

- Complaints or requests for assistance from ratepayers and the broader community
- Speech notes made for an address given at a Council event
- Declarations concerning a Councillor's pecuniary interests
- A Councillor's Facebook page
- A Councillor's Twitter account
- Email

Records that Councillors create, receive or send that are not done in their position as Councillor, are not State records.

Examples may include;

- Records relating to political issues that are unrelated to Council business
- Personal emails from friends that are unrelated to Council business
- A Councillor's personal Facebook page
- A Councillor's personal Twitter account

## **Management of Councillors' records**

Councillors must create and capture full and accurate records of any business undertaken in the course of their official duties for Council.

Some records arrive as complete records, such as email and hard copy correspondence, but other records have to be created by the Councillor, (eg details of any advice, commitments etc made during telephone or verbal conversations or via SMS), and must be recorded as a file note. File notes should be made as soon as possible after an event to ensure the information is accurate.

Records created or received by email or other electronic forms, or in paper format should be forwarded by Councillors for registration in the Council's corporate recordkeeping system. If records are of a sensitive or confidential nature, the Councillor should alert relevant staff to this fact so that appropriate security controls can be applied.

Councils should either have a section of their Information Management Policy dedicated to Councillors' records or, a separate Information Management Policy for Councillors.

## **Disposal of Councillors' records**

The *Retention and Disposal Schedule for Local Government Councils (DA2200)* has a section specifically for Councillors' records (Ref: 13.05.00).

Councillors' records could also be disposed of under other classes throughout the Schedule, for example under Addresses (Presentations) (Community Relations) (Ref: 04.01.00)

Councillors or a delegated Council officer will need to complete entries in the Council's Register of Records Destroyed for all records that are disposed of.

## Further Advice

For more detailed advice, please contact:

Government Information Strategy Unit  
Tasmanian Archive and Heritage Office  
91 Murray Street  
HOBART TASMANIA 7000  
Telephone: 03 6165 5581  
Email: [gisu@education.tas.gov.au](mailto:gisu@education.tas.gov.au)

## Acknowledgements

- State Records NSW - *Recordkeeping in Brief 45*
- Bega Valley Shire Council (NSW) - *Recordkeeping requirements for Councillors*

## Information Security Classification

This document has been security classified using the Tasmanian Government Information Security classification standard as PUBLIC and will be managed according to the requirements of the Tasmanian Government Information Security Policy.

## Document Development History

### Build Status

Version	Date	Author	Reason	Sections
2.0	April 2015	Christine Woods	Template	All
1.1	July 2013	David Bloomfield	Request from a Council	'Are Councillors' records State records?' and 'Disposal of Councillors' records' sections
1.0	June 2013	Deborah Drinkell	Initial release	All

## Amendments in this Release

Section Title	Section Number	Amendment Summary
All	All	Document imported into new template
'Are Councillors' records State records?'	Na	'Ratepayers' amended to 'ratepayers and broader community'
'Disposal of Councillors' records' sections	Na	'Councillors' amended to 'Councillors or a delegated Council officer'

**Issued: July 2013**

**Ross Latham**  
State Archivist

## Records Disposal Reference List – LG Councillors

### Disposal Schedule Numbers and Descriptions

DA2200	Disposal Schedule for Local Government records*
DA2101	Disposal Schedule for Tasmanian Electoral Commission (elections)*
DA2158	Disposal Schedule for Short Term Value Records**

The above disposal schedules give details of retention periods. Full copies are available from TAHO's website

\*Any destruction/disposal undertaken under this Authority requires recording in Agency Register of Records Destroyed

\*\*Any destruction/disposal undertaken under this Authority does not require recording

