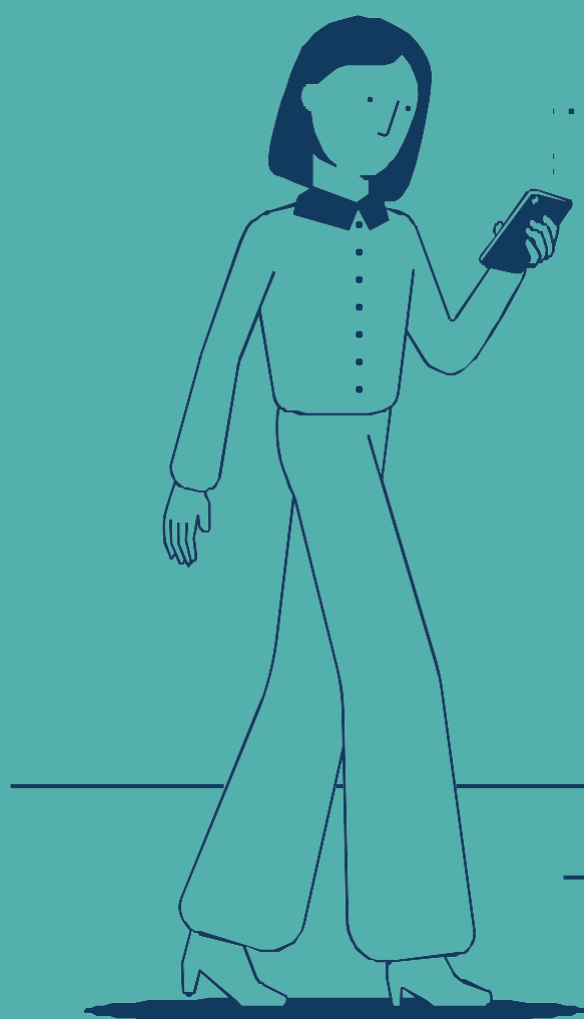


Recordkeeping examples for mayors and councillors



This guide

This is a companion document to:

- ▶ the joint CCC and QSA document:
*'Council records: a guideline for mayors, councillors, CEOs,
and government employees'*

The purpose of this document is to provide mayors and councillors with examples which clarify common recordkeeping questions.

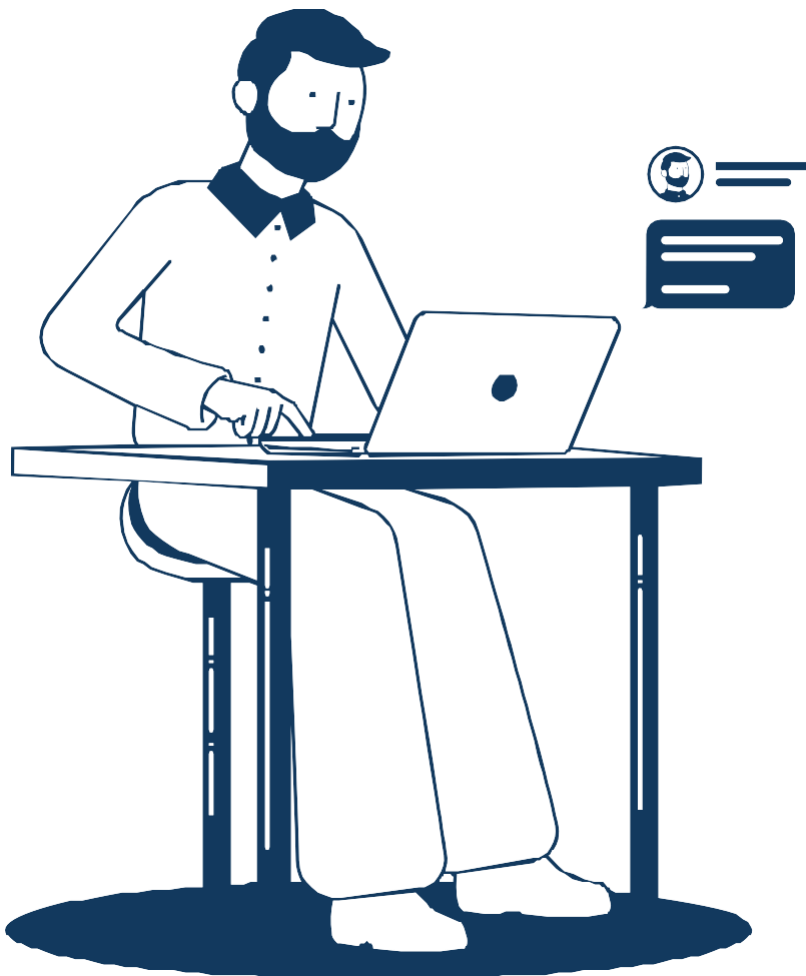
The *Public Records Act 2002* creates responsibilities and governs the making, managing and keeping of public records. As makers and users of public records, mayors and councillors should perform their responsibilities and act in a way that is compliant with the *Public Records Act 2002* and in accordance with local government principles. You and your council rely on records and information to make good decisions, often in short timeframes. To effectively support the decisions you have made and the actions you have taken (or may not have taken), you need to make and keep good records. Informed, robust and consistent decisions are also easier to make when you have good records available to you.

