Records Management Policy
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<th>EDUCATION LABOUR RELATIONS COUNCIL</th>
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<tr>
<th>Title: RECORDS MANAGEMENT POLICY</th>
<th>Document type: POLICY</th>
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This document has been seen and accepted by the following:
- **AUDIT COMMITTEE**
- **EXECUTIVE COMMITTEE OF THE COUNCIL**

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Records Management Policy
1. PURPOSE

1.1 The purpose of the Records Management Policy is to ensure that full and accurate records of all activities and decisions of the ELRC are created, managed and retained or disposed of appropriately, and in accordance with relevant legislation.

This will enable the Council to achieve information accessibility, business enhancement and improvement. It will also assist the Council to meet its obligations for accountability while ensuring that it protects the rights and interests of the organisation, its staff, clients and stakeholders.

2. SCOPE

2.1 This Policy applies to all employees of the Council, including all employees employed on a temporary basis.


3. RECORDS MANAGEMENT PROGRAM

3.1 A Records Management Program has been established by the Council in accordance with the National Archives and Records Services of South Africa Act No. 43 of 1996 and the Protection of Personal Information Act No. 4 of 2013.

3.2 Objectives of the Records Management Program

3.2.1 A records management program is a planned, co-ordinated set of policies, procedures, people, systems and activities that are required to manage records.

The ELRC’s Records Management Program seeks to ensure that:

a) It has the records it needs to support and enhance ongoing business and meet accountability requirements;

b) These records are managed efficiently and can be easily accessed and used for as long as they are required;

c) Records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner;

d) Records of longer-term value are identified and protected for historical use and for research.
3.3 Elements of the Records Management Program

3.3.1 Creation and capture

The ELRC has endorsed the use of a number of standard, open source file formats outlined in the ICT Systems Security Policy and Procedure Manual. These formats have been chosen to streamline the ongoing management of the ELRC’s records and should be the only formats used for the creation of records.

Staff should ensure that they create official records of all decisions and actions made in the course of their official business. For example, official meetings should include the taking of minutes.

To assist in promoting the responsible creation of records, the capture of essential information and the management of records over time, the Council has developed the following:

a) Paper and electronic templates (these are available on the Council’s Intranet); and
b) Procedures, standard creation rules and other guidelines (ELRC Corporate Identity Manual).

3.3.2 Storage

3.3.2.1 Current hardcopy records should be stored in the Council’s Information Centre with access restricted to the Records Manager, IT Manager and Research & Media Officer.

3.3.2.2 Rarely used records or records no longer in use for official purposes that are still required to be retained, should be forwarded to the Records Manager for action.

3.3.2.3 Electronic records may either be retained online (on servers) or offline (on CD Roms, DVDs, magnetic disks or other removable media). The Records Manager will dispose of records of short-term value at suitable intervals. Records of long term or archival value should be retained online wherever possible.

3.3.2.4 Removable media should be forwarded to the Records Manager when rarely or no longer used for official purposes.

3.3.3 Maintenance and monitoring

3.3.3.1 The Records Manager and IT Manager are responsible for ensuring that records and environmental conditions are monitored regularly to protect records. This will include checking temperature and humidity levels in dedicated records storage areas for paper records and ensuring that digital records are refreshed or replicated when scheduled, when new storage devices and media are being installed or when degradation is detected.
3.3.3.2 The ELRC has implemented a number of security and counter disaster measures as part of its Information Security Management System (ISMS) for safeguarding its information assets. Staff should abide by these measures at all times.

3.3.4 Disposal of records

3.3.4.1 The disposal of records will be classified against the ELRC’s Index List. This schedule shall be managed by the Records Manager.

3.3.4.2 Retention periods are determined by taking the Council’s legal obligations and functional needs into account. Disposal will be executed annually.

3.3.4.3 Records should be retained for a minimum period of three years. All requests for extension beyond the three-year period should be done in the form of a written motivation by the Head of the unit and submitted to the General Secretary.

3.3.4.4 All disposal actions should be approved by the General Secretary, in the form of a submission, prior to their execution to ensure that archival records are not destroyed inadvertently.

