

RECORDS MANAGEMENT	
Administration Policy	
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1 POLICY STATEMENT

- 1.1 The business processes of the Council will be documented, recorded and managed to protect the integrity, enhance the efficiency and preserve the history of Council. Business processes include decisions made, actions taken, transactions and interaction with the stakeholders of council.
- 1.2 The management of the records of council will:
 - provide evidence of compliance and accountability,
 - enhance its legal protection and risk mitigation
 - enable the timely provision of information where required
 - enable council to align with industry best practice.
- 1.3 Records will be managed and maintained in accordance with the procedures associated with this policy. This Policy and Procedures Statement applies to the records and information held by the Council, including those created and received by workers providing services to Council.

2 PURPOSE

2.1 Purpose

- 2.1.1 The objective of this policy is to outline and direct the practices of workers in relation to the management of the records of Council and the information contained within them.
- 2.1.2 Adherence to this Policy will ensure the Council:
 - meets its legislative responsibilities;
 - provides evidence of accountability;
 - validates and supports its decisions and actions;
 - protects the interests of its residents and workers;
 - is able to provide evidence in litigation and legal prosecution.

2.2 Scope

This Policy applies to all business functions and activities of Council, all sites managed and occupied by Council; and all Council Workers. It is the responsibility of all workers to adhere to this Policy and Procedures Statement to:

- 2.2.1 understand their roles and responsibilities in relation to the management and ownership of records;
- 2.2.2 create records of decisions, actions and interactions where required;
- 2.2.3 ensure records are managed within the records management system, Corporate EDRMS, or a system approved for the capture of records appropriate systems;
- 2.2.4 manage any ongoing activity related to records;

- 2.2.5 control both internal and public access to records, when required, to protect sensitive, commercial in confidence information and the privacy of individuals in relation to personal information contained within records;
- 2.2.6 protect records from damage or loss by ensuring they are appropriately captured and stored;
- 2.2.7 ensure the retention and legal destruction of records.

2.3 Definitions

Access Right, opportunity means of finding, using or retrieving information.

Capture Deliberate action that results in the registration of a record into a recordkeeping system. For certain business activities, this action may be designed into electronic systems so that the capture of records is concurrent with the creation of records.

Classification Systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system.

Council Worker includes persons employed by the Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Council's information resources.

Corporate Files A folder which stores one or more documents related to a particular subject/project.

Destruction Process of eliminating or deleting records.

Disposal Range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

Disposal Schedule General (GDS 40 and GSD 41) Formal instrument that defines the retention periods and consequent disposal actions authorised for classes of records that are common to Local Government.

Document Structured units of recorded information published or unpublished, in hard copy or electronic form, managed as discrete units in information systems.

EDRMS Electronic Document and Records Management System (EDRMS) An automated system used to manage the creation, use, management and disposal of physical and electronically created documents and records for the purposes of:

- supporting the creation, revision and management of digital documents;
- improving an organisation's work-flow; and
- providing evidence of business activities.

These systems maintain appropriate contextual information (metadata) and links between records to support their value as evidence. EDRMS are a subset of business information systems whose primary purpose is the capture and management of digital records.

Ephemeral Material Information relating to personal activities, drafts, reference material, duplicates etc, which have no value to the business of Council and do not add value to another record.

Official Record as per the definition of "Record " in the State Records Act 1997.

Record Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business (AS ISO 15489).

Record Keeping Making and maintaining complete, accurate and *reliable evidence of business transactions in the form of recorded information*.

Record Keeping System Information system that captures manages and provides access to records through time.

Records Management The field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposal of records including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.

Stakeholder Resident, ratepayer, client, organisation, other council or government department who conducts business and/or has a relationship with Council.

Transaction of Business Umbrella term covering all the functions, processes, activities and transactions of the agency and its workers.

