

1.1.12 Recordkeeping for Elected Members

Type:	Office of the CEO
Legislation:	State Records Act 2000
Delegation:	
Other Related Document:	

Objective

The State Records Act 2000 is the primary legislation that governs recordkeeping in Western Australia.

The State Records Commission was established under the terms of Part 8 of the State Records Act 2000.

The State Records Commission's policy for Local Government Elected Members records is as follows:

"In relation to the recordkeeping requirements of local government elected members, 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 the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions 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 processes of Council."

This policy has been prepared for Elected Members to assist them in meeting their recordkeeping requirements.

Policy Scope

The Town of East Fremantle recognises that its records are an important information resource and that sound records management practices will contribute to the overall efficiency and effectiveness of the organisation.

Good records management practices also enable:

- Access to accurate information
- Demonstration of accountability
- Evidence of events and decisions
- Compliance with legislative requirements; and
- Provision of a historical record for the business and society

Complete and accurate records of all business decisions and transactions regardless of format are to be retained by all Elected Members. If requested by the Town of East Fremantle's administration, these are to be provided to the Records Officer to be recorded in the Town of East Fremantle's recordkeeping system and managed in accordance with legislative requirements, the Town of East Fremantle Recordkeeping Plan and Records Management Policies and Procedures.

Policy

Creating and Keeping Records

All Elected Members are to create and maintain records relating to their role as an Elected Member, which convey information relating to local government business or functions. These records can be forwarded to the Records Officer/Governance Officer for capture into the Town of East Fremantle's recordkeeping system.

Elected Members must ensure that:

- Records relating to the business of the local government are distinguished from those that relate to their political responsibilities or any personal matters.
- Records in their possession are securely stored and protected from damage and unauthorised access.
- All records created are dated and the originator is identified.
- Records are factual and non-emotive as they could be subject to Freedom of Information application/s.

Refer to Appendix 1 – Information Sheet produced by the State Records Office of WA “Local Government Elected Members Records: Which Records to Capture?” for examples of what should be captured into the Town of East Fremantle's recordkeeping system.

Disposal of Records

Disposal of records is by way of archiving (either with the State Records Office or within the local government as a state archive), permanent retention within the local government, or destruction.

Elected Members must not personally undertake destruction of any records.

At the end of an Elected Member's term in office, any original records in their possession must be retained by the Elected Member or, alternatively, returned to the Town of East Fremantle's Records Management Services via the Personal Assistant to the Mayor.

Records Management Services will then arrange for the destruction or retention of the records in accordance with the General Disposal Authority for Local Government Records*.

Any copies of records held by an Elected Member can be destroyed by way of shredding at the end of their term in office. Alternatively, the copies (clearly marked as such) can be returned to the Personal Assistant to the Mayor who will arrange for them to be destroyed.

Procedures

Incoming Correspondence

All mail received by the Town of East Fremantle addressed to Elected Members, excluding that which is marked private, personal or confidential, will be opened by the Records Officer and processed with the rest of the organisation's incoming mail.

The hard copy documents will be retained within the Records department and filed accordingly, in compliance with the General Disposal Authority for Local Government Records.

Incoming mail for Elected Members that is considered to be ephemeral*, party political or personal will not be scanned into the recordkeeping system and instead will be given to the Personal Assistant to the Mayor who will arrange for it to be forwarded to the Elected Member.

Mail received directly by Elected Members at their personal address, that relates to local government business, should be forwarded to the Town of East Fremantle's Records Officer via admin@eastfremantle.wa.gov.au for recording in the recordkeeping system and for appropriate storage and retention.

Elected Members Responses

If an Elected Member responds directly to a ratepayer / customer (other than simply providing a routine reply or information), a copy of the response should be provided to the Town of East Fremantle for capture into the recordkeeping system. This can be done by:

- Cc'ing or forwarding a copy of the emailed response to the Records Officer/Governance Officer who will register the email in the recordkeeping system, or
- Scanning the response and emailing it to the Records Officer/Governance Officer who will register the response in the recordkeeping system, or
- Sending a hard copy of the response to the Records Officer/Governance Officer who will scan and register the response in the recordkeeping system.
- Making a record of a verbal response in the form of a file note or record of conversation and sending a copy by email or in hard copy to the Records Officer/Governance Officer who will register it into the recordkeeping system.

It is acknowledged that a lot of ratepayer / customer communication is done on an informal basis and where these discussions do not impact on the business outcomes of the Town of East Fremantle; a record does not need to be captured into the Town of East Fremantle's recordkeeping system.

Emails

All emails that are Records sent to, or by, the Mayor will be registered into the recordkeeping system by the Personal Assistant to the Mayor.

Emails marked to the attention of an Elected Member/s (including those that are cc'd to an Elected Member or include an Elected Member in the To field) that are sent to the Town of East Fremantle's main email address admin@eastfremantle.wa.gov.au will be registered into the recordkeeping system by the Records Officer.

