




Policy Title: **RECORDS MANAGEMENT
RETENTION AND DESTRUCTION OF
RECORDS POLICY**

Policy Type: **ADMINISTRATIVE**
(Statutory, Financial, Administrative, Human Resources)

Policy Number: **A010**

Approved by Council	Last Review	Current Review	Next Review
	19 May 2020	18 May 2021	
	Resolution #	Resolution #	Resolution #
	20.6632	21.6948	
Approved by CEO/Director:	Bernie McCarthy – CEO	 Signature.	
Effective Date	19 May 2020		
Implementation Department		Officer Position	
Corporate Services		Director Corporate Services	
Revision #:	Document Management File #.		
1.0	01-03-A010		

1. Policy Background/Scope:

Aurukun Shire Council (ASC) is committed to meeting its recordkeeping obligations according to Queensland State Archives, International Standards (ISO 15489 Records Management) and various legislation.

The purpose of this policy is to ensure all ASC employees understand what is legally required of them in relation to the retention and disposal of both physical and digital records in accordance with the requirements of the various legislations and the Queensland State Archives (QSA).

The Public Records Act advises that employees are required to make 'full and accurate records' and to preserve their evidential integrity for as long as they are required. It is unlawful:

- To alter information in any way of the physical or digital records
- To intentionally destroy physical or digital records before their retention period has been reached
- To destroy physical or digital records without the authorisation from the ASC CEO or an ASC CEO authorised delegate

The QSA provides Retention and Disposal Schedules which sets out the minimum period of time that different classes of public records must be retained and ASC employees must comply with these requirements.

2. Objectives:

This policy aims to ensure:

- Compliance with the regulatory authority (Queensland State Archives) and legislative requirements for the retention and disposal of physical and digital records
- That ASC can demonstrate accountability and fulfil legal, administrative, financial, research and community requirements and expectations
- That employees understand that it is only the ASC CEO or the ASC CEO authorised delegate who can authorise destruction in accordance with the QSA Retention and Disposal Schedule
- That ASC employees understand that physical and digital records are the property of the Aurukun Shire Council and must not be altered and must be retained for the correct period of time pursuant to the Evidence Act 1977 and Public Records Act 2002
- That employees understand that wilful and deliberate deletion of digital records or disposal of physical records for any reason will have disciplinary consequences
- That employees understand they are **not** permitted to destroy any physical or digital records, that their obligation is to retain records

3. Policy Provisions:

Responsibilities

CEO is responsible for:

- Ensuring the ASC creates, manages and keeps council records for accountability, legal, administrative, financial and community purposes for as long as required

Records Manager is responsible for:

- The design, implementation and maintenance of this Records Management Retention and Destruction Policy. To appraise and assess records due for destruction and to assist in the procedure of authorisation of destruction

Directors and Supervisors are responsible for:

- Ensuring their employees are aware of the requirements to capture, maintain and retain business records and not to unlawfully alter or destroy physical or digital records

All ASC employees are responsible for:

(Including contractors, consultants, temporary and casual employees)

- Capture, maintain and retain business records without unlawful alteration or destroying any physical or digital records that must be retained according to the QSA Retention and Disposal Schedules

4. Policy Guidelines:

According to Queensland State Archives Information Standard IS31 (Retention and disposal of public records), there are mandatory principles ASC needs to comply with and they are:

Principle 1:

Public authorities must ensure public records are retained for as long as they are required and are to manage and preserve records to ensure they are accessible and unalterable for their required retention period.

Records are to be appraised according to QSA retention and disposal schedules. Appraisal refers to the process of identifying and analysing the functions and activities of agencies and assessing the value of the related records: having regard to accountability, legal, administrative, financial, research and community requirements and expectations.

For ASC, appraisal of records should be completed by the IT/ Records Manager.

Principle 2:

The disposal of public records can only be undertaken in accordance with a current Retention and Disposal Schedule that is approved by the State Archivist. Agencies should only retain records for as long as required and at a minimum should:

- Ensure all disposal is endorsed by the Chief Executive or an authorised delegate
- Ensure the method of destruction of public records is appropriate to the sensitivity of the records and conforms with local environmental regulations, and
- Document the disposal of public records

However records must be retained longer if:

- the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- the public record may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- the public record must be retained pursuant to the *Evidence Act 1977*
- there is a current disposal freeze in relation to the public record, or
- there is any other law or policy requiring that the public record be retained.

Creation and Capture

All digital and physical business records, created or received from an external party as part of an employee's role, should be captured.

For digital records, they should be saved into the appropriate folder or databases so they can be managed appropriately and be accessible and retrievable for the life of that record. ASC employees are not to maintain individual or separate folders or unmanaged repositories for ASC business records externally of the approved folder or database. .

