



DIGITAL RECORDING POLICY

POLICY TYPE	POLICY ADOPTED	MINUTE NUMBER	POLICY DOCUMENT NUMBER (TRIM):
Council	23 September 2019	195/19	D616034
DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	STRATEGIC PLAN 2009-2030 (STRATEGY REFERENCE)	DATE OF NEXT REVIEW
Executive Manager Corporate Services	General Manager	5.3.1 Review and amend governance structures, policies and procedures to adapt to changing circumstances	July 2021
PURPOSE	This policy provides Council with adopted guidelines for the transparent management of the digital recording of Council and Council Committee meetings.		
SCOPE	<p>This policy applies to all formal Council meetings (including special meetings) and the following Section 23 Committee meetings:</p> <ul style="list-style-type: none"> • Governance, Finance and Community Services Committee; • Infrastructure, Works & Development Committee; and • Planning Authority Committee. 		
DEFINITIONS	<p>For the purposes of this policy the following definitions apply:</p> <p>'Digital' refers to an audio or visual recording.</p>		
POLICY	<p>1. Recording of Open Council Meetings and Section 23 Committees</p> <p>1.1 All Open Sessions of Council Section 23 Committee meetings shall be recorded in accordance with regulation 33 of the <i>Local Government (Meeting Procedures) Regulations 2015</i>.</p> <p>1.2 At the commencement of each meeting, the Mayor or Chairperson shall notify those present, including members of the public, that a recording of the Open meeting from commencement to conclusion will be captured unless terminated in accordance with this policy.</p> <p>1.2.1 The Mayor or Chairperson has the discretion and authority at any time to direct the termination of the digital recording of the meeting. Such direction however shall only be given in exceptional circumstances (e.g. if a person's safety may be placed at risk by the continuation of the recording).</p> <p>1.2.2 A Council Officer will be responsible for the operation of the digital recording equipment including the commencement and termination of the recording in accordance with meeting procedures or as directed by the Mayor or Chairperson.</p> <p>2 Retention & Use of Digital Recording of Open Sessions</p> <p>2.1 The Council is required to keep accurate minutes of Council meetings. The Regulations expressly provide that the minutes of a Council meeting, once confirmed, prevail over the recording</p>		

of the meeting unless the Council has reviewed and amended its confirmed minutes at a subsequent meeting.

- 2.2 Digital recordings of Council meetings are considered temporary records under the *Archives Act 1983*; however, Council will retain such recordings on a permanent basis.
- 2.3 A compressed version of the digital recording will be made available on Council's website for a minimum period of six months. After this time, requests to access recordings may be made in writing to the General Manager, detailing the reason for the request.
- 2.4 There may be situations where, due to technical difficulties, digital recordings will not be available. If such circumstances are known at the commencement of a meeting, the Mayor or Chairperson will advise those present that the recording is not available. If a digital recording file becomes corrupt and is therefore not available in Council's archives, this information will be displayed on the website.
- 2.5 The digital recording of a meeting may be used by staff in the preparation of minutes or by Council (at the discretion of the Mayor or Chairperson) during the 'Confirmation of Minutes' section of a subsequent meeting to clarify a matter relating to the minutes being confirmed. The digital recording of the previous meeting should therefore be accessible at the meeting where the minutes will be confirmed.
- 2.6 The digital recording of a meeting does not supersede the written minutes, therefore a direct transcript (text version) of the recording will not be prepared.
- 2.7 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission), digital recordings are to be made available, providing such requests are permissible under the laws of the State of Tasmania.
- 2.8 Unlike Parliament, Council meetings are not subject to parliamentary privilege and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

3. Recording of Closed Council Meetings and Section 23 Committee Meetings

- 3.1 The Closed Session of Council meetings will be recorded.
- 3.2 To facilitate effective security and management of the digital recordings, the Open and Closed Sessions of meetings will be recorded separately.
- 3.3 In accordance with the *Local Government (Meeting Procedures) Regulations 2005, s15 (9)*, the recordings of Closed Session Council meetings are to remain confidential and not be released to the public unless Council resolves to do so. The recordings will be kept in a secure location at the parnaple centre where access is strictly limited to authorised persons.

3.4 The Council may determine by simple majority to terminate the digital recording of a meeting that is in Closed Session.

4 Guidelines for Accessing Closed Session Recordings

4.1 Other than for the purpose of preparing minutes or confirmation of minutes, any request to access the recording of a Closed Session must be made in writing to the General Manager detailing the basis for the request.

4.2 Requests to access recordings of Closed Session meetings may be granted by the General Manager for the following reasons:

4.2.1 Where a Councillor wishes to review a recording of a Closed meeting for which they were absent, except in the case where the absence was due to a declaration of interest, or where absence due to a declaration of interest would have occurred at that meeting if the Councillor was not absent for other reasons;

4.2.2 Where a Councillor wishes to review a recording of a Closed meeting for which they were present;

4.2.3 Where a report author or endorser wishes to review the debate leading to a decision/s made about that report; and/or

4.2.4 In response to a formal request from an appropriate authority (i.e. Ombudsman, Tasmania Police, Integrity Commission, Code of Conduct Panel) providing such requests are permissible under the laws of the State of Tasmania.

4.3 The General Manager may access the recordings of Closed Council meetings for any purpose deemed necessary in the performance of their duties, except where the General Manager was excluded from the Closed meeting under s15, 6(b) of the *Local Government (Meeting Procedures) Regulations 2015*, or was absent due to a declared interest. This exception also applies to Council Officers.

4.4 The General Manager must maintain a register of requests for access (whether granted or not) to recordings of Closed Session meetings of Council.

4.5 The register must contain the following details:

- name and position of the person requesting access;
- reason for access;
- whether access is approved (yes/no);
- if not approved, reason why;
- date/time of access;
- the recording/meeting or item ID accessed;
- name of authorising officer.

4.6 Access to recordings of a closed session meeting, by authorised persons, will be by appointment at the paranapple centre.

LEGISLATION AND RELATED DOCUMENTS	<i>Local Government (Meeting Procedures) Regulations 2015 (Regulation 33)</i> <i>Archives Act 1983</i>			
ATTACHMENT/S (IF APPLICABLE)	N/A			
TRAINING REQUIREMENTS (IF APPLICABLE)	Is training required as result of this Policy		YES	NO
	Training required by:	Councillors	Staff	Department