

Council Records: Advice for Councillors

IMPLEMENTATION TOOL

INTRODUCTION

This FAQ provides information about council records for councillors. The *Local Government Act 1993 (Tas)* defines a 'councillor' as 'a person elected to council and includes the Lord Mayor, Deputy Lord Mayor, mayor, deputy mayor and alderman'.

It outlines:

- why good recordkeeping is important
- what are records
- what you need to do.

WHY IS GOOD RECORDKEEPING IMPORTANT?

Records tell us what, where and when something was done or why a decision was made. They also tell us who was involved and under what authority. Records allow public scrutiny of decisions made by those who are elected or employed to act on their behalf. Effective recordkeeping strengthens transparency and good governance. Good recordkeeping allows councils to:

- meet their legislative requirements and responsibilities
- protect the rights and entitlements of ratepayers
- protect and help defend against complaints or accusations of wrongdoing
- make robust and consistent decisions
- promote confidence in the authenticity and integrity of information
- support efficient and transparent business practices
- provide evidence of business decisions.

Poor recordkeeping increases the risk of councils being unable to provide evidence of their decisions or actions. This may undermine public confidence in the council, councillors, employees and you.

WHAT ARE RECORDS?

Records are:

- evidence of a decision
- evidence of a transaction or an action taken
- created or received to meet legal requirements, community expectations or business needs.

What are State records?

State records are records of local authorities (local councils), State authorities and the Crown of Tasmania.

State records are described in Disposal Schedules issued by the State Archivist, and can have either **permanent** or **temporary** status.

Permanent records are high-value records that are eventually transferred to the Tasmanian Archives where they are kept as the documentary heritage of the State of Tasmania. Examples of permanent council records include:

- council and committee meeting minutes and agendas
- media releases on significant or controversial issues
- successful building development applications for heritage listed properties.

Temporary records can be disposed of after a certain period of time by authorised Council officers. This ranges from 30-days (for short term value records), to 7-years (financial records) to 150-years (disability services client management).

State records are subject to legislation and legal processes such as discovery and subpoena.

What are the legal requirements for managing records?

Legislation with requirements for creating and managing records includes the:

- *Archives Act 1983* (Tas) which requires local and state authorities to keep and preserve records, dispose of records only with the authority of the State Archivist and provide access to State records.
- *Electronic Transaction Act 2000* (Tas) which recognises the legality of transactions carried out electronically.
- *Evidence Act 2001* (Tas) which describes the way documents may be admitted as evidence into court.
- *Local Government Act 1993* (Tas) which requires Councils to create a variety of records.
- *Personal Information Protection Act 2004* (Tas) which sets out how to handle personal information, including collection, use, storage and disclosure.
- *Right to Information Act 2009* (Tas) which provides for greater access to information, encourages proactive disclosure of information and gives the public access to information on request.

What formats could records be in? And where could they be found?

You may be familiar with records like:

- letters
- minutes
- policies
- spreadsheets.

But records also include:

	collaboration platforms (Microsoft Teams, Slack)
	databases
	emails
	file notes made after conversations, meetings or phone calls
	maps and plans
	messaging apps (Snapchat, Telegram, WhatsApp)
	photographs
	samples and objects
	social media (Facebook, Instagram, LinkedIn)
	surveillance footage
	text messages
	websites

What are some typical council records?

Examples of local council records include:

- minutes of council meetings
- social media posts with complaints from ratepayers
- decisions about the administration or management of the council
- rate notices
- emails to staff about work health and safety
- dog registrations and renewals.

Are councillors' records State records?

Yes. Any record created, received or sent in an **official capacity as a councillor** is a State record.

Records created, received or sent in an **official capacity as a councillor** are State records. Examples include:

- ✓ email complaints or requests for help from ratepayers and the broader community
- ✓ speech notes for a council event
- ✓ declarations about a councillor's conflict of interest (pecuniary or non-pecuniary)
- ✓ a councillor's social media pages.

Records councillors create, receive or send that are **not part of their position as councillor** are not State records. Examples include:

- ✗ records about political issues unrelated to council business
- ✗ a councillor's personal social media pages
- ✗ personal emails from friends or family, unrelated to council business.

WHAT DO I NEED TO DO?

