

Australian Capital Territory

Territory Records (Standard for Records Management Number 6: Digital Records) Approval 2007 (No 1)

Notifiable instrument NI2007—175

made under the

Territory Records Act 2002, s 18

1. Name of Instrument

This instrument is the Territory Records (Standard for Records Management Number 6: Digital Records) Approval 2007 (No 1).

2. Approval

I approve the Standard for Records Management Number 6: Digital Records.

3. Commencement

This instrument commences on the day after notification.

David Wardle
Director of Territory Records
14 June 2007



Standard for Records Management Number 6 – Digital Records

PURPOSE

To set principles and minimum standards for the management of digital records across the ACT Government to ensure compliance with all legislative and best practice recordkeeping requirements applicable to the ACT Government so that all digital records remain accessible and useable for as long as they are required.

AUTHORITY

This Standard is produced in accordance with section 18 of the *Territory Records Act 2002*, which allows the Director of Territory Records to approve Standards or Codes for agency records management.

Under section 17 of the Act, an agency's Principal Officer may approve a Records Management Program only if it complies with the Standards and Codes set by the Director of Territory Records.

Section 17(2) allows a Principal Officer to approve a Records Management Program that does not comply with an approved Standard or Code only if the Director of Territory Records agrees in writing that non-compliance is necessary for the operational needs of the agency.

Section 14 of the Act requires agencies to “make and keep full and accurate records” of their activities. Section 15 requires agencies to take steps necessary to ensure that the information in their records continues to be accessible.

This Standard must be reviewed as soon as practicable five years after its commencement.

INTRODUCTION

The *Territory Records Act 2002* (the Act) requires all ACT agencies to make and keep records of their business activities:

- for use in ongoing business activities;
- to allow public access to them consistent with the principles of the Freedom of Information Act 1989; and
- for the benefit of future generations.

Recordkeeping practices in the ACT Government commonly have not addressed the need to make and keep records digitally. Digitally generated records (such as from electronic office applications) need to be captured and managed in their original format to properly manage the content, context and structure of those records.

All records, including digital records, must be made, kept, captured and disposed of according to the Act, and its notifiable instruments, including Territory Records Office Standards 1-5. In addition, all digital records must be maintained in a format and structure as prescribed by Principles 1-6 of this Standard. Principles 6 and 7

require preservation and searching regimes based on metadata. Principle 7 addresses the requirements of public access to digital records by requiring a more rigorous preservation and searching regime for records that may be publicly accessible.

Principle 7 applies to:

- web-based digital records;
- digital records that are to be retained for 20 years or longer from the date of creation of the original record; and
- recordkeeping systems that manage records of the above two classes.

BACKGROUND

Records are a critical outcome of the business activities of ACT Government agencies, regardless of format. To ensure that accountability and community expectations are met, strategies are required to ensure that digital records are properly created and captured, remain inviolate and continue to be accessible for as long as they are required. Without active management throughout their existence, digital records are not likely to remain accessible or to be complete and reliable, even over short periods.

In compliant Agencies, digital recordkeeping will be a routine outcome of business in the digital environment, as it will be built into business processes and tools.

Recordkeeping Requirements

All documents, including digital objects, created or received by ACT Government agencies, or an employee, which are evidence of business transactions, are Territory records and must be captured into an agency's recordkeeping system. Records must contain content, structure and context regardless of the format of the record. Records include digital records that are derived from scanned paper records or from electronic analogue records.

There are a number of policies, standards and legislation that complement this standard or are related to it. These are described in the following documents:

Territory Records Act 2002:

Provides for the creation, management and protection of Government records, for public access to the records and archives and for other purposes.

Freedom of Information Act 1989:

Gives members of the public rights of access to official documents of the Territory.

Australian Standard AS 5044.1 and 5044.2 – 2002, AGLS Metadata Element Set and Usage Guide:

Specifies the structured information elements that can be used to describe web-based information and services.

Electronic Transactions Act 2001:

Facilitates the use of digital transactions and promotes business and community confidence in the use of digital transactions.

Public Sector Management Act 1994:

Provides the legislative framework for the ACT Public Service, including values, principles, and ethics.

- **ACT Government Web Site Policy 2004:**
- *Assists all ACT Government agencies in establishing and maintaining websites that present information and services in a coherent, accessible, accurate, and user-friendly manner.*

<http://www.cmd.act.gov.au/about/publications.shtml#Policies,%20Procedures%20and%20Guidelines>

- **Australian Standard AS 15489 - 2002 – Information and documentation - Records management:**

Provides guidance for the implementation of records management strategies, procedures and practices in any organisation that needs to control and manage its records to meet business, legal and fiscal requirements.

