

ELECTED MEMBERS COMMUNICATIONS & RECORDS MANAGEMENT POLICY

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Responsible Officer	Director Corporate & Community
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Applicable Legislation	Freedom of Information Act 1991 Local Government Act 1999 State Records Act 1997
Related Documents	Elected Members Code of Conduct
Public Consultation Required	No
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1. PURPOSE

Current and new electronic communication technologies provide opportunities for sharing information and conducting business. However the use of electronic communication methods also requires the effective management of the associated risks to ensure a dependable and consistent communications environment and to protect the Council from commercial harm.

2. SCOPE

This policy applies to Council Elected Members in their use of Council technology, equipment and services. Council aims to develop an organisation that is outwardly focused, responsive and progressive, balanced with financial and performance accountability. Council aims to ensure that Elected Members have the facilities, resources, training and information required to enable them to effectively carry out their role on Council.

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3. DEFINITIONS

Key Term	Definition
Defamation	To publish a statement which is or is likely to cause the ordinary, reasonable member of the community to think less of the targeted person or to injure that person in their trade, credit or reputation.
Email	A service that enables people to exchange documents or material in electronic form. It is a system that enables people to send and receive messages through their computers or other devices. Each person has a designated mailbox that stores messages sent by others.
Hack	To gain access into another's computer system or files by illegal or unauthorised means.
Internet	A global research, information and communication network providing services such as access to information, file transfer and electronic mail.
Material	Includes data, information, text, graphics, animations, speech, videos and music or other sounds, accessible electronically, including any combination or selection of any of these.
Security System	To protect the information on our network we have prescribed controls giving authorisation and access to files and directories in the network. Each individual has a series of passwords which allows them access to information and programs within their authority. Network security is controlled by the Information & Communication Technology (ICT) Team and is overseen by the Director Corporate & Community.
Signature	A signoff clause which allows you to add your own name, title, Council contact details, personal email address, direct telephone number, etc, at the end of outgoing emails.

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4. POLICY STATEMENT

Communication, including Electronic Communication, includes but is not limited to:

- Internet sites and pages
- Electronic journals and texts
- Library catalogues
- Email
- Discussion lists and forums
- Online News groups
- Internet relay chat
- Social Media
- Data of all kinds.

All material sent, received, forwarded or transmitted may from time to time be subject to monitoring or retrieval.

4.1 Policy Requirements

4.1.1 Personal Use

The 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.

Misuse can damage Council's corporate and business image, infringe copyright and intellectual property generally, and could result in legal proceedings being brought against both Council and the Elected Member/s.

4.1.2 Passwords and Password Confidentiality

It is prohibited for any one to:

- share their password(s) with others;
- hack into other systems;
- read or attempt to determine other people's passwords;
- breach computer or network security measures; or
- monitor electronic files or communications of others except by explicit direction from the ICT Manager..

Passwords are considered to be an Elected Member's electronic authorisation on Council's computer systems. Elected Members are responsible for the security and regular changing of their password(s) and are required to take reasonable precautions to ensure that their password is not known by any other party.

You may be required to disclose your password(s) to the ICT Manager upon request.

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4. POLICY STATEMENT

4.1 Policy Requirements

4.1.3 Identity

No email or other communication may be sent which conceals or attempts to conceal the identity of the sender.

The only exception is where a system's functionality is intended to keep the identity of the sender anonymous, such as feedback forums or electronic surveys.

4.1.4 Confidential Messages

Confidential information should be sent with caution.

Do not send highly confidential messages via the Internet or email. Always exercise care and discretion with electronic communications.

Email messages are perceived to be instant in nature and instantly disposed of. However they may be retained by both the recipient and the sender until specifically disposed of. There may also be an additional backup facility that retains a copy of the file even if it is eliminated from the sender's and recipient's computers. This is the case for Port Pirie Regional Council.

Improper statements can give rise to liability – personally and for Council. Elected Members are advised to work on the assumption that messages may be sent, forwarded, or transmitted to someone other than the intended message recipient. Controlled or limited distribution of messages cannot be guaranteed. Accordingly, Elected Members are advised to be very cautious about committing totally private, sensitive or confidential messages to electronic or other communication.

Elected Members should also be aware that messages, including email messages, even if expressed to be confidential, may have to be disclosed in Court proceedings, Freedom of Information requests, or in investigations by the Ombudsman competition authorities and regulatory bodies. It may be necessary for Council's ICT team or third parties (under Court or regulatory body appointments) to retrieve and/or disclose information and communications. Elected Members, on request, are also provided access to records held by Council in performance of their duty as an Elected Member.

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4. POLICY STATEMENT

4.1 Policy Requirements (Cont'd)

4.1.5 Virus Protection

Virus infection is most prevalent in non-work related emails. Information Technology assistance should be sought for any doubtful attachments or for assistance with virus protection.

Elected Members are not permitted to interfere with the operation of virus protection software on Council computers and computer-based systems.

4.1.6 Confidentiality Clause

All emails issued from Council email accounts will be automatically appended with Council's standard confidentiality clause.

The purpose of this message is to advise any unintended recipients of the confidential nature of the communication.

