

# Council Policy

## Records and Information Management



## CONTROLLED DOCUMENT INFORMATION

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Further Document Information and Relationships	
<b>Related Legislation*</b>	<p><a href="#">Local Government Act</a>  <a href="#">Model Code of Conduct for Local Councils in NSW, 2020</a>  <a href="#">Government Information (Public Access) Act 2009</a>  <a href="#">State Records Act 1998   State Records NSW</a>  <a href="#">Privacy and Personal Information Protection Act 1998</a>.</p> <p>General retention and disposal authority:</p> <ul style="list-style-type: none"> <li>- local government records GA39</li> <li>- Childcare services <a href="#">FA404 PDF</a></li> <li>- Child protection <a href="#">FA318 PDF</a></li> <li>- Cemeteries and crematoria operations <a href="#">FA428 PDF</a></li> </ul> <p><a href="#">Health Records and Information Privacy Act 2002</a>  <a href="#">Public Interest Disclosures Act 1994</a>  <a href="#">Work Health and Safety Regulation 2017</a>  <a href="#">Evidence Act 1995</a>  <a href="#">Electronic Transactions Act 2000</a></p>

	<a href="#">Privacy and Personal Information Protection Act 1998 No 133;</a>
<b>Related Policies</b>	<a href="#">Council Policy - Information Management Security Policy</a> <a href="#">Council Policy - Code of conduct</a> <a href="#">Council Policy - Access to Information Held by Council</a> <a href="#">Council Policy - Legislative Compliance Policy</a> <a href="#">Council Policy - Privacy Management Plan</a> <a href="#">Information Asset Register</a> Operational Policy - Records and Document Management Standards (To be Developed) Operational Policy - Business System Design and Standards (To be Developed) Operational Policy - Information and records management tools (To be Developed)
<b>Related Documents</b>	Childcare Records Confidentiality & Management
<b>Note:</b> Any reference to Legislation will be updated in this Policy as required. See website <a href="http://www.legislation.nsw.gov.au/">http://www.legislation.nsw.gov.au/</a> for current Acts, Regulations and Environmental Planning Instruments.	

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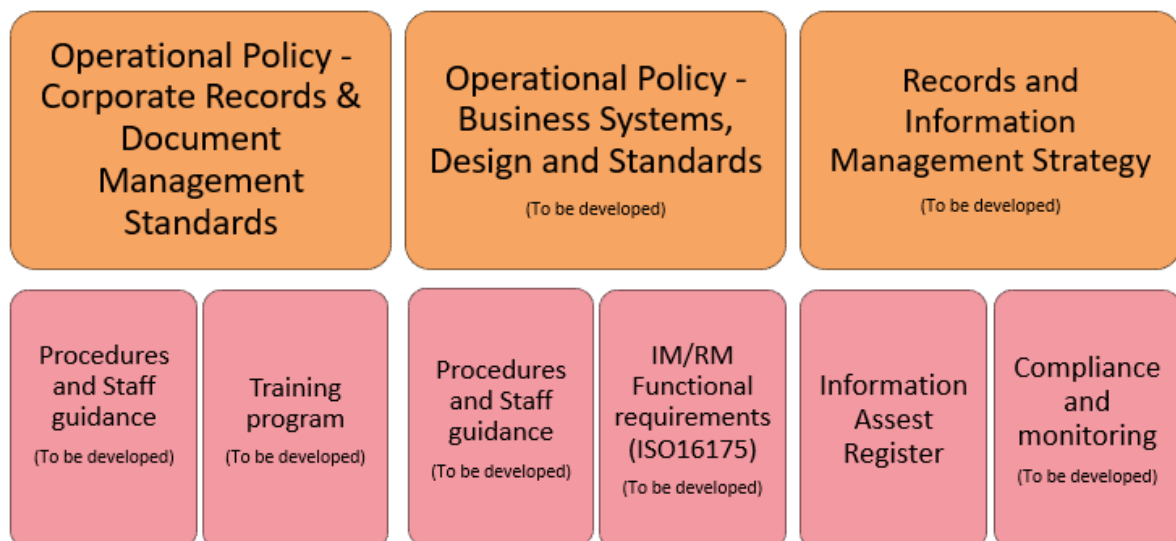
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## 1. Purpose

The purpose of this Policy is to establish how Parkes Shire Council will meet its obligations under the State Records Act 1998 (NSW). This policy sets out a Framework for the creation and management of authentic, reliable, and useable records and information, that support all business functions and activities of Parkes Shire Council and that comply with legislative requirements and relevant standards.