Function Keyword	Record Description	Disposal Schedule	Disposal Reference	Disposal Action
<b>Community Relations</b> Addresses	Final versions of addresses and other public information released by the Mayor, General Manager, and other senior council officers relating to issues of local significance or presented at major public functions.	DA2200	04.01.01	PERMANENT
	Final versions of addresses and other public information released by the Council on non-significant local issues	DA2200	04.01.02	TEMPORARY Destroy 2 years after action completed
	Records documenting the preparation of addresses and speeches	DA2200	04.01.03	TEMPORARY Destroy 2 years after action completed
<b>Community Relations</b> Enquiries	Records documenting enquiries requesting general information about the council and its products and services	DA2200	04.09.01	TEMPORARY Destroy 2 years after action completed
<b>Community Relations</b> Greetings	Records documenting the preparation and sending of greetings. May include: <ul style="list-style-type: none"> <li>• Letters of appreciation</li> <li>• Letters of condolence</li> <li>• Letters of congratulations</li> <li>• Letters of introduction</li> <li>• Seasonal greetings</li> <li>• Associated Mailing lists</li> </ul>	DA2200	04.11.01	TEMPORARY Destroy when reference ceases

<b>Community Relations</b> Issues management	Records documenting significant council input into community issues that are not the direct responsibility of council. These include: Aboriginal reconciliation Multicultural and ethnic affairs Immigration Environmental matters where council is not the responsible body	DA2200	04.12.01	PERMANENT
	Records relating to community issues where council takes no action, or does not take significant action	DA2200	04.12.02	TEMPORARY Destroy 2 years after action completed
<b>Community Relations</b> Community consultation	Records of formal consultation with community groups through such things as: <ul style="list-style-type: none"> <li>• Precinct meetings</li> <li>• Community participation programs</li> </ul>	DA2200	04.07.01	TEMPORARY Destroy 7 years after action completed
	Records documenting informal public meetings and other forms of community consultation	DA2200	04.07.02	TEMPORARY Destroy 5 years after action completed
<b>Community Relations</b> Media liaison	Final versions of media releases relating to significant or controversial issues	DA2200	04.14.01	PERMANENT
	Final versions of media releases relating to non-significant or non-controversial issues	DA2200	04.14.02	TEMPORARY Destroy 2 years after action completed
<b>Community Relations</b> Visits	Invitations to Councillors to attend local events	DA2200	04.21.03	TEMPORARY Destroy 2 years after action completed
<b>Corporate Management</b> Conferences	Records documenting conferences arranged by other organisations. Records may include: <ul style="list-style-type: none"> <li>• Copies of minutes</li> <li>• Agenda papers</li> <li>• Published papers</li> <li>• Reports</li> <li>• Promotional material</li> <li>• Notices</li> <li>• Programs</li> <li>• Invitations</li> </ul>	DA2200	06.03.03	TEMPORARY Destroy after reference ceases

	Records presented by the Council to conferences arranged by other organisations. Records may include <ul style="list-style-type: none"> <li>• Submissions</li> <li>• Papers</li> <li>• briefings</li> </ul>	DA2200	06.03.04	PERMANENT
<b>Corporate Management Planning</b>	Distribution <u>copies</u> of Annual plan, Strategic Plan, Annual Report	DA2158	01.01.03	TEMPORARY Destroy when reference ceases
<b>Customer Service Complaints</b>	Records relating to public reaction resulting in reversal of a Council decision or changes to Council policy and/or procedures or that set a precedent	DA2200	07.04.01	PERMANENT
	Records relating to public reaction which do not result in a change of policy. Records may include: <ul style="list-style-type: none"> <li>• Anonymous letters</li> <li>• Letters of complaint</li> <li>• Letters of congratulations or appreciation</li> <li>• Suggestions</li> </ul>	DA2200	07.04.02	TEMPORARY Destroy 2 years after action completed
	Public request forms providing details of requests for work, or inspections	DA2200	07.04.04	TEMPORARY Destroy 7 years after action completed
<b>Financial Management Accounting</b>	Payment of allowances	DA2200	12.01.01	TEMPORARY Destroy 7 years after action completed
	Records of receipts/expenditure	DA2200	12.01.01	TEMPORARY Destroy 7 years after action completed
	Supporting documentation including vouchers, invoices, receipts, debit notes	DA2200	12.01.01	TEMPORARY Destroy 7 years after action completed
	Petty Cash and postage records	DA2200	12.01.04	TEMPORARY Destroy 2 years after action completed
<b>Governance Council meetings</b>	Master Set of Minutes, Agendas, Terms of Reference and related papers of Council & its Committees	DA2200	13.04.01	PERMANENT
	Draft minutes of meetings	DA2200	13.04.02	TEMPORARY Destroy after minutes confirmed at next meeting

