**RELEVANT LEGISLATION:**

* Public Records Act 2002
* Public Service Act 2008
* Public Sector Ethics Act 1994
* Civil Liberty Act 2003
* Electronic Transactions (Queensland) Act 2001
* Evidence Act 1977
* Financial and Performance Management Standard 2009
* Information privacy Act 2009
* Right to information Act 2009
* Local Government Act 2009
* Information Standard 40: Record keeping (IS40)
* Information Standard 41: Managing Electronic Records (IS41)
* Information Standard 42: Information Privacy
* Information Standard 31: Retention and Disposal of Public Records (IS31)
* Information Standard 18: Security
* Australian Standards for Records Management (AS ISO 15489)
* Financial Administration and Audit Act 1977
* WWASC Internet and Email Policy
* WWASC Employee Code of Conduct

This policy applies to all Council Officials (see definition)

**PURPOSE:** The purpose of this policy is to establish a framework for Wujal Wujal Aboriginal Shire Council to effectively fulfil its obligations and statutory requirements under the Public Records Act 2002 and advise all staff of their obligations in relation to the creation and maintenance of records within the Council in a manner that is compliant with the standards set out by Queensland State Archives.

**SCOPE:** This policy applies to all aspects of Council business, all records created or received during the conduct of business activities and all business applications used to create records including email, database applications and websites.

This policy applies to all records regardless of format, including both physical and electronic records, including emails.

All practices concerning recordkeeping within Council are to be in accordance with this policy which provides the overall framework for any other corporate recordkeeping policies, practices or procedures.

**PREAMBLE:** The Wujal Wujal Aboriginal Shire Council recognises its regulatory requirements as a QLD Local Government Authority, and is committed towards achieving the principles and practises set out in the Information Standard 40: Recordkeeping (IS40) by establishing and maintaining best recordkeeping practices to meet its business, legal, community and cultural needs, and accountability requirements.

Council’s records are its corporate memory, and as such are a vital asset for its ongoing operations, providing valuable evidence of business activities, transactions, communications, decisions, and cultural heritage. Records management is therefore regarded as a core component of Council’s functions.

**DEFINITIONS: “Accurate Records”**

Records must accurately reflect what was communicated, decided or done (or not done). That is, the records content, context and structure can be trusted as a true and accurate representation of the transactions, activities or facts that they document and can be depended upon in the course of subsequent use.

**“Council”**

Wujal Wujal Aboriginal Shire Council

**“Council Business”**

May include the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.

**“Council Officials”**

Persons employed by Council (whether permanent, temporary, full time, part time or casual), including Councillors, Volunteers, trainees, apprentices and cadets, work experience placements, independent consultants and contractors and other authorised personnel offered access to the Council’s resources.

**“Business Activity”**

Umbrella term covering all the functions, processes, activities and transactions of an organisation and its employees. Records that document business activity are vital for supporting informed decision making, corporate memory and ensuring accountability. E-mail containing evidence of business transactions such as: -

* A directive or approval for a particular course of action
* Formal communications between internal officers or external agencies
* Final versions of reports
* Policy documents and Statements
* Formal minutes of Council Committees which are not captured in any other form

This material is distinct from: -

* Information only messages
* Duplicates or working copies/memos
* Private messages or personal comments between officers which would not provide evidence or be required for accountability purposes

**“Document”**

A structured unit of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

**“Digitisation”**

The process of converting any physical or analogue record into electronic representation. This may be done by such means as scanning or digital photography.

**“Disposal”**

The action concerning the fate of records. Disposal includes: Destroying, deleting or migrating a record, and abandoning, transferring, giving away, donating or selling a record or part of a record.

**“Electronic Mail – (E-mail)”**

E-mail is a computer-based message sent over a communications network to one or more recipients. It may be transmitted with attachments such as electronic files containing text, graphics, images and digitised voice and video or computer programs.

**“Evidence”**

Information that tends to prove a fact. Not limited to the legal sense of the term.

**“Full and Accurate record”**

Full and accurate records are a combination of processes and essential attributes of records. To be a full and accurate record according to IS40 principle 7, a public record must possess the following processes and attributes:

|  |  |
| --- | --- |
| Created | Meaningful |
| Captured | Accurate |
| Retained | Authentic |
| Preserved | Inviolate |
| Adequate | Accessible |
| Complete | Useable |

**“Metadata”**

Structured information that describes &/or allows users to find, manage, control, understand or preserve other information over time.

**“Public Record”**

Any form of recorded information; both received and created that provides evidence of the decisions and actions of a Public Authority while undertaking its business activities.

