



MANAGEMENT PRACTICE: RECORD KEEPING

DELEGATION: N/A

1. Scope

This Management Practice applies to all records created or received by Shire of Jerramungup employees (permanent, temporary and casual); Councillors in their official capacity; or organisations performing outsourced services (contractors) on behalf of the Shire of Jerramungup, regardless of their physical format, storage location or date of creation.

Compliance with this Management Practice will ensure all corporate records are maintained effectively to ensure a full and accurate history of the Shire's business dealings, accountability and transparency in decision making and support compliance with relevant evidentiary and statutory requirements.

2. Purpose

The purpose of this Management Practice is to provide guidance and direction on the creation and management of information and records and to clarify staff responsibilities. The record keeping program is intended to maintain, protect, retain and dispose of records in accordance with operational needs; federal, state, and local government regulations; fiscal and legal requirements; historical value; and business reference purposes.

For internal operational needs, all financial records need to be retained for the purpose of performing financial analysis of the company over time. As such, all financial records should be retained for a minimum of seven years.

For historical purposes, all public quarterly and annual financial reports should be retained as permanent records.

All significant records, irrespective of format, are to be registered, classified and captured into the Shire's official records system.

3. Statement

Council's records are its corporate memory and as such are a vital asset that support ongoing operations and provide valuable evidence of business activities over time. Council is committed to implementing best practice recordkeeping practices and systems to ensure the creation, maintenance and protection of accurate and reliable records.

Council recognises its regulatory requirements as a public authority under the *State Records Act 2000*. It is committed to the principles and practices set out in the Records Management Policy, and other relevant Western Australian State Archivist standards and guidelines.

Council's recordkeeping practices, processes and systems assist in making complete and reliable records. Complete and reliable records should be:

Created to document and facilitate the transaction of Council business.

Captured into the corporate recordkeeping systems.

Adequate for the purposes for which they are created and kept.

Complete in content and contain the structural and contextual information necessary to document a transaction.

Meaningful with regards to information and/or linkages that ensure the business context in which the record was created and used is apparent.

Accurate in reflecting the transactions, activities or facts that they document.

Authentic in providing proof that they are what they purport to be and that their purported creators did actually create them.

Inviolable through being securely maintained to prevent unauthorised access, alteration, removal or destruction.

Accessible by being kept in a format that allows their continued use.

Useable through being maintained so that they are identifiable, retrievable and available when needed.

Retained for as long as they have administrative, business, legislative, historical and cultural value.

Preserved by being stored, protected and maintained.

4. Guidelines

The Shire of Jerramungup has implemented systematic records management policies, procedures and practices to ensure the capture and management of all government records, irrespective of format.

The Shire uses a standard method to identify and retrieve the records it holds, through the use of standardised file numbering and consistent methods of classification.

All Elected Members and staff will ensure that full and accurate records are created to reflect business transactions and decisions.

All government records are to be registered and included in the Shire of Jerramungup Record Keeping System. It is the responsibility of all staff to ensure that records created or received in electronic form are registered in the Synergy Soft central records system in the same manner as other registered mail and included in the paper based filing system. Government records will only be disposed of in accordance with the State Records Office's General Disposal Authority for Local Government Records.

5. Definitions

Record – For the purposes of this document, a record is defined as meaning *“any record of information however recorded”* and includes –

- a. Anything on which there is writing or Braille;
- b. A map, plan, diagram or graph;
- c. A drawing, pictorial or graphic work, or photograph;
- d. Anything on which there are figures, marks, perforations or symbols having meaning for persons qualified to interpret them;
- e. Anything from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- f. Anything on which information has been stored or recorded, mechanically, magnetically or electronically.

(State Records Act 2000)

Significant Records

Significant records contain information which is of administrative, legal, fiscal, evidential or historical value and are not recorded elsewhere on the public record. They describe an issue, record who was involved, record why a decision was made, and may embody actual guidelines.

Vital Records

Vital records are records that are essential to the continued business of the Shire. Vital records include those that protect the rights of individuals and the Shire, and are absolutely essential for the Shire's reconstruction in the event of a disaster.

Examples of vital records include core computer system records, Council and Committee Minutes and Agendas, Financial and Budget records, Title Deeds, Policy and Procedure Manuals, Registers, Section 51b applications, Contracts/Tenders, Licences, Historical documents, Delegation of Authority, Insurance Policies, Town Planning Scheme deeds/information and any document detailing approvals of some kind.

Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short-term value to the Shire, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, and for records of routine enquiries.

Third Party or Public Records (Non-Records)

Third Party or Public records are documents that are generally available in the public domain and do not form part of a business process in respect to the Shire's activities. They are generally used for reference and information purposes, such as reports or plans from another organisation, a published directory, or a training manual of a third party Roles and Responsibilities

Councillors

All Councillors are to create, collect and retain records relating to their role as a Councillor for the Shire of Jerramungup in a manner commensurate with legislation and the Shire's policies and procedures for record keeping. Council electioneering and personal records of Councillors are exempt.

The policy approach of the State Records Commission in monitoring the record keeping obligations in respect to Local Government Councillors is:

"The State Records Commission policy regarding the records of councillors requires the creation and retention of records of the communications and transactions of councillors which constitute evidence affecting the accountability of the Council and the discharge of its business. This policy applies regardless of a record's format or where it was received.

Councillors must create and keep records of communications or transactions, which convey information relating to local government business or functions. Records that should be captured include:

- *Communications from ratepayers, work diaries, telephone, meetings and other verbal conversations regarding local government projects or business activities, presentations and speeches.*

Records that do not need to be captured include:

- *Duplicate copies, draft or working papers, publications, invitations, telephone, meetings and other verbal conversations that do not relate to local government projects or business activities, electioneering and Personal records.*

Destruction of records – return all records to the local government for authorised and legal destruction."

Chief Executive Officer

The Chief Executive Officer is responsible for ensuring that records and documents of the local government are properly kept for the purposes of the *Local Government Act 1995* and any other written law.

All Staff

All staff are to ensure all records created or received in their official capacity are appropriately captured and retained within approved central Electronic Document Records Management System (EDRMS). This includes identifying and appropriately capturing vital/significant records and appropriate handling of ephemeral or non-records.

Contractors

Contractors must keep accurate, complete and current written records in respect of the Contract, including;

- The type of goods or services, including the separate tasks, supplied to the Shire on each day during the term;
- The time that the Contractor spent providing the goods or services on each day during the term; and
- The name, job status and title of all personnel who provided the goods or services or were responsible for supervising the provision of the goods or services.

The Contractor must also:

- Comply with the directions of the Shire in relation to the keeping of records whether those directions relate to the period before or after the expiry of the term.
- Keep all records for at least 7 years after final payment under the Contract or after the expiry of the term, whichever is the later; or termination of the Contract.
- Permit the Shire reasonable access to all records created or received in their custody or control of the Contractor used in the performance of the contract.

6. Custodianship of Records

Ownership and proprietary interest of records created or collected during the course of business (including those from outsourced bodies or contractors) is vested in the Shire of Jerramungup.

7. Creation of Records

All Councillors, staff and contractors will create full and accurate records, in the appropriate format, of the Shire's business decisions and transactions to meet all legislative, business, administrative, financial, evidential and historical requirements.

8. Capture and Control

All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into the Shire's EDRMS that are managed in accordance with sound record keeping principles.

9. Security and Protection of Records

All records are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.

The Records Keeping System Disaster Recovery Plan has been developed to document the risk mitigation and preparation actions, and the rehearsed recovery procedures in the event of a disaster impacting Council's records.

10. Access to Records

Access to the Shire's records will be in accordance with designated access and security classifications as determined by the Chief Executive Officer and as administered by the Records Officer.

Access to the Shire's records by staff

Access to the Shire's records by Councillors will be through the Chief Executive Officer (CEO) in accordance with the *Local Government Act 1995*, sections 5.41 and 5.92.

Inspection of the Shire's records by contractors, third parties and the general public will be in accordance with the *Local Government Act 1995* section 5.94 and the *Freedom of Information Act 1992*.

11. Appraisal, Retention and Disposal of Records

All records kept by the Shire will be disposed of in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Commission.

12. Statutory Obligations

There are legislative requirements for managing records. The primary legislation relating to the keeping of public records is the *State Records Act 2000*. Other legislation that affects records management includes (but not limited to):

Local Government Act 1995

Freedom of Information Act 1992

Electronic Transactions Act 2000

Financial Administration and Audit Act 1985

Evidence Act 1906

Criminal Code 1913 (Section 85)

13. Record Keeping Plan – Comprehensive Review

The Shire's Record Keeping Plan will be reviewed no less than every five (5) years.

