



Audio Recording of Council and Committee Meetings Policy

Policy Statement

Council's *Audio Recording of Council and Committee Meetings Policy* and its associated Guidelines have been developed in response to advisory reports and information published from Privacy NSW and the Department of Local Government on the tape/audio recording of Council and committee meetings.

This Policy codifies and maintains the position adopted by Council in 2005, in response to the recommendations in *Privacy NSW User Manual on the Tape Recording of Council Meetings*, May 2004.

The Policy and its guidelines set out the procedures for the audio recording of Council and Committee meetings in regard to the creation, storage, use, access and disposal of audio recordings (in accordance with the relevant legislative and policy requirements).

The policy applies to all closed and open meetings of Council and its committees, and includes all Council officials and members of the public.

Related Legislation, Circulars or Guidelines (as amended)

- *Local Government Act 1993 No. 30 and Regulation*
- *Surveillance Devices Act 2007 No.64*
- *Privacy and Personal Information Protection Act 1998 and Regulation*
- *State Records Act 1998 and Regulation*
- *Freedom of Information Act 1998 and Regulation*
- *General Disposal Authority, Local Government Records (GDA 10)*
- *Privacy NSW, User Manual on the Tape Recording of Council Meetings, May 2004.*
- *Department of Local Government, Meeting Practice Note Number 16 (2005)*

Does this Document Replace an Existing Policy, Procedure or Plan? No.

Related Council Policy or Procedure

- *Code of Meeting Practice (2008)*
- *Access to Information Policy (2005)*
- *Privacy Management Plan (2005)*
- *Records Management Policy (2005)*
- *Council-Committees (Standing) Structure, Functions and Delegations (2005)*

Application and Distribution

It is mandatory for all Council officials to comply with this Policy.

This Policy and Guidelines are available on Council's website under Council Policies.	
Approved by: Executive Team: 14 August 2013 Council : 22 August 2013 GM 13/28 209	Signature: <hr/> General Manager
Branch Responsible: Governance	Review Date: September 2015

Key Responsibilities

<i>Position</i>	<i>Directorate</i>	<i>Responsibility</i>
Mayor	Council	To lead Councillors in their understanding of, and compliance with, this Policy and Guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this Policy and Guidelines. To approve resources to develop, implement and review this Policy and Guidelines.
Executive Manager Governance and Legal Services	Executive	To ensure (directly or through delegation) that the functions identified within the Policy and Guidelines as the responsibility of Council's Governance and Legal Services Unit are realised. To update the Policy and Guidelines and related procedures as necessary.
Directors	All Directorates	To communicate, implement and comply with this Policy and related Guidelines.
Director of Corporate Services	Corporate Business	To ensure (directly or through delegation) the distribution and communication of the Policy and Guidelines to specified persons. To ensure (directly or through delegation) the approved Policy and Guidelines are available in hard copy and electronically on Council's website.
Executive Manager HR & Organisational Development	Corporate Business	Facilitate the provision of regular training to all Council officials on their role and responsibilities in relation to this Policy, Guidelines and related, if necessary.
Executive and Managers	All Directorates	To implement this Policy, Guidelines and related procedures. To lead staff in their understanding of, and compliance with, this Policy and Guidelines
Information Technology Manager	Corporate Business	To assist with the development of systems to support public access to this Policy, Guidelines and related information.
All Council officials	Council	To comply with this Policy, Guidelines and related procedures.

Audio Recording of Council and Committee Meetings Policy Guidelines

1. Introduction

Council's *Audio Recording of Council and Committee Meetings Policy* and its associated Guidelines have been developed in response to advisory reports and information published from Privacy NSW and the Department of Local Government on the tape/audio recording of Council and committee meetings.

This Policy codifies and maintains the position adopted by Council in 2005, in response to the recommendations in *Privacy NSW User Manual on the Tape Recording of Council Meetings*, May 2004.

The Policy and its guidelines set out the procedures for the audio recording of Council and Committee meetings in regard to the creation, storage, use, access and disposal of audio recordings (in accordance with the relevant legislative and policy requirements).

The policy applies to all closed and open meetings of Council and its committees, and includes all Council officials and members of the public.

2. Definitions

Here is the meaning of some terms used in the Guidelines—

Audio Recording	means any recording made by an electronic device capable of recording sound. This includes, but is not limited to, recordings made by video camera, on cassette recorder, mobile phone, DAT recorder etc and stored on compact disc (CD), digital audio tape (DAT), or in any other formation (such as WAV, MP3 etc).
Committee	includes any representative committee of Council formed in accordance with section 355 of the <i>Local Government Act</i> 1993, as well as any Council Committee formed in accordance with section 373 of the Act.
Council	Coffs Harbour City Council.
Council Official	Councillors, members of Council, staff, administrators (appointed under section 256 of the <i>Local Government Act</i> 1993), members of Council committees and delegates of Council.
Delegate of Council	A person or body and the individual members of that body, to whom a function of Council is delegated.
Personal Information	Information or an opinion about a person whose identify is apparent of can be determined from the information or opinion.

3. Policy Objectives and Access

The objective of Council's *Audio Recording of Council and Committee Meetings Policy* and Guidelines is to —

- set out the procedures for the audio recording of Council and Committee meetings in regard to the creation, storage, use, access and disposal of audio recordings; and
- codify and maintain the position adopted by Council in 2005, in response to the recommendations in *Privacy NSW User Manual on the Tape Recording of Council Meetings*, May 2004.