Public Records may be in any format- not just traditional paper records. Information can be recorded in a range of formats including but not limited to: -

* Paper, Microfilm, Electronic
* Data within a database or business system that documents and records business processes or actions (e.g. rates payments, license applications, salary payments etc.)
* Documents, files, maps, plans, drawings and photographs
* Audio or video media such as cassette and video tapes
* Optical media such as CD’s and DVD’s
* Computer files on a floppy disk or hard disk

For the purpose of this policy examples of a “Public Record” includes but is not limited to: -

* All agendas, minutes and papers that were presented at meetings (internal or external)
* Report or analysis of external publication
* Internal advertising or training brochures of a work related event or publication
* Media Releases
* Internal manuals and instructions
* Letters or emails from clients requesting information or action
* Records generated from project (plans, estimates/costing, research material, correspondence etc.)
* Internally generated documents i.e. file notes
* Business related emails (e.g. an email that approves the purchase of new computers)
* Information published on a webpage or to a website
* Information downloaded from the internet used to form the basis of a business decision
* Photographs, diagrams, drawings, maps and plans
* Documented phone calls (Record of Phone Conversations)
* Handwritten diaries, notes and notebooks that document a business decision or action
* Records that are received or created by a Mayor or Councillor that relate to Councils executive activities, including their diaries

For the purpose of this policy examples of a “Public Record” does not include: -

* Any advertising material or training brochures from an external provider
* Informational material that includes lists of suppliers, catalogues, directories, addresses and contact lists
* Transitory/Ephemeral records
* Drafts that were not circulated internally, externally, or finalised

(excluding official version drafts of agreements, submissions and legal documents)

* Duplicate copies of material retained for reference purposes only
* Spreadsheets which have no further value once the work to which it contributed has been completed (i.e. no continuing value for administration or research)
* Spam and unsolicited material (i.e. offering a service)
* Product brochures
* An email about morning tea for a work colleague who is leaving
* Personal information such as:

Personal notes from a training session, resume and personal emails\*unless a large percentage of the email is business related

\*\* Documents which are not Public Records should not be stored in the Council Record keeping System and may be destroyed when reference ceases.

**“Recordkeeping System”**

Information system, which captures, maintains and provides access to records over time

**“Records”**

Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity

**“Records Management”**

The discipline and organisational function of management records to meet operational business needs, accountability requirements and community expectations

**“Magiq”– (Enterprise Content Management**)

Enterprise Content Management refers to the technologies, strategies, methods and tools used to capture, manage, store, preserve and deliver content and documents related to an organisation. Magiq is a brand of Electronic Records and Document Management System (eDERMS)

**“Transaction”**

The smallest unit of business activity, uses of records are themselves transactions

**“Transitory/Ephemeral”**

Transitory/Ephemeral records are items of short term informational value that only need to be kept for a limited or short period of time, such as a few hours a few days. The General Disposal Schedule for Administrative Records indicates that ephemeral records include:

* Short term items such as phone messages, notes, compliment slips, office notices and circulars when the message does not relate to the business functions of the agency
* Rough working papers created in the preparation of official records;
* Drafts not intended for further use or reference, excluding official version drafts of agreements, submissions and legal documents;
* Duplicate copies of material retained for future reference purposes only;
* Spreadsheets which have no further value once the work to which it contributed has been completed (i.e., no continuing value for administration or research)

**POLICY Introduction**

The Public Records Act 2002 governs the obligations and responsibilities of councils in relation to the management of public records. Under this Act, Council has an obligation to maintain records in its custody in good order and condition. Not only does this include obligations in relation to the creation, capture, storage, maintenance, protection and disposal of physical records but also records in electronic format.

The Public Records Act 2002 covers all public records irrespective of the technology or medium used to generate, manage, preserve and access those records.

For the purpose of this policy – a **“Public Record”** is any form of recorded information; both received and created that provides evidence of the decisions and actions of a Public Authority while undertaking its business activities. This means that, because Council Members and Staff act as representatives of the Council, any record created, sent, received, forwarded or transmitted by Council staff and/or Council Members in the performance and discharge of their functions and duties may be classified as public records (for example of what is and what is not a public record, see definitions).

Records that have short-term informational value and are only required to be retained for a short time, while they are needed for reference purposes are referred to as “Transitory/Ephemeral” (see definitions).

**Recordkeeping System**

Magiq is an Electronic Document Records Management System (eDRMS) and has been elected as the primary Recordkeeping System for Wujal Wujal Aboriginal Shire Council.

For the purposes of this policy- Recordkeeping Systems are NOT the corporate email system, shared network drives/folders or personally managed files.

The use of Magiq is mandatory as set down by the Chief Executive Officer (CEO) and is to be used in all offices of the Wujal Wujal Aboriginal Shire Council.