PRINCIPLES

Just as with records in other formats, digital records are subject to legislation such as the Territory Records Act 2002 and the Freedom of Information Act 1989 and to legal processes such as discovery and subpoenas.

The principles below define the high level requirements to be met by agencies when developing, establishing and maintaining a digital recordkeeping framework.

PRINCIPLE 1: RECORDKEEPING WILL COMPLY WITH ALL APPROPRIATE STANDARDS

All recordkeeping, regardless of format, will comply with ACT Government Legislation, Standards, Codes and Guidelines.

A compliant agency can demonstrate that it has a comprehensive framework for digital recordkeeping, which is integrated into a Records Management Program that implements Territory Records Office Standards, Codes and Guidelines.

PRINCIPLE 2: BUSINESS CONDUCTED DIGITALLY IS TO BE ADEQUATELY DOCUMENTED

Agencies must ensure that they adequately and properly document all aspects of business that are conducted in the digital environment by making and keeping records of those activities.

Agencies must ensure that these records satisfy identified business needs, accountability requirements and community expectations.

A compliant agency can demonstrate that:

- All relevant agency staff have an understanding of their requirement to document evidence of their daily business, as instructed by recordkeeping training and briefing; and
- Full and accurate records are being created in accordance with Territory Records Office Standard No 3.

PRINCIPLE 3: DIGITAL RECORDS ARE TO BE MAINTAINED IN DIGITAL FORM

Some records cannot be maintained in paper format without loss of content or meaning. Not all aspects of a transaction may be captured by a paper record of a digital transaction or by a digital conversion of an analogue electronic record.

Accordingly, digital records should be maintained in digital form to retain as much content, context and structure as possible. As agencies make more use of technology to conduct business, ways of maintaining digital records and their metadata in digital form must be established. For web-based records and digital records that are to be retained for 20 years or longer from the date of the creation of the original record, Principle 7 applies.

Ownership of digital records

All records created or managed by Government information systems are the property of the ACT Government and not of the individuals that generated them (see ACT Information Management, Standard Acceptable use of Information Technology (IT) Resources Statement.) This includes information and records transmitted through Government messaging systems.

All records of ACT Government agencies, including digital records, are the responsibility of the agency that is currently responsible for that function, no matter what the organisational structure was at the time of the creation of those records. An agency may delegate or outsource the function, but not the responsibility. Both ownership and responsibility legally remain with the agency responsible for the function. Appropriate provisions must be incorporated into agency/provider contracts.

A compliant agency can demonstrate that it has systems (technology, tools, people, processes, and where appropriate, contracts) in place to manage digital records.

PRINCIPLE 4: DIGITAL RECORDS ARE TO BE MANAGED EFFECTIVELY AS PART OF A COMPREHENSIVE RECORDS MANAGEMENT PROGRAM

Territory Records Office Standard No 1 – Records Management Programs specifies the components of effective records management. Where digital records and records in other formats document the same business activity they are to be managed in a way that allows easy retrieval and makes relationships between records clear. For example, a scanned image of a paper record needs to have links established in the recordkeeping system to allow access to both versions of the record.

A compliant agency can demonstrate that all of the requirements of Territory Records Office Standard No 1 – Records Management Programs have been met.

PRINCIPLE 5: DIGITAL RECORDS ARE TO BE CAPTURED INTO A RECORDKEEPING SYSTEM

Systems used for capturing and managing digital records must contain certain characteristics and be capable of performing a range of standard recordkeeping functions. Guideline 6 contains characteristics and functions that are required for recordkeeping systems, including digital recordkeeping systems, to be compliant.

PRINCIPLE 6: DIGITAL RECORDS METADATA ARE TO BE AN INTEGRAL COMPONENT OF THE RECORD AND ARE TO BE COLLECTED AND MANAGED

The *Territory Records Act 2002* requires agencies to ensure that their records remain accessible and useable for as long as they are required to keep them. To achieve this, a common structure for all digital records needs to be created. ACT agencies are required to use an appropriate and current metadata model for controlling and retrieving its digital records.

The National Archives of Australia has developed the Recordkeeping Metadata Standard for Commonwealth Agencies (RKMSCA). This metadata element set is specifically aimed at “helping agencies to identify, authenticate, describe and manage their electronic records”. It also provides for “compatibility with related metadata standards, including the AGLS standard” Australian Standard 5044 AGLS metadata standard (AS 5044), which is for web-based resources.