2.4 Strategic Reference

5 Governance & Financial Sustainability

5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3 PRINCIPLES

3.1 Records Management Overview

- 3.1.1 Records of Council are created and received as a result of interaction with residents and ratepayers, other councils, government departments, community organisations and businesses.
- 3.1.2 Council has an obligation under the *Local Government Act 1999* and the *Freedom of Information Act 1991* and other relevant legislation to create, manage and provide timely access to documents and records containing specific information.
- 3.1.3 Council is an agency under the *State Records Act 1997* and should apply the principles for the management of government information outlined in the State Records SA's Information Management Standard.

3.2 Records Management Principles Outline

3.2.1 Creation

Records will be created where there is a legislative, business, fiscal, stakeholder or risk-based requirement to document evidence of a transaction, decision, action, interaction or communication. Records will be complete, accurate and reliable and in a format and media that is readable and accessible for the life of the record. Records can be in any format or media including hard copy paper, digital, recording, photo etc.

3.2.2 Capture

Records in all formats, including emails, will be captured into the Corporate EDRMS, as soon as practicable after creation or receipt.

Records will not be captured within multiple disparate systems, including business systems (unless they integrate with the records management system), personal devices, in personal recordkeeping systems, drives (both personal or Network) or Outlook accounts, but captured into the Corporate EDRMS system. Any alternative systems proposed for the capture of records, must be assessed for suitability and approved.

Records generated from applications and business systems must be captured into the Corporate EDRMS system, either through integration or user intervention, and not remain within the business system or within the application, including Network drives.

3.2.3 Integrity

The integrity of the records of the Council will be maintained by ensuring:

- Records are current, locatable, unaltered and inviolate;
- Duplicates are controlled and clearly identified;
- Versions are managed within the Corporate EDRMS system;
- Derogatory or negative opinions regarding a person or group should not be recorded in any format or medium;
- Storage of records is appropriate for the record and its format;
- Additional information regarding an action or decision is recorded and updated against the record; and
- Migration and conservation are managed to ensure accessibility and readability for the life of the record.

3.2.4 Access

Access to information will be controlled in line with the requirements of Council, both internal access by staff and external access by stakeholders. External requests for access to information that is not already publicly available, come under the Freedom of Information Act 1991. The control of access to information includes the protection of personal, confidential and sensitive information from internal and external access, and the proactive disclosure of publicly available information as required.

Proactive disclosure of information should be made to the public, as defined by the relevant legislation e.g. *Local Government Act 1999*, *Planning, Development and Infrastructure Act 2016* etc.

3.2.5 Disposal

Records must only be disposed of (destroyed or retained) in accordance with authorised disposal schedules (General Disposal Schedule 40 for Local Government; General Disposal Schedule 41 for Burial and Cremation Records and other applicable schedules at the time of disposal), as prescribed by the State Records Act 1997.

Council's Records Management Procedure for Destruction of Temporary Records and State Records of South Australia's requirements must be applied to both the destruction of temporary retention records, and the transfer of custody to State Records of permanent retention records.

Records management staff will make decisions relating to the disposal of records, and not council workers. Penalties apply to the individual for the intentional removal, alteration or destruction of a record without authorisation to do so.

3.3 **Responsibilities and Accountabilities**

3.3.1 Council's responsibility

Council as an entity is responsible for ensuring its business activities are documented and preserved to maintain its position within Local Government of South Australia, protect its integrity and the interests of its workers, residents and ratepayers and provide a documented history of the Council.

3.3.2 Chief Executive Officer's responsibility

The Chief Executive Officer is responsible under *Local Government Act 1999* to ensure that:

- a) records required under this or another Act are properly kept and maintained and appropriate and prompt responses are given to specific requests for information.
- b) the authorisation of the alteration and validity of records;
- c) ensuring that this policy is communicated and implemented at all levels in the Council;
- d) assigning responsibilities for recordkeeping; and
- e) authorisation of the destruction of records.

3.3.3 Directors and Managers' responsibility

Directors and Managers of Council are responsible for Council meeting its requirements under the *State Records Act 1997* and the **State Records of SA's Information Management Standard**. They are also responsible for supporting records management as a fundamental business activity of Council by ensuring the development, promotion and resourcing of the records management program.

