



Parliamentary
Counsel's Office

Records Management Policy

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Policy Statement

The Parliamentary Counsel's Office (PCO) is committed to ensuring that full and accurate records of its business activities and decisions are created and managed to support the business and to comply with legislative requirements. It is recognised that good recordkeeping practice contributes to, and protects PCO's critical information assets and supports the achievement of overall outcomes.

PCO will implement fit-for-purpose information and records management practices and systems to enable the creation, maintenance and protection of authentic, reliable and useable records that can easily be accessed when required, by those with authority to do so.

Scope

This policy applies to:

- all personnel who work on behalf of PCO (including contractors and consultants), and
- any individuals or organisations to which PCO has outsourced functions or activities, and therefore associated recordkeeping responsibilities, and
- all aspects of PCO's operations and all information and records, in any format, created or received, that provide evidence of business activities or decisions.

Requirements

1. Creation and capture

- All staff should ensure that they routinely create records that provide evidence of their work activities and/or decisions. This includes, but is not limited to, keeping copies of documents, emails, and other correspondence and documenting meetings and telephone conversations that are relevant to PCO's core business activities.
- All staff should ensure that electronic and physical records are captured into the appropriate system for the type of record being managed to ensure that the record can withstand independent scrutiny. This includes using LEGIS, Gulbarra or the network directories to manage electronic or physical documents, or other approved business systems, such as SAP.
- Operational procedures should be documented and published on Gulbarra and clearly set out the records and information to be captured as part of that process.

2. Storage

- All work-related records should be stored in conditions appropriate to their format and use to prevent their unauthorised access, use, alteration, disclosure, destruction or removal.

- LEGIS is the official repository for all legislative drafting and publishing records and documents and emails that form part of the record should be scanned (and OCR'd where required to be searchable) or forwarded into the relevant LEGIS project. Paper project files are ephemeral only and should be the drafter with carriage of the project is responsible for ensuring all paper records are captured within the LEGIS project before the project is completed. For further information see the Gulbarra page [Procedures relating to paper files for drafting projects](#).
- Where enduring physical records of actions must be kept (this should only be for administrative records that cannot be electronically captured), they should be stored in accordance with the *Standard on the Physical Storage of State Records*. They should be handled with care to avoid accidental damage or loss and returned to their appropriate place of storage when not in use. The current location of physical records should be recorded in the Administration Files spreadsheet developed for that purpose and maintained by the Administrative Officer.
- The management of physical records that are currently active or in use will be the ultimate responsibility of the allocated drafter (in the case of legislative drafting records) or the manager of the program or activity for which the record was created (in the case of administrative and management records).
- Physical records requiring long-term storage are initially held in the compactus or locked administrative file cupboards until they are assessed for longer term storage at GRR or State Archives or for destruction in accordance with a relevant disposal authority.

3. Disposal

- Disposal of records may only be undertaken in accordance with a General Disposal Authority or a Functional Disposal Authority relating to PCO. This applies to physical and electronic records and includes records held in any of PCO's business systems.
- Only authorised, delegated staff members may approve, undertake or arrange for the destruction of records. The exception is for unimportant documents such as some (non-legislative) drafts, duplicates, rough working documents and unsolicited promotional material which may be destroyed under the Normal Administrative Practice (NAP) provision of the *State Records Act 1998* or for paper documents that are the source files for records that have been properly digitised and saved to an appropriate electronic repository.
- Records authorised for destruction must be destroyed by secure means such as shredding or using secure destruction bins.
- Records required to be kept as State archives in a relevant retention and disposal authority, issued by NSW State Records, will be transferred to State Records when the record is no longer in use for official purposes.

4. Access and security

- Records must be accessible to all staff in PCO where required to perform their role. Exceptions include where there is confidentiality, privacy, legal or other legitimate business reasons for limiting access. In terms of electronic records, PCO's Access Control Policy applies role based access controls to PCO's

business and corporate systems, ensuring that staff only have access to the material required by their role.

