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# Cessnock City Council Records Management Policy

Date Adopted **20/04/22** Revision: **3**

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## 1. POLICY OBJECTIVES

- 1.1. The purpose of this policy is to:
  - 1.1.1. Ensure that full and accurate records of all activities and decisions of Council are created, managed and retained or disposed of appropriately, and in accordance with relevant legislation.
  - 1.1.2. Establish a framework for the management of Council's corporate records in accordance with the State Records Act 1998 NSW (the Act) and codes of best practice for recording, storing and disposing of all physical and electronic records.
- 1.2. This will enable Council to achieve information accessibility, business enhancement and improvement. It will also meet its obligations for accountability while ensuring that it protects the rights and interests of Council, staff and the community.
- 1.3. The Records Management framework aims to ensure Council:
  - 1.3.1. Manages its records effectively and efficiently,
  - 1.3.2. Meets accountability requirements and community expectations,
  - 1.3.3. Complies with legislative and policy requirements relating to recordkeeping practices, and
  - 1.3.4. Processes, capabilities and decision making is enhanced as a result of effective and efficient management of its corporate records.

## 2. POLICY SCOPE

- 2.1. This policy applies to all Council Officials which includes Councillors, employees, consultants, volunteers and contractors of Council.
- 2.2. This policy applies to all Council business records including electronic and physical records. It includes records which are created, collected, processed, used, stored and disposed of in the conduct of Council business.

## 3. POLICY STATEMENT

- 3.1. Under the Act Council is required to establish and maintain a records management program that conforms to standards and codes of best practice approved by NSW State Archives and Records.
- 3.2. The Records Management Framework aims to ensure efficient, effective, and compliant records management for Council.
- 3.3. Council is dedicated to managing records electronically wherever possible and will do so in compliance with the Act, *Electronic Transactions Act 2000* (NSW) and *Evidence Act 1995* (NSW).
- 3.4. Council utilises an electronic document record management system (EDRMS) to capture, manage, store and secure all digital records in a structure that meets legislative requirements.

## 4. RECORDS MANAGEMENT PROGRAM

- 4.1. Council must establish and maintain a Records Management Program in conformity with standards and codes of best practice issued by NSW State Archives and Records.
- 4.2. Council is committed to maintaining a Records Management Program that meets its business needs and accountability requirements to support the decision making processes
- 4.3. The Records Management Program includes a planned and coordinated set of policies, protocols, procedures, systems and activities to manage the information and records of Council.
- 4.4. Council's information resources and Records Management Program provides timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.
- 4.5. Council's 'corporate memory' will be preserved through sound recordkeeping practices and the accurate capture storage and archiving of information.
- 4.6. Council's information is a resource that must be managed and used effectively.
- 4.7. Knowledge management is facilitated through an effective Records Management Program.

## 5. ROLES AND RESPONSIBILITIES

- 5.1. The Act requires that all public officials must make and keep full and accurate records of business activities and this includes Council Officials in the performance of their roles.
- 5.2. **General Manager**
  - 5.2.1. In accordance with Parts 2 – 10 of the Act, the General Manager is responsible for ensuring that Council complies with the regulations and requirements of the Act.
- 5.3. **Public Officer**
  - 5.3.1. The Public Officer is the nominated Senior Responsible Officer (SRO) in accordance with the Records Management Standard. The SRO is the individual within the organisation who has been assigned strategic and managerial responsibility for information management. The SRO is responsible for ensuring that information management is in place and operating effectively to support business operations
- 5.4. **Manager Information Technology**
  - 5.4.1. The Information Technology Manager is responsible for the operational oversight of the information management function in the organisation including the development, implementation and review of the information management strategy and championing Council's information management initiatives.
    - 5.4.2. In addition the Manager Information Technology has authority and is responsible for:
      - 5.4.2.1. Establishing Records Management Policies for Council.
      - 5.4.2.2. Establishing corporate standards and business rules for records management.
      - 5.4.2.3. Monitoring and auditing compliance with these standards within Council.
      - 5.4.2.4. Measuring performance of Council officers against these standards.
      - 5.4.2.5. Providing consulting services to Council staff.

