



# **Records Management Policy**

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### Related Documents

This document should be read in conjunction with:

- TRIM Records Management Manual Version 1.4 (February 2010)
- TRIM Help Cards (various)
- Computer Usage Guidelines (February 2007)
- Code of Conduct for Staff (February 2007)
- Privacy & Personal Information Protection (May 2004)
- Privacy Guidelines for Staff (August 2005)
- Disaster Recovery Plan for Records and Vital Records List (December 2005)
- Standards for Names and Address Data Entry (February 2002)
- Guidelines on Normal Administrative Practice in record keeping (2010)
- Departmental Procedures

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# How to Manage Your Records – A Practical Summary

This Policy contains the detailed framework and legislative sources that define Council's record keeping obligations. You should take the time to read it.

This page highlights the practical things you must do to comply with this Policy.

## You must Make Records

- All records users (including councillors, staff, contractors and agents) must make written records of Council business activities.
- 'Business activities' include meetings, telephone discussions, conferences and oral decisions, as well as anything in writing such as emails, letters, contracts or other documents.

## You must Keep Records

When you make a record, you need to take steps to make sure it becomes part of Council's records system and is able to be tracked, including:

- routinely capturing business records onto an official registered file,
- saving a copy of all outgoing correspondence on the appropriate file in the records management system (TRIM) or within Pathway for Pathway users,
- updating file locations in TRIM when passing files to other officers,
- practising careful handling and safe custody of records, documents and files,
- quoting an appropriate file number on all outgoing correspondence, and
- quoting an appropriate file number on any correspondence sent to Records Unit for filing.

Customer Service and Administrative Support Staff should also refer to Section 3.5 of this Policy.

## Special Restrictions

- If you wish to destroy a record, you must first obtain approval from the Corporate Records Manager.
- If you need to remove a file from Council premises, you must first obtain approval from the General Manager or a Director.

Otherwise, you are expected to satisfy external file or document requests in relation to Court matters, legal advisers, etc, with photocopied files and documents.

# 1 Introduction

## 1.1 Purpose

As a public sector organisation Waverley Council is accountable to both the State Government and to the community. The records of Council provide a basis for accountability in all its forms. The purpose of this policy is to establish a framework and accountabilities for our records management responsibilities. The policy details how Council's records are to be managed to comply with our legislative requirements and allocates responsibilities for records management to identified Council Officers.

Records of all formats created and received by Council are covered by this policy, which aims to ensure that:

- we comply with current legislation in relation to recordkeeping and records disposal
- our records management program meets the standards determined by the State Records Authority of NSW
- documented systems are in place to capture full and accurate records of Council's activities
- corporate records meet Council's evidentiary requirements, satisfy community expectations and provide the cultural resources of our local area
- recordkeeping responsibilities of staff are adequately identified and communicated
- systems are in place to protect Council's archives and vital records.

Records for the purpose of this policy include letters, e-mails, reports, file notes and memorandums created for the purpose of documenting decision making and business activities. For a more complete definition see Records in Section 6 Definitions.

## 1.2 Authority of this Policy

This policy was initially approved by Council's Executive Team and General Manager on 2 August 2001 and adopted Council at its meeting on 25 September 2001.

This policy will be reviewed at regular intervals in consultation with Directors, Managers and Council Staff. Ownership of the policy rests with Council's Corporate Records Manager.

## 1.3 Policy statement

Waverley Council is bound by the requirements of the *State Records Act 1998 (NSW)* and is committed to meeting its legislative responsibilities by making and keeping full and accurate records of its activities, and establishing and maintaining a records management program in conformity with standards issued under that Act. Consequently, all records management practices and procedures across Council will be in accordance with this policy document.

Council's records are our corporate memory, providing evidence of actions and decisions and represent a vital asset supporting our daily functions and operations. They support policy formation and managerial decision-making, protect the interests of Council and the rights of employees and customers by helping us deliver our services in consistent and equitable ways. Records help Council make good use of precedents and of organisational experience. They support consistency, continuity, efficiency and productivity in program delivery, management and administration. Those that are to be kept as State Archives form part of the cultural resources of our area and this State.

## 2 Framework for Recordkeeping

The State Records Authority of New South Wales, develops and sets the recordkeeping framework for New South Wales Government Department, Agencies and Local Government. The State Records Authority provides a system of rules, including policy, legislation, standards and codes of best practice; a range of tools and services; and ongoing monitoring of recordkeeping performance.

### 2.1 *The State Records Act, 1998 (NSW)*

The State Records Act has provisions to protect Council records in all formats and media. Our key obligations under the legislation are detailed in various standards, which have been issued by the State Records Office under the authority of the Act.

To date, standards issued under the State Records Act 1998 are as follows:

- *Standard on Full and Accurate Records* (issued 1998, revised 2004)
- *Standard on Managing a Records Management Program* (issued 1998, revised 2004)
- *Standard on the Physical Storage of State Records* (issued 2000)
- *Standard on Appraisal and Disposal of State Records* (issued 2007)
- *Standard on Recordkeeping in the Electronic Business Environment* (issued 2000)
- *NSW Recordkeeping Metadata Standard* (issued 2001)
- *Standard on Counter Disaster Strategies for Records and Recordkeeping Systems* (issued 2002).

Council has key responsibilities under these standards, including obligations to ensure the proper protection and safe custody of the State records we create and control. These responsibilities include capture of full and accurate records of Council's activities and maintenance of accessibility to technology dependent records for as long as they are required. State records may not be destroyed without the approval of the State Records Authority and we must ensure that our State archives are managed appropriately. Public access directions must be put into place for all records over 30 years old for which we are responsible.

Council is also required to establish and maintain a records management program, which conforms to the standards and codes of best practice issued under the Act. This responsibility includes ongoing arrangements with the State Records Authority to monitor our records management program.

## 2.2 Records management program

### 2.2.1 *Background*

Waverley Council maintains a records management program as required by in the *State Records Act 1998*. Council's records management program provides the framework for a vital and valuable asset which supports our core functions by providing accurate and timely information in the form of records, as well as reducing the costs associated with managing records. Council's records contribute to effective corporate governance and organisational efficiency by supporting accountability and records-dependent activities.

### 2.2.2 *Responsibility for the program*

Council's records management program is managed within the Corporate & Technical Services Department to service the needs and protect the interests of the organisation and its stakeholders. Council's Corporate Records Manager directs our records management program.