If an Elected Member receives an email directly to their Town of East Fremantle email address (or to any other personal email address) that relates to local government business; and has not been sent to or cc'd to admin@eastfremantle.wa.gov.au; a copy of the email (and any responses sent by the Elected Member) must be forwarded to the Records Officer/Governance Officer who will register the email/s into the recordkeeping system.

Definitions

Ephemeral Records

Ephemeral records include information that has a very short-term value and typically does not need to be captured into a business information system for the purposes of retention.

General Disposal Authority (GDA) for Local Government Records

The General Disposal Authority for Local Government Records is approved by the State Records Commission and is designed to provide consistency throughout local government in disposal activities and decisions. It is the official and continuing authority for the disposal of local government records within Western Australia.

Business, Corporate or Government Records

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

Significant Records

Significant records are records that are designated as State archives.

If the activity has any of the following characteristics, it is deemed significant:

- substantially impacts the whole-of-local-government function
- substantially impacts the implementation or development of legislation, regulations or local government policy
- substantially impacts the local government's business, structure or policy
- substantially impacts obligations, responsibilities or liabilities of local government or the State
- sets a legal or substantive precedent
- generates or involves substantial community or public interest, debate or controversy
- involves innovative, unique or precedent-setting practices, techniques or methods

Many functions/activities will have records that are Significant and records that are not hence the GRDA having **Significant** and **Other** at many entries in the GRDA, e.g.

No	Function/Activity	Description	Disposal Action	Custody
63	INSPECTIONS	Official examinations...		
63.1	Significant	Significant inspections or tests, that may relate to:...	Archive	Retain as State Archive
63.2	Other	Other inspections, not included in previous section. Includes: <ul style="list-style-type: none">• routine inspections relating to...	Destroy	Retain 7 years after action completed, then Destroy

Vital Records

Vital Records are records that are required to operate the organisation during a disaster and/or required to re-establish the organisation after a disaster situation.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision Making Authority:	Council
Policy Adopted:	15/10/24
Policy Amended Reviewed:	

Appendix 1



Local Government Elected Members' Records: Which records to capture?

Elected members have a unique and pivotal role within the local government and the community. They represent the interests of electors, residents and ratepayers, participate in local government decision making at council and committee meetings, and facilitate communication between the community and the Council.

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

"...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business."

This policy applies regardless of a record's format or where it was received.

Under the *Local Government Act 1995*, the CEO of a local government is responsible for ensuring that all records of that local government are kept in accordance with relevant legislation. Accurately created and managed records provide reliable, legally verifiable evidence of decisions and actions.

Records created or received by elected members that relate to local government business must be captured as part of the local government's corporate memory in accordance with the local government's Recordkeeping Plan.

Government records include:

- Correspondence and communications
- File notes made after verbal communications, meetings, phone calls etc.
- Video and audio recordings
- Photographs
- Email
- Social Media posts (e.g. Facebook, Twitter)
- Databases
- Websites
- Messages from Apps (e.g. WhatsApp, Messenger)
- TXT messages

When to create and capture a record:

- Information is related to council business
- An action is required
- A decision or commitment is made
- Business need: for future reference by yourself or others
- Historical: identifies Council activity over time.



Which records should be captured?

YES – forward to your local government administration
Communications , such as: <ul style="list-style-type: none">• complaints and compliments• correspondence concerning corporate matters• submissions, petitions and lobbying• information for Council's interest relating to local government business activity and functions
Lobbying – correspondence or petitions, relating to lobbying matters
Telephone, meetings and other verbal conversations – regarding local government projects or business activities
Social Media – where the posts: <ul style="list-style-type: none">• create interest from the public or media• communicate decisions or commit the local government to an action• seek feedback• address issues of safety, and/or• relate to sensitive or contentious issues
Work diaries / Appointment books – containing information that may be significant to the conduct of the elected member on behalf of the local government
Allowances, benefits and gifts records
Addresses / Speeches / Presentations – delivered as part of an elected member's official duties

NO – do not need to be forwarded to your local government
Duplicate copies – of Council meeting agenda, minutes and papers
Draft documents or working papers – which are already captured at the local government
Publications – such as newsletters, circulars and journals
Invitations – to community events where an elected member is <i>not</i> representing Council or the local government
Telephone, meetings and other verbal conversations which: <ul style="list-style-type: none">• convey routine information only; or• do not relate to local government business or functions
Electioneering – or party-political information
Personal records – not related to an elected member's official duties



Confidential Documents / Records

Records held within an information system or on hard copy files can be restricted so that only the appropriate officers can access them. If the elected member believes that some of the documentation required for capture into the IMS is of a highly sensitive or confidential nature, the Elected Member should advise the local government to treat the information as confidential and restrict access to those records.

For further information, contact your local government administration or the State Records Office on (08) 9427 3661 or via email at sro@sro.wa.gov.au