- 5.4.2.6. Developing corporate electronic records management strategies.
- 5.4.2.7. Working with other Managers of information resources to develop coherent information architecture across the organisation.
- 5.4.2.8. Working with other accountability stakeholders and Executive Leadership Team, to ensure recordkeeping systems support organisational and public accountability.
- 5.4.2.9. Undertaking regular planning for the Records Management Program in conjunction with strategic and operational planning which will be reviewed on a regular basis.
- 5.4.2.10. Undertake and report on the annual assessment of records management compliance using the Records Management Assessment Tool provided by the State Archives & Records Authority NSW.

#### **5.5. Records Management Team**

- 5.5.1. The Records Management Coordinator or equivalent is operationally responsible for the efficient management of Council records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines.
- 5.5.2. The Records Management Team is responsible for the effective management and system administration of Council's primary recordkeeping systems.
- 5.5.3. The Records Management Team is to assist all Council Officials in fulfilling recordkeeping responsibilities and provide advice and training.
- 5.5.4. The Records Management Coordinator or equivalent is to monitor and review records management policies, programs and procedures.
- 5.5.5. The Records Management Team is to provide electronic and physical records management resources and facilities to support the Records Management Program.

#### **5.6. Information Technology Team**

- 5.6.1. The Information Technology Team is to provide appropriate technical assistance to maintain electronic records management systems in accordance with the legislation and organisational requirements.

#### **5.7. Council Officials**

- 5.7.1. All Council Officials are required to make themselves aware of the recordkeeping requirements and responsibilities, in accordance with the Act and Council's Code of Conduct.
- 5.7.2. This includes:
  - 5.7.2.1. Making records to support the undertaking of business activities;
  - 5.7.2.2. Creating records that would not otherwise be created;
  - 5.7.2.3. Capturing records into electronic recordkeeping systems
  - 5.7.2.4. Capturing emails where the Council Official is the first recipient in the 'To' field.

- 5.7.2.5. Protecting and maintaining all assigned files and documents and ensuring sensitive or confidential information is placed in secure storage areas when not in use;
- 5.7.2.6. Performing reasonable searches as necessary to locate government information requested under the Government Information (Public Access) Act 2009 (NSW) (GIPA Act).
- 5.7.2.7. Make records available under the GIPA Act where delegations permit;
- 5.7.2.8. Protect confidential records as required by the Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act) and Council's Code of Conduct;
- 5.7.2.9. Protect the business interests of organisations and individuals as required by the Copyright Act 1968 (Cth) and Council's Copyright Policy.
- 5.7.2.10. Do not destroy Council records unless authorised by an approved Authority to Destroy;
- 5.7.2.11. Ensure customer request and complaint records are created in accordance with Council procedures; and
- 5.7.2.12. Understand and implement Council's records management procedures.

## 6. CAPTURE OF COUNCIL RECORDS

- 6.1. It is the responsibility of all Council Officials to make and keep full and accurate records of Council's business activities. This includes records in all formats including but not limited to hardcopy documents, emails, electronic documents, photos, plans, video, audio, social media posts, web chat and SMS/text messages. Electronic records will be stored and managed in Council's Electronic Document and Records Management System (**EDRMS**).
- 6.2. Council Officials must ensure they capture any Council records they send or receive into the EDRMS in a timely and efficient manner to ensure their security and preservation.
- 6.3. Council Officials who do not have access to Council's EDRMS must provide any Council records they create or receive to their supervisor who will ensure the records are captured into the EDRMS.

## 7. ACCESS TO COUNCIL RECORDS

- 7.1. Access to Council records will be in accordance with all relevant legislation referenced in this Policy.
- 7.2. Council complies with the openness and transparency required under the GIPA Act by providing access to Council information and publishing open access information on Council's website.
- 7.3. Council provides access to documents wherever it is legally able to do so, however some requests may require a formal GIPA Act application. Each application is considered on merit and determined by Council Officers holding the appropriate delegations.
- 7.4. Council is required to undertake reasonable searches for information requested in an access application (under the GIPA Act). What constitutes a reasonable search will depend on the circumstances.