It is recommended, but not mandated, that AS 5044 and the RKMSCA be applied to all digital records of an agency. Even if an agency chooses not to apply these standards to all its digital records, Principle 7 requires an agency to employ these Standards for certain records, namely, all web-based records, and all records that are to be retained for 20 years or longer from the date of creation of the original record.

A compliant agency can demonstrate that it uses an appropriate and current metadata model for controlling and retrieving its digital records.

PRINCIPLE 7: ACCESSIBILITY AND MAINTENANCE OF DIGITAL RECORDS THAT ARE TO BE RETAINED FOR MORE THAN 20 YEARS

Digital records need to be maintained in a manner that allows for both official and public access over time. Most official requests will be handled under Principle 6. Principle 7 focuses on public access even though it may not cover every public access request; it may also assist in meeting official requests. Under the Act, no record becomes open to the public before 20 years after the date on which it was created. Accordingly, Principle 7 applies to digital records that are to be retained for 20 years or longer from the date of creation of the original record.

Principle 7 mandates the National Archives of Australia's Recordkeeping Metadata Standard for Commonwealth Agencies (RKMSCA) (1999), which is compatible with AS 5044, to help agencies identify, authenticate, describe and manage their electronic records in a systematic and consistent way to meet business, accountability archival and public access requirements.

Principle 7 also applies to all web-based records because the ACT Government's IT Standard, *Metadata for Web-based Resources Standard*, already imposes requirements similar to the specifications for records. This Standard requires a metadata element set of 19 descriptive elements that are used to improve the accessibility of records. This element set meets AS 5044, which applies to web-based resources. Accordingly, Principle 7 mandates the ACT Government's IT Standard, *Metadata for Web-based Resources Standard* for all web-based records.

Because any electronic recordkeeping system is expected to handle records that are to be retained for 20 years or longer from the date of creation of the original record, the RKMSCA metadata element set is mandated as the minimum metadata set able to be handled by any recordkeeping system for digital records and web-based records that are to be maintained for more than 20 years. Any recordkeeping-compliant system for web-based digital records and for records that are to be retained for 20 years or longer must have the capacity to maintain records in accordance with Principle 7.

In addition to meeting metadata requirements, digital recordkeeping-compliant systems that manage records under Principle 7 must be self-documenting, self-contained and extensible.

Self-documenting

It must be possible to interpret and understand the information in a record, at least at a primitive level, without reference to external documentation that may have been lost.

Self-contained

The structure must contain all the information about the record. It is easier and more reliable to manage the information associated with a record if it is stored in one place rather than in components that are stored separately.

Extensible

The structure must be able to be extended to allow the addition of new metadata without affecting the interoperability of the basic structure.

An agency whose digital recordkeeping complies with Principle 7 can demonstrate that all records that are subject to Principle 7:

- Meet the RKMSCA;
- Meet the ACT Government's IT Standard, *Metadata for web-based Resources Standard*;
- Contain within a single digital object both the record and sufficient documentation to allow the information in the record to be interpreted and understood; and
- Contain all information about the record within a single object that can have new metadata added to the object as required.

DEFINITIONS

Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the Territory Records Act 2002 to be an agency.

AGLS metadata

The AGLS Metadata Element Set is a set of metadata elements, which improves the visibility, accessibility, and interoperability of government information and services through the provision of standardised Web-based resource descriptions, which enable users to locate the information, or service that they require over time. In previous versions, the letters AGLS stood for the Australian Government Locator Service, now it is just the AGLS metadata.

Digital record

A digital record is a record that is communicated and maintained by means of electronic equipment. (National Archives of Australia, Glossary). (See also “Records”).

National Archives of Australia

The National Archives of Australia (NAA) is the agency of the Australian Government that is responsible for Commonwealth archives.

Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

Records of an Agency

Records in written, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

Recordkeeping Systems

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources which are applied within an agency to ensure that full and accurate records of business activity are made and kept.

Records Management

The managing of the records of an agency to meet its operational needs and, if appropriate, to allow public access to the records consistent with the Freedom of Information Act 1989 and for the benefit of future generations. Records management

covers but is not limited to the creation, keeping, protection, preservation, storage and disposal of, and access to records of the agency.

Records Management Program

A document which complies with section 16 of the Territory Records Act 2002 by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

REFERENCES AND FURTHER READING

- **ACT Government Web Site Policy 2004. Available at:**
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1. *Electronic Recordkeeping, 2000.*
2. *Scanning or Imaging of Records, 2001*
3. *Email as Records, 2002*
7. *Preserving Records in Databases, 2003*
8. *Electronic Records as Evidence, 2003*
15. *System Administration and Records Management, 2004* Available at:

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