

Introducing the NSW recordkeeping framework

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Introduction

The NSW recordkeeping framework, represented as a pyramid model, was developed to explain and illustrate the relationships between the rules and guidance essential for establishing a Government-wide recordkeeping framework for New South Wales.

State Records has developed a suite of products including policies, standards and guidelines for application across Government and developed training packages and other support tools. This 'pyramid model' places the products and tools described in the following recordkeeping framework in context.

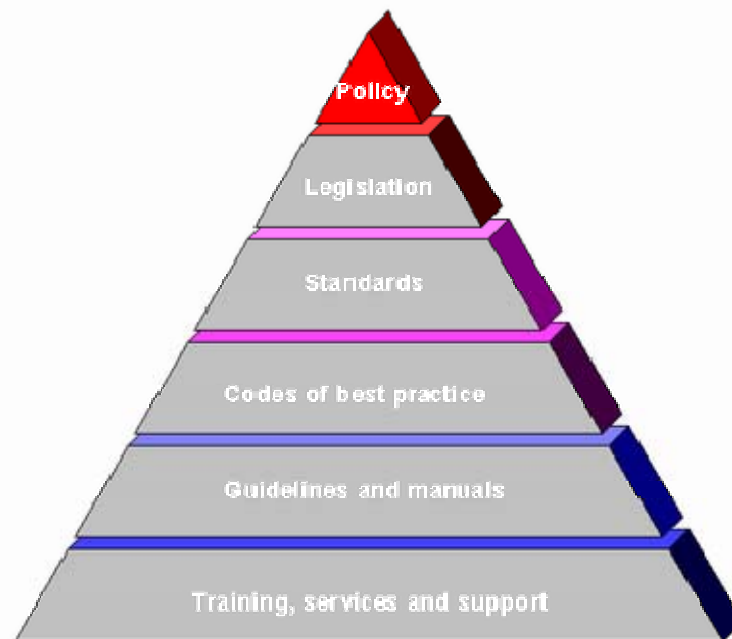


Set the rules

A recordkeeping framework has to start with a set of rules governing the behaviour of public offices and officials. Whilst State Records' role is concerned to a large extent with helping and guiding, a foundation of rules is essential.

Policy

The starting point for the rules governing recordkeeping across Government must be the Government's policy in this area.



The principal written statement of Government policy concerning records and recordkeeping in the New South Wales public sector is found in the Premier's Memorandum No. 98-16 relating to Records Management Standards and Policies. The Memorandum clearly sets out the Government's expectations that 'good government recordkeeping, and its effective management are essential to the sound management of Government business, to the delivery of quality services to the people of NSW, and to public accountability.'

The Government expects as high standards in recordkeeping across Government as it expects in any other aspect of public management. It expects Government recordkeeping to contribute as effectively as possible to achieving the Government's goals for meeting the needs of the community, for improving service and program delivery and for the economic development of New South Wales.

Apart from the previously mentioned Premier's Memorandum, the Government's policy objectives for recordkeeping may be discerned in a number of other places, notably in its passing of the *State Records Act 1998*, which was proclaimed on 1 January 1999.

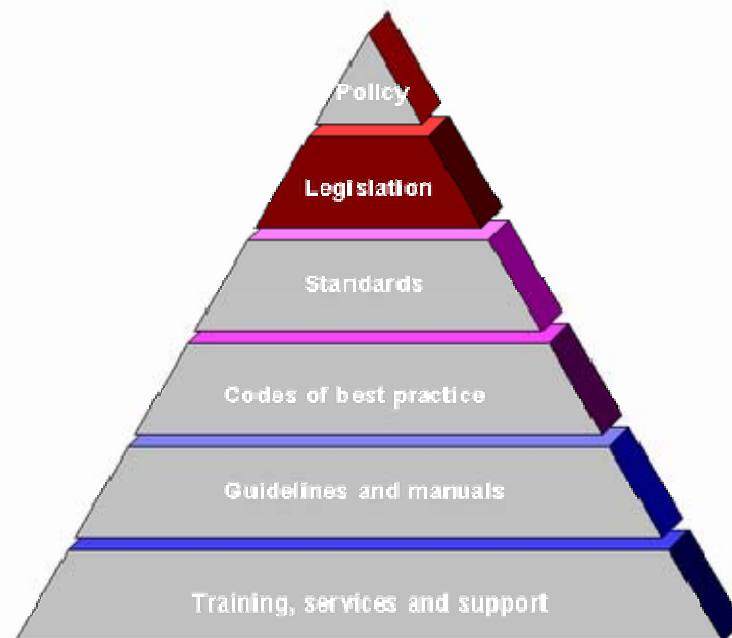
The policy layer in our pyramid model also includes policy on specific records matters. In New South Wales there are two such policies: the *Policy on Electronic Recordkeeping*, issued April 1998; and the *Policy on Electronic Messages as Records*, issued April 1998, for application across the Government.