### **2.2.3 Components of the program**

Council's records management program includes:

- setting policies and standards for recordkeeping across the organisation
- assigning responsibilities and authorities
- establishing and promulgating procedures and guidelines
- providing a range of services relating to the management of records
- designing, implementing and administering specialised systems for managing records
- integrating records management into business systems and processes.

### **2.2.4 Objectives of the program**

The main objectives of our records management program are to provide significant organisational and social benefits for Council and its stakeholders. Records enable Council to:

- conduct business in an orderly, efficient and accountable manner
- deliver services in a consistent and equitable manner
- provide consistency, continuity and productivity in management and administration
- provide continuity in the event of a disaster
- meet legislative and regulatory requirements including archival, audit and oversight activities
- provide protection and support in litigation including the management of risks associated with the existence of, or lack of, evidence of organisational activity
- protect the interests of Council and the rights of employees, ratepayers and present and future stakeholders
- support and document current and future research and development activities, progress and achievements, as well as historical research
- provide evidence of business, personal and cultural activity
- establish business, personal and cultural identity
- maintain corporate, personal or collective memory.

### **2.2.5 Corporate information systems**

Council has various business systems including Pathway, Lotus Notes, Service Desk and CHRIS to drive and support its business operations. TRIM has been selected as Council's records management system because it captures, maintains and provides access to records over time. In combination, Council's business systems need to maintain the information Council requires to sustain its business activities and be accountable to its stakeholders. Procedures are in place to ensure that organisational business is adequately documented and captured. However, Council is committed to providing ongoing resources to streamline future operations by further developing and integrating its business information systems and records management system.

### **2.2.6 Records management system**

People, policies, procedures, records management tools, training and maintenance combine with the TRIM records management system to develop an effective records management system and provide the following recordkeeping processes:

- records creation and capture
- registration
- classification
- storage and handling
- access and use
- tracking
- disposal.

## 3 Accountabilities

### 3.1 Overview

As Council's Chief Executive Officer, the General Manager has overall responsibility for compliance with relevant legislation in relation to the management of Council's records.

The General Manager has delegated certain responsibilities to Directors and other Council Staff.

Directors are responsible for supporting the application of records management policy across the organisation.

Council's Corporate Records Manager has responsibility for the planning, implementation and overall control of the records management system and archives of Council.

All employees are responsible and accountable for keeping accurate and complete records of their activities.

### 3.2 General Manager

Under Section 10 of the *State Records Act 1998*, the General Manager is responsible for ensuring all Council staff comply with the requirements and regulations of the Act. These responsibilities include:

- ensuring availability of adequate funding, staffing and training for the operation of Council's records management program
- ensuring Directors support the application of records management policy across the organisation by implementing programs and establishing routine procedures to assist all staff in meeting their recordkeeping responsibilities.

### 3.3 Corporate Records Manager

Council's Corporate Records Manager is responsible for directing our records management program by:

- determining and maintaining Council's Records Management Policy
- developing strategic and operational plans for records management
- annual auditing of records management practices and policy compliance for inclusion in Council's Operational Plan
- authorising disposal of records
- providing advice and guidance regarding the records management aspects of operational procedures
- managing Council's Records Unit
- overseeing Council's Archival records program.



### **3.4 Records Officers**

Records Officers are responsible for various day to day operations of the Records Unit including:

- processing and registering Council's incoming correspondence, except documents sent directly to Council Officers
- allocating correspondence to Council Officers for initial action
- distributing files and documents to action officers
- creating new files and new file parts – virtual and hardcopy records
- allocating classification and file titles
- closing files – virtual and hardcopy records
- providing assistance and guidance to Council staff in the use of the records management system
- maintaining current files, including file repair and physical control
- boxing, listing and transferring semi-current files to secondary storage
- maintaining the TRIM database.

### **3.5 Customer Service and Administrative Support Staff**

Records Management responsibilities of Customer Service and/or Administrative Support Staff in departments include:

- updating TRIM location details when files are forwarded between action officers and sections
- quoting appropriate file numbers on all outgoing correspondence
- saving a copy of all outgoing correspondence on the appropriate file in the records management system (TRIM) or within Pathway for Pathway users
- saving all business e-mail to TRIM
- including the appropriate file number on any correspondence sent to the Records Unit for filing
- ensuring official Council files are not removed from Council premises (except with the permission of the General Manager or a Director), instead satisfying external file or document requests in relation to Court matters, legal advisers, etc, with photocopied files and documents.

### **3.6 Individual Records Users Responsibilities**

Recordkeeping responsibilities of Individual Records Users include:

- routinely creating records that document business activities including meetings, telephone discussions, conferences, oral decisions
- routinely capturing business records onto an official registered file
- saving a copy of all outgoing correspondence on the appropriate file in the records management system (TRIM) or within Pathway for Pathway users
- updating file locations in TRIM when passing files to other officers
- avoiding unauthorised destruction of records without authority to do so from the Corporate Records Manager.
- practising careful handling methods and providing safe custody of all records, documents and files
- quoting an appropriate file number on all outgoing correspondence
- quoting an appropriate file number on any correspondence sent to Records Unit for filing
- ensuring official Council files are not removed from Council premises (except with the permission of the General Manager or a Director), instead satisfying external file or document requests in relation to Court matters, legal advisers, etc, with photocopied files and documents.

### **3.7 Council Contractors or Agents**

Requirements for record creation and capture are important to consider when Council employs contractors. These records document the organisation's activities and contractors need to be made aware of our recordkeeping requirements:

- routinely creating records that document business activities including meetings, telephone discussions, conferences, oral decisions
- routinely capturing business records onto an official registered file
- saving a copy of all outgoing correspondence on the appropriate file in the records management system (TRIM) or within Pathway for Pathway users
- updating file locations in TRIM when passing files to other officers
- avoiding unauthorised destruction of records without authority to do so from Council's Corporate Records Manager.
- practising careful handling methods and providing safe custody of all records, documents and files
- quoting an appropriate file number on all outgoing correspondence
- quoting an appropriate file number on any correspondence sent to the Records Unit for filing
- ensuring official Council files are not removed from Council premises (except with the permission of the General Manager or a director), instead satisfying external file or document requests in relation to Court matters, legal advisers, etc, with photocopied files and documents.