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Question

So... what exactly is a public record?









In your role as mayor or councillor, a record is a public record when the record relates to the administration of council business.



It's not about the format

It is not the format, the location or what software you use to create a record that makes something a public record, it's the content.

Public records can be created in digital or paper format and can include:

	video
	image
	text messages
	email
	social media posts
	spreadsheets
	photographs
	electronic messages

It's not about where it is

Public records can be found anywhere. They can be created using a variety of programs and systems such as Office365 (including Outlook), text messages, Facebook, X (formerly known as Twitter), WhatsApp, SAP, Messenger, Instagram etc. It doesn't matter whether it's in your private account, someone else's private account or an official council account or even whether it's on a personal device (like your personal phone). If you send or receive messages by email, private messaging apps or text or post to social media and they relate to council business, they are a public record.

It's about the content

Public records include interactions with others about council business (e.g. ratepayers, businesses, other councillors – only on council business, and council staff) such as:

- ▶ a complaint about a damaged footpath by a ratepayer sent directly to your councillor email account
- ▶ a post you made on a Facebook page about whether changes should be made to council programs
- ▶ a survey seeking feedback on a future council program
- ▶ a video or audio recording of a community forum requesting feedback on a proposed council initiative
- ▶ a spreadsheet of complaints received from ratepayers prepared to identify trends
- ▶ diaries or calendar entries of meetings and appointments about council business
- ▶ emails and texts with other councillors about how they might vote or their opinions on an agenda item in an upcoming council meeting.

Public records also include decisions or approvals such as:

- ▶ minutes of a meeting where decisions were made
- ▶ instructions to the CEO.

If a record does not directly relate to the administration of council business, it is not a public record.

If a record only includes information about personal activities, political membership or activities, divisional activities or election campaigning, it is not a public record.

A lot of records you deal with as a councillor will already be captured by your council such as council minutes and agendas and complaints, so you don't need to also keep these records.

If a record contains information about both council business and non-council business, the whole record is a public record.

More questions?

Check out the useful link below

[Council records: a guideline for mayors, councillors, CEOs, and government employees by the CCC and QSA](#)



Walking through a scenario

It can be easier to understand what a public record is by looking at a scenario. Imagine, as a councillor, you're attending a local football grand final which is being played in your divisional area. The grand final is taking place at a new sporting precinct that your council has recently finished constructing. This is the first major event to take place at the new sporting precinct and you are officially opening the new sporting precinct on behalf of the council. What public records are made in this scenario?

