



Australian Government

NOTE FOR FILE

A REPORT ON RECORDKEEPING IN THE AUSTRALIAN PUBLIC SERVICE

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A REPORT ON RECORDKEEPING IN THE AUSTRALIAN PUBLIC SERVICE

Recordkeeping is an essential part of every Australian Public Service (APS) employee's job. We all have an obligation to ensure that key decisions and events are recorded in a way that captures the important features of a discussion or decision, presents a faithful and accurate account of what has happened and can easily be retrieved when needed.

Recordkeeping has always been important to the APS, as one of the keys to good government. However, the Management Advisory Committee believes that a sharper focus on effective recordkeeping is timely.

This is in response to the significant increase in the scale, breadth and complexity of records—it is now much easier for us to produce, disseminate and copy records due to information technologies, particularly email—and because of the difficulties associated with concurrently managing paper-based and digital recordkeeping systems.

Not every piece of paper or email written or received has to be kept. Sensible rules apply to reduce the risk of costly and unnecessary files.

This report is directed to a general APS audience, because all APS employees have some recordkeeping responsibilities.

Specialist recordkeeping staff can find more detail in a series of better practice case studies available at <<http://www.apsc.gov.au/mac>>.

THE CASE FOR RECORDKEEPING

The *Public Service Act 1999*, the APS Commissioner's Directions and the APS Values and Code of Conduct consistently carry the message that public servants are accountable for their actions and should be able to account for those actions.

Effective recordkeeping is key to meeting these obligations, as well as assisting APS employees to quickly and accurately respond to requests from Ministers and the Parliament.

Retaining the corporate memory of government, in the form of records, helps public servants perform their duties efficiently, effectively and ethically, and maintains audit trails necessary for public accountability and transparency.

There is a clear business case for agencies to encourage good recordkeeping. Records are valuable assets and good recordkeeping supports improved productivity because it

enables easy access to the information needed to make the right decisions at the right time. The better and more focused an agency's records are, the smarter the agency is.

Good records can significantly reduce potential liability. The greater or more likely the foreseeable harm, the higher the duty to comprehensively record whatever information is required to avoid the harm.

Records are defined in the *Archives Act 1983*. Records include documents on formal files or in electronic records management systems; emails; spreadsheets; client, staff and other information in business systems; notebooks and diaries. Records also extend to formats such as photographs, films and sound recordings.

Commonwealth records are records created or received in the course of APS employment relating to the business of the Commonwealth. Within the broad definition, there are different types of Commonwealth records:

- low-value records (most drafts, duplicates, transitory or trivial)
- useful or important records (known as 'current Commonwealth records')
- useful or important records that need to be retained as national archives.

The changing nature of email as a tool to do business has exacerbated the challenges of effectively managing records. Personal emails (i.e. emails which do not relate to Commonwealth business) are not Commonwealth records.

Good administrative practice dictates that APS employees should be able to dispose of **low-value records** as soon as their usefulness expires. Keeping low-value records in an agency recordkeeping systems impinges on

efficiency and effectiveness and unnecessarily complicates the task of finding the more valuable or useful records.

Useful or important Commonwealth records assist APS employees to perform their duties efficiently, effectively and ethically—useful records help the organisation do its business and important records assist the organisation to meet its obligations.

Official records should be created as close as possible to the event, action or decision they relate to. Equally, the more important the matter, the more comprehensive the record should be.

NOT ALL RECORDS SHOULD BE KEPT INDEFINITELY

While the number of records generated within the APS is growing exponentially, only a small number will ever be considered to be records to be retained as national archives. These would include things such as the records of Cabinet deliberations and Ministerial decisions, legal documents, major reports and policy papers.

Other records have to be retained for shorter periods because of their ongoing business need.

Emails that relate to the business of an agency are Commonwealth records and need to be kept according to the business needs which should be articulated in policies and procedures of each agency. The retention or destruction of useful or important records (such as policy, strategy, and government advice) is determined by records disposal authorities approved by the National Archives of Australia (National Archives).

