

## RECORDS MANAGEMENT POLICY

<b>Policy Number:</b>	2.3.3
<b>Approved by:</b>	Chief Executive Officer
<b>Date Effective:</b>	December 2021
<b>Date of Next Review:</b>	October 2022
<b>Applicable to Unit(s):</b>	Organisation
<b>Responsible Officer:</b>	Manager Information Services
<b>Related Policies:</b>	Fraud Control Policy Privacy & Data Protection Policy Records Disposal Policy Risk Management Policy Freedom of Information Policy CCTV Policy Social Media Policy
<b>Related Documents:</b>	Written Style Guide Councillor Code of Conduct Employee Code of Conduct
<b>Statutory Reference:</b>	<i>Freedom of Information Act 1982 (Vic)</i> <i>Privacy &amp; 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 2020</i> Victorian Public Service Code of Conduct. <i>Public Health and Wellbeing Act 2008</i> <i>Public Records Act 1973</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.

This Records Management Policy is to ensure comprehensive and accurate records of all activities and decisions of Wellington Shire Council are created, managed and kept in accordance with relevant legislation.

This policy:

- Defines roles and responsibilities for the creation, management and disposal of records.
- Ensures full and accurate records of all business activities, including decisions of Council are maintained to support community, business and legislative requirements.
- Ensures appropriate access and security levels are maintained.
- Ensures 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

Records Management responsibilities for Victorian Government agencies are detailed in the records management standards and specifications issued by the Public Record Office Victoria (PROV) under the Public Records Act 1973.

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 or software fit for purpose 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 of physical records which can only occur after inactive records which have reached their minimum document retention have been approved for destruction by the Manager and General Manager of the business unit to which the documents relate.

To ensure staff computer and software access is disabled promptly on their departure, relevant staff are alerted of the pending departure and must action departure requirements and sign the Departure Checklist. The Coordinator Information Management and the Senior Information Officer manage Councils EDRMS System Maintenance and promptly remove access rights to the system when staff departures, secondments and onboardings occur.

### **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
- Onboarding and existing staff complete an inhouse e-learning training course on Recordkeeping & Privacy and periodically are required to re-complete the training to maintain currency and knowledge.
- EDRMS training is also provided to relevant staff via one-on-one and group face-to-face and Skype training sessions and Information Management staff are readily available to assist with recordkeeping enquiries and EDRMS ongoing assistance.

## **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.

Access to records must be open, unless there is a justifiable reason to restrict the access.

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 manage 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.

## **Storage**

The PROV Storage Standard requires that all public records, regardless of format, are stored in areas appropriate for their security, preservation and retrieval.

## **Security**

The Code of Conduct for Victorian Public Sector Employees requires that public sector employees with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures. Public sector employees may only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. Records must only be retrieved and used for authorised purposes in accordance with relevant legislation and access policies.

Records must be kept secure from unauthorised access, unauthorised release, alteration and unlawful destruction.

## **PENALTIES AND 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](mailto: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.