

Australian Capital Territory

Territory Records (Standard for Records Management Number 1: Records Management Programs) Approval 2009 (No1)

Notifiable instrument NI2009—11

made under the

Territory Records Act 2002, s 18 (Approved standards and codes for records management)

1. Name of Instrument

This instrument is the Territory Records (Standard for Records Management Number 1: Records Management Programs) Approval 2009 (No 1)

2. Approval

I approve the Standard for Records Management Number 1: Records Management Programs

3. Commencement

This instrument commences on the day after notification.

4. Revocation

I revoke Notifiable Instrument NI 2003–227 notified 1 July 2003.

David Wardle
Director of Territory Records
5 January 2009



Australian Capital Territory
Territory Records Office
STANDARD



Standard for Records Management Number 1 - Records Management Programs

PURPOSE

To set principles and minimum standards for Territory agencies' Records Management Programs.

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 *Territory Records Act 2002*, an agency's Principal Officer may only approve a Records Management Program that complies with the Standards and Codes set by the Director of Territory Records.

Section 17(2) of the *Territory Records Act 2002* 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 noncompliance is necessary for the operational needs of the agency.

Section 16 of the *Territory Records Act 2002* requires agencies to produce a Records Management Program that includes procedures relating to the disposal of records. The Principal Officer of an agency may only approve a Records Management Program if the Director of Territory Records has approved an agency's Records Disposal Schedules, which is a mandatory part of the Records Management Program.

This Standard must be reviewed as soon as practicable 5 years after its commencement.

INTRODUCTION

The *Territory Records Act 2002* requires all agencies to develop and maintain a Records Management Program. Required elements of the Program are set out in section 16 of the Act. This Standard sets out requirements for a number of elements which are mandatory under the Act, as well as for some elements which support the Act and are necessary for good records management.

While an agency's Records Management Program will need to be tailored to its individual needs and circumstances, all Programs must comply with the principles set out in this Standard.

An agency's Records Management Program needs also to recognise the legislative environment in which the agency operates. Other legislation such as the *Freedom of Information Act 1989* and the *Privacy Act 1988* will also be relevant. The *Public Sector Management Act 1994* will provide guidance in relation to the duties and responsibilities of officers of the ACT Public Service.

BACKGROUND

Records Management Programs must be:

- identifiable;
- supported by policy;
- implemented; and
- measured.

These principles are supported by the *Territory Records Act 2002*. Section 14 of the Act requires agencies to “make and keep full and accurate records” of their business activities. The Director of Territory Records endorses the Council of Australasian Archives and Records Authorities (CAARA) Principles on Full and Accurate Records. The Australian Standard on Records Management, AS ISO 15489 has been adopted as the model for best practice recordkeeping. Records Management Programs support these principles by putting in place systems and processes that:

- support reliable recordkeeping;
- ensure that recordkeeping is systematic;
- ensure that recordkeeping is managed;
- allow the agency's recordkeeping to be audited; and
- make recordkeeping a routine part of transacting business.

The agency's records management program must ensure records are maintained for as long as they are required to effectively and efficiently support the business functions and activities of the agency.

The agency's records management system should manage the following agency processes:

- the creation and capture of records (regardless of format);
- the storage of records;
- the protection of record integrity and authenticity;
- the security of records;
- access to records; and
- the disposal of records in accordance with legislative requirements.

In accordance with the Australian Standard on Records Management, AS ISO 15489 agency records management systems should assist in making full and accurate records. Full and accurate agency records should be:

- compliant with the regulations and accountable environment of the agency;
- adequate for the purposes for which they are kept;
- complete in content and contain the structural and contextual information necessary to document a transaction;
- meaningful with regards to information and/or linkages that ensure the business context in which the record was created and used is apparent;
- comprehensive in documenting the complete range of business for which evidence is required by the agency;
- accurate in reflecting the transactions that they document;
- authentic in providing proof that they are what they purport to be and that their purported creators did indeed create them; and
- inviolate through being securely maintained to prevent unauthorised access, alteration or removal.

PRINCIPLE 1: PROGRAMS ARE TO BE IDENTIFIABLE

Records Management Programs must be identifiable from all other corporate programs. Agencies need to make a clear statement about their recordkeeping policies through the Records Management Program, including who is responsible for recordkeeping in the agency and how the program will be resourced.