## 4 Recordkeeping processes

### 4.1 Creating and capturing records

Creating and capturing records are fundamental to doing business. While some records may be routinely captured according to established procedures, other activities, such as meetings, telephone conversations and informal discussions will consciously require documentation to create a record accurately reflecting the transaction or activity that has taken place.

Legal and statutory requirements establish explicit requirements to make and keep accurate records of organisational activities in the corporate recordkeeping system. Legislation, which significantly refers to recordkeeping requirements, can be found in Part 5 of this document.

Hard copy documents should be attached to the hard copy file, while electronic documents must be saved into TRIM or into Pathway for P&ES records. Council's *TRIM Records Management Manual* provides further information regarding the registration of electronic documents into TRIM. Departmental procedures outline established recordkeeping practices in relation to other corporate systems, such as Pathway.

### 4.2 Managing electronic records and electronic mail

The Records Management Standard, *Recordkeeping in the Electronic Business Environment*, issued under the *State Records Act 1998*, defines Council's responsibilities regarding the implementation of systems that support capture of full and accurate records of business conducted in the electronic environment.

Business information transmitted by e-mail is part of the corporate memory of the organisation and is not personal, informal or confidential, if it relates to the work of employees. These records must be routinely made and captured into the corporate recordkeeping system to meet a variety of operational, accountability and community requirements. Electronic records, both outgoing correspondence and e-mail messages, must be saved into TRIM as outlined in Council's *TRIM Records Management Manual* or into Pathway in line with established departmental procedures. Failure to capture e-mail messages and electronic documents systematically into TRIM will result in:

- A fragmented official record
- Uncontrolled electronic personal stores
- Difficulty in accessing older records when technology changes
- Potential financial loss and litigation.

Please also note Council's *Guidelines on Internet and Electronic Mail Use*.

### 4.3 Official files

Council is involved in a large number of business functions and activities for which various types of files have been created in hard copy and within TRIM. The files most widely used across the organisation are *Administration files*.

Official files should **not** be removed from Council premises (except with the permission of the General Manager or a Director). External file or document requests should be satisfied with photocopied files and documents, including requests for Court matters or legal advisers.

Some officers maintain working files, which may consist of background information, drafts, research material and copies of records. These working files can be maintained provided:

- **Official records are to be placed on the official file** - copies only may be placed on the working file

- Records provide evidence on how and why an outcome or decision was reached and must be placed on the official file – this may mean drafts or working papers should also be placed on the official file.

Under the provisions of *State Records Regulation 2005* – Schedule 3, guidelines have been issued on what constitutes ‘normal administrative practice’ when dealing with the disposal of working papers and records held on working files.

Working papers and records can be disposed of when they are primarily facilitative and are not required to be retained in order to account for policies, decisions, reasons and actions or not required to function as evidence.

#### **4.4 Records classification**

Council uses the *Keyword for Councils Thesaurus* issued by the State Records Authority of New South Wales to classify and title our records. The methodology used in this publication conforms with the Australian Standard for Records Management, *AS ISO 15489*, to provide an important records management tool enabling effective access to records as well as achieving other records management efficiencies within the classification process, including the allocation of security and disposal status.

#### **4.5 Storage and safe handling of records**

Established principles for the storing and handling of Council’s records are outlined in the State Records Authority publication *Standard on the Physical Storage of State Records* to ensure that records are stored and handled properly.

Council’s objectives in relation to the storage and handling of its records are that:

- records are stored in the most cost-effective manner
- records are protected, secure and accessible for the period of time they are required to meet business and accountability needs, as well as community expectations
- records of continuing value are stored in the best possible conditions.

Paper records must be handled carefully if they are to survive for as long as they are needed. Avoid storing records near known hazards and try not to damage them.

Records are Council’s corporate assets they do not belong to the individual. Records should not be removed from official recordkeeping systems for extended periods of time or take them out of the office. It is important that they remain available to other staff when they may need them.

#### **4.6 Records security**

Council’s information must be stored securely to satisfy various legislative responsibilities and must be protected against unauthorised access, alteration, deletion or loss. Records storage areas must be secure and passwords to networked resources and data stores protected. Records can contain personal and confidential information, which must not be disclosed to unauthorised persons. Sensitive and confidential records and files should not be left unsecured. Further advice about legislative responsibilities in relation to the protection of confidential information is available in various corporate documents (see ‘Related Documents’ list on Page 2 of this document).

#### **4.7 Records disposal**

Council is responsible to ensure that the disposal of all its records is in line with *General Disposal Authority for Local Government Records (GDA 10)*, which is the legal instrument for the retention, deletion or destruction of local government records in New South Wales.

Council’s records, whether in paper or electronic form, cannot generally be destroyed without proper authority from the Corporate Records Manager.

However, some kinds of records have ephemeral value only and can be destroyed when no longer needed as a 'normal administrative practice'. Make sure you know which kinds of records you deal with that have continuing value to Council or your own work and which are ephemeral. The Guideline on Normal Administrative Practice in records keeping provides further guidance on the proper disposal of records in this regard.

#### **4.8 Protection of Vital Records**

Under the *Standard on Counter Disaster Strategies for Records and Recordkeeping Systems*, issued by the State Records Authority, Council is bound to protect its records and recordkeeping systems from the risk of disaster by developing, implementing and regularly testing a counter disaster plan for records and recordkeeping systems.

Risk management of vital records is addressed specifically in the Standard. Vital records are essential to the continuity of Council business and require special measures to protect them from damage or destruction. Staff should be aware of the potential threats to Council's records and recordkeeping systems, as well as protection strategies in place for these valuable corporate assets. Council's *Disaster Recovery Plan for Records and Vital Records List* can be viewed in TRIM.

#### **4.9 Public access to Council's records**

Public access to government records is considered to be a fundamental right in a democratic society. *The State Records Act 1998* creates a framework for regulating public access to State records, which have been in existence for at least 30 years. There is an assumption that most records lose their sensitivity with time and will be open to the public after 30 years. However, the nature of Council's business means that there are some records that must remain closed for periods longer than 30 years. Council is obliged under the Act to make clear access directions to determine whether records in the 'open access period' are open or closed to public access. Please contact Records Staff for further details.

