



## 18.6 AUDIO RECORDINGS OF COUNCIL MEETINGS

### COUNCIL POLICY

#### 1. PURPOSE

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

#### 2. SCOPE

Governance Local Law No 4 – 2014 regulates video and audio recording of Council Meetings as follows:

##### **Clause 25 – Prohibition of Unauthorised Recording of Meetings**

*“Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.”*

This policy applies to:

- Councillors and members of the public requesting access to records of audio recordings of Council and Committee meetings that are open to the public; and
- staff involved in creating, storing, using, disclosing, providing access to and disposing of audio recordings of Council and Committee meetings that are open to the public.

#### 3. DEFINITIONS

**Audio recording** in this document means any recording made by any electronic device capable of recording sound. This includes, but is not limited to, recordings made by video camera, cassette recorder, digital audio tape, mobile phone or such other device capable of being used to record a conversation or words spoken and stored on compact disc (CD), Universal Serial Bus (USB), or in any other format.

#### 4. REFERENCES

- *Public Records Act 1973*
- *Privacy and Data Protection Act 2014*
- *Health Records Act 2001*
- *Freedom of Information Act 1982*
- *Evidence Act 1958*
- *Local Government Act 1989*
- Retention and Disposal Schedule – Public Records Office Standards 09/05 VAR1 8.4.2

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## 5. STATEMENT OF POLICY

### CREATION OF AUDIO RECORDINGS

#### Purpose of Audio Recordings

Audio recordings will be made of:

- Ordinary Council meetings;
- Special Council meetings;
- Planning Committee meetings; and
- such other Committee meetings as the Council may direct by resolution,

for the purpose of verifying the accuracy of the minutes of the meetings.

Audio recordings made for:

- Ordinary Council meetings;
- Special Council meetings;
- Planning Committee meetings; and
- Special Committee meetings,

will be made available to the public via Council's website and may be circulated by other means as deemed appropriate by the Manager, Governance & Communications as soon as practicable following the meeting.

Matters discussed by Council or a Committee at a meeting or part of a meeting that is closed to members of the public in accordance with section 89(2) of the *Local Government Act 1989* will not be recorded.

#### Audio recordings by individuals

Clause 25 of Council's Governance Local Law No 4 states:

*"Other than an official Council recording no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting."*

Council does not generally permit individuals to make audio recordings of meetings.

Individuals wishing to make an audio recording of a meeting are required to make a written request addressed to the Council seeking to obtain permission to do so.

Any written request must be made at least 8 days before the date of the meeting which the individual proposes to record to ensure that the request can be included on the Agenda for that meeting and a resolution of the Council granting or denying permission can be made.

#### 5.2 Notice of recording

Notice will be provided to members of the public attending meetings that an audio recording of the meeting will be made. The wording of the notice will be as follows:

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### ***“Audio Recording of Council Meetings***

*Please note: All Council and Committee meetings will be audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.*

*By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).*

*Audio recordings of meetings will be available to the public on Council’s website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.”*

Such notice will be provided to the public by:

- inclusion in the Agenda for the relevant meeting;
- display at the entry to the Council Chamber or meeting room;
- placement on the lectern from which members of the public address the Council or the Committee; and
- verbal statement by the Chairperson at the commencement of each session of an open meeting.

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## 6. ACCESS TO RECORDINGS

At its Ordinary Council Meeting on 24 July 2019, Council resolved:

*“...that effective from the December 2019 Ordinary Council meeting ... that recordings of Council meetings open to the public are to be made available on the Council’s website and may be circulated by other means as deemed appropriate...”*

and that Council

*“Acknowledges that this resolution does not authorise the release of any recordings made prior to the December 2019 Ordinary Council Meeting and does not alter any existing rights.”*

As soon as practicable following each open Council or Committee meeting, an audio file will be accessible on Council’s website as an attachment to the relevant meeting on the “Minutes & Agendas” page.

The Manager, Governance & Communications will consider requests on a case-by-case basis for access to recordings in a differing format.

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## 7. ACCESS BY COUNCILLORS

At its Ordinary Council Meeting on 24 July 2019, Council resolved that Council:

*“Requires that any disclosure of a recording by a Councillor must be the actual recording as released by Council, must not be altered or edited in any way and its treatment must be consistent with all relevant Council policies...”.*

## 8. STORAGE OF RECORDINGS

Council’s recordings will be given to and securely stored by the Governance team as soon as is practicable after each Council and Committee meeting to allow for their upload to Council’s website.

## 9. RETENTION

Audio recordings are, for the purposes of the *Public Records Act 1973* and the Retention and Disposal Authority for Records of Local Government Functions, inputs into the development of master sets of Council minutes and it is permissible to destroy them when administrative use concludes.

As Council has resolved to make audio recordings of Council and Committee meetings available on Council’s website, original audio recordings of meetings will be stored and destroyed four years after their creation, except where retention for a longer period is otherwise required or recommended by the General Retention and Disposal Authority for Records of Local Government Functions published by the Public Records Office.

Audio recordings of Council meetings are “documents” for the purposes of the *Freedom of Information Act 1982*. Before an audio recording is destroyed, if the audio recording is no longer accessible outside of Freedom of Information, the Manager, Governance & Communications will ensure that there are no such requests relating to the recording. If there are requests relating to the recording, the recording will not be destroyed until after the request is dealt with and all relevant review and appeal periods have expired.

## 10. DOCUMENT CONTROL

Policy Owner	Manager, Governance & Communications	Division	Executive
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