Standard signature clauses for Elected Members using Council's email system are applied and managed by the ICT Manager and include an endorsement that:

"Communications, including opinions, expressed by Elected Members do not necessarily represent those of or endorsed by the Council."

4.1.7 Unlawful Activities

Elected Members are not to access or send material that is prohibited or potentially prohibited, provocative, pornographic, offensive, abusive, sexist or racist. This includes not forwarding to others any material of this nature that is received.

Unlawful activities are absolutely prohibited, including:

- gaining access to any material which is prohibited or potentially prohibited, pornographic, offensive or objectionable;
- engaging in any conduct which offends Federal or State laws and regulations;
- embarrassing, bullying or harassing (sexually or otherwise) another person;
- sending or forwarding any material which is defamatory, abusive, sexist, racist or otherwise illegal (see 4.1.8 below);
- acting outside of copyright legislation (see 4.1.9 below);

There are serious repercussions arising from such transmission including offences under the Broadcasting Services Amendment (Online Services) Act 1999 (Cwlth).

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4. POLICY STATEMENT**4.1 Policy Requirements (Cont'd)****4.1.8 Defamation**

For the purpose of defamation law, “publication” is very broad and includes any means whatsoever that we use to communicate with each other, including Internet and email. A statement made electronically is, by its very distribution, published. A statement is also published if it is simply received electronically and forwarded on electronically. The Council is at risk of being sued for any defamatory material stored, reproduced or transmitted via any of our facilities. Likewise, an individual may also be sued.

4.1.9 Copyright

Elected Members are required to adhere to the requirements of copyright legislation.

Intellectual property rights apply to most material on the Internet, including text, graphics and sound. It can not be assumed that you can reproduce, print, transmit or download all material to which you have access. Usage of any material should comply with the copyright requirements, as any material reproduced outside permitted uses or without the permission of the owner may be unlawful and may result in legal action against you and the Council.

4.1.10 Records Management

The business activities of Port Pirie Regional Council Elected Members will be recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.

Emails are Council correspondence and the corporate standards and records management requirements, practices and procedures applying to letters also apply to emails and any attachments.

The policy applies to all records and information created and received by Elected Members.

All correspondence, including emails, other than those which are personal or private in nature, are Council records and need to be retained for record keeping purposes.

Note Council systems automatically retain copies of all email communication sent and received via Council Member email accounts.

Elected Members will attend, as required, Elected Member awareness training which will be delivered by an authorised and an appropriately qualified information management employee or an external consultant.

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4. POLICY STATEMENT

4.1 Policy Requirements

4.1.10 Records Management (Cont'd)

Elected Members are responsible for ensuring:

Record Creation

- (1) Records created within the conduct of their role at Port Pirie Regional Council are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.
- (2) Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.
- (3) Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.

Records Capture

- (1) Electronic records, such as emails should be copied or forwarded upon creation or receipt to emrecords@pirie.sa.gov.au. These records will then be captured into Council's Records Management System.
- (2) Elected Members should not be retaining any hard copy original documentation. All original hard copy documentation including records handed to Elected Members must be forwarded to Council's Records Department as soon as practicable. These records will then be captured into the corporate Records Management System.

Records Retention and Disposal

- (1) 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 Information Management employees.
- (2) The illegal destruction of records carries penalties under the State Records Act 1997. If prosecuted, penalties will apply to the individual Elected Member involved.
- (3) The Mayor's diary will be captured and retained by Records employees periodically as a permanent record.

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4.1.10 Records Management (Cont'd)

Access and Privacy

- (1) Access to Council held information by Elected Members will need to be requested through the CEO.
- (2) Records may contain information that is confidential in nature and should not be divulged to other parties.

Public Access to Information

- (1) 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 Governance Officer or a Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

Mail Opening

- (1) All mail coming into Council, unless marked Private and Confidential, will be opened by the Records Management Team regardless of addressee and processed in accordance with Council Records Management policies and procedures.

All mail marked private and confidential, once opened and assessed by the Elected Member, must be returned to Council to be recorded. If the matter is to remain in confidence the correspondence may be returned to the office of the CEO or the Mayor's Secretary, whichever is most appropriate.

Council Systems

- (1) 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.

Integrity of Information

- (1) 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.

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4.1.10 Records Management

Integrity of Information (Cont'd)

- (2) 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.

4.2 Breach of the Conditions of this Policy

In circumstances where an Elected Member breaches conditions of this policy, Council reserves the right to restrict the use or access to the technology, equipment or services and to maintain that restriction at its discretion, and may invoke other disciplinary action or sanctions under the Elected Members Code of Conduct.

4.3 Indemnity by Council Elected Members

The Council bears no responsibility whatsoever for any legal action threatened or commenced due to conduct and activities of Elected Members in accessing or using these resources or facilities. Elected Members indemnify the Council against any and all damages, costs and expenses suffered by the Council arising out of any unlawful or improper conduct and activity, and in respect of any action, settlement or compromise, or any statutory infringement.

Legal prosecution following a breach of these conditions may result independently from any action by Council.

5. FURTHER INFORMATION

This policy will be available to be downloaded, free of charge, from Council’s internet site: www.pirie.sa.gov.au

Copies will be provided to interested parties upon request, and upon payment of a fee in accordance with Council’s Schedule of Fees and Charges.

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