Examples	Council business (public record)	Divisional (not a public record)	Personal/ political (not a public record)
Appointment in your calendar of the opening	✓		
Email from the CEO's personal assistant confirming the details of the opening	✓		
Photos taken at the event which you post on your official social media pages	✓		
An email complaint made by a constituent from your division who attended the opening which you refer to council for action	✓		
A request from a constituent for you to attend other upcoming local events for networking within your division		✓	
A post on a community Facebook page which tags you as attending the opening		✓	
Photos of you at the event posted on a friend's private Facebook page			✓
A private message on WhatsApp from a family member about meeting up after the opening			✓
Newsletter you send to constituents which includes information and photos from the opening		✓	

While some of these records are public records, if they have already been captured by your council you don't need to keep them.

Question

What happens if I post or comment on social media like Facebook, Instagram, Snapchat or X (formerly known as Twitter)?



Public records

When you make a comment or a post on social media about council business, you are creating a public record.

The following social media posts are examples of public records:

- ▶ a ratepayer making a complaint to you via X (formerly known as Twitter) about an issue e.g. a damaged footpath or a new development
- ▶ a post you made on your official Facebook page about whether changes should be made to council programs
- ▶ comments from the community on your official Facebook page about council business
- ▶ a comment by you on someone else's page about a council project where you identify as a councillor
- ▶ a post with photos of you attending the opening of a new park following completion of works by the council
- ▶ a comment you made on a community forum Facebook page correcting an inaccurate statement about a council initiative where you identify yourself as a councillor
- ▶ a post with a combination of council business and non-council business.

Not public records

The following social media posts are not public records:

- ▶ a post published by a member of the public where you are tagged in the post
- ▶ posts or comments on pages clearly identified as personal where you do not discuss council business e.g. the page or account is available only to family and friends
- ▶ posts seeking support during an election campaign
- ▶ posts of a purely personal nature even if posted on your official councillor page e.g. celebrating Mother's Day with your family
- ▶ posts published before you were elected as a councillor.

How to make it easier for yourself

Use official accounts provided by your council or seek approval to use your own account for administration of council business. It's easier to capture public records that way.

Have separate social media accounts for personal and council business. Clearly identify which is which.

Restrict who can post or see your private social media account.

Ask people who comment or post on your accounts to send their complaints or requests for services directly to your council using your council's preferred contact method.

Find out if your council has a system for automatically capturing and archiving social media posts.

If you are running a survey or asking for feedback or ideas, think about directing them to a system where they can provide feedback and comments. This may be easier than capturing comments on a post.

More questions?

Check out the useful link below

[Office of the Information Commissioner advice about whether your social media account is being used in an official capacity](#)



Question

Are messages sent using my private email account or private messaging apps and text messages, public records?



Public records

If you send or receive messages using private email accounts, private messaging apps or text and they relate to council business, they are a public record and need to be kept as public records.

The following emails and messages are examples of public records:

- ▶ an exchange between councillors about the budget or other council business
- ▶ text messages between councillors about which way they intend to vote on council business
- ▶ correspondence with a ratepayer about a complaint or council service
- ▶ an email to your council CEO requesting an update on progress of works in your division.

Not public records

The following are not public records:

- ▶ an email to a friend organising lunch following a council meeting
- ▶ a text message from a constituent about attending the local school fete
- ▶ an email to your private account from a constituent congratulating you on your reappointment as a councillor.

What do you do with private emails and messages that are public records?

Follow up with your council to see what they have in place to capture public records.

Council business created or received in private accounts or on personal devices is required to be transferred to official council accounts.

Best practice is to forward messages, emails and texts to your official council account within 20 calendar days of either the date you created the message, or the date you received it. If the public record is in a messaging app, you can take a screen shot and forward the screen shot to council to manage.

How to make it easier for yourself

Have separate accounts to conduct personal and council business.

Avoid using private messaging apps for council business.

Ask people to send their complaints or service requests directly to the council or to your official council account.

Use official council accounts so public records are more easily captured by your council.

If you receive a text message about council business that you need to keep, follow it up with an email so it can be captured more easily.

If you receive a text message about council business, reply to the text asking the sender to communicate with you through official council channels.



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