Legislation

While we often think of laws as being the ultimate source of a framework, we need to regard legislation as an instrument for achieving the Government's policy objectives - in this context, for government recordkeeping - and as deriving from them. The Archives Act had been reactive, addressing problems as they have arisen, rather than preventing them from arising. The *State Records Act 1998* replaced the *Archives Act 1960*.

The State Records Act applies to 'public offices' as defined in s.3(1). This definition is much wider than the previous Act and includes parliament, courts and tribunals, local government bodies, State owned corporations, the universities and the public hospital

system. The records of the Governor, Parliament and the courts are automatically covered only by Parts 3 (*Protection of State Records*) and 5 (*Recovery of estrays and other State records*). These jurisdictions can 'opt in' to be covered by the remaining parts of the Act by agreement. The Act outcomes based and has strong recordkeeping provisions in Part 2 (*Records management responsibilities of Public Offices*).



Key records management provisions of the Act require 'public offices' to:

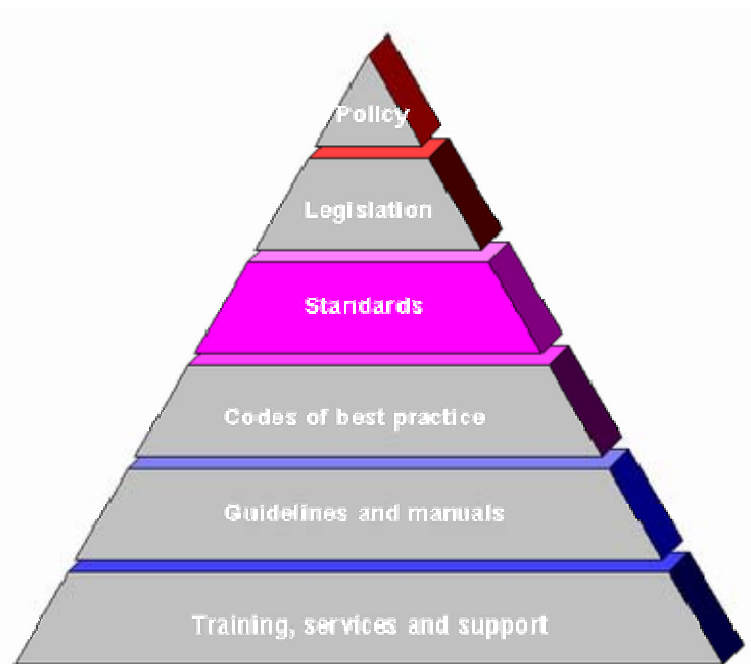
- make and keep records that fully and accurately document their operations and administration, and
- establish and maintain a records management program to be managed in conformity with standards and codes of best practice formulated by State Records.

Other key parts of the Act include improved provisions governing the disposal of State records and for the recovery of estrays, (estrays are records that have been alienated from the possession of their legitimate custodian, in this case the NSW Government). Part 6 of the Act (*Public access to State records after 30 years*) includes a statutory basis for a right of public access to records more than thirty years old.

Thus, while the Act does what any government archives legislation must do - governing the identification, preservation and use of archives - it takes a strongly 'continuum-oriented' approach, having an impact on the making and keeping of records in New South Wales public offices and on their management as current records. This is an increasingly common feature of modern government records legislation in Australia and overseas. For further information about this issue, see the Australian Law Reform Commission, *Issues Paper 19: Review of the Archives Act 1983*, December 1996, especially pp. 35-42.