Where the ASC uses a databases to manage records (eg Financial and Stores records) those databases must be utilised for the capture of those records.

Physical records are managed by a filing system that is setup to suit departmental needs of being able to locate, retrieve and have access to those records in a timely manner.

Each department has a responsibility to be able to locate their digital and physical records quickly and easily.

Storage and Security

Current physical records should be stored within the department with access restrictions. Rarely used records or records no longer in use for business purposes but are still required to be retained in accordance with the either the QSA General Retention and Disposal Schedule for Administrative Records (QDAN 249v.7) or the QSA Local Government Sector Retention and Disposal Schedule (QDAN 480v.4) should be archived and procedure for archiving complied with.

Digital records of permanent, long term or of community value should be managed in accordance with the relevant QSA Retention and Disposal Schedules.

The CEO in conjunction with IT/Records Manager have overall control of records security, and the network drive security permissions of all users covered by this policy. Security permissions is an essential part of the ASC's operation due to the nature of different records in ASC's control and to preserve confidentiality.

The IT/Records Manager or delegate will ensure all the ASC's physical records are stored, retained and disposed of in accordance with General Retention and Disposal Schedule for

Administrative Records (QDAN 249v.7) and the QSA Local Government Sector Retention and Disposal Schedule (QDAN 480v.4) as set by Queensland State Archives, and the Public Records Act 2002.

Removal of Records

The digital and physical records are the property of ASC and should not be removed without authorisation. Apart from records required to be taken to job sites to complete tasks, physical records should not be removed from any council properties, nor should they be taken out of the Shire. Records taken to job sites (including the Cairns office) must be managed in accordance with this policy while they are offsite. Digital records should not be copied or removed from their folders.

If digital or physical records are required to be taken out of the ASC's control, the employee needs to seek the approval of your Director. The IT/Records Manager should also be advised so as to document the removal.

Access

Records must be available to all authorised employees that require access to them for business purposes. There are security restrictions as outlined in the Storage and Security section.

ASC's head office (506 Kang Kang Rd, Aurukun) contains records that belong to individuals in the community (e.g.: Birth Certificates). The community member can access their records if they provide identification.

Right to Information requests will be dealt with in accordance with the ASC's procedure.

Contractors and outsourced functions

All records created by contractors performing work on behalf of the ASC belongs to the ASC. This includes the records of contract employees working on the premises as well as external service providers.

Contracts should clearly state that ownership of records resides with ASC, and instructions regarding creation, management, and access to the records created. The IT/Records Manager should be consulted during the formulation of the contract.

Destruction

The ASC uses the QSA General Retention and Disposal Schedule for Administrative Records (QDAN 249v.7) and the QSA Local Government Sector Retention and Disposal Schedule (QDAN 480v.4).

No records of ASC can be disposed of unless in accordance with these retention and disposal schedules. Any sentencing of records must be supervised by the IT/Records Manager or delegated employee. Approval and signed authorisation of the destruction of records must be sought from the CEO, Directors and legal officer before any disposal takes place.

Transfer

ASC has an off-site storage supplier for the storage of physical records that are infrequently used for business purposes but which still need to be retained according to the Retention and Disposal Schedules. The IT/Records Manager or delegate is responsible for transferring these records to the off-site storage supplier.

Records classified as permanent by the Retention and Disposal Schedules will be transferred by the IT/Records Manager or delegate to Queensland State Archives when no longer in use for official purposes.

Aurukun Shire Council uses these Retention & Disposal Schedules

- Queensland State Archives General Retention and Disposal Schedule for Administrative Records – QDAN 249v.7
- Queensland State Archives Local Government Sector Retention and Disposal Schedule – QDAN 480v.4

Australia Post uses these Retention & Disposal Schedules

- National Archives of Australia Administrative Functions Disposal Authority (AFDA)
- National Archives of Australia Records Authority Australia Post Job No. 2007/00213478

5. Legislation:

The ASC is committed to following the laws related to recordkeeping, including:

- Public Records Act 2002
- Crime and Corruption Act 2001
- Evidence Act 1977
- Right to Information Act 2009
- Information Privacy Act 2009
- Electronic Transactions (Queensland) Act 2001

6. Breach of this Policy:

The Council takes very seriously its legal requirements and obligations in relation to creating, capturing, managing, maintaining and destruction of its records. Physical and digital records are valuable assets to the ASC. If an employee fails to comply with this policy, they may be subject to disciplinary action. In serious cases of wilful and deliberate action of deleting or altering the council's valuable assets (it's records) in an attempt to disrupt council business, this may mean termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated.

7. Related Documentation:

Records Management Policy
Records Management Email Policy