Specifically, the requirements are that Council:

- must have undertaken such reasonable searches as necessary to locate the government information requested;
- must use the most efficient means reasonably available to it; and
- only needs to search for government information held at the time of the application.

## 8. ARCHIVING AND DISPOSAL OF RECORDS

- 8.1. All records must be protected, maintained and accessible for their entire retention period as outlined in *General Authority 39 – Local Government Records (GA39)*.
- 8.2. Records must not be disposed of without the authorisation of the Manager Information Technology.
- 8.3. The disposal of records will be undertaken in accordance with the requirements of the GA39 and the General Authority – Original or sourced records that have been copied (GA45) Records will be kept detailing any destruction of records.
- 8.4. Records that are no longer currently used, but due to their evidential or informational value, have been selected for permanent retention, are to be archived. The archiving process for records should be organised in consultation with the Record Management Team.
- 8.5. Records to be destroyed are transported off-site in a secure manner and securely disposed of by either pulping or shredding.

## 9. STORAGE AND SECURITY OF RECORDS

- 9.1. Council takes the security of its records seriously. Records are crucial, as they provide evidence of business transactions, support management decisions and ensure public accountability requirements are met.
- 9.2. Records in all formats must be stored securely to prevent unauthorised access, destruction, alteration or removal.
- 9.3. Electronic records must be stored in the EDRMS, with appropriate security applied. Other electronic information is stored in all Council's online applications and on Council's website.
- 9.4. Hardcopy records are housed in secure storage areas on-site, or at a secure offsite records storage facility. All Council records will be stored in conditions appropriate to their format and use in accordance with the NSW State Archives and Records' Standard on the Physical Storage of State Records, to minimise deterioration.
- 9.5. Unauthorised alteration, distribution, removal, or destruction of Council records is prohibited.
- 9.6. Hard copy records must not be left unattended, in unsecured areas of 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.
- 9.7. Computers must not be left unattended in unsecured areas without being locked to prevent unauthorised access to records and information.
- 9.8. All electronic records are backed up systematically.
- 9.9. 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.

## 10. MONITORING AND COMPLIANCE

- 10.1. The Records Management Coordinator and Records Management Unit will monitor and audit compliance with this policy and records management

standards to ensure the effectiveness and compliance of record keeping systems and processes.

- 10.2. Failure to adhere this policy may result in disciplinary action in accordance with the Local Government (State) Award 2017 and any successor Awards. In the case of Senior Staff a breach of this protocol will be handled in accordance with the terms and conditions of the Contract of Employment.

## 11. POLICY DEFINITIONS

<b>Accountability</b>	The principle that individuals, organisations, and the community are required to account to others for their actions. Organisations and their employees must be able to account to appropriate regulatory authorities and to the public to meet statutory obligations, audit requirements, relevant standards and codes of best practice and community expectations.
<b>Council</b>	Cessnock City Council
<b>Council Officials</b>	Includes Councillors, employees, consultants, volunteers and contractors of Council
<b>Documents</b>	Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.
<b>EDRMS</b>	Electronic Document and Records Management System
<b>Evidence</b>	Information that tend to prove a fact. Not limited to the legal sense of the term.
<b>Government Information</b>	The expression "government information" is given a wide meaning by section 4 of the GIPA Act, which provides that it is "information contained in a record held by an agency." This means that searches will need to be broadly conducted and include both paper-based and electronic records.
<b>Record(s)</b>	Recorded information, in any form, created or received and maintained by an organisation or person in the transaction of business and conduct of affairs and kept as evidence of such activity.
<b>Records Management</b>	The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations.