- Unless authorised to do so by legislation, a PCO policy, directive, guideline or procedure, staff must ensure that they do not use or disclose any confidential or personal information. Unauthorised use or disclosure may cause harm or reputational loss to individuals, or give an individual or an organisation an improper advantage. All staff must ensure that confidential information in any form (both physical and electronic) cannot be accessed by unauthorised people and that sensitive information is only shared with people who are authorised to access the information and have a “need-to-know”.
- Access to PCO’s records by members of the public is governed by the *Government Information (Public Access) Act (GIPA) 2009* (NSW) and the *State Records Act 1998* (NSW). Advice and guidance relating to GIPA is available on PCO’s corporate website. For advice, see the Director, Governance and Operations, who the designated GIPA contact for PCO.
- Staff members must seek advice from the Parliamentary Counsel before responding to requests for information from an external party as part of a subpoena or legal warrant.
- Records must be classified, labelled and handled in accordance with the *NSW Government Digital Information Security Policy* (OFS-2015-05), the *NSW Information Classification, Labelling and Handling Guidelines* (July 2015) and related PCO policies.

5. External Parties

Contracts or agreements with external parties where PCO has outsourced any functions or activities, or with whom PCO has entered into any service arrangements with, must include records and information management provisions. These should:

- ensure compliance with our legislative obligations, and
- minimise risks associated with the external storage of PCO records or information, and
- ensure that appropriate records of outsourced functions or activities are made and kept, and
- ensure that ownership of records is clearly addressed, and
- ensure that records or information are accessible as appropriate and when required, and
- ensure that records of outsourced functions or activities that are required after a contract has ended are returned to the department, and
- ensure records of outsourced functions or activities are disposed of lawfully.

6. Continuous improvement and monitoring of compliance

- The Director, Governance and Operations, will co-ordinate regular assessments of performance against the records management policy and any supporting procedures or guidelines.
- Where opportunities for improvement or risks to compliance are identified, the Director, Governance and Operations, will provide guidance and advice to remediate issues and drive greater efficiency in the management of records.

Procedures

Procedures and advice are available on Gulbarra, including the page [Procedures relating to paper files for drafting projects](#), instructions on recording events and documents in LEGIS, and the various procedure sheets for publications activities that include advice on versioning and LEGIS records.

Roles and responsibilities

The **Parliamentary Counsel** has overall responsibility for ensuring that PCO complies with the requirements of the *State Records Act 1998* (NSW) and its supporting regulations.

The **Director, Governance and Operations**, is the *Senior Responsible Officer* who has responsibility for the oversight of records and information across PCO as per the requirement within the *Standard on records management for the NSW public sector*. This includes establishing, developing and maintaining a records management program. The Director, Governance and Operations, is also responsible for:

- providing advice and training in order to enhance the creation, storage, access and reuse of records and information, and
- implementing quality controls to ensure policies, procedures and standards for recordkeeping are maintained across the organization, and
- maintaining PCO's Vital Records Register, and
- coordinating and maintaining long term off-site storage, and
- liaising with appropriate staff to authorise the appropriate destruction of records.

The **Director, Legislative Systems** (as Chief Information Officer) is responsible for:

- ensuring that information management system projects consider records management requirements when acquiring and implementing new systems or databases or decommissioning existing information management systems, and
- providing infrastructure and support to ensure records kept in electronic form are managed so that they are accessible, readable, complete, inviolate and authentic for as long as they are required to be kept. This includes security measures applied to data backups and audit logs.

The **Business Process Committee** is responsible for ensuring records and information management is considered and included in systems and processes used. This includes:

- assessing systems for appropriate recordkeeping functionality, and
- considering recordkeeping requirements during the development phase and reassessing recordkeeping functionality when systems undergo major upgrades or changes in functionality, and
- considering recordkeeping requirements when systems are to be replaced so that requirements continue to be met in the new system.

Senior Executives are responsible for:

- fostering and promoting a culture that promotes sound records and information management practice within PCO, and
- providing high-level direction and support for records and information management, and
- considering recordkeeping requirements for their area of responsibility, especially as a part of any new areas of work.

All **managers and supervisors** are responsible for:

- ensuring that records within their area of responsibility are created and managed in accordance with policy and procedures, and
- ensuring staff are trained in how to create and manage records, and
- ensuring operational procedures and processes adequately describe recordkeeping to ensure records are captured efficiently and to support their business outcomes, and
- identifying vital or key records in their area of responsibility and assisting in planning for disaster recovery and business continuity, and
- participating in planning and managing projects to sentence legacy records where requested and to reduce hard copy files, and
- ensuring that work-related records are only destroyed after appropriate authorisation has been provided, and
- ensuring that records storage areas under their control are secure and protect records from accidental damage or loss or unauthorised access.

