

RECORDS MANAGEMENT POLICY

Policy Number:	2.3.3
Approved by:	Chief Executive Officer
Date Effective:	17 December 2019
Date of Next Review:	1 October 2020
Related Policies:	Correspondence Guide Councillor Code of Conduct Fraud Control Privacy & Data Protection Records Disposal Policy Risk Management Staff Code of Conduct. Freedom of Information Policy CCTV Policy
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager Information Services
Statutory Reference:	<i>Freedom of Information Act 1982 (Vic)</i> <i>Privacy & Data Protection Act 2014</i> <i>Evidence Act 2008 (Vic)</i> <i>Electronic Transactions (Victoria) Act 2000</i> <i>Health Records Act 2001</i> <i>Crimes Act 1958</i> <i>Crimes (Document Destruction) Act 2006</i> Australian Standard on Records Management (AS ISO 15489), PROV Recordkeeping Standards, <i>Local Government Act 1989</i> Victorian Public Service Code of Conduct. <i>Public Health and Wellbeing Act 2008</i>

OVERVIEW

To establish policy and recordkeeping framework outlining accountabilities and responsibilities for the creation, receipt, capture, protection, control, management and disposal of Wellington Shire Council's records in accordance with legislative requirements. The policy also specifies the potential consequences of non-compliance and, or breaches.

THE POLICY

This policy applies to all records regardless of medium or format, created, received or retained, by any staff member, where they handle information of a Council business nature and also applies to all contractors and consultants that handle information of a Council business nature in accordance with their contractual obligations, volunteers, trainees and Councillors.

Wellington Shire Council is committed to making and maintaining information and records that fully and accurately reflect its business activities, and undertakes to provide its staff with appropriate guidance, tools and services to ensure its recordkeeping commitments are achieved.

Records contain information that is a valuable resource and an important business asset. Good recordkeeping maintains corporate, personal and collective memory and provides protection and support in litigation including the management of risks associated with the existence of or lack of evidence of organisational activity.

Records also enable the conduct of business in an orderly, efficient and accountable manner. Procedures and other guidelines are not required to be adopted by Council.

The purpose of this policy is:

- Define roles and responsibilities for the creation, management and disposal of records.
- Ensure full and accurate records of all business activities, including decisions of Council are maintained to support community, business and legislative requirements.
- Ensure appropriate access and security levels are maintained.
- Ensure corporate records are easily retrieved and accessible now and in the future.

Definitions:

A comprehensive list of recordkeeping definitions is available by contacting Information Management staff or searching Wellington Shire Council's electronic document records management system for the document titled "DEFINITIONS – RECORDKEEPING TERMS"

Record A record as defined under the Public Records Act means any record of information, however recorded, created or received by a public officer in the course of their duties.

A record can be in electronic (e.g. email, fax, word, PDF, video, social media, CCTV audio and footage, recording, instant messaging) or hardcopy format (e.g. paper, photo etc).

Document Documents consist of recorded information or data that can be structured or unstructured and in written, printed, or electronic form.

EDRMS Electronic Document Records Management System

Responsibilities:

The Chief Executive Officer is responsible for ensuring that Wellington Shire Council complies with legislative requirements for recordkeeping, including the *Public Records Act 1973*.

All managers and supervisors are responsible for monitoring staff under their supervision to ensure that they understand and comply with records management policies and procedures. Managers and supervisors are also responsible for fostering and supporting a culture within their workgroup that promotes good record management practices.

All members of staff (including Councillors, consultants, volunteers and those under contract) have a responsibility to create, capture and manage complete and accurate records of Council's business, including records of decisions made, actions taken and transactions of daily business. They must also respect the privacy of individuals and the confidentiality of corporate information and protect records from unauthorised access, alteration, removal or destruction and from inappropriate release of information.

Records management responsibilities of all staff as identified in the policy are included in staff position descriptions.