	Agency distribution <u>copies</u> of Minutes, Agendas, etc	DA2158	01.01.03	TEMPORARY Destroy when reference ceases
	Records relating to conduct of meetings including advertisements/notices and routine correspondence	DA2200	13.04.04	TEMPORARY Destroy 2 years after action completed
	Petitions, submissions, objections and results of elector polls considered by Council and summarised, or incorporated into Council Minutes	DA2200	13.04.05	TEMPORARY Destroy after minutes have been confirmed
	Petitions, submissions, objections and results of elector polls considered by Council <b>NOT</b> summarised, or incorporated into Council Minutes	DA2200	13.04.06	TEMPORARY Destroy 5 years after presentation to Council
	Reports to Council not included in Council Minutes	DA2200	13.04.07	PERMANENT
	Register and indexes of items submitted to Council and Council Meetings	DA2200	13.04.08	PERMANENT
<b>Governance Councillors</b>	Councillors signed Declaration of Office	DA2200	13.05.01	PERMANENT
	Policies relating to rights, entitlements and responsibilities of Councillors	DA2200	13.05.02	PERMANENT
	Register of Councillors declarations and disclosures of pecuniary interest and benefits	DA2200	13.05.03	PERMANENT
	Councillors declaration of interest, and notification of a Councillors interest by a member of the public, and associated records including enquiries and notices of confirmation or denial	DA2200	13.05.04	TEMPORARY Destroy 7 years after exist from Council
	Records of dismissal of the Council or individual Councillors for any reason, such as poor attendance/performance, corruption or mismanagement	DA2200	13.05.05	PERMANENT
	Past Mayors/Councillors – career summaries and information	DA2200	13.05.06	PERMANENT
	Records of appointment conditions; entitlements including allowances; leave; code of conduct including professional development records; fees and facilities provided	DA2200	13.05.07	TEMPORARY Destroy 5 years after date superseded
	Records of representations made by Councillors on behalf of ratepayers	DA2200	13.05.08	TEMPORARY Destroy 5 years after action completed
	Records relating to the resignation of a Councillor or Councillors	DA2200	13.05.09	PERMANENT



	Records documenting the nomination, appointment, resignation or termination of appointment of agency representatives to organisations, offices, unions, councils or groups	DA2157	01.24.01	TEMPORARY Destroy 2 years after the end of the appointment
	List of Councillors and senior staff representing Council on outside bodies	DA2200	13.05.10	TEMPORARY Destroy when superseded
<b>Governance Procedures</b>	Records documenting the development of governance procedures including final versions as issued to Councillors and Council staff	DA2200	13.09.01	PERMANENT
	Copies of instructions, procedures, manuals and circulars issued by a central agency or the Local Government Board	DA2200	13.09.02	TEMPORARY Destroy after superseded or revoked
<b>Governance Reporting</b>	Final versions of formal internal and external reports prepared by, or for, the Council	DA2200	13.10.01	PERMANENT
	Records documenting responses to questionnaires and surveys requested by outside organisations	DA2200	13.10.05	TEMPORARY Destroy 2 years after action completed
<b>Government Relations State Liaison</b>	Records relating to the representation of Council on Statutory authorities including notification of appointment	DA2200	14.09.02	PERMANENT
<b>Government Relations Visits</b>	Records documenting interstate or overseas visits made by Councillors and council personnel, to attend official engagements or for conferences, seminars and presentations.	DA2200	14.11.02	TEMPORARY Destroy 7 years after action completed
<b>Information Management Privacy</b>	Records documenting the application of privacy guidelines. May include: <ul style="list-style-type: none"> <li>Complaints concerning privacy</li> </ul>	DA2200	16.07.01	TEMPORARY Destroy 7 years after action completed
<b>Information Management Procedures</b>	Copies of procedures issues by the Local Government Board, or other government agency. Includes procedures issued by the Local Government Association of Tasmania	DA2200	16.08.02	TEMPORARY Destroy after superseded or revoked
<b>Information Management Publications</b>	Publications for distribution by council. Records may include: <ul style="list-style-type: none"> <li>State and Federal Government publications</li> <li>Publications of other councils</li> <li>Publications of LGAT</li> <li>Community services directory, leaflets and brochures</li> </ul>	DA2200	16.09.05	TEMPORARY Destroy when reference ceases
<b>Parliamentary &amp; Local Government elections</b>	Nomination of candidates forms	DA2101	03.02.01	TEMPORARY Destroy after the following election is completed