Directors and Managers are responsible for the adherence of the Records Management Policy and Procedures Statement by workers they are responsible for. They are also responsible for ensuring workers receive records management training relative to their roles and responsibilities. Anyone responsible for managing workers must ensure that those workers:

- a) undertake records management training as part of their induction process, including in the Records Management Policy and Procedures Statement, and future updates as defined in Council's Records Management Training Plan;
- b) have recordkeeping responsibilities included in job and person specifications and performance measures;
- c) adhere to the requirements of the Records Management Policy and Procedures;
- d) they act on records management monitoring and auditing reports in relation to the performance of their staff;
- e) have recordkeeping responsibilities included in contracts, agreements and volunteer information sheets.

3.3.4 Records Team Responsibility

Records Team is responsible for the management and maintenance of the records management framework by:

- a) ensuring the records management program and system are managed, monitored and maintained in accordance with the relevant legislation, standards and strategies;
- b) undertaking records management processes and making and implementing recordkeeping decisions such as capture, classification, access, storage and disposal in relation to the records of the Council;
- c) the development and review of records management policies,

- procedures and guidelines;
- d) monitoring, auditing and reporting on the recordkeeping program, system (Corporate EDRMS) and the practices of staff;
- e) providing advice on the use of the corporate records management system, (Corporate EDRMS) practices and processes;
- f) management of the disposal program including the destruction of records;
- g) the management of Source Records (hard copy records that have been scanned or digitised).

3.4 Worker's responsibility

All workers have a responsibility to adhere to this Policy and Procedures Statement by:

- a) creating records that adequately reflect the business they conduct including transactions, interactions, decisions made and actions taken;
- b) protecting and caring for records in their possession to prevent loss or damage;
- c) not altering, removing, destroying or deleting Council records without proper authority to do so;
- d) ensuring records are captured and managed within the appropriate system;
- e) ensuring all additional information and activities carried out on, or in response to, records are recorded and maintained;
- f) ensuring that the integrity of council is maintained by not recording derogatory or opinion based remarks;
- g) ensuring all records created and managed in the conduct of Council business are supplied to Council for ongoing management, maintenance and access;
- h) undertake remedial action in the Corporate EDRMS system when anomalies are identified by the records management staff;
- i) recognising that the records they create and receive in the conduct of Council's business are the property of the Port Augusta City Council and must be afforded the care and protection identified in this Policy;
- j) complying with the relevant legislation in their dealings with records, this includes the *State Records Act 1997*, *Freedom of Information Act 1991* and the *Copyright Act 1968*;
- k) notifying Records Department of any amendments to legislation and standards affecting recordkeeping and access to records;
- l) notifying Records Department when records require conservation or migration to ensure they are accessible for their retention period;
- m) Workers who do not comply with the Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings. Workers should report breaches of this Policy to the Records Co-ordinator.

3.5 Procedures

3.5.1 Record Creation

3.5.1.1 Why create a record?

Documented evidence of your decisions, actions and observations maybe required in the future to validate and support the actions and decisions of Council. Without such evidence it may be difficult to provide information under FOI, litigation, investigations and to stakeholders when it is required.

Information relating to a worker's knowledge and experience may be required to pass on to future workers.

3.5.1.2 Records must be created when:

- a) advice is given, as evidence of what was said, including phone and face to face advice;
- b) a decision is made, as evidence of what was decided, when and by whom e.g.: minutes of meetings and file notes;
- c) reporting and consultation e.g. transcribing a verbal report;
- d) an action or activity has taken place e.g.: road signs erected, maintenance work undertaken, inspections;
- e) an issue or potential issue or crisis arises, including possible litigation or one that might be subject to media exposure and may have an impact on or embarrass Council;
- f) responding to correspondence, customer action requests or other client communication, including phone response to communication;
- g) there is a legislative requirement to do so e.g.: an expiation, permit or notice under an Act;
- h) observations such as risks to Council, the state of a road, litter, hazard, etc.

If the decision is made not to create a record, the risk to individual and the Port Augusta City Council must be assessed.