Various Acts in New South Wales, including *The Government Information (Public Access) Act 2009 (GIPA)*, *Privacy and Personal Information Protection Act 1998*, *Government, Health Records and Information Privacy Act 2002* and provide a legally enforceable right to the general public to access Council's information.

Council has established and documented procedures for dealing with public access applications. Several documents are available in the 'Waverley Controlled Documents' database in Lotus Notes, including *Our Privacy Management Plan (2007)*, *Guide to our Privacy Obligations (July 2005)* and *Privacy guidelines for Staff (August 2005)* which includes *Pipeline* articles on information management.

## 5 Legislation

Council's recordkeeping practices are subject to a wide range of statutory controls through both State and Commonwealth legislation. This section identifies significant legislation related to Council's recordkeeping responsibilities, but is not exhaustive.

### 5.1 Children and Young Persons (Care and Protection) Act 1998 [NSW]

Section 8 of this legislation specifies the objects of the Act which relate to Council's responsibilities:

- (a) *That children and young persons receive such care and protection as is necessary for their safety, welfare and well-being, taking into account the rights, powers and duties of their parents or other persons responsible for them, and*
- (b) *That all institutions, services and facilities responsible for the care and protection of children and young persons provide an environment for them that is free of violence and exploitation and provide services that foster their health, development needs, spirituality, self-respect and dignity.*

Under the related **Children's Services Regulation 2004** specific requirements under Division 2 relate to records:

Part 7 Clause 92: *Records in relation to children*

- (1) *Subject to subclause (2), the licensee and the authorised supervisor of a children's service must ensure that the records referred to in Schedule 1 are made in relation to each child provided with the service and (as appropriate) kept up to date.*
- (2) *In the case of a family day care children's service, the family day care carer of the service who provides care for the child (rather than the licensee or the authorised supervisor) must ensure that the records referred to in Schedule 1 (other than those referred to in clause 4 of that Schedule) are made in relation to each child provided with the service (as appropriate) kept up to date.*

Part 7 Clause 93: *Records in relation to staff and visitors*

- (1) *Centre based and mobile children's services*  
*The licensee of a centre based or mobile children's service must ensure that the following records are made and kept up to date in relation to each member of staff of the service:*
  - (a) *A copy of any relevant qualifications held by the member,*
  - (b) *A copy of any first aid qualifications held by the member,*
  - (c) *Any other particulars that the Director-General requires, by notice in writing served on the licensee, to be kept in relation to the member.*
- (2) *The licensee of a centre based or mobile children's service must ensure that records are made and kept up to date of the day to day attendance of each member of staff, casual employee or contractor of the service, including times of arrival and departure during the day including details of all absences.*
- (3) *All children's services*  
*The licensee of a children's service must ensure that records are made and kept up to date of the attendance of any visitor to the premises of the service, including times of arrival and departure.*
- (4) *The records kept under this clause in relation to any person must be signed by the person.*

Part 7 Clause 94: *Records in relation to attendance at children's service*

- (1) *Centre based or mobile children's service*

*The licensee of a centre based or mobile children's service must ensure that the authorised supervisor of the children's service maintains and keeps up to date a record of attendance by children at the service.*

- (2) *The licensee of a centre based or mobile children's service must ensure that the authorised supervisor of the children's service maintains and keeps up to date a staff roster detailing the hours to be worked by each member of staff, casual employee or contractor of the service.*
- (3) *Family day care children's service*  
*The licensee of a family day care children's service must ensure that the authorised supervisor of the service maintains and keeps up to date a record of attendance by children at the service.*

**Part 7 Clause 95:** *The licensee and authorised supervisor of a children's service must ensure that the following records are maintained and kept up to date:*

- (a) *the programs provided under Clause 64 [ie children's development, education and activities]*
- (b) *the structure of the children's day,*
- (c) *a developmental record for each child provided with the service,*
- (d) *a weekly record of the service.*

**Part 7 Clause 96:** *Retention of records*

- (1) *The licensee of a children's service must ensure that the records referred to in clause 92 in respect of a child are kept:*
  - (a) *in a safe and secure area at the premises of the service (or in case of family day care children's service, at the premises where the service is organised and arranged) for a period of not less than 2 years after the making of the record, and*
  - (b) *thereafter at a place approved by the Director-General until the time the child reaches (or would have reached) 24 years of age.*
- (2) *The licensee of a centre based or mobile children's service must ensure that the records referred to in clause 93 in relation to a member of staff are kept:*
  - (a) *in a safe and secure area at the premises of the service while the member of staff remains a member of staff of the service, and*
  - (b) *thereafter at a place approved by the Director-General for a period of not less than 7 years after the member of staff ceases to be a member of staff of the service.*
- (3) *The licensee of a children's service must ensure that the records referred to in clauses 94 and 95 are kept in a safe and secure area at the premises of the service for a period of 12 months after the record is made.*
- (4) *If the Director-General so directs, the licensee must give the records specified in the direction to the person (including the Director-General) specified in the direction within one week after the licensee receives the direction.*
- (5) *If a children's service ceases operation, the licensee must either:*
  - (a) *Keep the records referred to in clauses 92 and 93 at a safe and secure place and, if the records are to be moved to that place, obtain the approval of the Director-General before the records are moved to that place, or*
  - (b) *Give the records to such person (including the Director-General) as the Director-General approves in writing.*
- (6) *The licensee or authorised supervisor must give the parent of a child formerly provided with the service copies of the developmental records for the child kept by the service if requested to do so within 6 months after the child ceases to be provided with the service.*

## 5.2 Crimes Act 1900 [NSW]

*The Crimes Act* covers a diverse range of matters, including the significance of recordkeeping responsibilities.

Part 4, Section 138 specifically deals with offences relating to the removal, damage or destruction of records or documents from the lawful custody of a public office, court, business, office or employment under the Crown. This section states that any person found guilty of such offences will be liable to imprisonment for seven (7) years. Part 6 of the Act outlines various serious offences involving the security of electronic data and computer equipment; and offences concerning tampering with evidence are covered in Part 7, Section 317.

## 5.3 Electronic Transactions Act 2000 [NSW]

This Act provides a regulatory framework for information generated electronically and raises the validity and significance of the information economy for the future and social prosperity of Australia for both government and non-government sectors:

Part 2 Division 2 Clauses 8, 9, 10 and 11 works to increase the use of and community confidence in electronic transactions. The legislation revises statutory requirements for production of paper documents, including signatures and retention of documents so they are satisfied by electronic communications whose reliability and integrity has been maintained.

