POLICY 2.19
Governance
Elected Members Records Management
Version: 3 **| Next Review:** November 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

The District Council of Tumby Bay recognises that effective records management is fundamental to governance, accountability and service delivery.

The *State Records Act 1997* governs the obligations and responsibilities of Councils in relation to the management of official records. Under this Act, the Council has an obligation to maintain official records in its custody in good order and condition. This obligation applies not only to the capture, storage, maintenance and disposal of physical records, but also to records in electronic format.

An official record is defined in section 3 of the State Records Act to mean a record made or received by the Council in the conduct of its business. This means that, because Council Members and staff of the Council variously 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 an official record. However, records that are merely transitory, temporary, personal or private in nature will fall outside the definition of "official records".

Recordkeeping practices, including the use of the Electronic Document and Records Management System (EDRMS, Content Manager), provides staff with timely access to accurate and up-to-date information, which in turn provides staff and the Council with a more efficient and effective working environment. This benefits customers in the provision of timely responses to queries and requests, ensuring the Council's integrity and reputation is maintained.

In addition to its record management obligations under the State Records Act, the Council is obliged to keep adequate records in order to fulfill its responsibilities under other Acts such as the *Freedom of Information Act 1991*, as well as fulfilling legal processes, such as discovery and subpoenas. Records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies.

2. POLICY OBJECTIVES

The Elected Members Records Management Policy (the Policy) outlines and directs the practices of Elected Members of the District Council of Tumby Bay (Council) in relation to the management of their records. Records of Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses. The business activities of the Elected Members of District Council of Tumby Bay will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.

Adherence to this Policy will ensure Elected Members are able to:

- meet their legislative responsibilities,
- provide evidence of business transactions and accountability,
- validate and support their decisions and actions,
- protect their interests and those of Council.

Records are critical to establish the history, corporate memory, build context, meet legislative requirements and to ensure the transparency, accountability and security of Council.

3. SCOPE

It is the responsibility of all Elected Members to adhere to this Policy. The Policy applies to all:

- Records created and received by Elected Members in the conduct of their role, including emails and letters,
- Records in all formats and media (paper and digital).

4. LEGISLATIVE FRAMEWORK

Elected Members have an obligation under the *State Records Act 1997*, *Local Government Act 1999*, the *Freedom of Information Act 1991* and other relevant legislation to create and manage documents and records.

The Policy is to be read and implemented in conjunction with relevant legislation, standards and policies, including:

- *The State Records Act 1997*
- *Freedom of Information Act 1991*
- *Local Government Act 1999*
- *Australian Records Management Standard AS ISO 15489-2002*

4.1 *State Records Act 1997*

Elected Members are subject to the *State Records Act 1997*, and as such are required to manage their records in accordance with the provisions of the Act.

Under the *State Records Act 1997* - Section 3—Interpretation agency means:

(d) a person who holds an office established by an Act, or

(h) a municipal or district council.

Section 17—Damaging etc. of official records

(1) If a person, knowing that he or she does not have proper authority to do so,

intentionally—

(a) damages or alters an official record, or

(b) disposes of an official record or removes an official record from official custody,

the person commits an offence.

Maximum penalty: $10,000 or imprisonment for 2 years.

4.2 *Freedom of Information Act 1991*

The *Freedom of Information Act 1991* defines the rights of the public to obtain access to information held by the Council.

In certain circumstances an agency may refuse access to a document (e.g. an exempt document under Schedule 1 of the Freedom of Information Act 1991).

4.3 *Local Government Act 1999*

The *Local Government Act 1999* assigns the overall responsibility and accountability for the proper management of official records to the Chief Executive Officer of the agency.

The Act has specific requirements relating to the creation and access of information.

5. GLOSSARY OF TERMS

A glossary of terms is included in Appendix A of this Policy.

6. APPLICATION PROCESS

Attendance as required at Elected Member Awareness training which will be delivered by an authorised and appropriately qualified external consultant.

The Mayor and Elected Members are responsible for ensuring:

6.1 Records Creation

Records created within the conduct of their role at District Council of Tumby Bay are the property of Council and therefore must be managed and cared for in accordance with this Policy, associated policies and legislation.

Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.

Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

Records are created in a format and media that is readable and accessible for the life of the record.

