

POLICY: COPR-IM-001

RECORD KEEPING

PURPOSE

The purpose of this policy is to define the principles of the City of Kalgoorlie-Boulder's records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard City of Kalgoorlie-Boulder practices and enumerates basic records management requirements.

Records are recognised as an important information resource in the City of Kalgoorlie-Boulder, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the City of Kalgoorlie-Boulder.

This policy applies to all external and internal records, which are handled, received or generated by the City of Kalgoorlie-Boulder, regardless of their physical format or media type.

DEFINITIONS

Ephemeral Records Ephemeral records are duplicated records and/or those that have only short-term value to the City of Kalgoorlie-Boulder, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records or routine enquiries.

General Disposal Authority (GDA) The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a continuing authority for the disposal and archival of records which document Local Government's operations.

Government Record A record created or received by a government organisation employee in the course of their work for the organisation.

Information Management

Is the service area within Corporate Services Directorate responsible for records management?

Record

A record is information recorded in any form created or received and maintained by an organisation in the transaction of business and is to be kept as evidence of such activity.

- *Anything on which there is writing or braille*
- *A map, plan, diagram or graph*
- *A drawing, pictorial, graphic work or photograph*
- *Anything on which there are figures, marks, perforations, symbols or having meaning for persons qualified to interpret them*
- *Anything from which images, sounds or writings can be reproduced with or without the aid of anything else*
- *Anything on which information has been stored or recorded either mechanically, magnetically or electronically*

Records Disposal

Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.

Significant Records

Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines and procedures.

State Records

State records are any record of information (in any form) created, received or maintained by a government agency or parliamentary department in the course of conducting its business activities.

Vital Records

Vital records are records which are essential to the continued business of the City of Kalgoorlie-Boulder. Vital records include those that protect the rights of the individual and the organisation, and are absolutely essential for reconstruction in the event of a disaster.

STATEMENT

1. All City of Kalgoorlie-Boulder records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification.
2. All correspondence, whether paper or electronic and whether internal or external, appraised as a record, are to be captured within the City's Electronic Records Management System.
3. Access to the City of Kalgoorlie-Boulders records by staff and contractors will be in accordance with designated access and security classifications. Access to the City of Kalgoorlie-Boulders records by the general public will be in accordance with the Freedom of Information Act 1992 and City of Kalgoorlie-Boulders policy. Access to the City of Kalgoorlie-Boulders records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995.
4. Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders and quotations, forms, vital records, files and contracts.
5. All contractual arrangements are to ensure the City of Kalgoorlie-Boulder's ownership of significant records.
6. Any records in all format in the possession of individual staff are to be registered to the City's Electronic Records Management System.
7. All records in all formats are to be categorised as to their level of sensitivity and adequately secured and protected from violation, unauthorised access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements.
8. Only approved record formats are to be used in effecting the City of Kalgoorlie-Boulder's business.
9. All records kept by the City of Kalgoorlie-Boulder are to be disposed of in accordance with the state records office's general disposal schedule for local government records.
10. Records are not to be removed from the City of Kalgoorlie-Boulder's sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

11. ROLES AND RESPONSIBILITIES

11.1. *Elected Members*

All Elected Members are to create and maintain records relating to their role as an Elected Member for the City of Kalgoorlie-Boulder in line with legislation and state policies and procedures for the management of records. Political and personal records of Elected Members are exempt.

11.2. *Chief Executive Officer*

In accordance with section 5.41 of the *Local Government Act 1995*, the Chief Executive Officer is to “*Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law.*”

11.3. *Managers*

All managers are to ensure that there are records management systems established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.

11.4. *All Staff*

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to;

- 11.4.1. Identify significant and ephemeral records, ensuring that the significant records are captured into the record keeping system, and that all records are handled in a manner compliant with legislation and the City of Kalgoorlie-Boulder’s policies and procedures for record keeping.
- 11.4.2. Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government.

11.5. *Information Management (Records) Team*

11.5.1. Information Management staff are responsible for providing a records management service, which complies with the City of Kalgoorlie-Boulder’s records management policy and procedures, and WA State Records Office requirements.

12. STATUTORY OBLIGATIONS

Due to legislative requirement, the City of Kalgoorlie-Boulder is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme. *The State Records Act 2000* states that the commission can impose a penalty on an officer they are not compliant under section 78.

It States:

Offence

1. *A government organisation employee who does not keep a government record in accordance with the record keeping plan of the organisation commits an offence.*
2. *A government organisation employee who, without lawful authority, transfers, or who offers to transfer, the possession of a government record to a person who is not entitled to possession of the record, commits an offence.*
3. *A government organisation employee who destroys a government record commits an offence unless the destruction is authorised by the record keeping plan of the organisation.*
4. *A person who destroys a government record while the record is the subject of a notice under section 52 or an application made, or order or warrant issued, under section 53, commits an offence.*
5. *A person who has unauthorised possession of a government record and who destroys that record, commits an offence unless the person owns the record.*
6. *It is a defence to a charge of an offence under subsection (2), (3), (4) or (5) to prove that the alleged act was done pursuant to –*
 - 6.1. *A written law; or*
 - 6.2. *An order or determination of a court or tribunal*
7. *It is a defence to a charge of an offence under subsection (5) to prove that the person had no reasonable cause to suspect that the record was a government record.*

Penalty: \$10,000.

- 10.1 The primary legislation relating to the keeping of public records being the *State Records Act 2000* (previously sections 22-23 of the *Library Board Act of Western Australia*).

Other legislation impacting on records management includes, but is not limited to:

- a) *Freedom of Information Act 1992*
- b) *Local Government Act 1995*
- c) *Evidence Act 1906*
- d) *Limitation Act 1935*
- e) *Financial and Administration and Audit Act 1985*
- f) *Criminal Code 1913 (section 85)*
- g) *Electronic Transactions Act 2000*
- h) *Privacy Act 1998*
- i) *Crimes Act 1914*

RELEVANT DOCUMENTS

Record Keeping Plan 2014