3.3.5 Access and security

3.3.5.1 Records shall at all times be protected against unauthorised access, movement and tampering to protect their authenticity and reliability as evidence of the business of the Council.

3.3.5.2 Security classified records shall be managed in terms of the ICT Systems Security Policy and Procedure Manual.

3.3.5.3 No staff member shall remove records that are not available in the public domain from the premises of the ELRC, without the explicit permission of the Records Manager in consultation with the General Secretary.

3.3.5.4 No staff member shall provide information and records that are not in the public domain to the public without consulting the General Secretary. Specific guidelines regarding requests for information are contained in the Promotion of Access to Information Policy.

3.3.5.5 No staff member shall disclose personal information of any member of staff or Parties to Council to any member of the public without consulting the Records Manager and/or the General Secretary, first.

3.3.5.6 Classified information within various departments i.e. Finance and Human Resource Management, must be protected against/from unauthorised disclosure and when classified must be safe guarded according to the degree of harm that could result from its unauthorised disclosure. It may be accessible only to those holding an appropriate security clearance and who have a
legitimate need to know and to fulfill their official duties or contracted responsibilities. If deemed to be valuable information, it must be protected against destruction and loss.

3.3.5.7 Records storage areas shall at all times be protected against unauthorised access. The following shall apply:
   a) Registries and other records storage areas shall be locked when not in use.
   b) Access to server rooms and storage area for electronic records media (Information Centre) shall be managed through appropriate access control and authorised by the IT Manager and Records Manager.

4. PROTECTION OF INFORMATION: LEGAL ADMISSIBILITY AND EVIDENTIAL WEIGHT

4.1 The records of the ELRC shall at all times contain reliable evidence of business operations. The following shall apply:
   a. No records shall be removed from paper-based files without the explicit permission of the Records Manager and/or General Secretary.
   b. Records that have been placed on files (Index List) shall not be altered in any way.
   c. No alterations of any kind shall be made to records other than correspondence files, without the explicit permission of the Records Manager and/or General Secretary.
   d. Should evidence be obtained of tampering with records, the staff member involved shall be subject to disciplinary action.

4.2 Monitor and review

4.2.1 The Records Manager, in consultation with Internal Audit, shall review the record keeping and records management practices of the Council on a regular basis and shall adapt them appropriately to ensure that they meet the business and service delivery requirements of the organisation.

4.2.2 This Policy shall be reviewed on a regular basis and shall be adapted appropriately to ensure that it meets the business and service delivery requirements of the Council.

4.3 Limitation of Access/Restrictions

4.3.1 Records must be available to all authorised staff that requires access to them for business purposes.

4.3.2 All access to ELRC records by members of the public will be in accordance with the Promotion of Access to Information Act.
4.3.3 Only Senior Managers have login access on the e-Records system. They are only able to view documents on the system and can request electronic records, which is then made available by the Records Manager.

5. RESPONSIBILITIES

5.1 The General Secretary:
   a) Ensures that the ELRC complies with the requirements of the National Archives and Records Service of South Africa Act 43 of 1996 and the Protection of Personal Information Act 4 of 2013.
   b) Complies with other legislation relating to records management and recordkeeping.

5.2 The Records Manager:
   a) Monitors compliance with the Records Management Policy and standards in the Council and makes recommendations for improvement or modification of practices.
   b) Represents the records management interests of the Council.
   c) Ensures that all staff are aware of their recordkeeping responsibilities.
   d) The Records Manager shall, by means of regular compliance inspections in all Departments, ensure that the physical security of all records and its confidentiality are properly maintained.

5.3 The Deputy Records Manager:
   a) Assists the Records Manager with the implementation of this Policy.

5.4 The IT Manager:
   a) Provides support and infrastructure to ensure that records kept in electronic form, are managed so that they are accessible, readable, unaltered, complete, comprehensive, and authentic for as long as required.
   b) Ensures that information management policies and projects take into account the special nature of records.
   c) Liaises with the Records Manager regarding counter disaster planning for electronic records.
   d) Implements information security measures.
   e) Performs routine and comprehensive system backups of data.
   f) Deploys organisational templates including for email.
   g) Encourages or enforces the creation of email in plain text or HTML.
   h) Implement software enabling staff to create records in open formats (e.g. Open Office).