Compliance with Principle 1

The Records Management Program is a formal document required under the *Territory Records Act 2002*. Programs must be approved by the Principal Officer of the agency and a copy given to the Director of Territory Records. They must address all of the elements set out in section 16 of the Act as well as those set out in the Standards released by the Director of Territory Records under the Act. Records Management Programs must be available for inspection by the public. Agencies may release a modified version of their Records Management Program where the existence of certain information needs to be protected, as is the case under Freedom of Information legislation. This information may include documents affecting relations with the Commonwealth and the States, or affecting the enforcement of the law, the protection of public safety, personal privacy, legal professional privilege and contempt of the Legislative Assembly or a court which should not be made available to the public.

The whole of the Program must be reviewed not less than every 5 years, although agencies may plan a staged approach where a single element of the plan is identified for review in a given period.

A compliant agency can demonstrate that the records management program:

- exists in the form of a written and identifiable policy statement;
- is distinguished from all other programs by having a separate policy statement adopted at the corporate level;
- is included as a result area in corporate plans and where appropriate annual reports;
- allocated appropriate resources to enable the program to be established and maintained; and
- is the responsibility of a identified senior manager.

PRINCIPLE 2: PROGRAMS ARE TO BE SUPPORTED BY AGENCY POLICY

An agency's Records Management Program will be its primary statement of recordkeeping policy and procedures. Records Management Programs do not, however, stand alone. As records management is integral to all other areas of the organisation's activities, records management requirements must be reflected in other policy and procedural statements such as:

- business continuity plans;
- risk management policies;
- disaster recovery plans;
- corporate governance policies;
- financial management instructions and delegations;
- information technology policies;
- operational policies and manuals; and
- ACT Government Cabinet Handbook

It is not enough to design and implement a recordkeeping system and then leave it to operate indefinitely. Recordkeeping systems must be managed and monitored regularly to ensure that they continue to operate efficiently and effectively and that they are meeting the current business needs of the agency. Records Management Programs help to ensure that recordkeeping systems are managed effectively by assigning responsibility for recordkeeping to specific agency staff and establishing parameters in which records systems will be monitored.

Recordkeeping needs to operate within formal systems, to ensure that all records of business activity (regardless of format) are created, captured and maintained. A recordkeeping system is not just a computer system, but includes policies, procedures, business rules, staff and other resources. An agency's Records Management Program must support systematic recordkeeping by mandating the establishment, maintenance and review of recordkeeping policies and procedures for the agency and by identifying appropriate resources for recordkeeping.

Compliance with Principle 2

A compliant agency can demonstrate that its Records Management Program is supported by policy if it:

- is authorised by the agency's principal officer, as required by the *Territory Records Act 2002*;
- is promulgated throughout the agency;
- is known by staff;
- is reviewed at specified intervals;
- identifies the senior manager having responsibility for compliance with external recordkeeping standards and internal practices; and
- defines the authorities, responsibilities and roles of all agency personnel who manage or perform recordkeeping processes.

PRINCIPLE 3: PROGRAMS ARE TO BE IMPLEMENTED

Agencies must implement their Records Management Program and should report on their Program in their Annual Report. The *Annual Reports (Government Agencies) Act 2004* sets the framework for annual reporting across the ACT public sector. The Annual Report directions issued each year by the Chief Minister's Department set out the reporting requirements for agencies. The directions require that Principal Officers of each Territory agency report on their agency compliance with the *Territory Records Act 2002* including the implementation and operation of their agency Records Management Program.

Recordkeeping must be a routine part of transacting business. It needs to be closely aligned to the agency's business processes, and should help rather than hinder staff in carrying out their work. If recordkeeping processes are difficult and divorced from the rest of the agency's business practice then it will be extremely difficult to ensure that all of the agency's activities are documented in its recordkeeping system. Elements of the agency's Records Management Program, such as the Records Disposal Schedules, must pay close attention to and support the business operations of the agency. The analysis of the business operations of the agency can be used to design systems that encourage recordkeeping as a routine part of normal and routine business activity. Normal Administrative Practice (NAP) must be established in the agency to allow for the destruction of ephemeral, duplicate or transitory material of no evidentiary or continuing value, which can normally be destroyed immediately or as soon as reference ceases. The recordkeeping culture and the training of staff can also help to make recordkeeping routine within the agency.