All councillors, general managers, council employees, board members, volunteers and contractors have recordkeeping responsibilities. These include:

- making work-related records
- keeping records in your organisational recordkeeping system
- ensuring you don't dispose of records without authorisation
- complying with your organisational recordkeeping policies and procedures.

How can I make it easier for myself?

- Have separate email and social media accounts for personal and council business.
- Use official council accounts for council business.

Your Council's records management policies and procedures should include information about records that are automatically captured and managed for you, like council minutes and social media posts from council accounts.

What can I do to stop people contacting me through private accounts?

You might:

- ask them to send complaints or requests directly to the council or to your council account
- set up out-of-office messages asking them to contact you on your council account
- make it clear on your social media profiles that council business should be sent to your council account
- restrict who can see and post to your private social media accounts.

Using private email and social media accounts for council business may create perceptions:

- of corrupt conduct
- that you are trying to avoid public scrutiny
- that you don't intend the information to be part of the public record.

What should I do if I have State records in personal accounts?

The table below includes suggested actions and it is likely that your council has procedures and processes already in place.

Format	Suggested actions
Emails:	<ul style="list-style-type: none"> • forward the email to your council account and reply to it from that account • save following your council's recordkeeping procedures.
Messaging apps:	<ul style="list-style-type: none"> • take screen shots and forward via email to your council account • some apps may allow you to download messages which you can then send to your council account • you could transcribe or summarise content in an email, and then send to participants and yourself using your council email • save following your council's recordkeeping procedures.
Social media:	<ul style="list-style-type: none"> • take screen shots and forward via email to your council account • some platforms may allow you to download or export content • use your internet browser to 'save as' or 'save page as' • forward via email to your council account • save following your council's recordkeeping procedures.
Text messages:	<ul style="list-style-type: none"> • take screenshots and forward via email to your council account • you could transcribe or summarise content in an email, and then send to participants and yourself using your council email • save following your council's recordkeeping procedures.

WHERE CAN I GET HELP?

Follow internal processes to get help with records management. Your council's records management policies or procedures should:

- outline your recordkeeping responsibilities
- define council-specific recordkeeping requirements
- outline use of council-approved technologies and applications
- define a State record and provide advice on how to identify one
- identify how State records are captured and managed, including
 - emails, social media, collaborative platforms or messaging applications
 - records in private and council accounts, and on council-issued mobile devices
- specify when State records can be disposed of, including authorisation and disposal methods.

You are also required to abide by the recordkeeping policies issued by the State Archivist including:

- the Tasmanian Government Information Management Framework
- Disposal Schedules.

The Office of the State Archivist provides whole-of-government policy, advice and support on information and records management. Visit our [website](#) for more information.

ACKNOWLEDGEMENTS

This FAQ is based on:

NSW State Archives & Records 2018, *Recordkeeping Fundamentals for Councillors*, NSW SARA, viewed 18 August 2023, <<https://staterecords.nsw.gov.au/recordkeeping/guidance-and-resources/resources-local-government>>.

Queensland Crime and Corruption Commission 2019, *Council Records: A Guideline for Mayors, Councillors, CEOs and Government Employees*, CCC, viewed 18 August 2023, <<https://www.ccc.qld.gov.au/publications/council-records-guideline-mayors-councillors-ceos-and-government-employees>>. © The State of Queensland, Crime and Corruption Commission, 2019.

Queensland State Archives 2021, *Recordkeeping Examples for Mayors and Councillors*, QSA, viewed 18 August 2023, <<https://www.forgov.qld.gov.au/information-and-communication-technology/recordkeeping-and-information-management/recordkeeping/resources-and-tools-for-records-management/local-government-records>>.

Tasmanian Archive and Heritage Office 2015, *Advice 49: Recordkeeping for Local Government Councillors*, TAHO, version 2.0, viewed 26 February 2024, <<https://www.osa.tas.gov.au/information-management-framework/older-guidelines-and-advice>>.

MORE INFORMATION

Office of the State Archivist 2020, *Keep the Knowledge – Make a Record*, OSA, viewed 26 February 2024, <<https://www.osa.tas.gov.au/information-management-framework>>.

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Council Records: Advice for Councillors is part of the *Tasmanian Government Information Management Framework*. It supports the *Information and Records Management Standard*. This is a living document and we will make minor changes as needed. If you notice anything that needs updating, please let us know.



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Document Development History

Version	Date	Comments
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1	29/08/2023	Initial release