# Records and Information Management Policy & Framework



## 2. Commencement and Review

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed by resolution of Council.

## 3. Scope and Application

Public offices are bound by the *State Records Act 1998* which establishes rules for best practice for recordkeeping in NSW Government, encouraging transparency and accountability. Councils are identified as public offices under the Act (section 3(1)) requires Council's to make and keep full and accurate records of their work.

Records and information in any format that is created, received, or maintained by the organisation as part of business, must be captured into specialised business system for recordkeeping, and described and classified in accordance with standards and procedures set out by NSW State Archives and local business procedures.

This Policy applies to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council. To ensure that full and accurate records of all activities and decisions they make, in the course of official duties for Council, are created, managed, and disposed of appropriately and applies to records in all formats.

Records are a corporate asset and should not be removed from the custody of Council. They should only be released in accordance with established Council policies and in compliance with relevant legislation and Council's Code of Conduct.

#### 4. Definitions

In this Operational Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
<b>Council</b>	means Parkes Shire Council.
<b>Business Day</b>	means a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
<b>General Manager</b>	means the General Manager of Parkes Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
<b>Governing Body</b>	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
<b>Archives</b>	Archives are records that are appraised as having continuing value (i.e. they need to be kept permanently). They may have continuing value because they meet an ongoing legal or evidential requirement, or because they meet a research need for an organisation or community. Archives can be in any format, including digital. Archives provide: <ul style="list-style-type: none"> <li>• 'Long term memory' enabling better planning, decision making, access to past experience, expertise, knowledge, and historical perspective.</li> <li>• Evidence of continuing rights, entitlements, and obligations</li> <li>• Instruments of power, legitimacy, and accountability.</li> <li>• A source of understanding and identification</li> <li>• A vehicle for communicating political, social, and cultural values.</li> </ul>
<b>Data</b>	Data are the building blocks ie. the raw words, numbers, etc. that are recorded, stored, and ready to process and from which information is derived
<b>Disaster plan</b>	A plan for measures to be taken for disaster prevention, disaster response and recovery and vital records protection.
<b>Electronic or Digital Records</b>	A digital record is digital information, captured at a specific point in time that is kept as evidence of business activity. A digital record can be 'born' digital (such as an email message) or a scanned digital image of a paper source record.
<b>Government Record</b>	A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.

<b>Information</b>	When data is processed and assembled, it becomes information that can be used or analysed. Information management is, in general terms, the discipline of managing information in its many forms. Information is a broader concept than records. It may include published or unpublished material, records, or raw data
<b>Physical records</b>	Physical records include records in files, folders, paper documents, maps, and plans.
<b>Record</b>	Any document or other source of information compiled, recorded, or stored in written form or on film, or by electronic process, or in any other manner or by any other means (State Records Act 1998 Section 3, Government Information Public Access Act Schedule 4 Clause 10). The knowledge of a person is not a record for the purposes of this policy.
<b>Recordkeeping requirements</b>	Requirements arising from regulatory sources, business needs and community expectations that identify the types of records that should be created, and the management framework needed in order to have, and accountably manage, all the business information that is necessary for an organisation
<b>Records and Information Management</b>	Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records and information, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records
<b>Record disposal</b>	Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.
<b>State Archive</b>	A State record that the State Records Authority of New South Wales has control of under the State Records Act, 1998 (NSW).
<b>Vital Record</b>	Those records that are essential for the ongoing business of an agency, and without which Parkes Shire Council could not continue to function effectively. The identification and protection of such records is a primary object of records management and counter disaster planning.

