

# Record Keeping for Councillors Policy

## **PURPOSE**

To provide guidelines to ensure complete and accurate records of the activities and decisions of Councillors, acting in their official role, are managed appropriately to meet the Council's statutory legislative record keeping obligations.

## **SCOPE**

This policy applies to all Councillors when acting in an official capacity on behalf of the Council.

This policy does not apply when Councillors are not officially representing the Council during their interaction with the community on personal or general interest matters.

## **POLICY**

The following sets of information (irrespective of the format) will be managed within the Council's corporate systems -

- Agenda and minutes, which reflect the activities and decisions of standing Council committees, specific purpose internal committees, and external committees (when a Councillor has been appointed a committee member, by a resolution of the Council);
- Media releases and formal speeches, for occasions and events when the Council is officially represented;
- Service requests raised by Councillors on behalf of a community member, or raised for themselves;
- All correspondence addressed to Councillors, received or sent via Council's postal and email addresses, or Customer Service Centre (excluding invitations, newsletters, periodicals), when the content contains matters pertaining to a Councillor officially representing the Council;
- All social media comment when the content contains matters pertaining to a Councillor officially representing the Council;
- Any file note created to record a verbal conversation, which contained matters pertaining to a Councillor officially representing the Council.

There is no requirement to manage within the Council's corporate systems, any correspondence or communication, received or sent, whereby it is clearly evident the content -

- does not contain an agreement or commitment to undertake an action on behalf of the Council;
- is comment on matters of general interest rather than specific issues being considered by the Council;
- is relevant to a political stance or electoral matters;

- is personal in nature and not related to the Council;
- is a copy of a broader release communication.

Administrative support is provided to assist Councillors with the following -

- a) understanding of what constitutes a record, and when it needs to be managed within the corporate systems
- b) management of information in the corporate systems accordingly, to ensure the Council's obligations under the *Archives Act 1983* (Tas) and *Local Government Act 1993* (Tas) are met.

### **Management of Councillor's records**

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

Records, whether in electronic or paper format, should be forwarded by Councillors for registration in the Council's corporate recordkeeping system to the Executive Assistant - Mayor or the Personal Assistant - Councillor Rooms. If records are of a sensitive or confidential nature, the Councillor should advise the Executive Assistant - Mayor or the Personal Assistant - Councillor Rooms of this to enable application of appropriate security controls.

Any information required to be kept on record that is not in a suitable format, (e.g. details of any advice, commitments etc. made during telephone or verbal conversations or via SMS), 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.

### **Disposal of Councillor's records**

Councillor's records are classed as state records. No records are to be disposed of before consulting Information Services staff. Council is legally required to maintain a register of all records that are destroyed. An Information Services officer will be required to complete entries in the Council's register of Records Destroyed detailing records Councillors wish to dispose of.

The Office of the State Archivist have developed Retention and Disposal Schedules to facilitate retention and disposal of state records. The Disposal Schedule for functional records of Local Government (DA2200) sets out how long many records of Councillors must be retained for. It has a section specifically for Councillors' records (Ref: 13.05.00). Councillors' records can also be disposed of under other classes throughout the Schedule, for example under Addresses (Presentations) (Community Relations) (Ref: 04.01.00)

Not all records need to be recorded in the Register of Records destroyed when disposed of. The Disposal Schedule for Short Term Value Records (DA2158) authorises the disposal of records by any Council Officer or Councillor that is:

- a duplicate
- unimportant e.g. with compliments slips and telephone messages
- of short term use e.g. advertising brochures or copies of circulars

This applies unless it is required in relation to a Right to Information request.

## **Right to Information**

Right to Information legislation provides for public access to records held by Council, including those created by Councillors. The Right to Information Act means that access must be given to records unless covered by an exemption under the act. Applications for assessed disclosure of information are assessed in line with the legislation and records kept by Councillors including emails may have to be disclosed.

## **Councillor access to Council records**

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. In accordance with Council's obligations under the Right to Information Act 2009, access to publicly available information is provided on our website. To request access to records that are not publicly available Councillors must contact the Executive Assistant - Mayor or the Personal Assistant - Councillor Rooms.

## **Unauthorised access or disclosure of Council records**

The *Local Government Act 1993* (Tas) 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 14-Plx-032 Code of Conduct for Councillors to:

- only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
- only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

These rules help to ensure that Council, its employees and the public are protected and that that the requirements of relevant legislation, such as privacy legislation, are met.

## ***PRINCIPLES***

Council's Organisational Values apply to all activities.

## ***RELATED POLICIES & PROCEDURES***

14-Plx-032 Code of Conduct for Councillors  
17-PI-001 Information Resource Policy  
17-HLPr-007 Right To Information Procedure  
17-Plx-005 Personal Information Protection Policy

## ***RELATED LEGISLATION***

*Archives Act 1983* (Tas)  
*Local Government Act 1993* (Tas)  
*Right to Information Act 2009* (Tas)  
*Personal Information Protection Act 2004*

*Commonwealth Privacy Act 1988*

**REFERENCES**

Advice 49 Recordkeeping for Local Government Councillors  
Disposal Schedule for functional records of Local Government (DA2200)  
Disposal Schedule for Short Term Value Records (DA2158)

**DEFINITIONS:**

Record - "(a) anything on which words, figures, letters or symbols are marked and includes a map, plan, graph, drawing, painting or photograph; and  
(b) anything in which information is embodied so as to be capable of being reproduced;"

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

**REVIEW**

This policy will be reviewed prior to the commencement of the new Council following elections to allow it to be voted on at the first meeting of the new Council or more frequently, if dictated by operational demands and with Council's approval.