Agencies are permitted to dispose of low-value (i.e. short-term or transitory records such as background notes, office messages, meeting

requests and low-value emails) as part of normal administrative practice (NAP). It is important that agencies and individuals understand and use these provisions to ensure that records are not being accumulated unnecessarily. The National Archive's more detailed advice on NAP can be found at <<http://www.naa.gov.au>>.

In summary, every agency can use the following tools to dispose of their records:

- records disposal authorities (RDA) issued to individual agencies covering their agency specific records
- general disposal authorities, such as the Administrative Functions Disposal Authority (AFDA), that cover functions and records common to every Commonwealth agency
- normal administrative practice (NAP).

FOCUSING ON THE RIGHT RECORDS

Efficient and effective recordkeeping is best achieved in the APS if agencies focus their finite resources on corporate management of only the *useful and important* Commonwealth records. Corporate management means active management by the agency's official corporate recordkeeping systems (hard copy and electronic) and the disposal of low-value records under normal administrative practice (NAP).

Useful or important records should be filed in corporate recordkeeping systems as soon as practicable after their creation. Those systems need also to reflect the appropriate classification status for the records.

It is unacceptable for these important and sometimes sensitive records to be inaccessible to the rest of the agency. Inaccessible records can also potentially create a Commonwealth legal liability because the agency may be unaware of their existence.

Agencies that are recordkeeping well have simple and clear policies that identify and promote the use of corporate recordkeeping systems for useful or important records.

The Management Advisory Committee encourages agency heads to implement recordkeeping policies and practices that ensure the appropriate holding of records to maximise their value.

The legislation governing recordkeeping is not prescriptive—at the end of the day, we must use our judgement about when to create records and where to store them.

The value of a record is not dictated by its format, but its content (e.g. whether it is trivial or important), its scarcity (e.g. whether it is unique, or one of many copies), and its context (e.g. the considerations that prompted its creation).

SUPPORTING GOOD RECORDKEEPING

The Management Advisory Committee recognises that the case for individual APS employees to meet their recordkeeping obligations needs to be reinforced.

Recordkeeping is more likely to be done to the required standard if agencies considered:

- recognising and encouraging good recordkeeping (e.g. through performance ratings/pay, promotions/improved promotional prospects, public recognition)
- discouraging bad recordkeeping (e.g. through poorer performance ratings and promotional prospects, loss of performance pay, underperformance action).

Workflow and risk analysis is a key consideration when developing policies to support good recordkeeping. The National Archives has developed a process for Designing and Implementing a Recordkeeping System (DIRKS process), which can provide a guide for identifying which records must be created and kept.

Importantly, departments and agencies can reduce the burden of excessive records by utilising all disposal authorities available to them, as well as normal administrative practice (NAP).

Considerations that support good judgment about record creation and recordkeeping include the context and financial value of the event or decision, and the benefits (versus potential liability and cost) of creating the record.

HOW RECORDKEEPING INTERACTS WITH INFORMATION COLLECTION, USE AND DISCLOSURE OBLIGATIONS

Under the Archives Act, the Commonwealth owns Commonwealth records including their inherent intellectual property.

Commonwealth records can be used only as authorised by the Commonwealth or by the law, and information contained in Commonwealth records may only be disclosed with authorisation or in accordance with the law.

Commonwealth records can only be disposed of in accordance with the various provisions of the Archives Act, including normal administrative practice (NAP). Staff should take care not to unintentionally dispose of a Commonwealth record outside of these provisions. Inappropriate and unlawful disposal is an offence under the Archives Act, and a breach of the APS Code of Conduct.

An APS employee who misapplies, improperly disposes of, or improperly uses Commonwealth records may also be in breach of the *Financial Management and Accountability Act 1997*.

Most Commonwealth records are subject to the *Freedom of Information Act 1982*. The real possibility that documents may be released under the Freedom of Information Act reinforces the responsibility on APS employees to maintain a high degree of professionalism in their work.