## 5. Responsibility

Position	Responsibilities
General Manager	<ul style="list-style-type: none"> <li>Ensures that the Parkes Shire Council complies with the requirements of the State Records Act 1998 and the standards and requirements issued under the Act</li> <li>Ensures that the Parkes Shire Council complies with other legislation relating to records management and recordkeeping.</li> </ul>
Director	<ul style="list-style-type: none"> <li>Ensures that the Records Management Program is adequately resourced.</li> <li>Represents records management interests on the Executive</li> </ul>
Executive Manager Customer and Information Services	<ul style="list-style-type: none"> <li>Senior Responsible Officer (SRO)</li> <li>Has ownership of the Records and Information Management Policy and Framework</li> <li>Authorise the disposal of records</li> <li>Responsible for the conduct of records management operations</li> </ul>
Records and Information Management Coordinator	<ul style="list-style-type: none"> <li>Compiles <i>Records and Information Management Framework</i> and standards in relation to all aspects of records management</li> <li>Monitors compliance with the <i>Records and Information Management Framework</i> and standards across the Parkes Shire Council and makes recommendations for improvement or modification of practices</li> <li>Coordinates the disposal of all records</li> <li>Ensures that all staff are aware of their recordkeeping responsibilities</li> <li>Coordinates a records and Information management training program</li> <li>Develops strategic and operational plans for the Records and Information <i>Management Program</i></li> <li>Formulates and maintains retention and disposal authorities</li> <li>Maintains vital records lists and counter disaster plans</li> <li>Reports to the State Records Authority on the Records Management Program</li> <li>Ensures that records and information management is integrated into work processes, systems, and services is allocated to business owners and business units.</li> </ul>
Business Systems and Technology	<ul style="list-style-type: none"> <li>Ensures records and information management is assessed in system acquisition, system maintenance and decommissioning, and implemented where required. <ul style="list-style-type: none"> <li>Systems specifications for high risk and high value business include records and information management requirements.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>- Systems specifications include requirements for metadata needed to support records identification, useability, accessibility, and context.</li> <li>- Documentation of systems design and configuration maintained.</li> <li>• Provides support and infrastructure to ensure that records kept in electronic form are managed so that they are accessible, readable, inviolate, complete, comprehensive, and authentic for as long as required.</li> <li>• Liaises with Records and Information Management Team regarding counter disaster planning for electronic records.</li> </ul>
Business units/owners	<ul style="list-style-type: none"> <li>• Ensure that records are created and managed in a way that complies with the Parkes Shire Council Records and information Management and Framework.</li> <li>• Ensure that records and information management is integrated into work processes, systems, and services</li> <li>• Consult with records when introducing new activities or systems to ensure legislative compliance.</li> <li>• Authorise destruction of records in coordination with the Records and Information Management Team.</li> <li>• Create full and accurate records of all business activities</li> </ul>
All Staff	<ul style="list-style-type: none"> <li>• Comply with Records and Information Management Policy and Framework</li> <li>• Create and keep full and accurate records of all business activities</li> <li>• Ensure that all records are captured into the authorised recordkeeping systems</li> <li>• Liaise with the Records and Information Management Team for process changes to ensure record and information continuity.</li> <li>• Handle records sensibly and with care and respect to avoid damage to the records and prolong their existence.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Manage records that they create on behalf of the Parkes Shire Council according to the terms of their contract.</li> <li>• All records created by contractors performing work on behalf of the Parkes Shire Council belong to the Parkes Shire Council and are records under the State Records Act 1998. This includes the records of contract staff working on the premises as well as external service providers.</li> </ul>

## 6. Policy Statement

Parkes Shire Council recognises that records and information is a core asset that provide the foundation to support business activity, decision making, make up the corporate memory, drive collaboration and communication, preserve knowledge, and provide stakeholders with transparency and accountability.

