



### *Our Vision*

Nambucca Valley ~ Living at its best

### *Our Mission Statement*

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

#### **1.0 Policy objective**

The objective of this policy is to ensure that full and accurate records relating to the activities and decisions of Councillors in the course of their council duties are created, captured, managed and disposed of appropriately to meet organisational needs and legislative requirements.

#### **2.0 Related Legislation/Policies**

Government Information (Public Access) Act 2009  
Local Government Act 1993  
Privacy & Personal Information Protection Act 1998  
State Records Act 1998  
Standard No 12 issued under the State Records Act 1998  
Code of Conduct No G 04  
Privacy Management Plan No CS 06  
Records Management Policy and Program No CS 04  
Social Media Policy No CS 09

#### **3.0 Definitions**

<b>Record</b>	Recorded information, in any form, created or received and maintained by an organisation or person in the transaction of business and conduct of affairs and is kept as evidence of such activity.
<b>State Record</b>	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 the use of a public office.
<b>Record Keeping</b>	Making and maintaining complete, accurate, accessible and reliable evidence of business transactions in the form of recorded information.
<b>Records Management</b>	The discipline and organisational function of managing records to meet operational business needs, legislative and accountability requirements and community expectations.

**Senior Responsible Officer** At Nambucca this is the Manager Information and Communication Technology who has been delegated strategic and corporate responsibility for records and information management. The SRO is responsible for ensuring that records and information management is in place and operating effectively to support business operations.

## **4.0 Policy Content**

### **4.1 Background**

Councillors are required under the State Records Act 1998, to keep records they create or receive that relate to the business of Council. This policy sets out the requirements and the process for registering Councillor records into Council's record keeping system.

### **4.2 Principles**

#### **What is a record?**

Recorded information in any form created or received and maintained by an organisation or person in the transaction of business and conduct of affairs and is kept as evidence of such activity.

#### **Importance of Record Keeping**

Records are a vital asset to Council. Many records created and received by Councillors have the potential to:

1. Support the work of Councillors and Council's delivery program, management and administration
2. Help Councillors and Council deliver customer services in an efficient fair and equitable manner
3. Provide evidence of Councillors actions and decisions and establish precedents for future decision making
4. Protect the rights and interests of the Council, Councillors and customers

Accurate and timely record keeping provides evidence and protection for Councillors in the event that questions are raised regarding conduct. Documenting events, activities and decisions enables Councillors to recall or provide information on a matter when required and supports the transparency of Councillor conduct.

#### **Examples of Council Records**

Examples of Council Records which need to be captured include (but are not limited to):

- Correspondence, including e-mails, regarding building and development matters, licences or leases of public land, tendering and procurement.
- All letters (including personal references) written on Council letterhead
- Petitions received from community groups
- Declarations of pecuniary interests
- Speech notes for addresses given at official Council events
- Complaints, suggestions or enquiries by rate payers about Council services including those on Councillor's personal social media sites.

## **Examples of Records That are Not Council Records**

- Records created or received when not conducting/undertaking functions of Council.
- Records relating to political or electoral issues
- Communications regarding matters of personal/private interest rather than Council interest.
- Records relating to attendance at events when not representing Council.
- Personal records of Councillors.

## **Creating and Capturing Records**

### **1 Creating Records**

Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- Providing advice, instructions or recommendations
- Drafts of documents for Council containing significant annotations or submitted for comment or approval by others.
- Correspondence received or sent relating to their work undertaken for Council.

Details of significant conversations should be recorded. Records should be made as soon as possible after the event to ensure the information is accurate and forwarded to Council.

### **2 Capturing Records**

Any records of Council business must be forwarded as soon as practicable to Council's Records Officer and this will then be captured into Council's Record Management System – CM 9. This includes comments, complaints, issues etc relating to Council that have been posted onto a Councillor's personal social media site.

Electronic records -should be emailed to [council@nambucca.nsw.gov.au](mailto:council@nambucca.nsw.gov.au)

Paper records should be forwarded to Council with the attention of the Records Officer.

If the records are of a sensitive or confidential nature, the Councillor should note this on the record so that appropriate security controls can be applied to the document.

Correspondence from Council to Councillors will be captured into CM 9 before being sent to Councillors.

### **3. Councillor Copies**

If a Councillor retains copies of any records once the original has been sent to Council for capturing, these should be retained only while needed for current Council business. The routine destruction of copies is permitted under the State Records Act 1998.

## **Councillor Mail**

Mail addressed to Councillors and received at Council's Administration Centre will be captured into CM 9 by Records staff and then forwarded to the Councillor electronically.

Emails received by Council marked for the attention of Councillors will be captured into CM 9 and then forwarded to the Councillor's email address.

## **Disposal of Records**

Records must be disposed of in accordance with the State Records Act 1998 and the General Retention and Disposal Authorities issued by State Records (GA39 and GA45).

Councillors should liaise with Council's Records Officer regarding the disposal of any records of Council business to ensure legislative requirements are met, destruction is undertaken appropriately and disposal decisions are documented.

Council will provide access to a secure destruction bin at the Council administration building for the purpose of disposal of duplicate copies of records.

## **Protection of Records**

Records can contain personal and confidential information which must not be disclosed to unauthorised persons. Councillors should ensure records storage areas are kept secure, passwords to networked systems are protected and sensitive records are not left unattended.

## **Breaches of this Policy**

A breach of this policy will be taken to be a breach of the Code of Conduct. Complaints regarding breaches must be made in accordance with the Code of Conduct and will be dealt with in accordance with the provisions of the Code of Conduct.

### **4.3 Scope**

This policy applies to the Mayor and Councillors in the conduct of Council business whilst carrying out the functions and duties of a Councillor.

This policy applies to records in all formats including electronic records and hard copy records.

## **5.0 History**

New Policy

<b>Department:</b>	Corporate Services	<b>Last Reviewed</b>	<b>Resolution Number</b>
<b>Policy Category</b>	Council	11 October 2022	By AGMCS
<b>Endorsed By:</b>	General Manager		
<b>Approval Authority</b>	Council		
<b>Policy Owner</b>	AGMCS		
<b>Contact Officer</b>	AGMCS		
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