As an integral part of the recordkeeping process, agencies must use a thesaurus, which is a controlled language system, to title their records. The thesaurus should be based on the functions and activities that the agency carries out. The Director of Territory Records has provided the *Territory Version of Keyword AAA* as a thesaurus of terms relating to the administrative functions common to agencies. The use of this thesaurus will ensure a consistent approach across the Territory to the titling of records of common administrative functions. The *Territory Version of Keyword AAA* is mandated for use by all agencies for the titling of records of common administrative functions. The Director of Territory Records also provides the *Territory Administrative Records Disposal Schedule (TARDiS)* for agencies' administrative records. The TARDiS is mandated for use by all agencies for disposing of their records of common administrative functions.

Another important concept in recordkeeping is reliability. A record is reliable if it;

- was made at the time of or soon after the event it relates to;
- the people who carried out the business documented in the record are authorised or 'competent' to do so; and
- the record of the event was made by individuals or systems that have direct knowledge of or involvement in the facts of the event.

Records must be kept in an environment that protects them from alteration or unauthorised destruction and ensures their authenticity, useability and accessibility over time.

Agencies have a special responsibility to preserve those records which may allow people to establish links with their Aboriginal or Torres Strait Islander heritage.

Agencies will be able to demonstrate their recordkeeping systems are reliable if they have in place a Records Management Program that does the following:

- allows for regular review and auditing of recordkeeping systems;
- includes procedures for exception and fault reporting; and
- makes and captures records at the time or soon after the actions to which they relate occur.

Compliance with Principle 3

A compliant agency can demonstrate that their Records Management Program has been implemented if:

- records are made of all business activities;
- all of the agency's records are kept in an appropriate and secure environment;
- all agency's records have appropriate protective security markings where appropriate;
- relevant position profiles and duty statements reflect the records management skills required by the agency;
- training is available for records management and general staff in recordkeeping skills and responsibilities;
- a thesaurus has been developed for the agency and is in use by staff;
- the program contains arrangements for preserving records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage.
- records are kept appropriately—regardless of format—in a manner that protects them from alteration or unauthorised destruction and ensures their authenticity, useability and accessibility over time; and
- Records Disposal Schedules for the agency have been approved by the Director of Territory Records under section 17 (1)(b) of the *Territory Records Act 2002*.

PRINCIPLE 4: PROGRAMS ARE TO BE MEASURED

Recordkeeping systems must be regularly audited by agencies in order to ensure that they continue to comply with regulatory requirements, they remain relevant to the organisation's needs and they assist in making improvements to current systems. Agencies must put in place review mechanisms and performance measures for their recordkeeping and their Records Management Program. The Records Management Program itself will be an important tool for internal and external audit of the agency's activities.

Compliance with Principle 4

A compliant agency can demonstrate that they:

- include in their Records Management Programs indicators against which the agency's recordkeeping activities will be measured;
- report on these measurements;
- ensure that all essential elements of the Records Management Program, including those outlined in this Standard and those specified in the *Territory Records Act 2002*, are measured;
- include in their Records Management Program a timetable for review of its elements;
- demonstrate that records management performance indicators are incorporated into other areas of the agency's business reporting framework; and
- demonstrate that recordkeeping is a key result area in all corporate plans.

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.

Appraisal

The process of evaluating business activities to:

- determine which records need to be captured;
- how long the records need to be kept to meet business needs; and
- meet the requirements of organisational accountability and community expectations.

Outsourcing

A contractual arrangement whereby services to or on behalf of an agency that would otherwise be carried out internally are provided by an external organisation.

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 Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be 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.

Sentencing

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule which applies to the record and assigning a retention period consistent with that part.

Territory Archives

Records preserved for the benefit of present and future generations.

REFERENCES

ACT Government Cabinet handbook 2007.

Council of Australasian Archives and Records Authorities (CAARA) 2000, *Principles on full and accurate records* (Policy Statement 7). Available at: <http://www.caara.org.au/Policy/policy7.htm>

Freedom of Information Act 1989

Standards Australia 2002, *Information and documentation – records management* (AS ISO 15489) Standards Australia, Homebush, NSW.

Territory Records Act 2002