5.5 Senior Managers and Managers:
   a) Ensures that records are created and managed within their departments in a manner that complies with the Records Management Policy.
   b) Ensure that staff are trained on how to create and manage records.
   c) Authorise the destruction of records, along with the Records Manager.
   d) Consult with the Records Manager when introducing new activities and systems to ensure that records are created.
Records Management Policy

5.6 All staff:
   a) Comply with the Council’s Records Management Policy.
   b) Create full and accurate records of their business activities.

6. AMENDMENT AND/OR ABOLITION OF THIS POLICY

6.1 This Policy may be amended or repealed by the Executive Committee.

7. COMPLIANCE AND ENFORCEMENT

7.1 Violation of or non-compliance with this Policy will give a just cause for disciplinary steps to be taken.

7.2 It will be the responsibility of all Managers and Senior Managers of the ELRC to enforce compliance with this Policy.

8. ADOPTION AND APPROVAL OF POLICY BY COUNCIL

8.1 This Policy is adopted and approved by the Executive Committee of Council for implementation.
9. ANNEXURE A: GUIDE ON RETENTION OF RECORDS

Owing to various legislative requirements, documents must be retained for a certain number of years, depending on the legislation.

This guide refers to the legislation and identifies the timeframe in which certain documents have to be kept.

The guide is structured to refer to the relevant Act and then to the documents that should be kept and to the period of retention.

1. AUDITORS – INTERNAL AUDIT

Auditing Profession Act, No 26 of 2005

The Auditing Profession Act, No 26 of 2005, implicitly requires that documents should be retained for three years. Section 47 requires the regulatory board, or any person authorised by it, to inspect or review the practice of a registered auditor that audits a public company at least every three years.

Section 5 of the Independent Regulatory Board for Auditors (IRBA) Manual of Information 2014/15 states the following under the heading “Act”: “Inspections are performed in terms of Section 47 of the Auditing Profession Act, 2005. Functions of the IRBA include promoting the integrity of the auditing profession through conducting inspections. Audit firms performing mandatory audits of financial statements of entities, as defined by the Companies Act of 2008, are subject to firm inspections at least once in a 3 year cycle.”

The International Standard on Quality Control (ISQC 1) paragraph A61 specifically requires the retention period for audit engagements to be no shorter than five years from the date of the auditor’s report, or, if later, the date of the group auditor’s report.

<table>
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<tr>
<th>Document</th>
<th>Retention period</th>
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<tbody>
<tr>
<td>Reference: ISQC 1, para A61</td>
<td></td>
</tr>
<tr>
<td>1.1 Working papers, statements, correspondence, books or other documents in the possession or under the control of a registered auditor</td>
<td>5 years after completion of the audit</td>
</tr>
</tbody>
</table>

2. PROTECTION OF INFORMATION – HR / R&M

Protection of Personal Information Act, 4 of 2013

The Protection of Personal Information Act, No 4 of 2013, aims to give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations.
Section 14 of the Protection of Personal Information Act states that personal information must not be retained for no longer than is necessary to achieve the purpose for its collection. If there is no legal requirement to keep the information, it should be deleted. The Act therefore places an obligation on the person collecting the data to delete or remove it at a certain time.

Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:

(a) retention of the record is required or authorised by law;

(b) the responsible party reasonably requires the record for lawful purposes related to its functions or activities;

(c) retention of the record is required by a contract between the parties thereto; or

(d) the data subject or a competent person where the data subject is a child has consented to the retention of the record.

3. ELECTRONIC COMMUNICATION

Electronic Communication and Transaction Act, No 25 of 2002

The Electronic Communication and Transaction Act, No 25 of 2002, regulates electronic communication and prohibits the abuse of information. Certain principles are stated for the electronic collection of personal information and also the timeframe in which this information must be kept.

