



DATE ADOPTED: 26 MARCH 2024

VERSION: 3.0

POLICY OBJECTIVES

The objective of this policy is to ensure that full and accurate records relating to the activities and decisions of Councillors in the course of their council duties, are created, captured, managed and disposed of appropriately to meet organisational needs and legislative requirements.

POLICY SCOPE

This policy applies to the Mayor and Councillors in the conduct of Council business whilst carrying out the functions and duties of a Councillor.

This policy applies to records in all formats including electronic records and hard copy records.

POLICY STATEMENT

Councillors are required under the State Records Act 1998, to register records they create or receive that relate to the business of Council. This policy sets out the requirements and the process for registering Councillor Records into Council's record keeping system.

What is a record?

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 is kept as evidence of such activity.

1. IMPORTANCE OF RECORD KEEPING

Accurate record keeping provides protection for Councillors, in the event that questions are raised regarding conduct. Documenting events, activities and decisions enables Councillors to recall or provide information on a matter when required and supports the transparency of Councillor Conduct.

Records are a vital asset to Council. Many records created and received by Councillors have the potential to:

- Support the work of Councillors and Council's delivery program, management and administration
- Help Councillors and Council deliver customer services in an efficient fair and equitable manner
- Provide evidence of Councillors actions and decisions and establish precedents for future decision making
- Protect the rights and interests of the Council, Councillors and customers

2. EXAMPLES OF COUNCIL RECORDS

Examples of Council Records which need to be captured include (but are not limited to):

- Correspondence, including emails, regarding building and development matters, licences or leases of public land, tendering and procurement.
- All letters (including personal references) written on Council letterhead
- Petitions received from community groups
- Declarations of pecuniary interests
- Speech notes for addresses given at official council events
- Complaints, suggestions or enquiries by rate payers about Council services.

3. EXAMPLES OF RECORDS THAT ARE NOT COUNCIL RECORDS

- Records created or received when not conducting/undertaking functions of Council.
- Records relating to political or electoral issues
- Communications regarding matters of personal/private interest rather than Council interest.
- Records relating to attendance at events when not representing Council.
- Personal records of Councillors.

4. CREATING AND CAPTURING RECORDS

4.1 Creating Records

Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- Providing advice, instructions or recommendations
- Drafts of documents for Council containing significant annotations or submitted for comment or approval by others.
- Correspondence received or sent relating to their work undertaken for Council.

When creating documents for Council business Councillors must use Council's paper and electronic templates. These include template for emails, faxes, letters and memos.

Details of significant conversations should be recorded using the Council's standard file note template. Records should be made as soon as possible after the event to ensure the information is accurate.

4.2 Capturing Records

Any records of Council business must be forwarded as soon as practicable to Council's Information Services Department and will then be captured into the Corporate Information System by a Council Officer.

Electronic records - should be emailed to the Information Services Department at recordsinbox@maitland.nsw.gov.au.

Paper records should be forwarded to Council with the attention of the Information Services Department.

If the records are of a sensitive or confidential nature, the Councillor should note this on the record so that appropriate security controls can be applied to the document.

Correspondence from Council to Councillors will be captured into the Corporate Information System before being sent to Councillors.



5. COUNCILLOR COPIES

If a Councillor retains copies of any records once the original has been sent to Council for capturing, these should be retained only while needed for current council business. The routine destruction of copies is permitted under the State Records Act 1998.

6. COUNCILLOR MAIL

Any mail addressed to Councillors will be sent to the Councillor unopened. It is then the responsibility of the Councillor to return any mail that is a Council record to Council to be captured into the Council record keeping system.

Emails received by Council marked for the attention of Councillors will be forwarded to the Councillors email address. These will be captured into Councils Corporate Information System before forwarding to the Councillor.

7. ACCESSING COUNCIL RECORDS

For information regarding Councillors Access to Information / records, please see the 'Right to Information Policy.'

8. DISPOSAL OF RECORDS

Records must be disposed of in accordance with the State Records Act 1998 and the General Retention and Disposal Authorities issued by State Records (GA39 & GA36)

Councillors should liaise with Council regarding the disposal of any records of Council business to ensure legislative requirements are met, destruction is undertaken appropriately, and disposal decisions are documented.

Council will provide access to a secure destruction bin at the Council administration building for the purpose of disposal of duplicate copies of records.

9. BREACHES OF THIS POLICY

A breach of this policy will be taken to be a breach of the Code of Conduct. Complaints regarding breaches must be made in accordance with the Code of Conduct and will be dealt with in accordance with the provisions of the Code of Conduct.



POLICY DEFINITIONS

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| Record | 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 is kept as evidence of such activity. |
| Record Keeping | Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. |
| Records Management | The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations. |

POLICY ADMINISTRATION

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|---|---|
| BUSINESS GROUP: | Office of the General Manager |
| RESPONSIBLE OFFICER: | Manager, Office of the General Manager |
| COUNCIL REFERENCE: | Ordinary Council Meeting |
| POLICY REVIEW DATE: | Three (3) years from date of adoption |
| FILE NUMBER: | 118/1 |
| RELEVANT LEGISLATION | <ul style="list-style-type: none"> • Government Information (Public Access) Act 2009 • Local Government Act 1993 • Privacy & Personal Information Protection Act 1998 • State Records Act 1998 |
| RELATED POLICIES / PROCEDURES / PROTOCOLS | <ul style="list-style-type: none"> • Code of Conduct • Privacy Management Plan • Records Management Framework • Records Management Guidelines • Records Management Policy • Right to Information Policy |

POLICY HISTORY

| VERSION | DATE APPROVED | DESCRIPTION OF CHANGES |
|---------|---------------|--|
| 1.0 | 10/12/2013 | New policy adopted |
| 2.0 | 25/10/2016 | Periodic review |
| 3.0 | 26 March 2024 | Periodic Policy review and responsible business unit amended due to council restructure. |