	Ballot papers for LG Mayor or deputy mayor elections	DA2101	03.03.01	TEMPORARY Destroy after the election, poll or referendum can no longer be disputed or if disputed, once resolved.
	Ballot papers for LG councillor elections	DA2101	03.03.02	TEMPORARY Destroy after the second following election can no longer be disputed or if disputed, once resolved.
	Copies of certificates of Election for Local Government elections	DA2101	03.05.03	PERMANENT

# Sample records management policy and procedures for Councillors

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<b>Subject</b>	Records Management
<b>Date of effect</b>	[enter date]
<b>Date of last revision</b>	[enter date]
<b>Date due for review</b>	[enter date]
<b>Policy/procedure number</b>	[enter policy number]
<b>File number</b>	[enter file number]
<b>Contact</b>	[Nominated senior officer]

## 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 More information
  - 13 Approval
- Appendix A – Legislative requirements for recordkeeping  
Appendix B – Best practice guidance for recordkeeping  
Appendix C – Glossary of terms

## I Purpose, scope, authority and application of this document

### I.1 Purpose of this document

The purpose of this document is to ensure that full and accurate records of the activities and decisions of Councillors, 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.

A records management program has been established by Council in accordance with the *Archives Act 1983*. This document provides part of the framework for that program. More

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information on the records management program is available in Council's *Records management policy*.

## **1.2 Scope of this document**

This document has been specifically developed to assist Councillors to meet their recordkeeping responsibilities. Council staff members should refer to Council's *Records management policy* and *Records management procedures*.

## **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 [or other means of adoption]. It has been developed in consultation with Councillors and will be revised on a regular basis. Ownership of the policy and procedures rests with the [nominated senior officer] who is responsible for reporting to the Tasmanian Archives and Heritage Office (TAHO) regarding compliance with legislative requirements and recordkeeping standards.

## **1.3 Application of this document**

All Councillors 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 the office of Councillor. This document applies to records in all formats, including electronic records.

## **2 State records**

### **2.1 Some Councillors' records are State records**

Local Government authorities are bound by the *Archives Act 1983* which establishes rules for best practice for recordkeeping in Tasmanian Government, encouraging transparency and accountability. Councils are identified as local authorities under the Act (section 3(1)). When discharging functions of Council, Councillors are subject to the Archives Act when they create or receive 'State records'.

A State record is -

- '(a) a Crown record; or
  - (b) a record of a State authority; or
  - (c) a record of a local authority; or
  - (d) any other record that was at any time a record mentioned in paragraph (a), (b) or (c) –
- ' (section 3(1)).

### **2.2 Examples of State records**

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

- correspondence, including emails, regarding building and development matters
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- a petition received from a community group
- declarations concerning a Councillor's pecuniary interests
- speech notes made for addresses given at official Council events, and
- complaints, suggestions or enquiries by rate payers about Council services.

### 2.3 Examples of records that are not State records

Conversely, records which are created, sent or received by Councillors when they are **not** discharging functions of Council are **not** considered to be State records for the purposes of the *Archives Act 1983*.

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

- records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances
- 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 Councillors or Council**
- records relating to attendance at sports functions, church fetes, community functions **when the Councillor is not representing Council**
- personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc **that are not related to Council business**.

## 3 Records as a resource

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

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

A small percentage of records created and received by Councillors will become State Archives, part of the cultural resources of the State.

## 4 Creation and capture of records

### 4.1 What records to create and capture

Councillors should create and capture full and accurate records of any business undertaken in the course of their official duties for Council. This may include:

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- providing advice, instructions or recommendations
- drafts of documents for Council containing 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 Councillors regarding Council business.