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<th>Document</th>
<th>Retention period</th>
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<tbody>
<tr>
<td>Reference: Section 51</td>
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</tr>
<tr>
<td>3.1 Personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information</td>
<td>As long as information is used, and at least 1 year thereafter</td>
</tr>
<tr>
<td>3.2 A record of any third party to whom the information was disclosed must be kept for as long as the information is used</td>
<td>As long as information is used and at least 1 year thereafter</td>
</tr>
<tr>
<td>3.3 All personal data which has become obsolete</td>
<td>Destroy</td>
</tr>
</tbody>
</table>

4. HEALTH AND SAFETY

Compensation for Occupational Injuries and Diseases Act, No 130 of 1993

The Compensation for Occupational Injuries and Diseases Act, No 130 of 1993, provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment or for death by these injuries at their place of work.

The Act states that certain records that relate to the earnings should be retained.
Occupational Health and Safety Act, No 85 of 1993

The Occupational Health and Safety Act, No 85 of 1993, was enacted to provide for the health and safety of employees at work and for people using plant and machinery and working in other hazardous employment conditions. Certain documents have to be kept based on the Administrative Regulations.

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<th>Document</th>
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<tr>
<td><strong>Reference: Section 20(2)</strong></td>
<td></td>
</tr>
<tr>
<td>4.2 A health and safety committee shall keep record of each recommendation made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation</td>
<td>3 years</td>
</tr>
<tr>
<td>4.3 Records of incidents reported at work (Annexure 1 of the General Administration Regulations, 2003)</td>
<td>3 years</td>
</tr>
</tbody>
</table>

5. LABOUR RELATIONS

Employee relations are governed by a variety of legislation, including the Basic Conditions of Employment Act and the Labour Relations Act.

Basic Conditions of Employment Act, No 75 of 1997

The Basic Conditions of Employment Act, No 75 of 1997, states that various documents relating to employees should be kept for future reference.

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<th>Document</th>
<th>Retention period</th>
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<tbody>
<tr>
<td><strong>Reference: Section 29(4)</strong></td>
<td>3 years from the date of the last entry in the record</td>
</tr>
<tr>
<td><strong>Reference: Section 31</strong></td>
<td>3 years from the date of the last entry in the record</td>
</tr>
<tr>
<td>5.1 Written particulars of employee must be kept after termination of employment</td>
<td></td>
</tr>
<tr>
<td>5.2 Employee’s name and occupation</td>
<td></td>
</tr>
<tr>
<td>5.3 Time worked by each employee</td>
<td></td>
</tr>
<tr>
<td>5.4 Remuneration paid to each employee</td>
<td></td>
</tr>
<tr>
<td>5.5 Date of birth of any employee under 18 years of age</td>
<td></td>
</tr>
<tr>
<td>5.6 Any other prescribed information</td>
<td></td>
</tr>
</tbody>
</table>

A reference exists that an employer who keeps records in terms of this section is not required to keep any other record of time worked and remuneration paid as required by any other employment law.
Employment Equity Act, No 55 of 1998

The Employment Equity Act, No 55 of 1998, provides for employment equity and applies to employers and employees. The Act has certain requirements with regard to the retention of certain documents.

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<tr>
<td>5.7</td>
<td>An employer must establish and maintain records in respect of its workforce, its employment equity plan and other records relevant to its compliance with this Act. 5 years after expiry of plan.</td>
</tr>
</tbody>
</table>

Labour Relations Act, No 66 of 1995 and Finance Administration Policy

The Labour Relations Act, No 66 of 1995, applies to employees, employers, trade unions and employers’ organisations and provides a framework where the parties can collectively bargain regarding remuneration, basic conditions of service and other matters of importance.

Various records relating to the structures created in this Act have to be kept for future reference.