14. Record Keeping Systems

Council's primary recordkeeping system, SynergySoft, is the internal recordkeeping system where all corporate administrative records are captured and stored. Paper-based records received by Council are captured within this system through digital imaging. Paper files are only created and maintained for particular classified records or by special arrangements with the Records Officer.

While SynergySoft constitutes Council's preferred primary recordkeeping system for all corporate administrative records, there are a number of other information systems, databases, software applications and paper based systems which operate outside SynergySoft's function as recordkeeping system.

These systems are listed as followed;

Specialised System	Description
Easy OHS	Occupational Health and Safety Software (Cloud Based)
Docs on Tap	Council Agenda Management Software
Trelis	Department of Transport System
Spark CMS	Website Management
Landgate	Planning Software
Qgis	Planning Information Programme

Council's recordkeeping systems are dedicated to creating and maintaining authentic, reliable and useable records which meet the needs of internal and external stakeholders. Records are maintained for as long as they are required to effectively and efficiently support Council's business functions and activities.

All of Council's records must be created and maintained within the preferred recordkeeping systems. Records must not be stored/maintained in network drives (for example C and F drives), local hard drives, electronic mail boxes (Outlook,) or other storage devices. These electronic storage facilities do not contain recordkeeping functionality to ensure records are captured and managed in accordance with sound recordkeeping principles.

15. Annual Report Compliance

State Records Commission Standard 2 – *Record Keeping Plans, Principle 6: Compliance* requires each government organisation (which includes Local Government Authorities) to include within its Annual Report an appropriate section that addresses the following four (4) points:

1. The efficiency and effectiveness of the organisation's record keeping systems is evaluated not less than once every five (5) years.
2. The organisation conducts a record keeping training program.
3. The efficiency and effectiveness of the record keeping training program is reviewed from time to time.
4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's Record Keeping Plan.

The brief report will include the following information:

- Statement regarding the organisation's commitment to good and compliant record keeping practices;
- Details of the Record Keeping Training Program and key findings from the annual review;
- Brief statement regarding how the Record Keeping Induction addresses employee record keeping roles and responsibilities;
- Annualised Corporate Record Keeping Indicators (including a comparison to the previous year);
- Brief statement regarding results of Record Keeping Audits conducted during the year;
- Brief statement regarding any significant improvements or developments of the Record Keeping System; and
- If the Annual Report is published after a five year comprehensive review of the Record Keeping System, details of key findings and recommendations of the review.

16. Penalties

There are severe penalties for the unauthorised destruction of public records. Section 78 of the *State Records Act 2000* provides that:

1. A government organisation employee who does not keep a government record in accordance with the Record Keeping Plan of the organisation commits an offence.
2. A government organisation employee who, without lawful authority, transfers, or who offers to transfer, the possession of a government record to a person who is not entitled to possession of the record, commits an offence.
3. A government organisation employee who destroys a government record commits an offence unless the destruction is authorised by the Record Keeping Plan of the organisation.
4. A person who destroys a government record while the record is the subject of a notice under section 52 or an application made, or order or warrant issued, under section 53, commits an offence.
5. A person who had unauthorised possession of a government record and who destroys that record, commits an offence unless the person owns the record.
6. It is a defence to a charge of an offence under subsection (2), (3), (4) or (5) to prove that the alleged act was done pursuant to –
 - a. A written law; or
 - b. An order or determination of a court or tribunal.
7. It is a defence to a charge of an offence under subsection (5) to prove that the person had no reasonable cause to suspect that the record was a government record.

Penalty: \$10,000

Section 110 to the *Freedom of Information Act 1992* provides that:

“A person who conceals, destroys or disposes of a document or part of a document or is knowingly involved in such an act for the purpose (sole or otherwise) of preventing an agency being able to give access to that document or part of it, whether or not an application for access has been made, commits an offence.”

Penalty: \$5,000 or 6 months imprisonment

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Related Documents	Shire of Jerramungup Record Keeping Plan Shire of Jerramungup Policy AP4 – Records Management Policy