### **Creation of records of a confidential nature**

On some occasions Councillors are approached and asked to keep matters discussed relating to Council business confidential. In this case they should refer the person to Council's [refer to relevant policy which should be publicly available – eg Personal Information Protection statements]. This indicates that confidential conversations/correspondence must still be recorded and registered into Council recordkeeping systems 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. 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 paper and electronic templates available for Councillors to create emails, faxes, letters and memos while conducting business for the Council. These will assist Councillors 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 Councillors' diaries are generally not adequate for this purpose, 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 Councillors (with the exception of those sent *from* Council as they are already captured) should be saved into official Council recordkeeping systems as soon as is practicable, so that Council can assist with their long term management.

### **Paper records**

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Records created or received in paper format should be forwarded to Council [[outline procedure in your Council](#)]. If records are of a sensitive or confidential nature, the Councillor should alert the [[relevant position holder](#)] to this fact so that appropriate security controls can be applied.

**Example:**

One Council recommends that Councillors keep the records together and once a month transfer them to the Records Manager (although matters requiring action by Council need to be forwarded immediately). Their procedure gives the name of the Records Manager, contact details and location within Council to assist the Councillor to meet this requirement.

### **Email and electronic records**

Email and other electronic records should be forwarded to Council promptly for registration [[outline procedure in your Council](#)]. If records are of a sensitive or confidential nature, the Councillor should alert the [[relevant person](#)] to this fact so that appropriate security controls can be applied.

**Example:**

One Council, which does not have the ability to capture emails electronically, recommends that emails and electronic records be regularly printed and filed and transferred with other paper records.

**Example:**

Another Council recommends that records be transferred electronically to a particular Council email address as soon as possible.

See [Section 6 Security and confidentiality of records](#) for information about security controls for sensitive records.

### **Councillors' copies**

If a Councillor retains copies of any records once the originals have been forwarded for registration, these should be retained only while needed for current Council business. [[outline procedure in your Council](#)]. The routine destruction of copies of records is permitted under the authorisation of approved Disposal Authorities or Schedules issued by the State Archivist. See [Section 11 Disposal](#) for more information.

**Example:**

One Council allows Councillors to destroy duplicates and gives advice on how to do this.

**Example:**

Another Council recommends that duplicates are also forwarded to Council for destruction, but that these should be clearly marked or stamped 'duplicate'.

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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](#)).

## **5 Registration of records by Council**

### **5.1 Registration procedures**

Records received from Councillors for registration will be handled in accordance with the Council's [Records management procedures](#).

See [Section 6 Security and confidentiality of records](#) for information about security controls applied to sensitive records.

### **5.2 Councillors' mail (including email)**

[Outline your Council's procedure for managing Councillor's mail with privacy markings, and mail not marked. Include procedures for email, fax and paper-based mail and for capture of general correspondence that is copied to councillors for their information].

#### **Example:**

One Council recommends that incoming mail for Councillors received at Council with no privacy markings will be opened by the Records staff. Mail considered to be a State record will be registered into Council's recordkeeping system before being forwarded to the Councillor. Mail with privacy markings is registered in a separate register but forwarded to the Councillor unopened. It is then the Councillor's responsibility to return any mail that is a State record and requires registration in the Council's main recordkeeping system.

Faxes to Councillors are registered in the recordkeeping system, before being forwarded to Councillors.

Electronic mail received through the Council's generic email address that is addressed to Councillors is forwarded to the Councillor, with the exception of unsolicited recruitment material, items which appear to have little or no significance to the Councillor's role or Council operations, pornographic or obscene material, or spam. Again it is the Councillor's responsibility to return any mail that is a State record and requires registration in the Council's main recordkeeping system.

#### **Example:**

Another Council recommends that all incoming mail for Councillors received at Council is opened in the presence of two records officers regardless of privacy markings. Mail considered to be a State record will be registered into Council's recordkeeping system before being forwarded to the Councillor. Faxes and email to the Council's generic address which are marked to Councillors are treated in the same way.

In terms of general correspondence which is to be copied to Councillors, the original letter is registered in the recordkeeping system and referred to the appropriate action officer. Copies are forwarded to Councillors, with a copy also referred to the General Manager.