3.5.1.3 Records need to be:

- a) complete, accurate and meaningful to provide a reliable and valid account of what they document;
- b) inviolate (not able to be altered after they are transacted or are the final version);
- c) created as soon as practicable after an event or action to ensure they are a reliable and accurate account of what took place, within 24 hours.

For records to be authentic, complete and accurate they need to comprehensively identify:

- d) exactly what took place;
- e) who decided;
- f) who authored it;
- g) when an action or decision took place;
- h) what time it was sent;
- i) that it originates from the Port Augusta City Council e.g. Council letterhead, email signature block (including full name, position, Port Augusta City Council and contact details);
- j) what file it relates to; and
- k) when it was received.

All records, including correspondence (hard copy and e-mail), memos, minutes, file notes and reports must identify:

- l) the date of creation;
- m) authors full name and position;
- n) reference to the relevant file number; and
- o) that the Port Augusta City Council is the originator.

3.5.1.4 **Customer Request Management (CRM)**

Where Council is notified verbally, by phone or by counter presence, of an issue or situation requiring an action, it should be entered into the Customer Service Module. This includes:

- a) Inspectorial
- b) Works
- c) Environmental
- d) Internal requests

The **system** must be updated with any required action, responsible officer and any remedial action undertaken to reflect the current status of the situation.

3.5.1.5 **Business knowledge** - Knowledge of business activity, Council's history and issues relating to Council should always be documented, not just committed to memory.

3.5.1.6 Version control

The latest and valid version of a record is to be captured in the Corporate EDRMS system and to be managed as the record. Any subsequent versions must be captured and may replace the previous version where required. Versions should be controlled within the Corporate EDRMS System using the versioning capability.

Plans must also identify that they are the version used for construction and must be marked "as constructed" with a date and signature. This is vital for the differentiation between multiple versions and the identification of the accurate and valid plan in the future.

3.5.1.7 Integrity

The public, under the *Freedom of Information Act 1991*, and Legal Discovery, may access documents and records so it is **important** that a professional approach be taken in relation to document and record content and file notes. Comments of a personal or derogatory nature should **not** be documented in or on records, including emails. This includes Post it Notes as they become part of the official record.

3.5.2 Capture into recordkeeping system

Official records of the Port Augusta City Council will be captured into the Corporate Electronic Document Records Management System EDRMS, or where Departments/workers do not have access to the EDRMS, they must use their department's appropriate business system or the recordkeeping system as soon as practicable after creation or receipt. This includes documents, faxes, emails, photos, etc.

Records will not be captured into multiple disparate systems unless the system integrates with Corporate EDRMS or is a business system approved for the capture of records.

To give records context and meaning and ensure that they are accessible over time, their capture into a system is an essential step in the overall management of evidence of the business of Council. Capture of records into a system ensures accurate and valid information is able to be accessed when it is required.

Records not required to be captured into council's Corporate EDRMS system but directly into the relevant system include the following:

- a) Dog and Cats Online - DACO system – registration and amendment to the register records;
- b) National Heavy Vehicle Register – NHVR - Consent Requests, Permit Consent approval/refusal, contact with applicant;
- c) SA Planning Portal – applications and associated records.

3.5.3 Steps for capture

3.5.3.3 It is a record when:

- a) The information relates to the business of Council;
- b) It is required to provide evidence to support the business and accountability of Council, including interaction with stakeholders;
- c) Provides evidence of Council's compliance with legislative and statutory requirements;
- d) It identifies issues or crisis, or possible issues or crisis for Council;
- e) It adds value to an existing record.

3.5.3.4 Some common records Council workers may create, send, receive, forward or transmit may include:

- a) Diaries/Appointment Books/Calendars used to record appointments, messages and notes; should be forwarded to the Records Department at the end of a calendar year for appropriate management. Electronic Calendars/Diaries are to be retained within the current email system for future capture/archiving;
- b) Drafts which document significant decisions, reasons and actions or contain significant information that is not contained in the final form of the records;
- c) Significant Messages records of Council business, which include directives, proposals, recommendations, definitions or interpretations, formal communications, final versions, policy documents or statement, formal minutes;
- d) Lobbying correspondence or petitions have continuing value.