All records created and received by Council are captured in this system through digitisation (i.e. scanning) processes. As with records in other formats, emails that document any business activity or transaction must also be captured in the Recordkeeping System.

Magiq will manage the following processes:

* The creation and/or capture of records
* Assist with automated capture of metadata (including action history)
* The storage and hardcopy location details of records
* The security and protection of records (including authenticity and integrity)
* Access to records (subject to security provisions)
* Distribution of records (internally and externally as required)
* The disposal of records

**Roles and Responsibilities**

The Chief Executive officer (CEO) is ultimately accountable for recordkeeping compliance in accordance with Section 7(2) of the Public Records Act 2002. Therefore, the CEO must have regard to any policy, standard or guidelines issued by the State Archivist in relation to recordkeeping and actively promote and support a positive recordkeeping culture.

Managers are responsible for supporting this policy through ensuring records are created and managed within their departments in a way which complies with the Records Management Policy and procedures. In doing so, Managers should create and support the creation of records by staff, as part of normal business practices, as well as actively promote and support a positive recordkeeping culture through resource allocation, and other management support.

The Records Management unit is responsible for:

* Identify recordkeeping requirements in consultation
* Provide training and education to Council staff in relation to recordkeeping requirements
* Develop, implement and promote strategies, procedures and policies to ensure that all records are managed effectively
* Manage retention and disposal of public records in accordance with approved retention and disposal authorities issued by Queensland State Archives
* Monitor compliance and management of records and recordkeeping within this organisation consistent with the standards described in this policy

The Information Technology section is responsible for maintaining the technology for Council’s recordkeeping system, by providing support and infrastructure to ensure that records kept in electronic form are managed so that they are accessible, readable, inviolate, complete, comprehensive and authentic for as long as required.

All staff are responsible for the creation and capture of full and accurate records as defined by this policy.

**Creation and Capture**

* Council requires all staff to ensure full and accurate records are created in all instances where there is a need for Council or and individual to be accountable for, and /or provide evidence of, decisions made or actions taken (for information on a “full and accurate record” see definitions). For further assistance with creating full and accurate records please see the Records Management staff
* All records identified as Public Records should be captured as soon as possible into the, into the recordkeeping system “Magiq”
* All staff are responsible for capture or initiating the capture of records that are identified as Public Records in accordance with established procedures.

**Storage and Access**

* Hoarding or storing records (including emails) on or in informal/personal managed filing systems, network drives or email archive folders does not achieve compliance with the recordkeeping requirements under the Public Records Act 2002 or *Information Standard 40: Recordkeeping (IS40).* Records must be made accessible and available for use over their lifetime to other staff (subject to normal security provisions); therefore, records that are public records must be captured into “Magiq”
* Staff must ensure appropriate levels of confidentiality are maintained when accessing records or recordkeeping systems in accordance with established policies and procedures and must not provide inappropriate/unauthorised access to restricted records or disclose information to the public except in accordance with the functions of your position
* To mitigate the risk of loss, damage or theft, Council records should not be stored in unauthorised location (i.e. at home or left in cars).
* Confidential records should be stored in locked storage cabinets which are accessible only by the authorised persons.

 **Retention and Disposal**

* Council Officials (other than records staff) are not authorised to destroy, delete or dispose of any records of the Council identified as being a Public record (see definition of a Public record)
* The Public Records Act 2002 prohibits the disposal of public records without the permission of the State Archivist, therefore records may only be disposed in accordance with the Local Government Retention and Disposal Schedule (QDAN480) and the General Retention and Disposal Schedule for Administrative Records, issued by the Queensland State Archivist.
* Records that are identified as ephemeral, transitory, personal or private that do not relate to Council Business may be disposed of when they are no longer required for reference (see definition of Transitory/Ephemeral Records).
* All staff must adhere to the WWASC Information Management Business Rules which will form part of this Policy.
* If there is any uncertainty or confusion about whether a record may be identified as ephemeral and disposed of, staff must contact the Records management section for advice.

All staff are required to comply with all legislation, policies and standards applicable to the creation and maintenance of records. As with other Council assets and services,” Magiq” and the information contained therein should be used in an efficient, lawful and ethical manner, as per the Employee and Councillor ***Codes of Conduct.***

Staff and Councillors must report any non-observance of the policy to the Corporate Services Manager or the Chief Executive Officer who will then decide on what, if any further action is to be taken. Users found to be in breach of policy requirements may be subject to formal disciplinary procedures.

Eileen Deemal-Hall
Chief Executive Officer

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| **DATE OF ADOPTION:** | 25 July 2019 |
| **TIME PERIOD OF REVIEW:** | 6 months |
| **DATE OF NEXT REVIEW:** | January 2020 |