Records and information must be:

Principles	
<b>Valued:</b> Information is valued as a business asset	<p>Records and information are recognised as key corporate assets that:</p> <ul style="list-style-type: none"> <li>• support Council in fulfilling its legislative and regulatory requirements, and</li> <li>• provide evidence of decisions and actions.</li> </ul> <p>Records are an indispensable ingredient for accountable Government. Poor recordkeeping results in inefficiencies and poor decision-making</p>
<b>Designed:</b> Information is designed and managed to meet operational needs and achieve business objectives.	<p>Information is supported by:</p> <ul style="list-style-type: none"> <li>• an appropriate governance framework,</li> <li>• managed so that it directly supports organisational, business and community requirements.</li> </ul> <p>appropriate technologies, resourcing and skills capabilities according to assigned roles and responsibilities.</p>
<b>Trusted:</b> Creating, collecting, and managing high quality and trusted information is a business priority.	<p>Council will have confidence that:</p> <ul style="list-style-type: none"> <li>• information is accurate, authentic and trusted, allowing its ongoing use and reuse by Council staff and relied upon by key stakeholders and the community.</li> </ul> <p>Information can be used for evidence-based decision making and accountability.</p>
<b>Governed:</b> Information management practices are controlled by policy and strategy according to best practice and government requirements.	<p>Policy and strategy identify:</p> <ul style="list-style-type: none"> <li>• the value of corporate records and information,</li> <li>• how records and information are managed,</li> <li>• the various levels of responsibility and accountability for records and information within the organisation,</li> <li>• requirements for records and information outsourcing and service delivery arrangements., and</li> </ul> <p>the monitoring of records and information activities, systems and processes.</p>
<b>Protected:</b> Information is protected from unauthorised access, loss, alteration, or destruction.	<p>Systems, information structures and practices will be designed to ensure:</p> <ul style="list-style-type: none"> <li>• information can be shared,</li> <li>• release of information is in accordance with government requirements, and</li> </ul> <p>information is readily available to the community.</p>
<b>Available:</b> Information is made available open to the community and stakeholders as required.	<p>Information and records are:</p> <ul style="list-style-type: none"> <li>• protected against internal and external threats,</li> <li>• stored securely in formats that are interoperable.</li> <li>• retained for as long a required and destroyed under appropriate authorisation.</li> </ul>

## **6.1. Electronic records and Data**

Records must be captured by all staff into dedicated recordkeeping systems. Records are not to be kept alone in email folders, shared drives, personal work drives; Microsoft OneDrive, Microsoft Teams, or in any other uncertified location.

Personal (or private) email, Google, or Microsoft accounts (i.e., an account not issued by the Parkes Shire Council) must not be used for the purpose of transacting work-related business or storing work-related records and information. This requirement applies to any cloud-based services involving the use of a personal or private account (such as Dropbox, iCloud, Smartsheets, Facebook, Messenger and so on).

All records generated for or on behalf of Council are the intellectual property of Parkes Shire Council.

## **6.2. Managing physical Records**

Business units are responsible for resourcing and managing any sentencing projects or activities and preparing records for transfer to off-site storage, in accordance with any procedures or directions issued by the department's Records and Information Management Team.

Business areas continuing to capture and manage physical records must review their processes and consider how they can re-design those to instead capture records digitally in coordination with the Records and Information Management Team.

Where they do exist, physical records must be:

- a) stored in accordance with requirements within the Standard on the physical storage of State records where possible.
- b) captured on an official physical file that has been registered in an official recordkeeping system (such as ECM)
- c) updated in the recordkeeping system to reflect each change of location or assignee (so that this is always current)
- d) 'sentenced' correctly against relevant records retention and disposal authorities (where Normal Administrative Practice (NAP) does not apply) before being transferred to off-site storage or being considered for disposal.

## **6.3. Contractors and outsourced functions**

Contracts or agreements with external parties where the department has outsourced any function or activities, or with whom the department has entered into any service arrangements with (including cloud computing arrangements) must include records and information management provisions. These must ensure compliance with our legislative obligations relating to the management of our records and information and minimise risks associated with the external storage of records and information, and departments right to access information held by the contractors.

#### **6.4. Protection of and Access to Council Records**

Parkes Shire Council will apply access and security settings to all records in line with organisational functions, activities, transactions to provide security and confidentiality.