## 5.4 Environmental Planning and Assessment Act 1979 [NSW]

Council's regulatory role in building and development is one of its primary functions. This Act is intended to provide a framework of environmental planning and assessment for the State of New South Wales by:

- encouraging proper management, development and conservation of natural and artificial resources
- promoting shared responsibility for environmental planning between the different levels of government in New South Wales
- providing increased opportunity for public involvement and participation in environmental planning and assessment.

Section 100 of the Act specifies that Council keep a register of consents and certificates as follows:

- *applications for development consent*
- *the determination of applications for development consent (including the terms of development consents granted under this Part)*
- *the determination of applications for complying development certificates (including the terms of complying development certificates issued under this Part), and*
- *decisions on appeal from any determination made under this Part.*

*The register must be available for public inspection, without charge, at the office of the council during ordinary office hours.*

Section 149 regulates the issue of building and planning certificates, with Section 149G specifying Council's recordkeeping responsibilities in relation to these certificates:

- 1) *The council must keep a record of building certificates issued by it in such form as it thinks fit.*
- 2) *A person may inspect the record at any time during the ordinary office hours of the council.*
- 3) *A person may obtain a copy of a building certificate from the record with the consent of the owner of the building and on payment of the fee prescribed by the regulation.*



## 5.5 Environmental Planning and Assessment Regulation 2000 [NSW]

Part 4 Section 37 of the regulation provides for public access to the following documents, which Council must make available for inspection free of charge during Council's ordinary office hours at its principal office:

- *Each of its current contributions plans*
- *Each of its annual statements*
- *Its contributions register.*

Part 8 Section 162B regulates building inspection records created under the EPA by principal certifying authorities and other certifying authorities and specifies the details to be documented and determines retention periods for these records.

Part 16 of the Regulation determines recordkeeping requirements of registers and other records. A register of Building and Development applications and consents must be maintained for public inspection under Section 264 of the Regulation, which also specifies which information must be kept. The information may be kept in a loose-leafed register or in an electronic data retrieval system. However, indexed information must be available through the land address as well as in chronological order of the granting of each development consent. Section 266 stipulates which documents must be retained in relation to development applications and consents.

## 5.6 Evidence Act 1995 [NSW]

*The Evidence Act*, as it relates to Council's recordkeeping responsibilities, is primarily concerned with the acceptability of evidence in a court of law. The New South Wales legislation is almost uniform with the Commonwealth *Evidence Act 1995* as the two have been drafted in almost identical terms.

Part 2 of the Act is concerned with citing documents as evidence. Section 48 determines what constitutes the proof of contents of documents:

1. *A party may adduce evidence of the contents of a document in question by tendering the document in question or by any one or more of the following methods:*
  - a) *adducing evidence or an admission made by another party to the proceedings as to the contents of the document in question,*
  - b) *tendering a document that:*
    - i. *is or purports to be a copy of the document in question; and*
    - ii. *has been produced, or purports to have been produced, by a device that reproduces the contents of documents,*
  - c) *if the document in question is an article or thing by which words are recorded in such a way as to be capable of being reproduced as sound, or in which words are recorded in a code (including shorthand writing) – tendering a document that is or purports to be a transcript on the words,*
  - d) *if the document in question is an article or thing on or in which information is stored in such a way that it cannot be used by the court unless a device is used to retrieve, produce or collate it – tendering a document that was or purports to have been produced by use of the device,*
  - e) *tendering a document that:*
    - i. *forms part of the records of or kept by a business (whether or not the business is still in existence), and*
    - ii. *is or purports to be a copy of, or an extract from or a summary of, the document in question, or is or purports to be a copy of such an extract or summary.*

Section 50 gives provisions for the production of evidence when large or complex documents are involved:

1. *The court may direct that a party may adduce evidence of the contents of 2 or more documents in question in the form of a summary if:*
  - a) *application is made to it by the party before the hearing concerned; and*
  - b) *it is satisfied that it would not otherwise be possible conveniently to examine the evidence because of the volume or complexity of the documents in question.*
2. *The court may only make such a direction if the party seeking to adduce the evidence in the form of a summary has:*
  - a) *served on each other party a copy of the summary that discloses the name and address of the person who prepared the summary; and*
  - b) *given each other party a reasonable opportunity to examine or copy the documents in question.*
3. *The opinion rule does not apply to evidence adduced in accordance with a direction under this section.*

Section 51 abolishes the original document rule:

*The principles and rules of the common law that relate to the means of proving the contents of documents are abolished.*

Part 4.3 Section 146 provides for the citing of evidence produced by processes, machines and other devices and gives the example that:

*It would not be necessary to call evidence to prove that a photocopier normally produced complete copies of documents and that it was working properly when it was used to photocopy a particular document.*

Section 188 enables the Court to impound documents produced for the Court:

*The court may direct that a document that has been tendered or produced before the court (whether or not it is admitted in evidence) is to be impounded and kept in the custody of an officer of the court or of another person for such period, and subject to such conditions, as the court thinks fit.*

## **5.7 Government Information (Public Access) Act, 2009 [NSW]**

The Government Information (Public Access) Act 2009 (NSW) (GIPA Act) commenced in 2010. It replaces the Freedom of Information Act 1989 (NSW) (FOI Act).

The *Government Information (Public Access) Act* establishes the legislative framework that requires agencies to publish certain information and encourage the proactive release of government information generally.

The objectives of the GIPA Act include: “to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective”. To this end, the Act establishes four ways to access government information:

- Mandatory Disclosure
- Informal Release
- Proactive Release
- Formal Access

### **Schedule 5 Government Information (Public Access) Regulation 2009**

(Section 132)

#### **3 Additional open access information**

The government information listed in Schedule 1 that is held by a local authority is prescribed as open access information of the local authority.

Note. The fact that information is open access information does not create an obligation to keep records indefinitely and does not interfere with records management practices and procedures of local authorities that are consistent with the [State Records Act 1998](#).

#### 4 Additional ways in which open access information is to be made available

(1) A local authority must make its open access information publicly available by:

- (a) making the information available for inspection free of charge by any person at the office of the local authority during ordinary office hours, and
- (b) providing a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.

