



DATE ADOPTED: 26 SEPTEMBER 2023

VERSION: 4.0

POLICY OBJECTIVES

The objective of this policy is to:

- Establish a framework for the implementation of a records management program at Maitland City Council ("Council") in conformity with standards and codes of best practice.
- Ensure effective information management and retrieval across Council and highlight the responsibilities of Council staff regarding compliance with the *State Records Act 1998* (NSW).
- Ensure the preservation of Council's 'corporate memory' through sound record-keeping practices and the accurate capture of information to meet legal, evidential and accountability requirements.
- Ensure that Council's Records Management Program provides timely and comprehensive information to meet legal obligations, operational business needs, accountability requirements and community expectations.

POLICY SCOPE

This policy applies to the General Manager, the Mayor, Councillors, contractors, volunteers, delegates, and all staff of Maitland City Council.

This policy applies to all Council business records including electronic and physical records. It includes records which are created, collected, processed, used, sentenced, stored, and disposed of in the conduct of official Council business.

POLICY STATEMENT

Under the *State Records Act 1998* (NSW) ("State Records Act"), public offices such as Maitland City Council are required to establish and maintain a records management program in conformity with standards and codes of best practice approved by the State Records Authority.

Maitland City Council is committed to meeting its responsibilities under the State Records Act and to implementing best practice in its information management practices and procedures. A records management framework has been adopted by Council and outlines legislative requirements, strategies, plans, manuals, processes and supporting guidelines specifically designed for managing its corporate information.

This framework aims for best practice in information management practices and processes by:

- Providing the foundations for efficient, effective, and responsible keeping of all records in traditional hardcopy or electronic format, and
- Ensuring that the business of the organisation is adequately documented and the resulting evidence, in the form of records, is effectively managed so business, accountability and cultural needs are met.

The records of Council are a vital asset and often cannot be easily reconstructed or replaced. They are the major component of corporate memory as they provide evidence of actions, decisions, and document Council's transactions.

Maitland City Council is dedicated to managing records electronically wherever possible and will do so in compliance with the State Records Act, Electronic Transactions Act 2000 (NSW) and Evidence Act 1995 (NSW) requirements.

1. ACCOUNTABILITY REQUIREMENTS

1.1 General Manager

Under the State Records Act, the General Manager is responsible for ensuring that Council complies with the regulations and requirements of this Act.

1.2 Mayor and Councillors

The Mayor and Councillors are responsible for the adoption of and compliance with the requirements of the Records Management Policy by ensuring that full and accurate records of activities and decisions in the course of their official duties are created, registered, managed, and disposed of appropriately to meet the Council's organisational needs and accountability requirements.

1.3 Coordinator Governance and Information Management

The Coordinator Governance and Information Management is responsible for the efficient management of Council's records (physical and electronic) incorporating sound record-keeping principles and records management best practice guidelines.

The Coordinator Governance and Information Management is responsible for providing a strategic focus for record-keeping throughout Council including establishing best practice and ensuring compliance with the requirements of the State Records Act.

1.4 Information Management Team

The Information Management Team is responsible for the effective management and system administration of Council's Corporate Information System. The Information Management Team will assist staff to fulfil their record-keeping responsibilities and will provide advice and training as required.

Operationally, the Information Management Team is responsible for the scanning, registration, and electronic distribution of incoming and outgoing records of Council. The team also provides and facilitates the sentencing, archiving, and destruction of Council records, and the monitoring and auditing of records management processes.



1.5 Managers

Managers are responsible for ensuring their staff are trained, utilise the Corporate Information System and respond to correspondence within determined timeframes.

1.6 Staff

Under the State Records Act all staff are required to “make and keep full and accurate records of business activities” (section 12(1), State Records Act).

Council staff have a number of basic obligations regarding records:

- Make records to support the conduct of their business activities.
- Create and maintain records electronically where possible.
- Do not destroy Council records without authority from the Information Management Team and the General Manager.
- Treat information as a valuable corporate asset and handle records with care and respect in a sensible manner to avoid damaging records with a view to prolonging their life span.
- Ensure that records regardless of format are captured into Council’s official record-keeping system.
- Do not relinquish control of any records to any third-party organisations without the express knowledge and permission of the Information Management Team.
- Be aware of and proficient in records management procedures.
- Maintain the confidentiality of records in accordance with Council’s Code of Conduct, *Government Information (Public Access) Act 2009* (NSW) (‘GIPA Act’), and *Privacy and Personal Information Protection Act 1998* (NSW) (‘PIIP Act’).

2. ACCESS TO COUNCIL RECORDS

Access to Council records will be administered in accordance with relevant legislation, statutory authority guidelines and Council policy including the GIPA Act, PPIP Act, Information and Privacy Commission Information Access Guidelines and Council’s Right to Information Policy.