Freedom of Information and discovery processes will be much easier and cheaper for the agency if sound recordkeeping policies and systems are in place.

Records that contain ‘personal information’ require special treatment under the *Privacy Act 1988*.

ASSESSING THE CURRENT AND FUTURE RECORDKEEPING ENVIRONMENT

To improve recordkeeping, agencies must first understand the context in which they operate so they can identify the major factors that influence the need to create and maintain records.

Agencies with a comprehensive awareness of their business and regulatory environments can prioritise recordkeeping attention on activities that pose the greatest level of risk.

Agencies can then assess their current recordkeeping capability against internationally recognised benchmarks by using tools developed by the National Archives, which can be found at <http://www.naa.gov.au>.

Lifting the burden of recordkeeping for general APS employees—for example, through clear training on what does and does not need to be filed, and good systems designs that introduce common, simple and automated processes for creating and managing records—will result in higher quality recordkeeping.

Better integration of recordkeeping with existing business and IT systems can also help raise the quality of recordkeeping.

We can also improve the effectiveness of recordkeeping by addressing other challenges such as:

- extending recordkeeping functionality to existing business systems
- ensuring that recordkeeping is managed strategically and viewed as part of the broader information and risk management frameworks
- supporting recordkeeping with effective and user-friendly processes and incentives
- focusing corporate resources on managing only the important and useful records
- keeping pace with technological change including developments that can automate the recordkeeping process
- appreciating that excessive and unnecessary retention of records adds to costs and is wasteful of taxpayers' funds.

The MAC report 2007, *Note for File: A Report on Recordkeeping in the Australian Public Service*, is available on the website <http://www.apsc.gov.au/mac>.

MYTHS ABOUT RECORDKEEPING (Department of Finance and Administration 2007, *Reducing Red Tape: Dispelling some myths in Australian Government Administration*, <http://www.finance.gov.au/gf/red_tape_myths.html>)

Myth	Reality
APS employees need to be experts in recordkeeping.	No. Employees simply need to understand their recordkeeping responsibilities, as set out in agency policies and procedures (which need to comply with the Archives Act). Agencies are responsible for providing good recordkeeping systems, clear policies and procedures, and training.
All records require the same degree of management.	No. Recordkeeping should be fit for purpose. That is, it should be commensurate with the significance of, and accountability requirements for, the decision/activity to which it relates.
All electronic records need to be converted into paper form.	No. However, agencies may decide to convert records that are stored electronically into paper form to assist their day-to-day business. Electronic records that have not been converted to paper still need to be managed consistent with the agency's recordkeeping policies and procedures.
All records need to be preserved for future access.	No. In fact, most records can be disposed of. Agency recordkeeping procedures provide guidance on what should be retained.
All drafts of documents need to be retained.	No. Most drafts do not need to be retained. There should, however, be a record trail of significant changes, consultations and decisions.
All work-related emails should be retained.	No. The same principles and procedures—and rigour—apply to emails containing official information as for other forms of records.
Records cannot be deleted from personal computers.	Not true. Maintenance—and deletion—of electronic records on personal computers should be in accordance with the agency's recordkeeping policies and procedures.
It is efficient for officials to establish their own systems to manage records.	No. It is generally not efficient for officials to establish their personal recordkeeping systems in addition to corporate recordkeeping systems. This can involve duplication or the risk that key documents are stored in offices or personal cabinets, rather than being attached to files that are accessible by all staff. Employees may sometimes find it useful to keep copies of key documents on hand for ease of reference if issues are ongoing, or likely to be raised, and to support teamwork.