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<th>Retention period</th>
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<tr>
<td>5.9</td>
<td>Every Council must preserve the following documents in original or reproduced form: books of account, supporting vouchers, income and expenditure statements, balance sheets, auditor’s reports, minutes of its meetings (Reference: Section 54). 5 years from the end of the financial year to which they relate.</td>
</tr>
<tr>
<td>Reference: Section 98(4)</td>
<td></td>
</tr>
<tr>
<td>5.10</td>
<td>Registered trade unions and registered employers’ organisation must preserve the following documents in original or reproduced form: books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets, auditor’s reports. 3 years from the end of the financial year to which they relate.</td>
</tr>
<tr>
<td>Reference: Section 205(1) and (2)</td>
<td></td>
</tr>
</tbody>
</table>
5.11 Every employer must keep the records in their original form or a reproduced form that an employer is required to keep in compliance with any applicable:
- collective agreement;
- arbitration award;

3 years from the date of the event or end of the period to which they relate

(Retention of collective agreements is exempted)

Reference: Section 205(3)

5.12 Employer must keep prescribed details of any strike, lock-out or protest action involving its employees

Indefinite

Schedule 8, Section 5

5.13 Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions

Indefinite

Finance Administration Policy

<table>
<thead>
<tr>
<th>No.</th>
<th>TYPE OF RECORD</th>
<th>Retention period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General ledger and cash books.</td>
<td>15 years</td>
</tr>
<tr>
<td>2.</td>
<td>Main transactions summary records, including general journals and transaction summaries.</td>
<td>5 years</td>
</tr>
<tr>
<td>3.</td>
<td>Internal and external audit reports and management letters.</td>
<td>5 years</td>
</tr>
<tr>
<td>4.</td>
<td>Annual Financial Statements and Annual Reports.</td>
<td>5 years</td>
</tr>
<tr>
<td>5.</td>
<td>Approved Budgets and Operational Plans</td>
<td>5 years</td>
</tr>
<tr>
<td>6.</td>
<td>Primary evidentiary records, including but not limited to purchase requisitions, approved purchase orders and delivery notes; payment requisitions, EFT payments or cheques, invoices and similar records associated with the receipt or payment of money.</td>
<td>5 years</td>
</tr>
<tr>
<td>7.</td>
<td>Subsidiary ledger (debtors, creditors, fixed assets register), including records relating to assets no longer held or liabilities that have been discharged.</td>
<td>15 years</td>
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6 TAX

The **Income Tax Act, No 58 of 1962**, is the Act that governs all the laws relating to income taxes and donations.

**Income Tax Act, No 58 of 1962**

<table>
<thead>
<tr>
<th>Document</th>
<th>Retention period</th>
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<tbody>
<tr>
<td>In addition to the records required in Chapter 4, part A of the Tax Administration Act, every employer must keep the records as indicated below</td>
<td></td>
</tr>
<tr>
<td>Reference: 4th Schedule, para 14(2)</td>
<td></td>
</tr>
<tr>
<td>6.1 In addition to the records required in section 29 TAA, in respect of each employee the</td>
<td>5 years from the date of submission of the return</td>
</tr>
<tr>
<td><strong>Document</strong></td>
<td><strong>Retention period</strong></td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Employer shall keep a record showing (para 14(1)(a)-(d)): • amount of remuneration paid or due by him to the employee; • the amount of employees’ tax deducted or withheld from the remuneration paid or due; • the income tax reference number of that employee; • any further prescribed information</td>
<td>5 years from the date of submission or 5 years from end of the relevant tax year depending on type of business</td>
</tr>
</tbody>
</table>

**Reference:** 4th Schedule, para 14(3)  

6.2 In addition to the records required in section 29 Tax Administration Act, in respect of each employee the employer shall keep a record showing (para 14(1)(a)-(d)): • amount of remuneration paid or due by him to the employee; • the amount of employees’ tax deducted or withheld from the remuneration paid or due; • the income tax reference number of that employee; • any further prescribed information | 5 years from the date of submission of the return required by gazette (i.e. EMP501) |

**Reference:** 6th Schedule, para 14(a) – (d)  

6.3 Notwithstanding the provisions of Part A of Chapter 4 of the Tax Administration Act, a registered micro business must only retain a record of:  
(a) amounts received by that registered micro business during a year of assessment;  
(b) dividends declared by that registered micro transaction business during a year of assessment;  
(c) each asset of that registered micro business as at the end of a year of assessment with a cost price of more than R10 000; and  
(d) each liability of that registered micro business as at the end of a year of assessment that exceeded R10 000. | 5 years from date of submission or 5 years from end of the relevant tax year depending on type of business |