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## 6 Security and confidentiality of records

### 6.1 Building controls

Council's paper records are kept securely in [building] with security controls to protect against unauthorised access.

### 6.2 System controls

The Council's records management software which controls both paper and electronic records restricts access according to security levels.

### 6.3 Information Security Classification

Sensitive records in all formats have labels such as 'Commercial in Confidence' along with their associated management rules. [Note: Councils are not bound by these rules but they can be considered best practice. Substitute other rules if the *Tasmanian Government Information Security Policy Manual* rules are not used].

### 6.4 Rules for Council staff and Councillors

Council staff and Councillors are bound by Council's *Code of conduct*, preventing unauthorised access or disclosure of Council records. (See also Local Government Act 1993 Division 3 Section 28C.)

See [Section 10 Handling and storage of records](#) for advice regarding Councillors' security responsibilities when storing records.

## 7 Access to records of Council

### 7.1 Access relating to civic duties

Councillors 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, Councillors should [outline your Council's procedures for Councillors to access records].

**Example:**

One Council's procedure indicates that initial requests should be directed to the Records Manager or General Manager using a standard form.

Councillors wishing to access records that have access restrictions higher than their level of clearance must [outline your Council's procedure].

**Example:**

One Council's procedure is to obtain permission from the General Manager. This permission is documented using a standard form.

Records can be made available for viewing during normal business hours. Records must be viewed in the presence of a [Records officer].

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## 7.2 Access relating to personal interest

Councillors 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 *Personal Information Protection Act 2004*
- the *Right to Information Act 2009*
- the *Right to Information Regulations 2010*

## 7.3 Release of publicly available information

In accordance with Council's obligations under the *Right to Information Act 2009*, access to publicly available information will be provided on our website. This is the responsibility of [responsible officer/area within agency].

The public have legislative rights to apply for access to information held by our organisation under the *Right to Information Act 2009*. This applies to all information held by the agency, whether in officially endorsed records management systems or in personal stores such as email folders or shared and personal drives. Responses to applications for access under *Right to Information* legislation are the responsibility of [responsible officer].

## 7.4 Refusal of access

If a Councillor is refused access to records, they should refer to any appeal provisions of the relevant Act.

## 7.5 More information

More information on gaining access to Council records can be obtained from [person(s) within Council responsible e.g. Right to Information Officer (RIO), Records Manager etc and contact details].

See also [Section 9 Unauthorised access or disclosure of council records](#).

## 8 Borrowing records of Council

### 8.1 Borrowing paper-based records

Under the *Archives Act 1983*, Councils are required to ensure the safe custody and proper preservation of records they are responsible for. If a Councillor needs to borrow a paper-based Council record in the course of their duties for Council, they should [outline your Council's procedure].

#### **Example:**

One Council does not allow Councillors to borrow Council records at all. They must be viewed on Council premises in the presence of a records officer.

#### **Example:**

Another Council recommends that the Councillor applies in writing to the General Manager. Once permission is granted, the Councillor is required to sign out the file in a register maintained by the Records Section. The Councillor is also required to sign the register on return of the file to the Records Section.

Files can only be borrowed for a period of [time]. They should then be promptly returned to Council storage for safety and to enable the files to be made available to other Councillors and Council staff.

## 8.2 Borrowing records in electronic form

[If this happens, outline your Council's procedure].

### **Example:**

One Council does not allow Councillors to borrow Council records at all. They must be viewed on Council premises in the presence of a records officer.

### **Example:**

Another Council makes electronic records required by Councillors available to them in PDF format only so they cannot be altered. They have strict guidelines on the return of these electronic copies.

### **Example:**

Another Council prints out records in electronic format and makes them available according to the conditions for paper-based files.

## 8.3 Loss of records

Councillors are responsible for records marked out to them and should protect them accordingly. If a record is not able to be located, the Councillor is to advise the [Records Section, records manager etc] as soon as possible.

## 8.4 Archives

Council policy regarding archives is that they are **not** to be borrowed. They should rather be viewed within Council offices during normal working hours [or at TAHO or regional repository if relevant] in the presence of a records officer. Photocopies of relevant pages can be made available to Councillors if restrictions on copying do not apply.