Appropriate security and access controls must be maintained for any system, workplace or storage area that stores records and information in any format. Controls must be:

- a) proportional to the sensitivity of the stored records, information, and data based on an assessment of business risks and records management risks. See NSW Information, Classification, Labelling and Handling Guidelines - [Link](#)
- b) capable of preventing the unauthorised access, removal, use, alteration, concealment, disclosure, or unlawful destruction or deletion of records, information, and data
- c) prevent accidental damage or loss of records, information, and data.

When collecting, storing, accessing, maintaining, using, or disclosing personal information about individuals, all employees:

- a) must have regard to the department's Privacy Management Policy, Information Protection Principles within the Privacy and Personal Information Protection Act 1998 (NSW) and Health Privacy Principles within the Health Records and Information Privacy Act 2002 (NSW)
- b) ensure anything of this nature is only shared with individuals authorised to access the record or information and who have a legitimate 'need-to-know.'

Work-related records, information and data must not be used in any way which would:

- a) give an unfair or improper advantage or benefit (either commercial or otherwise) to any external individuals or organisations
- b) facilitate a personal benefit (either directly or indirectly) for any individual working for the department
- c) involve the improper or unauthorised use or disclosure of records, information, and data after separation from the department (such as through retirement or resignation)
- d) cause harm (such as financial) or reputational loss to individuals or organisations
- e) cause an invasion of an individual's privacy
- f) prejudice or undermine the effectiveness or integrity of any function, activity or process undertaken within the department, including any investigation, enforcement, regulatory, monitoring, audit, or review activity
- g) be premature (e.g., involving the inappropriate disclosure of working documents prior to a final departmental decision being made).

## **6.5. Working Away from the workplace**

Care must be taken when working away from the workplace, such as public places or at home. Each employee is responsible for protecting records, information and data in their possession and must:

- a) take reasonable measures to prevent any loss or damage, or unauthorised access to, or inappropriate disclosure of records, information, and data
- b) ensure confidential, sensitive, or personal information is not read or discussed openly in public places, and devices with any associated records, information and data are not left or placed where unauthorised individuals may be able to view any content
- c) ensure records, regardless of their nature, content, or format, are not left unattended in public places (they must only be left with individuals authorised to access)
- d) ensure records (and any device/s that may contain work-related records, information, and data) are locked when not in use, not left unattended in unsecured vehicles, or for extended periods of time (such as overnight).

## **6.6. Public Access**

Access to Council records will be in accordance with relevant legislation (i.e., Government Information (Public Access) Act 2009, State Records Act 1998, Privacy and Personal Information Protection Act 1998, Evidence Act 1995; and Environmental Planning and Assessment Act 1979.

Council complies with openness and transparency required under the GIPA Act by providing access to public documents and displaying these on our website. In regard to personal information contained within Applications or Council Meeting agenda's, signatures, email addresses and private telephone numbers are redacted to comply with the information protection principles under the Privacy and Personal Information Protection Act 1998.

Council provides access to documents wherever it is legally able to do so, however, some requests may require a formal GIPA Application. Applications are considered and determined in line with current policies and procedures.

Copying of documents will be subject to legal requirements, including Copyright restrictions, with charges applied as per Council's Fees and Charges.

## **6.7. Retention and Disposal**

Disposal of records and information, in any format or held in any location, system or application, must be:

- a) undertaken in accordance with authorised disposal actions in relevant records retention and disposal authorities and supporting departmental procedures or directions.

- b) approved by an authorised (delegated) employee, the Senior Responsible Officer in conjunction with the department's Records and Information Management Team.

In each situation, relevant records may only be considered for disposal if all action associated with the event or request, and any subsequent action or reviews arising, have been completed.

All system migration, and/or decommissioning of systems or applications, must ensure that authorised disposal actions are satisfied for any stored records. This includes a requirement to ensure records that have long-term value (something to be retained greater than 30 years but not permanently) or those of continuing value (something to be retained permanently as a State Archive) are safeguarded, managed, protected, and preserved in appropriate storage.

Records authorised for destruction must be destroyed by secure means.

Records which are no longer in use for official purposes and that are required as State archives should be forwarded to State Records or other official state records holding authority.

## **7. Review**

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.