

Electronic Records Policy



Policy number	POL009	Version	A
Drafted by	FOP Australia Board	Approved by Board on	03/02/2020
Responsible person	FOP Australia Board	Scheduled review date	03/02/2023

INTRODUCTION

The rise to predominance of electronic communication mandates electronic message management systems comparable to existing hard copy filing systems.

The Board, employees and volunteers of FOP Australia acquire no rights in any material, electronic or otherwise, created by in the course of their activities with FOP Australia (and/or time acting on behalf of FOP Australia), or accessed on FOP Australia equipment.

PURPOSE

Electronic document retention management needs to meet multiple objectives:

1. that email retention does not materially degrade IT system performance;
2. that important emails remain accessible for operational purposes;
3. that legal document retention requirements are met;
4. that the collection and retention of any health information complies with all applicable laws; and
5. that information is deleted when required by law (e.g. in relation to personal information under the *Privacy Act 1988* (Cth) (**Privacy Act**) when there is no legitimate purpose for retaining that information).

To help the Board, employees and volunteers determine what information sent or received by email should be retained and for how long, this policy identifies the broad categories of electronic messages processed by the FOP Australia system and sets out the factors to be considered in setting practice guidelines to be adopted in each case.

This policy also identifies what the Board, staff and volunteers must do as a matter of best practice to ensure the security of electronic records and IT systems and to respond to requests for information.

CORE POLICY

Material that should be preserved should be clearly distinguished from material that should be purged from the system.

AUTHORISATION

03/02/2020
FOP Australia

FINAL

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RESPONSIBILITIES

It is the responsibility of the Board to ensure that:

- Board members, staff and volunteers are aware of this policy; and
- any breaches of this policy coming to the attention of the Board are dealt with appropriately.

It is the responsibility of all Board members, employees and volunteers to ensure that their usage of email conforms to this policy.

PROCESSES

The first step is to consider whether there is a particular legal obligation to retain the email for a minimum period of time. The email can then be classified for FOP Australia's internal purposes as one of:

1. Material of permanent significance (perpetual)

- Material that requires permanent retention includes:
 - any material required to be retained in accordance with legal obligations (see further explanation below under the heading, 'Legal Requirements');
 - items of historical significance to the organisation;
 - emails creating or recording permanent legal relationships; and
 - items recording significant policies or precedents.

2. Administrative correspondence and correspondence involving intellectual property rights (7 years)

- FOP Australia's administrative correspondence includes, though is not limited to, confidential management information, employee-related information, and project-related correspondence.

3. Fiscal correspondence (7 years)

- FOP Australia's fiscal correspondence includes all information related to revenue and expense for the organisation.

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4. General correspondence (1 year)

- FOP Australia's general correspondence covers information that relates to stakeholder interaction and the operational decisions of the organisation. Where correspondence is likely to be of continuing usefulness, it should be managed as for administrative and fiscal correspondence (see above).

5. Short Term correspondence (retain until read and acted upon, then destroy)

- FOP Australia's short-term correspondence is by far the largest category and includes personal emails, emails dealing with the work of the day, and emails containing information outdated by events. Directors and volunteers may destroy this after reading and acting on the material. Where there is doubt as to whether records need to be kept, the decision is to be directed to the Board for their judgment.

To ensure material of permanent significance, administrative correspondence, fiscal correspondence and general correspondence is retained in an accessible format, the email account info@fopaustralia.org will be used for retention of these records. Directors and volunteers should copy (cc) to this address when receiving or sending such email. Retention and organization of such material within the account (and/or in a shared electronic archive accessible to Board members) will be overseen by the secretary or their delegate. The email should then be retained for the longer of the minimum legal period and the period set down in FOP Australia's internal classification.