## 9 Unauthorised access or disclosure of Council records

The *Local Government Act 1993* prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances. Councillors are also bound by the Council's *Code of conduct* [or other relevant document] **not** to:

- attempt to access records they are not authorised to see
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- 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 the *Archives Act*. Councillors 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 manager] 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 can be provided by Council's records staff.

### **10.3 Storage of records**

[Indicate when it is acceptable for Councillors to store records of Council business and when records should be transferred to Council for storage. Generally, if storage is permitted it should be minimal and of very short duration].

#### **Example:**

One Council does not allow Councillors to store any Council files in their homes. Files must be accessed at Council in normal working hours in the presence of a records officer.

#### **Example:**

Another Council allows Councillors to have temporary use of files while considering a matter before Council, but then files must be returned to Council for storage.

When storing Council records temporarily the following rules apply:

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- 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. [Note if Council provides any storage equipment]. No Council records should be left in plain view in vehicles or lying around the house.

Councillors who are storing records of a sensitive or confidential nature should ensure that they are appropriately protected [outline your Council's procedure].

**Example:**

One Council recommends that paper records be kept in locked cupboards with the key kept secured away from the cupboards when the records are not being used. Electronic records should be appropriately controlled with password protection on computers, virus protection and lockdown of screens when a Councillor is away from the computer.

## **11 Disposal of records**

### **11.1 Disposal in accordance with the Archives Act 1983**

State records held by Councillors must be disposed of in accordance with the *Archives Act 1983*.

All agency records are destroyed when they reach the end of their required retention period set out in Retention and Disposal Schedules issued by the Tasmanian Archive and Heritage Office (TAHO). Retention periods take into account all business, legal and government requirements for the records. Council uses a number of authorised schedules to determine retention, transfer and destruction actions for records, including:

DA2200 Disposal Schedule for Local Government Records

DA2158 Short Term Value Records

DA2159 Source Records

DA2101 Electoral Records

Records cannot be disposed of other than in accordance with relevant Retention and Disposal Schedules, and Destruction Authorities approved by the State Archivist. Failure to keep records for the length of time specified in authorised Schedules may put Councillors and Councils at risk.

Disposal of any records of Council business, must be done under the guidance and direction of Council's Records Manager [enter contact details].

### **11.2 Liaison with Council for disposal authorisation**

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

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- 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. [Outline your Council's Sentencing and disposal procedures].

**Example:**

One Council allows Councillors to destroy limited records under the provisions of DA2158, such as draft notes when file notes are registered with Council, notes of meetings when Council is recording the official version etc. Other records are referred to the Council for destruction.

## 12 For more information

For more information about the use of this policy and procedures, contact [nominated senior officer, records manager].

## 13 Approval

Signed \_\_\_\_\_ Date: \_\_\_\_\_

**Acknowledgment:** This document is based on 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.

## **Appendix A – Legislative requirements for recordkeeping**

- *Local Government Act 1993* (refer Division 3 Section 83; Section 340)
- *Personal Information Protection Act 2004*
- *Archives Act 1983* – including Guidelines and Advices; and Retention and Disposal authorities issued under the Act
- *Evidence Act 2001*
- *Electronic Transactions Act 2000*
- *Taxation Administration Act 1997* (refer Part 8 Recordkeeping)
- *Right to Information Act 2009*
- *Limitations Act 1974*

[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*
- Tasmanian Archive and Heritage Office, *State Records Guidelines and Advices*

[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**

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*

**record** means a document or an object that is, or has been, made or kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance, or thing;

*Part 1 Section 3 (1) Archives Act 1983*

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## **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 Tasmanian Archive and Heritage Office that set out appropriate retention periods for classes of records.

## **State record**

**State record** means –

- (a) a Crown record; or
- (b) a record of a State authority; or
- (c) a record of a local authority; or
- (d) any other record that was at any time a record mentioned in paragraph (a), (b) or (c)

*Part 1 Section 3 (1) Archives Act 1983*

## **State archive**

**State archive** means any State record or any other record which is for the time being deposited and preserved in the Archives Office;

*Part 1 Section 3 (1) Archives Act 1983*

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