3.5.3.5 The above dot points are not an exhaustive list, they are simply provided to assist in assessing whether information in any format constitutes an official record under the State Records Act. (Refer to 5.2.1.3 'If it is a record' for capturing a record).

3.5.3.6 It is not a record when it is material of an ephemeral nature such as:

- a) personal material eg: lunch arrangements, personal resume, notes that do not provide evidence of actions and nor add value to records;
- b) reference material which is not required for the ongoing support of Council's business;
- c) a duplicate (with no additional information or continuing value);
- d) brochures, publications, catalogues, price list, advertising material (not produced by the Port Augusta City Council);
- e) rough working papers (not relating to significant decisions);

- f) drafts (where there is no continuing value);
- g) telephone messages (that do not support or add meaning to other information);
- h) informal meeting arrangements.

3.5.3.7 If it is a record it must be captured into the Records Management System. No action or activity should take place on the record until the record has been captured, filed and assigned for action to appropriate officer.

3.5.3.8 Records Received

Hard copy correspondence and reports which are received directly by workers, including over the counter, must be supplied to the Records Team as soon as practicable after receipt for scanning (with the exception of workers who have authority to scan records into the EDRMS and follow the correct Records Management Scanning processes in relation to management of scanned hard copy records).

Emails should either be captured directly into the EDRMS or approved business system.

Records received by the Records Team, including emails and faxes, will be registered into the EDRMS and distributed to the relevant officer for action.

When responding or taking action on a record, ensure accurate and adequate information is recorded as defined in section 5.1 Record Creation.

NOTE: Where workers scan records into the Corporate EDRMS, the hard copy is required to be managed in accordance with the State Records General Disposal Schedules. Documents scanned by workers other than by the Records Department are to follow appropriate scanning processes and forward originals to the Records Department for appropriate management.

3.5.3.9 Records Created

Records created by workers, including word documents and e-mails, must meet the requirements of section 5.1 Record Creation. They must be captured within 24 hours of creation within the Corporate EDRMS. Where there is no access to the Corporate EDRMS, records should be submitted to the Records Team for capture into the Corporate EDRMS.

If a record requires a wet signature for legal reasons or legislative requirement, a copy of the signed original must be scanned and captured.

3.5.3.10 Emails

To ensure the context of e-mails is preserved:

- a) When replying to an e-mail, ensure the body of the original text is contained in the reply - this will allow the receiver to easily follow the thread of the discussion;
- b) A new email should be created when communicating about a separate issue or subject, as information maybe inappropriately disseminated to the wrong person;
- c) Where possible emails should include a reference to a Port

Augusta City Council file number associated with the issue being discussed;

- d) Ensure the full name, position and organisation of the sender and receiver are included on the e-mail;
- e) When an email adds context to an attachment, both should be captured/files together. The attachment only should be captured/filed if the email is only used as a method of transmission and contains no additional information;
- f) When forwarding an email for capture by another worker, use "forward as an attachment", not "forward" to preserve the original transaction data of the email.

Responsibility for capturing emails:

- g) Incoming e-mail - If the e-mail is addressed to a single recipient then it is the responsibility of that person. If it is addressed to a distribution list then the first person in the list is responsible;
- h) Outgoing e-mail - the person sending the e-mail is responsible;
- i) Internal e-mail - the person sending the e-mail is responsible.

3.5.4 Maintain records' integrity

Records require specific processes to ensure they remain accurate, reliable, valid and are accessible whenever they are required.

To facilitate this, the following activities must occur:

3.5.4.3 **File and record movement** – Workers will ensure that the current location and historical movement of records and files are recorded and accurately tracked, so that they can be located quickly when needed. If workers move files, they are responsible for advising the Records Department by completing a File Transfer form or message via email.

3.5.4.4 **Duplicates** - all duplicate copies of records will be clearly marked as such to enable identification, suitable management in the future and prevent confusion in relation to the identification of the official and valid original. Avoid duplication of digital records in Corporate EDRMS by ensuring they have not already been captured.

