

## 11.15 Records Management

Accurately created and maintained records are important and necessary, as they serve as a history of the transactions and business processes of the local government. They are a fundamental tool for providing evidence of local government accountability and responsibility. It is for those reasons that legislation exists to ensure that local government records are properly maintained and preserved for future generations.

It is the view of the Crown Solicitor's Office that although Elected Members are not employees, they are persons who govern, control and manage the local government in accordance with the *Local Government Act 1995* and therefore Elected Members fall under the definition of the term "government organisation employee" as outlined in Section 3 of the State Records Act 2000 – "accordingly, records created or received by Elected Members in the course of their capacity as office holders for the local government constitute government records".

The State Records Commission's policy for recordkeeping requirements for local government Elected Members is as follows:

*"...records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.*

*This requirement should be met through creation and retention of records of meetings of Council and Committee of Council of local government and other communications and transaction of Elected Members which constitute evidence affecting the accountability of the Council and the discharge of its business.*

*Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of Elected Members records' up to and including the decision making process of Council".*

Elected Members must create and keep records of communication or transaction, which convey information relating to local government business or functions. These records should be forwarded to the appropriate staff, e.g. Executive Assistant to Council or Governance Services for capture into the official recordkeeping system.

Records may include any correspondence received or sent by Elected Members in any format whether received or sent at the City offices / via a City email address or at an Elected Member's private residence or private email.

Records created or received by Elected Members can be divided into two broad groups – those of continuing value to the local government and those of temporary value.

#### 11.15.1 Records of continuing value

Those records which contain information that is of administrative, legal, evidential, fiscal or historical value to the local government. These records may be referred to for many purposes, including the need to:

- a. document Elected Member's decisions, directives, reasons and actions;
- b. check an interpretation of the local government policy, or the rationale behind it;
- c. check the facts on a particular case or provide information;
- d. monitor progress and coordination of responses to issues; and
- e. document formal communications.

#### 11.15.2 Records of temporary value

Those records which have no continuing value and are considered of interest or used for a short time only. Examples of records of temporary value may be an email trail discussing the availability of Elected Members to attend a meeting;

#### 11.15.3 Diaries/Calendars

Elected Members diaries and calendars that are used to record information such as dates and times of meetings or to record notes and messages generally have no continuing value and may be destroyed when reference to them ceases. However, it is a matter of discretion to be judged by the Elected Member based on whether the information is:

- a. worthy of retention; and
- b. has not already been recorded somewhere else in the recording keeping system.

#### 11.15.4 Telephone and Verbal Conversations

Conversations which relate to the business functions of the City involving the issuing of directives, proposals, recommendations, definitions or interpretations from an Elected Member to another party or vice versa should be documented and forwarded to Governance for the appropriate action.

Conversations involving the exchange of routine or simple administrative instructions or information, and conversations which do not relate to the business functions of the City are not of continuing value and need not be documented or retained.

#### 11.15.5 Lobbying

Records, such as correspondence or petitions relating to lobbying matters regardless of whether the lobbying itself is of the City's or community interest, may have continuing

value and at the discretion of the Elected Member, should be forwarded to Governance for the appropriate action.

#### 11.15.6 Electioneering Material

Electioneering material or records created or received by an Elected Member in regard to electioneering are private records of the elected members and do not need to be forwarded to Governance.

#### 11.15.7 Agendas/Minutes/Information Brochures

Notes that are written by an Elected Member upon Council agendas, Council minutes or information brochures and are considered relevant to the decision made by Council may have continuing value and at the discretion of the Elected Member, should be forwarded to Governance for the appropriate action. A copy of the notes can be provided back to the Elected Member for their reference if required.

#### 11.15.8 Confidential Records

If the Elected Member believes that some of the documentation forwarded to Governance for action is of a highly sensitive or confidential nature, the Elected Member should advise Governance accordingly.

#### 11.15.9 Elected Members Records – process for recording

All records received by Elected Members in the course of their duties and determined by the Elected Member to be a record of continuing value, are to be forwarded to Governance. This includes hard copy records address to individual Elected Members.

Emails received via the [City@busselton.wa.gov.au](mailto:City@busselton.wa.gov.au) will be recorded as appropriate by Records and tasked through to Governance if required.

Emails received via the [Councillors@busselton.wa.gov.au](mailto:Councillors@busselton.wa.gov.au) will be managed and recorded as appropriate by Governance.