Legal requirements

1. Australian Charities and Not for Profit Commission Act 2012 (Cth) (ACNC Act)

Under the ACNC Act, FOP Australia must keep the following written records for **7 years**:

- **Financial records** [section 55-5(1)] – these may include receipts, invoices, banking records, cheques, vouchers, details of any contracts, details of any grant payments, salary records (of employees), accounting records, working papers to produce financial reports, stock records, lists of assets, tax documents, including information about 'pay as you go', superannuation obligations and fringe benefits provided and correspondence about financial matters (including ATO correspondence).
- **Operational records** [section 55-5(2)] – these are documents, other than financial records, about a FOP Australia's operations, e.g. minutes, reports, and written details of FOP Australia's activities, programs or services, contractual agreements, strategic plans, policies and procedures, project proposals, member communications, media releases, promotional materials and project documentation.

There is no prescribed format for the how the records are to be kept, however, the records must be in English or easily convertible into English. The records must be sufficient to enable the Commission (or others) to assess FOP Australia's:

- entitlement to charity registration;

Policies can be established or altered only by the Board: Procedures may be altered by the Board.

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- charitable purpose and registration category or sub-type;
- compliance with the ACNC Act and *Australian Charities and Not for Profit Commission Regulations 2013 (ACNC Regulations)* (in particular the governance obligations, examples below); and
- compliance with taxation laws, which is assessed by the ATO.

Example – ACNC governance obligations

Under the ACNC Regulations, FOP Australia must comply with several governance obligations including:

- taking reasonable steps to ensure its Board members disclose any perceived or actual material conflicts of interest of any Board members; and
- taking reasonable steps to ensure its Board members do not allow the entity to operate while insolvent.

Accordingly, any email discussion between Board members disclosing a conflict of interest or discussing the solvency of the entity (i.e. its ability to pay its debts as and when they fall due) would need to be retained to enable the Commission to assess FOP Australia's compliance.

2. Destruction of evidence

Various state and territory laws criminalise the destruction or concealment of a document that is likely to be required in evidence in a legal proceeding. If in doubt as to whether a document may fall within this category, FOP Australia board members and volunteers should consult the Board.

3. Correspondence relating to litigation (or anticipated legal proceedings)

When legal proceedings are in process (or reasonably to be anticipated), particular considerations apply to document retention. This would include correspondence relating to any threatened or likely legal action against FOP Australia, relating to any alleged or likely misconduct by FOP Australia, its staff or volunteers. It is the responsibility of the Board to inform staff and volunteers should these considerations be applicable and to circulate to staff or volunteers any relevant changes in policy and procedures.

4. Privacy Act

To the extent that the Privacy Act applies to FOP Australia, FOP Australia should ensure that it does not retain personal information once it no longer has any legitimate purpose for retaining that information. Refer to the Privacy Policy for more detail.

Storage

It shall be the responsibility of the Board or their nominee to maintain backup files or cloud back-up and archiving from the FOP Australia email account and shared online drive.

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Where physical back-up media is used (rather than cloud storage) then two copies at two sites should be maintained.

Security

FOP Australia should take all reasonable steps to protect the personal information it holds from misuse and loss from unauthorized access, modification and disclosure.

To this end, FOP Australia is to adopt and maintain the following security measures:

- Anti-Virus software on computers as required
- Secure passwords used for appropriate board members

Login Credentials

FOP Australia staff and volunteers should endeavor to keep any login-credentials for email document management systems secure. This means:

- not disclosing or sharing login-credentials you know with anyone not authorized by the Chair;
- changing your password or login-credentials immediately on discovering it is compromised or known to others; and

adopting passwords which are suitably robust (e.g. by including a combination of upper and lower case letters, and numbers or other symbols).



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Security Breach

In the event that there is a breach or suspected breach of security which has resulted in a third party gaining unauthorized access to the FOP Australia email account or FOP Australia records please notify the Chair.

Email

The FOP Australia email account must be regularly monitored by the secretary, with the responsibility for receiving and responding to emails received at the account lying within their role. This responsibility can be delegated to another Board member for a period of time at the discretion of the Board, but this must be documented in the minutes of the next possible Board meeting.

The Board Chair, secretary and treasurer should have access to this account and the ability to send emails from this account. Other directors can have access to the account under the same terms when necessary at the discretion of the Board.

AUTHORISATION

03/02/2020

FOP Australia