3.5.4.5 **Storage** - Records will be stored in the corporate records management system, Corporate EDRMS where they are accessible and are protected from damage and inappropriate access.

All workers should ensure that files and records are protected whilst in their possession. Council records should not to be stored in environments where they could be lost or damaged or there is a possibility of unauthorised access for example at home or in cars. Where this needs to occur, care should be taken in the protection of files and their content.

To facilitate access, protection and migration, corporate or business-related information held in electronic media must be captured into the Corporate EDRMS.

All records must be stored:

- a) away from known hazards;

- b) in an environment that suit their media and format;
- c) in a location that is secure, accessible and protected; and
- d) where retrieval and access are controlled.

Transfer of inactive corporate records to the storage shed can be arranged through the Records Team. Access to the Records storage shed is only permitted through the Records Team.

3.5.4.6 Updated - records will be updated to reflect the current status, current activity or events to ensure the information they contain remains accurate and current. Records containing information about the same issue or event must be related to each other to provide context and a complete representation of the facts. Records must be created and linked when an action is undertaken in relation to a record. e.g.: a response or inspection must be noted and related to the record, and saved into the Corporate EDRMS.

CRM Customer Service module must be updated with current status of activity undertaken on a customer action request.

3.5.4.7 Alteration - the alteration of records should not occur after the record is finalised, signed or sent to the recipient after being captured and filed. If a record needs to be altered or another version created this should occur within the EDRMS or alternatively contact the Records Department for advice. Any alteration of a finalised record must be authorised by the CEO or delegate. If records are saved to the Network drive or hard drives, alteration cannot be controlled and the validity of the record may be questioned if it is required as evidence in court proceedings. For records to be valid they must be inviolate with an audit trail to prove they have not been inappropriately accessed or altered.

3.5.4.8 Files managed – Workers must not remove records from hard copy files. If required, Records Department Personnel will remove or move records from hard copy files. (Note: only the Records Team have authority to remove or delete records within the Corporate EDRMS).

3.5.5 Access and Privacy

Records may contain information that is confidential in nature and should not be divulged to certain parties, including other staff within Council. Workers must be aware of confidentiality and sensitivity when managing, accessing or divulging information either requested from within Council or from an outside source.

Council's Privacy Policy 2.7.03 directs workers in the collection, storage, use and disclosure of personal information. Care must be taken when collecting, storing, using and disclosing personal information relating to individuals and the provisions of the *Freedom of Information Act 1991* must be applied in relation to external access to records containing personal information. Relevant personal information must only be used and disclosed for the purpose it was collected for.

3.5.5.3 Public Access to Information

Requests by the public or media for access to information that is not already publicly available come under the *Freedom of Information Act 1991* and are managed by the Freedom of

Information Accredited Officers. Access by the public or media to information is protected by provisions in the *Act* and advice should be sought from the Chief Executive Officer, Director City Services and Executive Assistant when enquiries are received.

Any access by the public to approved Development Applications, including Septic Tank Approvals, require a Freedom of Information application.

Dog Ownership details will not be provided over the phone or face to face. Council staff will negotiate with dog owners directly when reports are received from Community members, relating to registered lost dogs that they have found.

Rates information contained in Council's Assessment Record (that is required to be made publicly available Under Schedule 5 of the *Local Government Act 1999*) may only be **verbally** given out by Rates Personnel or a nominated worker in their absence, and at their discretion, with the enquirer's details/purpose recorded in a register.

Legislation prescribes access to specific documents and records, e.g. *Local Government Act 1999, Planning, Development and Infrastructure Act 2016* etc therefore allowing disclosure and access to the information they contain. However, care should be taken in the method used for provision of access.

Records identified in Schedule 5 of the *Local Government Act 1999* will be made available for access by the public.

Where documents and records contain:

- a) personal information relating to an individual;
- b) commercial-in-confidence information relating to Council or an organisation Council is conducting business with;
- c) working papers relating to a proposed project;
- d) legal opinions.

Clarification **must** be sought from Freedom of Information Accredited Officers or Director City Services prior to allowing access.

