

	<h2 style="text-align: center;">Electronic Recording of Meetings Policy</h2>
<b>Version No.</b>	V1.0, 14 April 2015
<b>Endorsement</b>	Policy Review Panel, 4 May 2015
<b>Authorisation</b>	Council, 26 May 2015
<b>Expiry date</b>	1 April 2018
<b>Responsible officer</b>	Chief Executive Officer
<b>Policy owner</b>	Legal Officer

### 1. Purpose

This Policy sets out Melton City Council's position on the Electronic Recording of meetings (with the exception of Council Meetings) held with Councillors and Council staff in Council Buildings and any other place.

### 2. Scope

This Policy applies to all meetings (formal and informal) held with Councillors and Council staff whether in a Council Building or otherwise, but does not apply during a Council Meeting held in the Council Chamber (or any other place where a Council Meeting may be held from time to time).

### 3. Definitions

Word/Term	Definition
Charter of Human Rights	means the <i>Charter of Human Rights and Responsibilities Act 2006</i> .
Codes of Conduct	means the current Councillor Code of Conduct and Staff Code of Conduct as may change from time to time.
Council	means Melton City Council.
Council Building	means any building operated by Council including, but not limited to, civic centres, halls, libraries, neighbourhood houses and community centres.
Council Plan	means the current Council Plan as set out on Council's website as may change from time to time.
Council's Values	means Council's current values as set out in the current Council Plan.
Consent	means express consent and is confined to the consent to record for the requestor's personal use and not for communication to another party or publication under any circumstances.
Electronic Recording	means electronic recording or taping, including audio and/or visual recording, via any device including, but not limited to, a dictaphone, telephone, tablet, camera but does not include the taking of written notes even if on an electronic device such as a tablet.

Word/Term	Definition
Relevant Documentary Laws	means the <i>Privacy and Data Protection Act 2014</i> , the <i>Freedom of Information Act 1982</i> and any other legislation or related regulations from time to time concerning the storage and retrieval of information and documents by Council.
Relevant Privacy Laws	means the <i>Privacy and Data Protection Act 2014</i> , the <i>Charter of Human Rights and Responsibilities Act 2006</i> and the <i>Health Records Act 2001</i> and any other legislation or related regulations from time to time concerning the individual privacy rights, privacy, personal information or health information of a person.
Surveillance Devices Act	means the <i>Surveillance Devices Act 1999</i> .

#### 4. Policy

Where possible a meeting should be recorded via written minutes and not via Electronic Recording.

Where not possible or appropriate or where there has been a request from a member of the public to Electronically Record the meeting, Council respects an individual's decision to consent or withhold his/her consent in relation to the Electronic Recording of the meeting.

If more than one person is present at the meeting then all persons must agree for the Electronic Recording of the meeting to take place.

If consent is withheld the meeting should either not take place or should proceed without Electronic Recording.

If the request is from a member of the public and the Councillor or Council staff member does not consent to the Electronic Recording of the meeting and the member of the public does not wish to hold the meeting without Electronic Recording, then it should be suggested that the query or matter (the subject of the meeting) be dealt with in writing.

Consent is confined to the recording of the meeting for the requestor's personal use and not for communication to another person or publication. Where communication or publication occurs without the express consent of all person's present at the meeting Council will consider any legal action possible pursuant to the *Surveillance Devices Act 1999* (s11) or any other law.

##### 4.1. Issues with recording devices

Council recognises that there are various matters that may be grouped broadly as 'advantages' and 'disadvantages' in the use of Electronic Recording which Council staff should be aware of. In some cases, the same issue may fall under both groupings.

###### 4.1.1. Advantages of audio and audiovisual recordings

- (a) efficiency;
- (b) accuracy;
- (c) mobility;
- (d) ability and ease by which such recordings can be placed on social media and other forums.

###### 4.1.2. Disadvantages of audio and audiovisual recordings

- (a) ability for such recordings to be tampered with;

- (b) ability and ease by which such recordings can be placed on social media and other forums;
- (c) difficulty of compliance with the Relevant Privacy Laws and Relevant Documentary Laws in relation to storage and security and provision of copies.

#### 4.2. Relevant Documentary Laws

Council must comply with the Relevant Documentary Laws in relation to the storage and retrieval of information and documents. This is difficult in relation to audio and audiovisual recordings and thus written minutes are the preferred method.

#### 4.3. Relevant Privacy Laws

Council must comply with the Relevant Privacy Laws in relation to the capture, storage and retrieval of information and documents. This is difficult in relation to audio and audiovisual recordings and thus written minutes are the preferred method.

As a Public Authority Council must take into account a person's rights as set out in the Charter of Human Rights in making any decision, including but not limited to, the right to privacy.

Council believes it should be an individual's own decision to consent to or withhold his/her consent to, the recording of meetings.

### 5. Responsibility /Accountability

<b>5.1</b>	<p><b>Legal Officer</b></p> <ul style="list-style-type: none"> <li>• The Legal Officer is the policy owner and responsible for updating and amending this policy and related procedures.</li> <li>• The Legal Officer is also responsible for providing advice and guidance to employees regarding this policy.</li> </ul>
<b>5.2</b>	<p><b>Councillors and all Council Staff</b></p> <ul style="list-style-type: none"> <li>• Councillors and all Council Staff are responsible for operating in accordance with this policy and for providing feedback to the policy owner.</li> </ul>

### 6. References and links to legislation and other documents

Name	Location
<i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
<i>Council Plan</i>	<a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
<i>Council's Values</i>	(within the Council Plan) <a href="http://www.melton.vic.gov.au">www.melton.vic.gov.au</a>
<i>Freedom of Information Act 1982 (Vic)</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
<i>Health Records Act 2001 (Vic)</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
<i>Surveillance Devices Act 1999 (Vic)</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>
<i>Privacy and Data Protection Act 2014 (Vic)</i>	<a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a>