All **staff** are required to:

- comply with the Records Management Policy and any related procedures or guidelines, and
- create full and accurate records of their work activities, including records of all substantive decisions and actions made during their work—the more significant the decision or action, the more detailed the record should be, and
- ensure that records are saved into the appropriate system, and
- ensure that records are accessible (including ensuring electronic records are OCR'd, correctly named and searchable) and appropriately secured.

Safety considerations

Reduce manual handling requirements by encouraging electronic records management over physical files. Staff should consider safe manual handling process when working with physical records and use the provided protective equipment when handling old or dusty records.

Delegations

Delegation to approve the destruction of records in accordance with the appropriate retention and disposal authority are included in PCO's [Administrative Delegations](#) available on Gulbarra.

Definitions

archives—Those records that are appraised as having continuing value.

disposal—A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records.

personal information—Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. Personal information includes such things as an individual's fingerprints, retina prints, body samples or genetic characteristics.

recordkeeping—Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

recordkeeping requirements—Requirements arising from regulatory sources, business needs and community expectations that identify the types of records that should be created and the management framework needed to have, and accountably manage, all the business information that is necessary for an organisation.

recordkeeping systems—Information systems that capture, maintain and provide access to records over time.

record—Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. (Also see definition of a **State record**.)

records management program—A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

retention and disposal authority—Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records. There are two main types:

- Functional retention and disposal authorities authorising the retention and disposal of records unique to a specific organization, and
- General retention and disposal authorities authorising the retention and disposal of records common to more than one organisation.

State archive—A State record that the State Records Authority of New South Wales has control of under the NSW State Records Act.

State record—Any record made and kept, or received and kept, by any person in the course of the exercise of official functions in a public office or for any purpose of a public office, or for the use of a public office. (Also see definition of a **record**.)

vital records—Those records that are essential for the ongoing business of an agency, and without which the agency could not continue to function effectively. The identification and protection of such records is a primary object of records

management and counter disaster planning. (The current register of vital records is included as an appendix to this policy.)

Legislation and Standards

- *State Records Act 1998*
- *State Records Regulations 2010*
- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Crimes Act 1900*
- *Electronic Transactions Act 2000*
- *Evidence Act 1995*
- *Government Sector Employment Act 2013*
- *Independent Commission Against Corruption Act 1998*
- *Limitations Act 1969*
- *Public Finance and Audit Act 1994*
- *Public Interest Disclosure Act 1994*
- *Standard on Records Management for the New South Wales Public Sector* (NSW State Records, March 2015)
- *Standard on the Physical Storage of State Records* (NSW State Records, 2012)
- Australian and International Standard AS ISO 15489–2002, *Records Management*

It is noted that a new Australian and International Standard AS ISO 15489.1: 2017 *Information and documentation – Records management, Part 1: Concepts and principles* has been released but has not yet been issued as a code of best practice under section 13 of the *State Records Act 1998*. Its adoption is currently under consideration by NSW State Archives and Records.

Related PCO policies

- *Code of Conduct*
- *Privacy Management Plan*
- *Information Security Policy*
- *Access Control Policy*
- *Government Information (Public Access) Policy*

Other related documents

- NSW Government Digital Information Security Policy (Department Finance, Services and Innovation, OFS-2015-05, July 2015)
- NSW Government Information Classification, Labelling and Handling Guidelines (Department Finance, Services and Innovation, July 2015)
- NSW Digital Government Strategy (<https://www.finance.nsw.gov.au/ict/nsw-digital-government-strategy>)

- NSW Ombudsman’s Good Conduct and Administrative Practice Guidelines for State and Local Government (April 2017)
- NSW State Records, Glossary of Recordkeeping Terms, available at <https://www.records.nsw.gov.au/recordkeeping/a-z/g>
- Acland, Glenda. 'Glossary' in Judith Ellis (ed.) *Keeping Archives*. 2nd Edition, Australian Society of Archivists Inc, Thorpe Publishing, Port Melbourne, 1993, p. 480.

Appendix—Vital Records Register

PCO’s records that are essential for the ongoing operation of PCO include:

- All drafting and publications records held within the LEGIS system.
- The legislation database files—the source files for which are held within LEGIS and externally published on the legislation website at: www.legislation.nsw.gov.au.
- The Parliamentary Counsels’ Committee records held within the GovDex system.
- All HR records for current staff and finance records for the prior 7 years that are held within the SAP system and stored on PCO’s network directories.
- The current knowledge resources and procedures held within both the Gulbarra wiki and the IT Wiki.
- All current project and governance records and current operational reports (including the Bills list) stored on PCO’s network directories.

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