(2) This clause does not prevent a local authority from archiving records that contain open access information in accordance with the authority's records management practices and procedures. The authority is required to retrieve archived records and make the information available in accordance with this clause in response to a request for access as soon as reasonably practicable after the request is made.

(3) This clause extends to open access information of a local authority that is open access information listed in section 18 of the Act (and is not limited to information listed in Schedule 1).  
Schedule 1 Additional open access information—local authorities

##### (Clause 3)

##### 1 Information about local authority

(1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
- (b) code of meeting practice,
- (c) annual report,
- (d) annual financial reports,
- (e) auditor's report,
- (f) management plan,
- (g) EEO management plan,
- (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
- (i) annual reports of bodies exercising functions delegated by the local authority,
- (j) any codes referred to in the LGA.

(2) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) returns of the interests of councillors, designated persons and delegates,
- (b) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
- (c) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
- (d) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

(3) Information contained in the current version of the following records is prescribed as open access information:

- (a) land register,
- (b) register of investments,
- (c) register of delegations,
- (d) register of graffiti removal work kept in accordance with section 13 of the [Graffiti Control Act 2008](#),

- (e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

## 2 Plans and policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by the local authority concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the [Environmental Planning and Assessment Act 1979](#) applying to land within the local authority's area.

## 3 Information about development applications

(1) Information contained in the following records (whenever created) is prescribed as open access information:

(a) development applications (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) and any associated documents received in relation to a proposed development including the following:

- (i) home warranty insurance documents,
- (ii) construction certificates,
- (iii) occupation certificates,
- (iv) structural certification documents,
- (v) town planner reports,
- (vi) submissions received on development applications,
- (vii) heritage consultant reports,
- (viii) tree inspection consultant reports,
- (ix) acoustics consultant reports,
- (x) land contamination consultant reports,
- (b) records of decisions on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).

(2) This clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

(3) A local authority must keep the record referred to in subclause (1) (c).

## 4 Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the [Environmental Planning and Assessment Act 1979](#),
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,

- (i) leases and licences for use of public land classified as community land.

## **5.8 Health Records and Information Privacy Act 2002 [NSW]**

The aim of the legislation is to promote fair and responsible handling of health information in order to protect the privacy of an individual; to enable individuals to gain access to their health information; and to provide an accessible framework for the resolution of complaints regarding the handling of health information.

The Act requires Council to comply with the Health Privacy Principles contained within the legislation and sets penalties for corrupt disclosure or use of health information by public sector officials. Under the legislation, maximum penalty for corrupt conduct is 100 penalty units or imprisonment for 2 years or both.

## **5.9 Income Tax Assessment Act 1936 [Commonwealth]**

Section 262A of the Act requires:

- records to be kept by any person conducting a business
- all activities and transactions conducted and relevant to income and expenditure under the *Income Tax Assessment Act 1936* must be recorded
- records must be kept in writing in the English language, or in a manner making them easily converted into English
- the records must enable a person's tax liability to be readily ascertained
- they must be retained for five years after the records were prepared, obtained or completed.

## **5.10 Income Tax Assessment Act 1997 [Commonwealth]**

The *Income Tax Assessment Act* requires retention of sufficient records to calculate business assessable income and allowable deductions. Under Sect 900.165 of the Act records must be kept for 5 years after they are prepared, obtained or completed. Records kept on computer must be retrievable and they must provide the required information. Therefore the computer system must be able to produce paper documents and ensure backup procedures are followed.

Fringe benefits tax legislation requires records to be kept for a period of 5 years after the end of the current year (*Fringe Benefits Tax Assessment Act 1986* – Sect.123).

Under the *GDAI (General Disposal Authority – Accounting Records)* issued by the State Records Authority of NSW, records of payment by the agency of taxes and duties (such as sales tax) should be kept for 7 years after the tax year to which they relate.

## **5.11 Local Government Act, 1993 [NSW]**

The *Local Government Act* provides the statutory framework for local government in New South Wales and specifies its functions, management and operation. The Act makes provision for aspects of Council's recordkeeping responsibilities.

Section 13 of the legislation states that council must retain, preserve and destroy its records in accordance with any approved standards.

Chapter 13 sets out how councils are made to be accountable for their actions, with financial management outlined in Part 3:

Recordkeeping requirements for accounting records are stated in Division 2, Section 412:

1. *A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.*

2. *In particular, a council must keep its accounting records in a manner and form that facilitate:*
  - a) *the preparation of financial reports that present fairly its financial position and the results of its operations, and*
  - b) *the convenient and proper auditing of those reports.*

Section 426 of Division 3 gives auditors the power to inspect accounting records:

1. *A council's auditor:*
  - a) *may inspect the council's accounting records and other records necessary in order to carry out the auditor's functions at any time, and*
  - b) *must inspect those records at such periods as may be prescribed by the regulations, for the purpose of forming an opinion as to whether the requirements of this Act and the regulations are being complied with.*
2. *The auditor may report to the council or to the Minister on the results of the inspection.*
3. *Such a report may deal with such matters concerning the council's accounting and other records as, in the auditor's opinion, should be dealt with by the report.*
4. *The auditor must give the council a copy of any report made under this section to the Minister.*

An overview of the finances of councils is stated in Chapter 15 with Part 9, Section 602 stipulating requirements relating to records of rates and charges:

1. *A council is required to keep a record of:*
  - a) *each rate and charge made by it, and*
  - b) *in relation to each separate parcel of land within its area:*
    - *the land value of the parcel*
    - *whether the parcel is rateable, exempt from all rates or exempt from particular kinds of rates*
    - *the category declared under Part 3 for the parcel of land, and*
  - c) *the owner or lessee of each parcel.*
2. *The council may amend the record as the occasion requires*

Offences concerning the wilful destruction of documents are outlined in Chapter 16, Part 8, Section 666:

1. *Any person who, without reasonable excuse, wilfully destroys any document belonging to a council is guilty of an offence. Maximum penalty: 20 penalty units.*
1. *Any person who, without lawful authority, destroys, defaces or alters a council record is guilty of an offence. Maximum penalty: 20 penalty units.*

## **5.12 Local Government (Savings and Transitional) Regulation 1993 [NSW]**

Part 8 of the regulation covers provisions arising out of Chapter 13 of the *Local Government Act 1993* with Section 18 setting out conditions for Accounting Records:

1. *All principal and subsidiary books of account and registers kept or used by a council under Ordinance No.26 are taken to be accounting records of the council for the purposes of the Local Government (Financial Management) Regulation 1993.*
2. *In particular, a General Ledger, Journal or Cash Book that is being used by a council in accordance with clause 3, 4 or 5 of ordinance No.26 immediately before 1 July 1993 is taken*

*respectively to be a general ledger, general journal or cash record kept by the council for the purposes of clause 12 of the Local Government (Financial Management) Regulation 1993.*

Part 11, Section 51 requires:

*A document issued on or after 1 July 1993 which is expressed to be issued under the old Act [Local Government Act 1919] or an ordinance made or deemed to have been made under the old Act is not invalid if the document could be issued under the new Act [Local Government Act 1993] or the regulations made under the new Act.*

### **5.13 Privacy Act 1988 [Commonwealth]**

This Act protects the rights of individuals as they relate to the collection, storage, usage and disclosure of their personal information.