6.2 Records Capture

All councillor correspondence must be conducted through the council email account with all electronic records captured and saved to the Electronic Document Records Management System (EDRMS).

Elected Members should not be retaining hard copy original documentation. All original hard copy documentation including records handed to elected members must be forwarded to the Executive Assistant at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate EDRMS, Content Manager.

6.3 Records Retention and Disposal

There is to be no intentional deletion, destruction or alteration of official records. Records are only to be disposed of in accordance with the provisions of the *State Records Act 1997* by authorised Records Management staff.

The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted penalties will apply to the individual Elected Member involved.

The Mayor's diary will be retained as a permanent record.

6.4 Access and Privacy

Access to Council held information by Elected Members will need to be requested through the CEO.

Records may contain information that is confidential in nature and should not be divulged to other parties.

6.5 Public Access to Information

Requests by the public or media for access to Council information and records are to be managed by a Freedom of Information Accredited Officer. Access by the public or media to information is protected by provisions in the *Freedom of Information Act 1991* and advice should be sought from the Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

6.6 Mail Opening

All mail coming into Council, including mail marked Private and Confidential, will be opened by the Administration Officer regardless of addressee and processed in accordance with Council Records Management policies and procedures.

Unless authorised, employees may not retrieve or read email that was not sent directly to them.

6.7 Council Systems

The Mayor and Elected Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used.

6.8 Integrity of Information

Under the Freedom of Information Act 1991, Ombudsman's investigations and legal discovery, the public may apply to access Council records. It is important that a professional approach be taken in relation to documenting and recording all forms of communication with staff, elected members and customers, actions, transactions, decisions and agreements.

Comments of a personal or derogatory nature should not be documented in or on records, including emails, under any circumstance. This includes comments on "post it" notes as they become part of the official record.

7. POLICY REVIEW

This Policy will be reviewed every four (4) years. The Council has the right to review this policy at any time, if considered desirable.

8. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council's Office during ordinary business hours and via the Council's website, www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

9. FURTHER INFORMATION

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Applicable Legislation	*State Records Act 1997* *Local Government Act 1999* *Freedom of Information Act 1991* *General Disposal Schedule 40*
Related Policies	Policy 1.08 - Records Management Policy 2.20 - Social Media
Related Documentation	Freedom of Information Statement

AUTHORITY:

Adopted by Council:	10/01/2017	{Motion 10c/012017}
Amended by Council:	12/05/2020	{Motion 3c/52020}
Adopted by Council:	14/07/2026	{Motion 18c/72026}

SIGNED: 

Responsible Officer

DATED: 14/07/2026

DISTRICT COUNCIL of TUMBY BAY

APPENDIX A - GLOSSARY OF TERMS

Term	Definition
Access	The right, opportunity, means of finding, using, or retrieving information. [AS ISO 15489.1 – 2002]
Capture	Deliberate action that results in the registration of a record into a recordkeeping system. For certain business activities, this action may be designed into electronic systems so that the capture of records is concurrent with the creation of records.
Classification	Systematic identification and arrangement of business activities and / or records into categories according to logically structured conventions, methods, and procedural rules represented in a classification system. [AS ISO 15489.1 – 2002] – Council Classification Scheme
The Council	The District Council of Tumby Bay (DCTB)
Council staff	Includes persons employed by the District Council of Tumby Bay, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel who access the Council's information resources as part of their role.
Destruction	Process of eliminating or deleting records, beyond any possible reconstruction.
Disposal	Range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems and the transfer of custody of ownership of records.
Disposal Schedule General (GDS)	Formal instrument that defines the retention periods and consequent disposal actions authorised for classes of records that are common to agencies of Government
EDRMS	Electronic Document and Records Management System - An automated system used to manage the creation, use, management and disposal of physical and electronically created records (Content Manager).
Record	Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. [AS ISO 15489.1 – 2002]
Records Management	The discipline and organisational function of managing records to meet operational business needs, accountability requirements and community expectations. [AS ISO 15849.1 – 2002]
Recordkeeping	Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
Recordkeeping System	Information system that captures, manages and provides access to records through time.
Stakeholder	Resident, ratepayer, client, customer, organisation, other agency, government department or employee/s within the organisation who conducts business with or on behalf of the Council.