Councillors are responsible for ensuring that full and accurate records of activities undertaken in the course of their official duties as Councillors are created, managed and disposed of appropriately to meet the Council's organisational needs and transparent governance practices. Councillors must respect and protect the confidentiality of these Records from unauthorised access and release of information. Records which have sought staff opinion or response are public records and must be captured in the organisations EDRMS and managed in accordance with the Public Record Office Victoria Standards, Policies, Guides and retention and disposal authorities (PROS 07/01 Common Administrative Functions & PROS 09/05 Local Government Functions).

Staff Departure

On ceasing employment or a contract with Council, employees, contractors, consultants and temporaries are responsible to ensure that all physical records in their custody are transferred to their supervisor or returned to Information Management. They are also responsible for ensuring records are not deliberately or accidentally deleted or destroyed. Records must remain active for their required retention and be retrievable until they are eligible for destruction in accordance with the relevant retention and disposal authorities. Information Management staff manage authorised document destructions

Policy Statements:

- Wellington Shire Council ensures all employees, Councillors, contractors and volunteers receive appropriate training, guidelines and practical advice.
- Wellington Shire Council ensures that records of longer-term value are identified and protected for historical purposes and those records identified as permanent are transferred. Wellington Shire Council follows sound procedures for the retention and disposal of all information and records;
- Wellington Shire Council does not condone the falsification, alteration, or damage of records;
- Wellington Shire Council follows sound procedures for the storage of all information and records, including those in electronic format. This includes the implementation of appropriate disaster preparedness planning, and approved public records offsite storage for physical records (APPROS);
- Wellington Shire Council has an Agreement with Grace Records Management (MAV Procurement) for the secure offsite storage of short and long term temporary records;
- Wellington Shire Council does not condone the destruction of records, except in accordance with PROV Standards.
- Records reasonably likely to be required as evidence in current or future legal proceedings must not be destroyed, concealed, rendered illegible, undecipherable or incapable of identification.
- Wellington Shire Council ensures that risk management and business continuity planning are considered as an integral part of information and records management practices.
- This policy will be communicated throughout Wellington Shire Council through all levels of business to all members of staff (including volunteers and those under contract, and Councillors) and must be incorporated in regular staff training including, staff induction training and Councillor inductions

Recordkeeping Systems:

Records Systems at Wellington Shire Council manage the following processes:

- The creation and capture of records;
- The maintenance and management of records;
- The storage of records;
- The protection of record integrity and authenticity;
- The security of records;
- Access to records; and
- Disposal of records.

Council's EDRMS assists in making full, complete, accurate and reliable records, which are

compliant, adequate, complete, meaningful, comprehensive, accurate and authentic, by being securely maintained to prevent unauthorised access, alteration, removal or destruction.

Records captured within Council's authorised electronic records document management system are accessible to all staff unless restricted access is required. System Administrators are responsible for assigning access rights to ECM accounts and auditing the access periodically.

The following exemptions to general access apply:

- where information is commercial in confidence, personal in confidence, or management in confidence; and
- where information is restricted due to legislative or business requirements.

While the EDRMS constitutes Wellington Shire Council's preferred primary records system for all corporate administrative records, there are a number of databases and software applications that may generate records which operate outside of the EDRMS.

Information Ownership

Any physical document, data or information in electronic format, irrespective of how it came to be in a computer system owned or managed by the Council remains the property of the Council including any personal documents and emails.

PENALTIES & EXEMPTIONS

Adherence to the Records Management Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Section 254 of the *Crimes Act 1958* creates an offence relating to the destruction of a document or other object that is reasonably likely to be required in evidence in a legal proceeding. It is important to note that the Act creates this offence in situations where no litigation is actually commenced (it has always been illegal to destroy evidence once a case has actually been launched). This covers circumstances where an individual or organisation destroys documents that may at some *future* time be needed in evidence, and where this need can and has been anticipated. The Act specifies penalties for the offence, for both individuals and for corporate entities

ENQUIRIES/FURTHER INFORMATION

Enquiries regarding Records Management or this Policy can be directed to Council's Coordinator Information Management by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human

Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

Related Documents

Type:	Details:
Procedure	Nil
Strategy	Nil