Standards

Standards play an increasingly important, and widely recognised, part in recordkeeping theory and practice.



The standards that we use fall into two broad categories: interoperability and best practice. In the first category are technological standards, particularly from the information technology and telecommunications industries, which, among other things, play a crucial role in the management of electronic records over time. The second category comprises standards which govern practices and performance requirements. The AS/NZS/ISO 9000 series of quality systems standards is a well-known example of this type of standard.

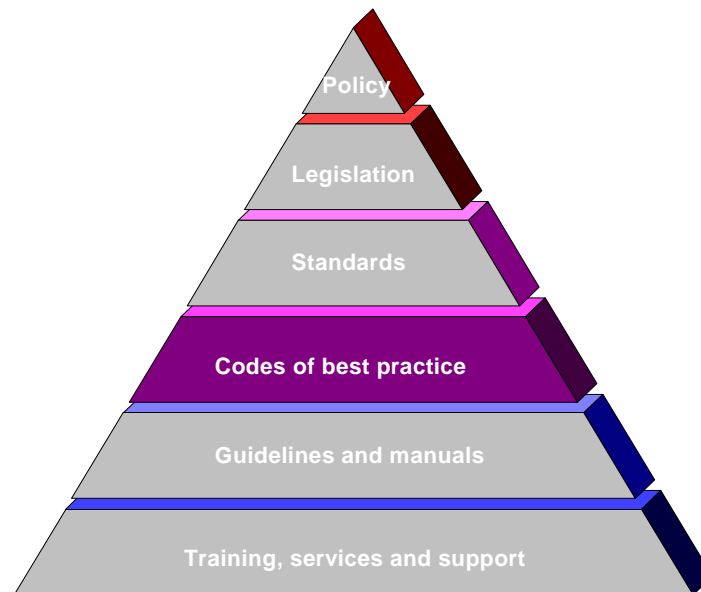
Our principal concern in building a recordkeeping framework is with the second category. In the pyramid model, we use the term standard to refer to the type of standard that is mandatory, measurable and, therefore, subject to a framework of compliance auditing. It is this type of standard that State Records is required to 'formulate, and keep under review' under the Act.

To date, eight standards have been issued under the State Records Act. The first two standards issued under the Act were revoked in 2004 and replaced with new standards, Standards 7 and 8. All of the standards are consciously designed to be outcomes oriented, rather than prescribing specific practices.

Other instruments will also function as standards in this sense within the model. An obvious example is the suite of *General Disposal Authorities* which the State Records Authority, like most government archives authorities, issues and periodically revises.

Codes of best practice

The State Records Act requires State Records also to issue codes of best practice.



These are also a kind of standard but, in the pyramid model, they codify and describe best practice, functioning as a benchmark against which an organisation can measure its practices and systems. They are not designed for a formal auditing framework. Nonetheless, failure to comply would leave an agency open to criticism in an investigation - whether by a Minister, a Royal Commission, an auditor or a law enforcement body - where recordkeeping practices were an issue.

The principal document to function as a code of best practice in our recordkeeping framework is the Australian Standard and International Standard AS ISO 15489, *Records Management*, released in 2002. This standard and the Australian Standard AS4390-1996, *Records Management*, on which it was based have been probably the most significant developments in our discipline in recent years. Certainly the Standard plays a central role in the framework for Government recordkeeping in New South Wales. AS ISO 15489 was endorsed by the Board of State Records as the official best practice benchmark, following a period of consultation, in June 2002.

Other rules

It is important to be conscious that, besides the kind of structure that we are building, many other 'rules' affect recordkeeping in a given jurisdiction.

In New South Wales, the Public Sector Code of Conduct requires that, in the performance of their duties, public officials should '...maintain adequate documentation to support any decision made', from *New South Wales Public Sector Code of Conduct*, Clause 1.6.2.

The Treasurer's Directions require that public authorities should '...maintain full and accurate records of expenditure from all accounts and funds under their control', from *New South Wales Treasurer's Directions*, Clause 240.01.