## 12. POLICY ADMINISTRATION

<b>Business Group</b>	Records Management Team
<b>Responsible Officer</b>	Records Management Coordinator
<b>Policy Review Date</b>	Three years from date of adoption unless legislated otherwise
<b>File Number / Document Number</b>	DOC2019/038769
<b>Relevant Legislation (reference specific sections)</b>	<p>This policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> <li>• <i>State Records Act 1998</i> (NSW)</li> <li>• <i>State Records Regulation 2005</i> (NSW)</li> <li>• <i>State Records GA-39 – General Retention and Disposal Authority – Local Government Records</i></li> <li>• <i>State Records GA-45 – General Authority – Original or source records that have been copied.</i></li> <li>• <i>State Records and Archives Authority of NSW - Standard on Records Management</i></li> <li>• <i>State Records and Archives Authority of NSW - Standard on the Physical Storage of State Records</i></li> <li>• <i>Local Government Act 1993</i> (NSW)</li> <li>• <i>Government Information (Public Access) Act 2009</i> (NSW) (GIPA Act)</li> <li>• <i>Privacy and Personal Information Protection Act 1998</i> (NSW)</li> <li>• <i>Public Interest Disclosures Act 1994</i> (PID Act) (NSW)</li> <li>• <i>Health Records and Information Privacy Act 2002</i> (NSW)</li> <li>• <i>Evidence Act 1995</i> (NSW)</li> <li>• <i>Public Finance and Audit Act 1983</i> (NSW)</li> <li>• <i>Environmental Planning and Assessment Act 1979</i> (NSW)</li> <li>• <i>Electronic Transactions Act 2000</i> (NSW)</li> <li>• <i>Evidence Act 1995</i> (NSW)</li> <li>• <i>Copyright Act 1968</i> (Cth)</li> </ul>
<b>Relevant desired outcome or objectives</b>	Civic Leadership & Effective Governance

<b>Related Policies / Protocols / Procedures</b>	<ul style="list-style-type: none"> <li>▪ DOC2019/022809 – Records Management Protocol</li> <li>▪ DOC2019/038771 – Naming Convention Protocol</li> <li>▪ DOC2019/006472 – Content Manager/TRIM User Guide</li> <li>▪ DOC2019/015730 – Archiving &amp; Disposal Management Plan</li> <li>▪ DOC2019/038774– Document Capture &amp; Quality Assurance Procedure</li> <li>▪ DOC2014/033372 – Capture Councillor Records – Business Rule.</li> <li>▪ Agency Information Guide</li> <li>▪ Code of Conduct</li> <li>▪ AS ISO 15489:1 2017 <i>Information &amp; Documentation – Records Management Part 1: Concepts and Principles</i></li> <li>▪ Privacy Management Plan</li> <li>▪ Copyright Policy</li> <li>▪ Records Management Strategy</li> </ul>
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## 9. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	<p>Establish Records management policies</p> <p>Establish Corporate standards and business rules for records management</p> <p>Receive, approve and implement auditing compliance reports with set standards</p> <p>Receive and process complaints with respect to, and in accordance with, the policy</p> <p>Approve destruction of records in accordance with the policy and the Archiving and Disposal Management Plan</p>	Manager Information Technology
	<p>Receive complaints with respect to the policy</p> <p>Performing destruction of records in accordance with the policy and the Archiving and Disposal Management Plan</p>	Records Management Coordinator



	Performing destruction of records in accordance with the policy and the Archiving and Disposal Management Plan	Records Management Team
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## 10. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1.0	20/03/2015	Policy Endorsed
1.2	30/11/2016	Updated
1.3	23/06/2017	Review of procedure by RMCI Group and RM Systems Analyst. Updates made and approved by Manager IT – taken to MAT and then to ELT for approval.
1.4	10/11/2017	Policy changes endorsed by ELT
2	06/11/2019	Updated to new format, new sections added for scope, capture of Council records, monitoring and compliance.
3	20/04/2022	Updated section 5 regarding nominated Senior Responsible Officer. Endorsed by ELT 11/3/22.