

Communications and Record keeping

Office of General Counsel

Communications should be courteous, factual, prudent, and *sometimes* cautious.

All communications should be expressed as if they may be made public.

1. Record-keeping is an important and non-discretionary obligation

The University must maintain records for a range of reasons:

- To document the **what, when and where** of something that was done or considered
- To explain **how and why** a decision was made
- To record **who** was involved and on what authority (or exercising what delegation) a decision was made or an action taken
- To provide evidence of University decisions, determinations and actions
- To promote *transparency* and *accountability*.

Apart from best practice in managing evidence for sound, probative and ethical decision-making, there are legal obligations on the institution *and* on individuals and office holders.

Primarily but not exclusively that obligation originates in the [State Records Act 1997 \(SA\)](#).

The University Records Policy clearly sets out there both the institutional and individual responsibilities of all personnel in creating and storing records. But it does not address common sense or courtesy.

The responsibility for creating, maintaining and protecting all University records must be observed by all University personnel.

2. All the records University personnel make are University business records

Records created as a part of University activities “belong” to the University. They do not belong to individuals or to local areas – regardless of the device or channel used to communicate them.

- Under the policy, Records must be stored and accessible (e.g. HPRM, CRM)
- What is a University record?
 - This must be *interpreted broadly* to include all forms of communication on any device in any format such as:
 - Emails
 - Invoices and receipts
 - Notes taken about conversations
 - Photographs
 - Mobile phone texts
 - Minutes
 - Advice
 - Reports
 - Communications with stakeholders
 - Social media posts

ICAC

The use of personal email accounts to intentionally “disguise” a communication that would otherwise be a record will likely be considered misconduct under the Act. Regardless of the device or channel used for communicating, communications about University business, are University records. This includes texts and commentary on social media (such as twitter)

All of these, and much more, are the **Records of the University**

The University relies on the completeness and accuracy of records and may be obliged to disclose them:

- FOI requests
- Internal and External administrative reviews or audits – NHMRC, ESOS, ACCC
- Investigations - SafeWork SA, ICAC, SAPOL
- Litigation in courts and tribunals
- Insurance claims
- Engagement with key stakeholders – government, funders, donors

3. The tone of your communication is the tone of the record you are creating

- The object of record keeping is to ensure that the University can demonstrate how, when and why it has arrived at any given decision or determination and why it has acted or not acted.
- Decisions and actions should be clear and transparent *at all times* but *particularly because* the University is open to both internal and external scrutiny – including University students and staff, academic and administrative units, committees, funding bodies, regulators, accreditors, external agencies (audits & investigations) and the general public (FOI).

Good record keeping requires the appropriate exercise of judgment and diligence.

What and why a decision, determination or authority has been exercised or an action has been taken should be evidenced with records that are:

- Cautious – by ensuring what is important is recorded and extraneous information is not included
- Respectful of any confidentiality and privacy issues
- Prudent – by demonstrating the careful and fair management of practical matters – ensuring appropriate regard for the procedures and principles applied or referenced
- Courteous – by according respect to the views and opinion of all involved - even where, and sometimes *especially when*, opinions differ
- Factual – by noting all the information used as the basis for any decision or action – note any advice, reports, minutes, risk assessments, policies, procedures, delegations, authorities, statements or correspondence that informed or influenced a decision, determination or action
- Suitably expressed with regard for the context - strategic objectives, legal or regulatory imperatives, budgets, external influences, stakeholder preferences and other external factors such as community expectations.

Take care when expressing personal views and opinions.

Comments about individuals expressing personal opinions and judgments should be avoided unless the reference is pertinent to an issue in the context – for example, aggressive behaviour by students or staff may be relevant in some circumstances.

- The content of a record not only reflects the position and professionalism of the record maker – it reflects on the University as well.
- In all forms of communication, *care must be taken with word choice and form of expression*
- If you would be embarrassed to make the same statement publicly - to a packed Bonython Hall (being recorded for YouTube broadcast) – don't put it on the record.
- Apply the same caution in any form of social media – and note that subsequent comments by others could be considered a publication within your control.¹

¹ In a recent District Court of South Australia decision in *Johnston v Aldridge (No 2)* [2018] SADC 72, the defendant was found to be responsible for the defamatory (secondary) comments made by others to an opinion posted about another person on Facebook.

AIM FOR

Discernment

Discretion

Good judgment

Clarity and courtesy

Rationale form, tone and expression

AVOID

Personal opinions not relevant or necessary

Criticism of individuals

Conversations in email form

Exchanges of personal views other than as necessary

“Venting” and expressing frustration

Resources

University Policies

[Freedom of Information Policy](#)

[University Records Policy](#)

[Privacy Policy and Management Plan](#)

[IT Acceptable Use Policy and Procedures](#)

[Code of Conduct Policy](#)

Useful University websites

[University Records Services](#)

[Freedom on Information website](#)

[Marketing and Communications Writing Style Guide](#)