The Independent Commission Against Corruption has issued guidelines requiring that '...funding recommendations and decisions should be fully documented and supported by explanatory notes'.

The Ombudsman issued guidelines on recordkeeping by public authorities and officials in *Good Conduct and Administrative Practice: Guidelines for state and local government*, section 4.2, NSW Ombudsman, August 2003. It is not difficult to find similar examples.

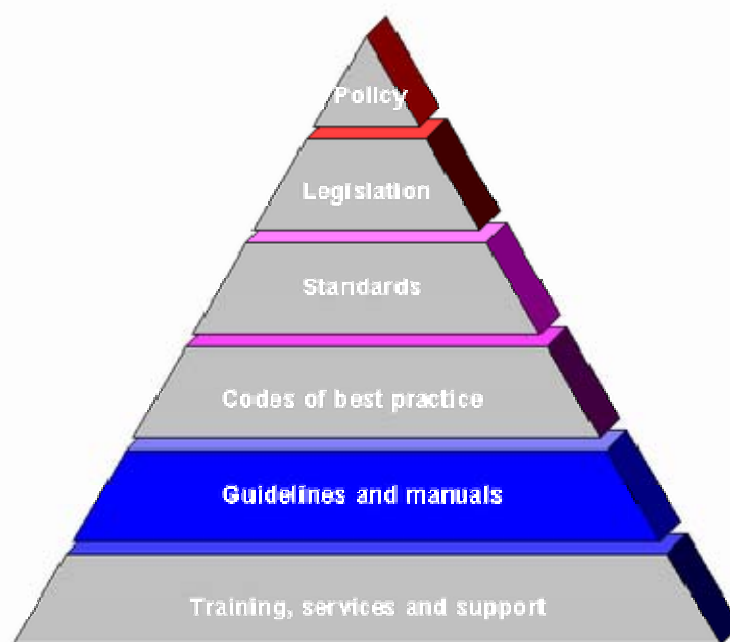
Every records manager knows that there is a whole range of legislation, formal directives and instruments, guidelines, industry standards and best practice and other sources which establish or define recordkeeping requirements affecting their organisation or parts of it. Many are peculiar to a particular organisation or industry. Those recordkeeping requirements with broad application across Government, such as the examples above, are part of the recordkeeping framework and need to be recognised as such.

Another form of 'rules' which, in practice, becomes part of the recordkeeping framework is the adoption by some governments of standard records management software products for use across their jurisdiction. The South Australian, New South Wales and Commonwealth Governments have all conducted exercises to select one or a small number of products from which agencies are required to purchase. In New South Wales, we see the adoption of a small number of products as standard as having a number of benefits. In particular, because the choice of records management software inevitably has an impact on practices, we expect the arrangement to contribute to a consistent level of best practice across Government. We also anticipate that reducing the number of products in use across Government will make records management staff more transferable between and within agencies.

Provide practical guidance and tools

As noted earlier, making rules is not enough to build an effective recordkeeping framework. Indeed, by itself, it may be a futile and even counter-productive exercise. Consequently, a key strategy is to provide the practical guidance and tools required by agencies to achieve the outcome - improved Government recordkeeping - that State Records, the Government and its agencies desire.

Guidelines & manuals



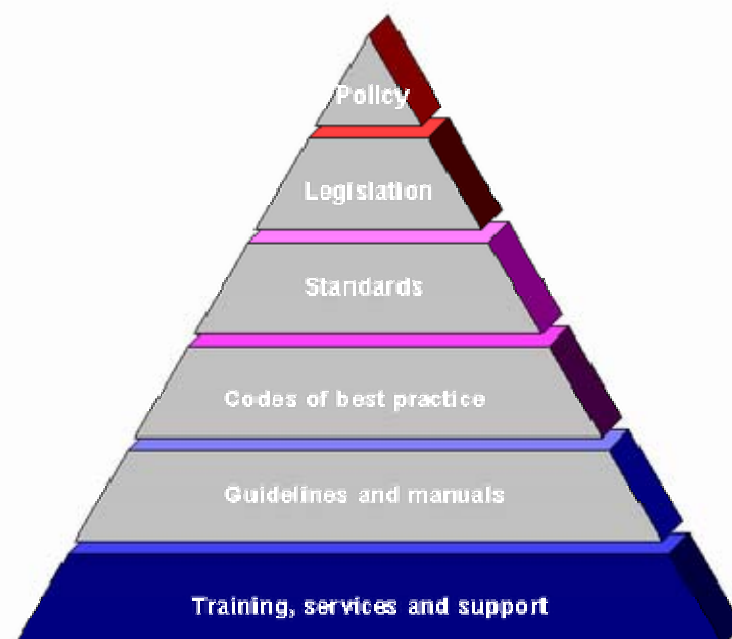
In the pyramid model, the layer below codes of best practice is that of 'guidelines and manuals'. State Records has a long tradition of producing materials of this kind. The

