

1.9B Records Management (Councillors)

POLICY TITLE: RECORDS MANAGEMENT (COUNCILLORS)

FILE REF: SC67

EXPIRY DATE: DECEMBER 2026

PURPOSE

1. The purpose of this document is to ensure that full and accurate records of the activities and decisions of Councillors, in the course of their official duties for Council, are created, managed and disposed of appropriately to meet the Council's organisational needs and accountability requirements.
2. HPE Content Manager is the Electronic Data Records Management System (EDRMS) adopted by Council to manage all of Council's corporate documents. A record management program has been established by Council in accordance with section 12 (2) of the State Records Act 1998. This document provides part of the framework for that program and should be read in conjunction with Policy 1.9A Records Management Policy.

SCOPE

1. This document has been specifically developed to assist Councillors in meeting their recordkeeping responsibilities. Council employees should refer to Council's Policy 1.9A Records Management Policy.
2. All Councillors must comply with this document in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the office of Councillor. This document applies to records in all formats, including electronic records.

POLICY STATEMENT

1. Records are a vital asset to council. Many records created and received by Councillors have the potential to:
 - a) support the work of Councillors and Council's program delivery, management and administration.
 - b) help Councillors and Council to deliver customer services in an efficient, fair and equitable manner.
 - c) provide evidence of Councillors' actions and decisions and establish precedents for future decision making.
 - d) protect the rights and interests of the Council, Councillors and its clients and rate payers.
2. Unlike employees, Councillors do not have direct access to Council's physical and electronic records and do not have the ability to register documents into, or retrieve documents from, Council's designated EDRMS, Content Manager. This policy provides guidance and support in ensuring that where appropriate, records created and received by Councillors are captured, registered, stored and managed in accordance with relevant legislation, most notably the State Records Act 1998.

STATE RECORDS

1. 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 section 3 (1) of the Act. When discharging functions of Council, Councillors are subject to the State Records Act when they create or receive "State records".
2. A "State" record is 'any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office'.
3. Examples of State records that may be created or received by Councillors in the course of their official duties for Council include (but are not limited to):
 - a) correspondence, including emails, regarding Council matters.
 - b) a petition received from a community group.
 - c) declarations concerning a Councillor's pecuniary interests.
 - d) speech notes made for addresses given at official Council events.
 - e) complaints, suggestions or enquiries by residents and ratepayers about Council services.
4. Conversely, records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be State records for the purposes of the State Records Act 1998.

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5. Examples of records that are not State records include (but are not limited to):
 - a) records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances.
 - b) communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council.
 - c) records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council.
 - d) personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.
6. The official email address established for Councillors (i.e. @lockhart.nsw.gov.au) should be used in the course of carrying out official duties for Council and only for this purpose. A councillor's private email address should be used when not discharging functions of Council.

CAPTURE AND REGISTRATION OF RECORDS

1. Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved into official Council recordkeeping systems as soon as is practicable so that Council can assist with their long-term management as follows:
 - a) Paper records - Records created or received in paper format should be forwarded to Council by post or handed in to the General Manager or at the front counter of the Administration Building marked "Attention - Executive Assistant". This could be done on a monthly basis on Council meeting days. If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or Director of Corporate and Community Services to this fact prior to sending so that appropriate security controls can be applied.
 - b) Email and Electronic Records - Email and other electronic records should be forwarded to Council promptly for registration. Emails should be forwarded to councillorrecords@lockhart.nsw.gov.au. If records are of a sensitive or confidential nature, the Councillor should alert the General Manager or Director of Corporate and Community Services to this fact prior to sending so that appropriate security controls can be applied.
 - c) Records received from Councillors for registration will be registered into Council's designated EDRMS, Content Manager in accordance with Policy 1.9A Records Management and the relevant Business Rules and Naming Conventions.
 - d) Mail addressed to Councillors and received at Council's Administration building is placed in the Councillors tray for delivery with business papers and other correspondence. Paper based mail which is clearly marked for councillors is not opened. Mail for councillors which is not clearly marked will be opened and re-addressed as appropriate.

ACCESS TO COUNCIL RECORDS

1. Unlike employees, Councillors do not have direct access to Council's physical and electronic records and do not have the ability to register documents into, or retrieve documents from, Council's designated EDRMS, Content Manager.
2. Councillors and Council staff are bound by the Code of Conduct, preventing unauthorised access or disclosure of Council records. Council has adopted the Model Code of Conduct notified in the Government Gazette (No. 172) on 7 August 2020. Section 8 of the Code of Conduct deals with access to information and Council resources.
3. Councillors need to have access to information held by Council to help them make informed decisions on matters under their consideration. This information should be relevant and appropriate to the discharge of their obligations. As a first step, Councillors should contact the Director in whose area the matter is administered. If the Director is not able to give access, then contact the Public Officer (Director of Corporate and Community Services) or the General Manager.
4. Councillors wishing to access records in relation to a matter of personal interest have the same rights as other members of the public. Access may be obtained, for example, under: -
 - a) the Privacy and Personal Information Protection Act 1998
 - b) the Health Records and Information Privacy Act 2002
 - c) the State Records Act 1998, or
 - d) the Government Information (Public Access) Act 2009

*Adopted by Council 18 December 2023
Refer minute 235/23*

*Adopted by Council 21 December 2020
Refer minute 267/20*