3.5.5.4 Internal Access

Records in all formats must be stored securely to prevent unauthorised access. Sensitive and confidential information must be protected to ensure it is not viewed by those who should not have access to it, including workers who are not involved in that particular business activity. For example, food inspections, disease notification, overdue rates etc.

Records in the Corporate EDRMS are protected from inappropriate internal access by the application of access controls on the relevant files. The level of access is determined and applied to allow for workers to perform their Records related duties appropriately without unnecessary exposure of non-required records to the worker.

Development Applications must only be viewed by those workers requiring access for business purposes. This includes all Development Personnel and workers dealing with Section 7 searches. Permission must be sought from the Chief Executive

Officer or Director City Services for access to these type of files by other workers.

Workers must not make copies of Development Plans as they are subject to copyright (*Copyright Act 1968*). The architect or designer's permission must be sought prior to any copies being made and penalties apply for any breaches of the Act. This does not apply to the copying of plans for Development Assessment purposes.

Workers should notify the Records Team where records are confidential in nature, to ensure secure storage and access is managed appropriately.

Access to inactive records held in Council's records storage shed, must be requested and authorised through the Records Department.

3.5.6 Copyright

The *Copyright Act of 1968 (Cth)* is the legal protection for people who express ideas and information in writing, visual images, music and moving images. The Council owns the copyright to any publication it produces and external parties own the copyright of what they produce. This includes publications, plans, designs, etc.

Permission from the owner of the copyright may be required before any work is reproduced. Copyright generally lasts for the life of the creator plus 70 years and where duration depends on year of publication, it lasts until 70 years after it is first published.

3.5.7 Disposal - Retention and Destruction

Under the *State Records Act 1997* it is illegal to dispose of records except in accordance with an approved records disposal schedule. General Disposal Schedule 40 for Local Councils and Local Governing Bodies and Authorities in South Australia (GDS 40) and General Disposal Schedule 41 for Burial and Cremation Records (GDS 41) must be applied to the records of Council, including emails, when determining how long records should be retained or when they can be destroyed.

GDS 40 and GDS 41 identify the retention periods for records based on an appraisal of the records value including their cultural, historical, fiscal, business, social and legal value. Other relevant disposal schedules may place a destruction freeze on records, requiring them to be retained for a longer period of time.

Information resources that are not considered to be records and have no ongoing value to Council (ephemeral material) may be destroyed without applying the disposal schedule. These are identified in Section **5.2.1.2 Capture** "*It is not a record when...*"

All record destruction will be managed by the Records Team as State Records procedures must be applied to this process.

Care must be taken not to destroy information which has value to the Port Augusta City Council, which may result in the loss of business-critical information, legal action, embarrassment or penalties to Council.

Under the *State Records Act 1997* Section 17, intentional, illegal destruction, damage, alteration or removal of records could incur

penalties of \$10,000, or 2 years imprisonment of the **individual responsible**.

Duplicates of records containing confidential or sensitive information, such as:

- financial details,
- outstanding rates,
- worker or customer personal details,
- commercial in confidence information should not be placed in open or recycling bins, but must be shredded.

Disposal of Council records will take place annually or as required as part of Councils ongoing Disposal Programme (sentencing project). During this process records will be sentenced and sent to offsite storage for archiving or destroyed as per State Records SA requirements.

Destruction of records to be carried out in accordance with 'Administrative Procedure – Destruction of Official Temporary Value Records' (AR16/43572).

4. RESPONSIBILITY & REVIEW

4.1 Responsible Officer

Chief Executive Officer

Director City Services

4.2 Availability

This policy will be available on Council's website.

4.3 Review

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

5. REFERENCES

5.1 Legislation

Copyright Act 1968
Freedom of Information Act 1991
Local Government Act 1999
Planning, Development and Infrastructure Act 2016
State Records Act 1997

5.2 Other References

Destruction of Official Records Policy (Internal Policy)
Elected Members Electronic Communications Management Policy
Elected Members' Records Management Guidelines
Privacy Policy
State Records of SA Information Management Standard