classic *Publications on Records Management* series, published originally from 1978 to 1985 by the then Records Management Office of NSW, was highly influential both within the New South Wales Government and beyond it.

The release of the Australian and International Standards on records management provided a new impetus for practical guidance about their application. A central feature of both standards is the methodology for 'Designing and Implementing Recordkeeping Systems (known as the DIRKS methodology), which was originally derived from a workshop, 'Understanding Recordkeeping Systems', led by David Bearman at Monash University in July 1993. The methodology is an exceptionally valuable tool in any environment, but is seen as particularly crucial for the electronic environment. It was adopted in the policy and strategy approaches developed for electronic recordkeeping in New South Wales Governments in *Documenting the Future: Policy and Strategies for Electronic Recordkeeping in the New South Wales Public Sector*, July 1995, pp. 32-34.

To help public offices to use the methodology in practice, we have developed a manual - known as the *Strategies for Documenting Government Business: The DIRKS Manual* - which is designed to expand and provide practical advice on the methodology. An important feature of the manual is the relationship between the comprehensive DIRKS methodology and specific records management processes, such as developing a disposal schedule or a keyword thesaurus, which use elements of the methodology, draw on products from those elements and produce components of the larger recordkeeping system.

Training, tools, services and support



The final layer of the pyramid model is that of 'Training, services and support'. Effective training is essential to raise awareness of good recordkeeping and ensure comprehensive implementation of a recordkeeping framework across government and within agencies. State Records offers a wide range of training courses covering most components of the framework that have been discussed as well as other specific records skills. Many consultants also offer training that is relevant to NSW Government agencies. State Records has adopted a proactive approach of providing wide training, and seminars to all levels of agency staff to assist in the development of a recordkeeping framework across

Government. As the pyramid model shows, it is the essential foundation upon which the success of the other levels rests

Public offices need a range of other services that are not part of the recordkeeping framework being examined here, but are an essential means of achieving its objectives. State Records, through its Government Records Repository (GRR), provides a range of records management services on a commercial basis, notably a high quality semi-active records storage service and consultancy services. The commercial sector of the records management industry, particularly storage service providers and consultants, also play an important role in meeting New South Wales Government agencies' specific needs and, thereby, in supporting the recordkeeping framework.

Support is found in the development of useful records management 'tools'. The principal tool, in this sense, that we offer is the *Keyword AAA* thesaurus of general terms. *Keyword AAA* is a general records management thesaurus widely used within the New South Wales Government. Agencies are not obliged to use it but we strongly recommend that they do so. We also sell *Keyword AAA* commercially outside the New South Wales Government, nationally both at Commonwealth and State levels, and internationally. One feature which highlights the value of this kind of tool in promoting a continuum-based management framework for government records is its functional basis. This means that *Keyword AAA* uses a function-based approach to reflect the business context in which the records are created. Functional analysis is the process of analysing functions (or broad areas of business activity) and assessing the need to keep evidence of these functions.

State Records also sells under licence arrangements another keyword thesaurus product, specifically designed for local government; *Keyword for Councils*. By applying classification schemes based on business functions as shown in *Keyword AAA* and *Keyword for Councils*, records can be indexed and titled and we can determine how they should be kept, how they should be stored and how should have access to them. Because it is a very powerful records management tool, the functional approach is embodied in the Australian and International Standards on records management.

For further information about training, services and support please contact State Records at govrec@records.nsw.gov.au.

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