Public access to information about Council's *Audio Recording of Council and Committee Meetings Policy* and Guidelines will be through Council's website. Hard copy information will also be available from Council's libraries.

Reasonable access assistance to this Policy and Guidelines will also be available to persons with special needs.

4. Responsiveness and Accountability

Clause 273 of the *Local Government (General) Regulation 2005* provides that a person may use a tape recorder to record the proceedings of a Council or Committee meeting only with the express authority of Council or the Committee.

Recordings by Members of the Public

To protect personal information and prevent breaches of privacy, Council will not generally permit audio (or visual) recordings of Council or Committee meetings by members of the public.

Where permission to record a Council or Committee meeting is sought by a member of the public, such requests must be detailed and made in writing to the General Manager at least three (3) business days before the proposed meeting.

Without appropriate permission, the audio (or visual) recording of Council or Committee meetings by members of the public must not take place.

Recordings by Council or Council's Committee

To comply with current privacy and surveillance related legislation, Council will verbally advise members of the public attending meetings of Council or its Committees when the audio recordings of those meetings will be made. The wording of this advice will be to the effect of —

"This meeting is being recorded on audio tape for minute taking purposes, as authorised by the Local Government Act 1993"

and should be announced by the Chairperson of the meeting at or before its commencement.

Wherever possible, advice about the audio recording of the meeting will also be displayed on notices at the entry of or within Council Chambers, or the place where the meeting will be held.

5. Purpose of Audio Recordings

In accordance with s.375(1) of the *Local Government Act 1993* and Regulation, councils are required to keep accurate minutes of meetings which record —

- attendance;
- details of each motion and any amendments;
- names of movers and seconders of motions or amendments (whether the motion is passed or not);
- decisions or resolutions of the meeting.

While not legislatively required, the audio recording of council meetings is common practice in New South Wales. This is because of the assistance that audio recordings give in the preparation of accurate meeting minutes. Recordings also facilitate greater certainty in government process, ensuring that Council and committee decisions are accurately recorded and verified prior to formal minute confirmation.

Audio recordings are considered 'temporary' records of Council under the *State Records Act 1998* as their main purpose is to assist in the preparation of minutes. Once the minutes of the meeting are confirmed, the audio recordings are no longer needed.

The official record of the meeting is *not* the audio recording, but the formal meeting minutes (which require confirmation by Council resolution and must be signed by the Chairperson of the meeting).

The audio recording of Council and committee meetings is permissible for most meetings, except those dealing with confidential matters in accordance with section 10A of the *Local Government Act 1993*. Council currently records only its open/public Council meetings and some (closed) Committee meetings for the purpose of accurate minute taking.

6. Access to Audio Recordings

Audio recordings will only be accessible by staff with the General Manager's approval for the purpose of preparing and verifying minutes.

Audio recordings will only be accessible by Councillors with the General Manager's approval. Access will be provided by means of Councillor's listening to audio recordings in the presence of a Council employee and during Council business hours.

See Appendix 1: 'Staff Request & Permission to Access Audio Recordings' and Appendix 2: 'Councillor Request & Permission to Access Audio Recordings' – templates to be completed, for 'Report to Council' purposes.

Once complete, register in Council's electronic record system (DataWorks) - Subject Index: Meetings - Council & Committees of Council.

Access to the audio recordings of Council or Committee meetings will only be provided up until such time as the minutes of the meeting to which the audio recording relates are confirmed. Once confirmed, staff and councillor access to such recordings will be denied, unless access is compelled by law (Court order, warrant, subpoena, or otherwise). No transcript will be provided to the public.

7. Storage of Audio Recordings

Audio recordings will be stored securely by Council's Executive Manager of Governance & Legal Services so that only persons authorised to do so by the General Manager can access them. Storage of the recordings will be for a period of three (3) months after the minutes of the meeting to which they relate have been formally confirmed by Council (or unless otherwise legally required).

The NSW State Records *General Disposal Authority for Local Government Records* (GDA 10) specifies the retention period for records for the preparation of meetings and the production of minutes including draft minutes, transcripts and audio recordings.

The destruction of such recordings after three (3) months corresponds with the requirements of the GDA 10.

8. Reporting on Access to Audio Recordings

A report on access to audio recordings requests and audio recording permissions will be made available to Council annually.

**STAFF REQUEST & PERMISSION TO ACCESS
AUDIO RECORDINGS**

for the purpose of verifying minutes prior to confirmation

Requested by:

Staff Name _____

Signature _____ Date _____

Approved by:

General Manager _____

Signature _____ Date _____

Once complete, register in Council's electronic record system (DataWorks) - Subject Index: Meetings - Council & Committees of Council.

**COUNCILLOR REQUEST & PERMISSION TO ACCESS
AUDIO RECORDINGS**

**During Council business hours in the presence of a Council employee, prior to
confirmation of minutes**

Requested by:

Councillor Name _____

Signature _____ Date _____

Access to Audio Recording In the presence of:

Staff Name _____ Date _____

Approved by:

General Manager _____

Signature _____ Date _____

Once complete, register in Council's electronic record system (DataWorks) - Subject
Index: Meetings - Council & Committees of Council.