

1. RATIONALE

As a public authority, the City of Marion is required to capture and manage records of its business activities and transactions in accordance with the legislative provisions under the *State Records Act 1997* (SA), *Freedom of Information Act 1991* (SA), and *Local Government Act 1999* (SA).

2. POLICY STATEMENT

All Council business activities and transactions performed by Council Members must be captured, stored securely, and maintained as Official Records in the City of Marion's records management system.

3. OBJECTIVES

The primary objective of this Policy is to ensure an Official Record is captured of all Council business activities and transactions performed by Council Members.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This policy applies to official Records (regardless of the medium the Record takes) created, acquired, or collected by Council Members in their capacity as public servants and representative of the constituents of the City of Marion.

Implementation

4.1 Submitting Council Member Official Records for Capture

All emails sent and received by Council Members from the corporate email address are automatically captured by the record keeping software.

Council Members must submit all other Official Records they create or receive to the Records Management Unit for capture.

Temporary or Transitory Records are not required to be submitted for capture and may be deleted under Normal Administrative Practice (NAP) in accordance with the Local Government General Disposal Schedule (GDS 20).

The Governance and Council Support Unit provides advice and assistance to Council Members regarding the type of records that must be submitted for capture.

4.2 Capturing Council Member Official Records

Council Member official records submitted for capture:

- are captured in the City of Marion's record management system.
- remain the property of the City of Marion.
- are subject to the legislative provisions under the *State Records Act 1997* (SA), *Freedom of Information Act 1991* (SA), *Local Government Act 1999* (SA).
- are securely stored and not intentionally deleted, destroyed or altered except in accordance with the provisions under the *State Records Act 1997* (SA).

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Council Member Official Records submitted for capture are confidential. Council staff must not interpret, act upon or respond to them.

4.3 Access to Council Member Official Records

Authorised Council staff may access Council Member Official Records to comply with a legislative obligation (e.g. Freedom of Information Application) or upon appropriate formal request (e.g. Code of Conduct investigation or assisting individual Council Members to access their own records). The relevant Council Member and the Chief Executive Officer is notified if records are to be accessed by Council staff unless there is a duty of confidence (e.g. Independent Commission Against Corruption Investigation).

5. DEFINITIONS (in the context of this policy)

<i>Term</i>	<i>Definition</i>
<i>Access</i>	Means of finding, using, or retrieving information/record.
<i>Council business activity / transaction</i>	Any dealings, communication, proceeding or discussion that involve Council.
<i>Council Member</i>	A person appointed or elected as a councillor or mayor of Council as described within the <i>Local Government Act 1999</i> .
<i>Document</i>	An item of a factual or informative nature which can take the form of a letter, email, tape recording, video, audio, transcript etc.
<i>Normal Administrative Practice (NAP)</i>	Normal Administrative Practice (NAP) provides for the routine destruction of drafts, duplicates, and publications, with the test that it is obvious that no information of more than transitory or temporary value to the Council will be destroyed. Material that can be disposed of under NAP comprises items of a temporary or transitory nature created, acquired, or collected by Council staff or Council Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into Council's record management system.
<i>Official Record</i>	Means a record made or received by an agency in the conduct of its business, but does not include— (a) a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or (b) a record made by an agency as a draft only and not for further use or reference; or (c) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or (d) a Commonwealth record as defined by the Archives Act

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<i>Term</i>	<i>Definition</i>
	1983 of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or (e) a record that has been transferred to the Commonwealth.
<i>Public access</i>	Means of finding, using, or retrieving information by the general public.
<i>Record</i>	(a) written, graphic or pictorial matter; or (b) a disk, tape, film, or other object that contains information or from which information may be reproduced (with or without the aid of another object or device).
<i>Temporary/transitory record</i>	A Record is transitory or temporary in nature if it has little or no continuing value to Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

6. ROLES AND RESPONSIBILITIES

<i>Role</i>	<i>Responsibility</i>
<i>Council Member</i>	<ul style="list-style-type: none"> • Create records that adequately reflect the Council business they conduct including decisions made and actions taken. • Protect and care for Official Records in their possession. • Not remove, destroy, or delete Official Records without proper authority to do so. • Submit Official Records for capture within the records management system. • Manage document version control. • Ensure all activity carried out on Official Records is recorded and maintained. • Maintain the integrity of the information held by the City of Marion. • Ensure all records created and managed in the conduct of Council business form part of the record holdings and are supplied to the City of Marion for ongoing management, maintenance, and access. • Recognise the records they create, acquire, or receive in the conduct of Council business are the property of the City of Marion and must be afforded the care and protection identified in this Policy.

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<i>Role</i>	<i>Responsibility</i>
<i>Records Management Unit</i>	<ul style="list-style-type: none">• Capture Official Records submitted by Council Members in the records management system.• Maintain the confidentiality of Council Member Official Records.
<i>Governance and Council Support Unit</i>	<ul style="list-style-type: none">• Provide advice and assistance to Council Members regarding the capture of Official Records.
<i>Information Technology and Transformation</i>	<ul style="list-style-type: none">• Ensure access to Council Member Official Records is restricted in accordance with this Policy.

7. REFERENCES

City of Marion

Information Technology - Provision and Use of Equipment (Council Member) Policy

Other

State Records Act 1997 (SA)

Freedom of Information Act 1991 (SA)

Local Government Act 1999 (SA)

Local Government General Disposal Schedule (GDS 20)

8. REVIEW AND EVALUATION

The Manager Corporate Governance reviews this Policy every four years (or earlier if required) in accordance with the City of Marion Policy Framework. Council approves this Policy.