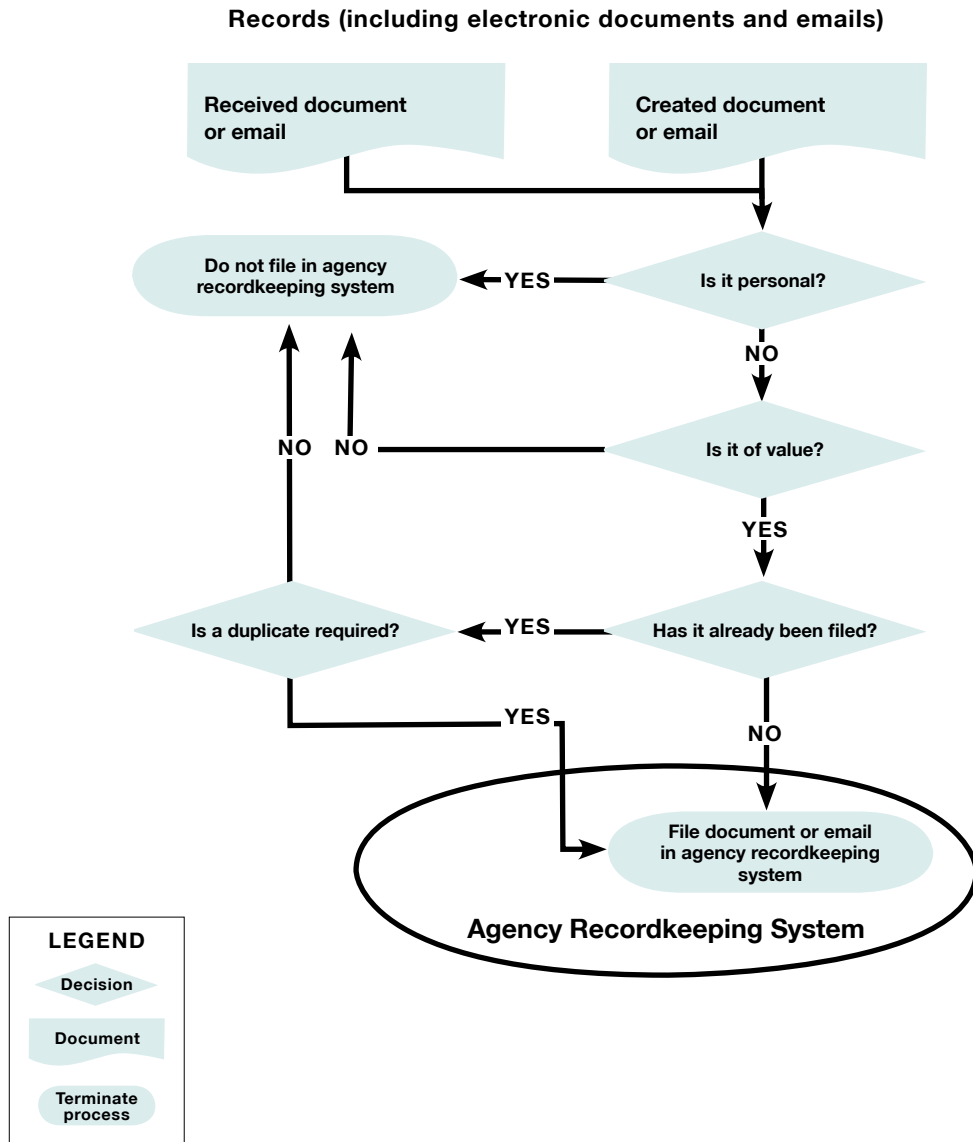
BETTER PRACTICE EXAMPLE

The following flow chart is based on a model developed by the Department of Education, Science and Training (DEST), asks the simple question: Is the record of value? In other words, is the record useful or important, or

is there an ongoing business need for it to be retained?

This might include for example financial records required under the *Financial Management and Accountability Act 1997*.

Figure 1: Based on DEST Management Instructions for Corporate Administrative Records describing the difference between records of short-term and lasting value¹



More details are in the complete DEST case study at <http://www.apsc.gov.au/mac>. This diagram is underpinned by DEST policies and procedures.

¹ Department of Education, Science and Training 2005, Management Instructions, Corporate Administrative Records.