3. STORAGE AND SECURITY OF RECORDS

All records will be stored appropriately to allow for their retrieval, use and preservation whilst maintaining their security, privacy, and confidentiality. Electronic records will be stored in Council’s Corporate Information System and will be backed up systematically. Physical records will be housed on-site or at Zirco Data Records Storage Repository and in compliance with the NSW State Records Standard on the Physical Storage of State Records.

Unauthorised alteration, distribution, removal, or destruction of Council records is prohibited.

4. ARCHIVING, DISPOSAL AND DESTRUCTION OF RECORDS

Council records must be protected, maintained and accessible for their entire retention period as outlined in NSW State Records Authority Standards GA-39-General Retention and Disposal Authority: Local government records (‘GA-39’) and GA-45-General Retention and Disposal Authority: Original or source records that have been copied (‘GA-45’).

All Council records will be archived and destroyed in accordance with GA-39 and GA-45.



5. VITAL RECORDS

Vital records are those records, in any form, which contain information essential to the continued business of the organisation, which if lost, damaged, destroyed or otherwise unavailable could affect critical operations. Vital records should be the main priorities for salvage when a disaster occurs.

Vital records may include records that are needed to:

- Operate the organisation during a disaster,
- Re-establish the organisations functions after a disaster, or
- Establish and protect the rights and interests of the organisation and its clients.

Examples of vital records include (but not limited to) bank guarantees, contracts and agreements, insurance policies, legal documents, software programs and licenses, personnel register, and current financial records.

6. MONITORING

The Coordinator Governance and Information Management will monitor and audit compliance with this policy and records management standards to ensure the effectiveness and efficiency of record-keeping systems and processes.

Regular planning for the records management program is to be undertaken through specific strategic and operational plans, which will be reviewed on a regular basis.



POLICY DEFINITIONS

Accountability:	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, to shareholders or members, and to the public to meet statutory obligations, audit requirements, relevant standards and codes of best practice and community expectations.
Business Activity:	Umbrella term covering all the functions, processes, activities and transactions of an organisation and its employees. Records that document business activity are vital for supporting informed decision making, corporate memory and ensuring accountability.
Documents:	Document means any record of information, published or unpublished, in hard copy or electronic form, and includes: <ul style="list-style-type: none">• anything on which there is writing, or• anything on which there are marks, figures, symbols, or perforations having a meaning for the person qualified to interpret them, or• anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or• a map, plan, drawing or photograph.

(Evidence Act 1995 (NSW), Part 1 Definitions)

Evidence:	Information that tends to prove a fact. Not limited to the legal sense of the term.
Record-keeping:	Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
Record:	Recorded information, in any form, created or received and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business. <i>(AS ISO 15489.1 2017 Part 1, Clause 3.15)</i>
Records Management:	The discipline and organisational function of managing records to meet legal obligations, operational business needs, accountability requirements and community expectations.
Vital Record:	Electronic or paper record that is essential for preserving, continuing, or reconstructing the operations of an organisation and protecting the rights of an organisation, its employees, its customers, and its stakeholders.

A glossary of recordkeeping terms used in the NSW public sector is available on the NSW Government State Records website at <https://staterecords.nsw.gov.au/recordkeeping/guidance-and-resources/glossary-recordkeeping-terms>.



POLICY ADMINISTRATION

BUSINESS GROUP:	Strategy, Performance and Business Systems
RESPONSIBLE OFFICER:	Group Manager Strategy, Performance and Business Systems
COUNCIL REFERENCE:	Ordinary Council Meeting 26 September 2023 – Item 11.1
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	118/1
RELEVANT LEGISLATION	<ul style="list-style-type: none"> • Australian Standard – ISO 15489.1 – Records Management – Part 1 – General • Australian Standard – ISO 15489.1 – Records Management – Part 2 – Guidelines • Companion Animals Act 1998 • Copyright Act 1968 • Crimes Act 1900 • Electronic Transactions Act 2000 • Environmental Planning and Assessment Act 1979 • Evidence Act 1995 • Fringe Benefits Tax Act 1986 • Government Information (Public Access) Act 2009 • Insurance Act 1902 • Health Records and Information Privacy Act 2002 • ICAC Act 1988 • Local Government Act 1993 • Local Government (General) Regulation 2021 • Local Government Records Authority – GA39 and GA45 • Ombudsman Act 1974 • Payroll Tax Act 2007 • Privacy and Personal Information Protection Act 1998 • Public Sector Employment and Management Act 2002 • Roads Act 1993 • State Records Act 1998 • State Records Regulation 2015 • State Emergency and Rescue Management Act 1989 • Swimming Pools Act 1992 • Trade Practices Act 1974 • Workers Compensation Act 1987 • Work Health and Safety Act 2011 • Work Health and Safety Regulation 2017
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none"> • Code of Conduct • Right to Information Policy • Privacy Management Plan



POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	10/12/2002	New policy adopted
2.0	29/01/2013	Review of policy and new guidelines adopted
3.0	23/02/2016	Review of policy
4.0	26/09/2023	Periodic review, update to accountability requirements, access to information section, archiving, disposal, and destruction of records section to include GA-45, legislation, and staff title