The Information Privacy Principles in Section 14 of the Act requires that any personal information contained in files be:

- collected for a purpose that is lawful and related to the function for which it was collected
- accurate, up to date, complete and not misleading
- used only for purposes to which information is relevant; and
- not disclosed to another person, body or agency unless exemption is applicable.

This Section of the Act includes the requirement that ‘record-keepers’ ensure that proper safeguards are put into place to protect against loss, and unauthorised access and use.

### **5.14 Privacy & Personal Information Protection Act 1998 [NSW]**

This Act provides for the protection of personal information and for the protection of the privacy of individuals generally.

Part 2 Division 1, Principle 10 of the legislation sets out requirements when collecting personal information:

*Requirements when collecting personal information*

*If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:*

- (a) the fact that the information is being collected,*
- (b) the purposes for which the information is being collected,*
- (c) the intended recipients of the information,*
- (d) whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) the existence of any right of access to, and correction of, the information,*
- (f) the name and address of the agency that is collecting the information and the agency that is to hold the information.*

Principle 12 requires:

*A public sector agency that holds personal information must ensure:*

- (a) *that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- (b) *that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- (c) *that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- (d) *that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

### **5.15 State Records Act 1998 [NSW]**

The *State Records Act* regulates Council's recordkeeping obligations to capture full and accurate records of all business activities and to establish and maintain a records management program for the organisation. The legislation also establishes the jurisdiction and authority of the State Records Authority for public sector recordkeeping in New South Wales.

The recordkeeping responsibilities of public offices outlined in Part 2 are as follows:

- Section 10 requires Chief Executives to ensure organisational compliance with the Act
- Section 11 requires Public Offices to protect the records it has control of
- Section 12 requires each public office to comply with defined records management obligations
- Section 13 sets the framework for mandatory recordkeeping standards and codes of best practice
- Section 14 requires each public office to maintain accessibility to technology-dependent records.

Other provisions contained in the Act include the framework to enable public access to State records after 30 years and the establishment of various administrative and protective measures for public sector records in New South Wales.

### **5.16 State Records Regulation 2005 [NSW]**

The *State Records Regulation* made under the *State Records Act 1998* gives guidance as to what constitutes normal administrative practice in a public office. These guidelines affect the disposal of ephemeral records that need only to be kept for a limited or short period of time, and facilitative records that need to be kept for a few hours or days only.



## 6 Definitions

### ***Access***

right, opportunity, means of finding, using, or retrieving information (Australian Standard AS ISO 15489-2002 *Records Management Part 1: General*, Clause 3.1, Standards Australia, Sydney)

### ***Accountability***

principle that individuals, organisations and the community are required to account to others for their actions and may be required to explain them to others (AS ISO 15489 Part 1 Clause 3.2)

### ***Active records***

Those records required for the day-to-day functioning of an agency or person. Also referred to as current records. (Acland, Glenda ‘Glossary’ in Judith Ellis [ed], *Keeping Archives*, 2<sup>nd</sup> Edition, Australian Society of Archivists Inc, Thorpe Publishing, Port Melbourne, 1993, p461)

Records in frequent use, regardless of their date of creation, required for current business relating to the administration or function of the organisation. Such records are usually maintained in office space and equipment close to hand. (*Glossary of Recordkeeping Terms* viewed 4 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/a-c\\_4298.asp](http://www.records.nsw.gov.au/recordkeeping/a-c_4298.asp))

### ***Archives***

Those records that are appraised as having continuing value. (Australian Standard AS 4390 – 1996, Part 1, Clause 4.5, Standards Australia, Homebush)

Traditionally the term has been used to describe records no longer required for current use which have been selected for permanent preservation. Also referred to as permanent records.

The place (building/room/storage area) where archival material is kept.

An organisation (or part of an organisation) responsible for appraising, acquiring, preserving and making available archival material. (Ellis [ed], *Keeping Archives*, p.463)

### ***Counter-disaster plan***

A plan for measures to be taken for disaster prevention, disaster response and recovery and vital records protection. (*Glossary of Recordkeeping Terms* viewed 4 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/a-c\\_4298.asp](http://www.records.nsw.gov.au/recordkeeping/a-c_4298.asp))

### ***Corporate governance***

Corporate governance is the system or process by which companies are directed and controlled. Corporate governance is concerned with the way that the directors control the *activities* of the company and ensure that the managers to whom they delegate many *functions* are *accountable*. A good system of corporate governance should enable responsibility to be clearly defined. Directors ... have responsibility for the governance of their companies. (Bryce Hardman, “Corporate Governance: A practical guide for directors and secretaries”, *Company Secretary*, July 1996)

### ***Disposal***

A 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. (AS 4390 Part 1 Clause 4.9)

***Facilitative records***

Records of little value and of a routine instructional nature that are used to further some activity. Most facilitative records have no continuing value to the public office and, generally, are only needed for a few hours or a few days. (*State Records Regulation 2005*, Part 1, Clause 2)

***Ephemeral records***

Records of little value that only need to be kept for a limited or short period of time. Ephemeral records have no continuing value to the public office and, generally, are only needed for a few hours or a few days. (*State Records Regulation 2005*, Part 1, Clause 2)

***Inactive records***

Those records no longer required for the conduct of business and which may therefore be transferred to intermediate storage, archival custody or destroyed. (Ellis [ed], *Keeping Archives*, p.462)

***Local Authority***

A local authority means a council or county council within the meaning of the Local Government Act 1993 (Government Information (Public Access) Act 2009 NSW Schedule 4)

***Normal Administrative Practice***

Disposal of ephemeral or facilitative records without the formal authorisation of State Records.

