



Title: Audio Recording of Meetings

Category: Strategic – Governance – Council Meetings

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Related legislation: Freedom of Information Act 1989
Listening Devices Act 1984
Local Government Act 1993
Local Government (Meetings) Regulation 1999
Privacy and Personal Information Protection Act 1998
State Records Act 1998

Related policies: Code of Meeting Practice

Related procedures: General Disposal Authority – Local Government Records (GDA10)

Related forms: None

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1. Purpose

The purpose of this policy is to specify the arrangements for creating, storing, using and disposing of audio recordings of Committee and Council meetings.

2. Objectives

The objectives of this policy are to:

- Create, store, use and dispose of audio recordings appropriately;
- Provide appropriate access to records of proceedings of council meetings;
- Manage the costs associated with making and using audio recordings;
- Comply with legislative requirements applicable to creation, storage, use and disposal of audio recordings.

3. Application

This policy applies to:

- Councillors and members of the public requesting access to records of audio recordings of Council and Committee meetings;
- Staff involved in creating, storing, providing access to, managing and disposing of audio recordings of Council and Committee meetings.

4. Principles

4.1 Creation of audio recordings

4.1.1 Purpose of audio recordings

Audio recordings will be made of Council and Standing Committee meetings for the purpose of:

- assisting in the preparation of minutes;
- ensuring decisions are accurately recorded;
- verifying the accuracy of minutes prior to their confirmation.¹

4.1.2 Definition of audio recording

An audio recording means any recording made by any electronic device capable of recording sound, whether a magnetic tape is used or not. This includes but is not limited to recordings made by video camera, cassette recorder, or DAT recorder, and stored on compact disc (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, etc.).

¹ Privacy NSW considers that Councils are not required by any legislation to make audio recordings of Council meetings, and concludes that Councils may be in breach of the Privacy and Personal Information Protection Act by doing so. Privacy NSW recommends that if a council decides to tape record meetings they ensure that such recordings of meetings are only used for verifying the accuracy of minutes.

4.1.3 Audio recordings by members of the public

Clause 47 of the Local Government Meetings Regulation 1999 provides that a person may use a tape recorder to record the proceedings of a meeting of a council or a committee of council only with the authority of the council or committee. In order to prevent breaches of the Privacy and Personal Information Protection Act 1998 Council will generally not permit such recordings to be made.

4.2 Notice of recording

In order to comply with the Listening Devices Act 1984 and the Privacy and Personal Information Protection Act 1998 advice will be provided to the members of the public attending meetings that an audio recording of the meeting will be made. The advice will be displayed on notices in the public gallery and included on the call notice for each meeting. The wording of the advice will be as follows:

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

4.3 Storage of recordings

4.3.1 Secure storage

Audio recordings will be stored securely so that only persons authorised to do so by the General Manager can access them.

4.3.2 Retention

Audio recordings will be stored until the minutes from the meeting to which they relate are confirmed by Council or three months after their creation, whichever is the later.²

4.4 Access to recordings

4.4.1 Purpose of access

Access to audio recordings will only be provided for the purpose of:

- preparing and verifying the accuracy of minutes of meetings;
- complying with court orders, warrants, subpoenas or legislation such as the Freedom of Information Act 1989.

² Privacy NSW recommends that if a council decides to make audio recordings of meetings such recordings should be destroyed as soon as their original purpose is served or 3 months after their creation (whichever is the later), except where retention for a longer period is otherwise required or recommended under the State Records Act 1998. State Records NSW General Disposal Authority GDA-10 specifies a retention period of 3 months for records of preparation of meetings and production of minutes including draft minutes, transcripts, and voice and video recordings. Retention for longer periods applies to other types of records, but as audio recordings are only made for the purpose of producing minutes, there is no need to keep them for a longer time.

4.4.2 Access by staff

Audio recordings will only be accessed by staff with the General Manager's approval for the purposes outlined above. Access may be required up until the time that the audio recordings are destroyed.³

4.4.3 Access by councillors

Clause 41 of the Local Government (Meetings) Regulation will apply to any requests by Councillors for access to the audio recordings. Access by Councillors will be provided by means of listening to audio recordings during office hours in the presence of a Council employee approved by the General Manager. Access can only be provided up until such time as the minutes of the meeting to which the audio recording relates are confirmed.⁴ Access will be provided between the hours of 8.00am and 6.00pm on normal business days. Copies of audio recordings and transcripts of audio recordings will not be provided.⁵

4.4.4 Access by members of the public

Audio recordings of meetings will not be made available to the public or disclosed to a third party under Section 12(6) of the Local Government Act, except as allowed under Section 18(1)(c) or section 19(1) of the Privacy and Personal Information Protection Act 1998, or where council is compelled to do so by court order, warrant or subpoena or by any other law, for example the Freedom of Information Act 1989.⁶

4.5 Reporting

A report to council on audio recordings made available to councillors or members of the public or disclosed to a third party under this policy is to be provided to the first ordinary meeting of Council after 30 June each year.

³ Staff require access for preparation of minutes and if there is a need to comply with court orders, warrants, subpoenas or legislation.

⁴ As soon as minutes are confirmed there is no valid purpose for councillors to access audio recordings. Accessing the recordings for an invalid purpose would be a breach of the Privacy and Personal Information Protection Act 1998.

⁵ Providing copies or transcripts of audio recordings may breach the Privacy and Personal Information Protection Act 1998.

⁶ This is consistent with the recommendations of Privacy NSW.