See *State Records Act (NSW)* s.22 and *State Records Regulation 2005*. (*Glossary of Recordkeeping Terms* viewed 4 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/g-o\\_4300.asp](http://www.records.nsw.gov.au/recordkeeping/g-o_4300.asp))

***Record of continuing value***

Any record that has administrative, business, fiscal, legal, evidential or historic value to the public office. (*State Records Regulation 2005*, Part 1, Clause 2)

See also **Archives**.

***Recordkeeping***

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. (*AS 4390 Part 1*, Clause 4.19)

***Recordkeeping includes the following:***

- the creation of records in the course of business activity and the means to ensure the creation of adequate records;
- the design, establishment and operation of recordkeeping systems; and
- the management of records used in business (traditionally regarded as the domain of records management) and as archives (traditionally regarded as the domain of archives administration). (*AS 4390 Part 3 Forward*)

***Recordkeeping systems***

Recordkeeping systems are business information systems capable of capturing, maintaining and providing access to records over time. (*Glossary of Recordkeeping Terms* viewed 10 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/p-r\\_4301.asp](http://www.records.nsw.gov.au/recordkeeping/p-r_4301.asp))

***Records***

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 Part 1*, Clause 3.15)

Record means 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 [NSW]*)

### ***Records continuum***

The whole extent of a record's existence. Refers to a consistent and coherent regime of management processes from the time of the creation of records (and before creation, in the design of recordkeeping systems), through to the preservation and use of records as archives. (*AS4390 Part 1, Clause 4.22*)

### ***Records management***

Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records (*AS ISO 15489 Part 1, Clause 3.16*).

### ***Records Officer***

***An Officer of Council who has daily responsibility supporting the Corporate Records Manager in the implementation of the records management program, policies and guidelines in respect of records throughout the records continuum.***

***See: Accountabilities for Records Officers on page 9***

### ***Retention and disposal authorities***

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records. (*Glossary of Recordkeeping Terms* viewed 4 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/p-r\\_4301.asp](http://www.records.nsw.gov.au/recordkeeping/p-r_4301.asp))

*General Disposal Authority - Local Government Records (GDA 10)* is the legal instrument authorising retention and disposal of the local government records in New South Wales.

### ***State archive***

A State record that the State Records Authority of New South Wales has control of under the *State Records Act, 1998 (NSW)*. (*Glossary of Recordkeeping Terms* viewed 4 January 2006 at [http://www.records.nsw.gov.au/recordkeeping/s-z\\_4302.asp](http://www.records.nsw.gov.au/recordkeeping/s-z_4302.asp))

### ***State record***

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. (*State Records Act 1998 [NSW]*)

### ***Storage***

The function of storing records for future retrieval and use. (*AS 4390 Part 1, Clause 4.25*)

### ***Tracking***

Creating, capturing and maintaining information about the movement and use of records (*AS ISO 15489 Part 1, Clause 3.19*)

Tracking of the movement and use of records within the recordkeeping system is required to:

Enable retrieval of a record

Detail outstanding action required of a transaction

Monitor usage for systems maintenance and security, and

Maintain an auditable trail of recordkeeping transaction.

(*AS4390 – 1996 Part 1 Clause 7.5*)

***Vital records***

Those records that are essential for the ongoing business of an agency, and without which the agency could not continue to function effectively. The identification and protection of such records is a primary object of records management and disaster planning. (Ellis [ed], *Keeping Archives*, p480)

***Working papers and records***

Means papers, background notes and reference materials that are used to prepare or complete other documents. (*State Records Regulation 2005*, Schedule 3)

## 7 References

Australasian Legal Information Institute databases: <http://www.austlii.edu.au>.

Ellis, Judith, Editor, 1993, *Keeping Archives*, 2<sup>nd</sup> Edition, Thorpe Publishing, Port Melbourne.

Government Information (Public Access) Bill 2009; Government Information (Information Commissioner) Bill 2009. Premier's Agreement in Principle speech: Hansard, NSW Legislative Assembly 17 June 2009 Section 2 (1)

Kennedy, Jay & Schauder, Cheryl, 1998, *Records Management: A Guide to Corporate Record Keeping*, 2<sup>nd</sup> Edition, Longman, South Melbourne.

Office of the Information Commissioner, Right to Information in NSW – a guide; Edition 4, 15 February 2010

Standards Australia, 1996, *AS 4390 – 1996, Part 1*, Homebush.

Standards Australia International, 2002, *AS ISO 15489*, Records Management Set, Sydney.

State Records Authority of NSW, 1999, *Government Recordkeeping Manual*, Sydney.

State Records Authority of NSW, 2004, *Standard on Full and Accurate Records*, Sydney.

State Records Authority of NSW, 2004, *Standard on Managing a Records Management Program*, Sydney.

State Records Authority of NSW, 2000, *Standard on the Physical Storage of State Records*, Sydney.

State Records Authority of NSW, 2000, *Standard on Recordkeeping in the Electronic Business Environment*, Sydney.

State Records Authority of NSW, 2007, *Standard on Appraisal and Disposal of State Records*, Sydney

State Records Authority of NSW, 2001, *NSW Recordkeeping Metadata Standard*, Sydney.

State Records Authority of NSW, 2002, *Standard on Counter Disaster Strategies for Records and Recordkeeping Systems*, Sydney.

State Records Website: <http://www.records.nsw.gov.au>.

## 8 Appendix 1- Staff Acknowledgment Form

The following *Staff Acknowledgment Form* is to be signed by staff as part of records management policy compliance.

# Records Management Policy Staff Acknowledgment Form

As an employee of Waverley Council, I have read and understand the Records Management Policy as approved by Council on 25 September 2001 together with the subsequent amendments to the policy. I acknowledge my responsibilities and duties in respect to this policy as outlined in the Records Management Policy, Section 3.

Please note that this form will be attached to your personnel file for reference and audit purposes in compliance with the requirements under the *State Records Act 1998*.

.....

Employee Name (please print)

Payroll Number

.....

Employee Signature

Date Signed: ...../...../.....

Please forward this form to Employee Services when signed as soon as possible.