

Monitoring framework for the State Records Act 1998

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Monitoring framework for the State Records Act 1998

The revised monitoring framework and arrangements come into effect from **1 July 2009 and will be in effect until 2013**.

Role of monitoring

The regular monitoring of records, recordkeeping, and the organisational records management program is beneficial for all public sector organisations. Monitoring ensures that records are managed according to best practice, and in efficient and effective ways that meet the business needs of the organisation and the requirements of Government.

The *State Records Act 1998* places a number of requirements on public offices regarding monitoring activities. Section 10 of the Act requires chief executives of public offices

'to ensure that the public office complies with the requirements of this Act and the regulations...'

Section 12(4) of the Act requires public offices to:

make arrangements with the [State Records] Authority for the monitoring by the Authority of the public office's records management program and must report to the Authority, in accordance with arrangements made by the Authority, on the implementation of the public office's records management program.

Section 15 of the Act entitles the Authority to access records in the control of a public office in order to monitor compliance and permits State Records to monitor any aspect of records management as required by the Act or approved standards and codes of best practice. For this reason, State Records' monitoring activities include all aspects of the Act, not just a public office's records management program.

State Records' purpose in monitoring is to:

- enable State Records and public offices to discharge obligations under s.12(4) of the Act
- measure compliance with the *State Records Act 1998* and standards in order to report effectively to the Parliament and the Government
- build capability (ie the ability to undertake records management activities) within the NSW public sector
- improve recordkeeping and records management across the NSW public sector, and
- identify needs for advice and guidance on certain topics.

State Records is conscious of the need to ensure that any monitoring processes are risk-based approaches that do not unduly burden public offices. State Records is also mindful that monitoring processes should benefit public offices by assisting in the improvement of business performance.

Monitoring is a shared responsibility

Monitoring recordkeeping and the management of records in public offices is a shared responsibility. This is reflected in section 12(4) of the State Records Act. State Records and public offices each have their own roles and responsibilities, as outlined below.

State Records is responsible for:

- monitoring compliance with the State Records Act and associated standards and codes of best practice in a way that does not unduly burden public offices
- reporting to Parliament and the Government about recordkeeping and the management of records in NSW
- communicating requirements and timetables for monitoring activities
- providing advice and guidance on how public offices can comply with requirements, and
- providing advice and guidance on how public offices can measure and monitor their own performance.

Public offices are responsible for:

- measuring and monitoring their recordkeeping performance for planning and improvement purposes
- ensuring they comply with the State Records Act and associated standards and codes of best practice, and
- cooperating with State Records in monitoring compliance.

Monitoring framework

This monitoring framework recognises that both State Records and public offices have roles and responsibilities, and that there are limited resources for monitoring, so any monitoring must not place an unreasonable burden on public offices or State Records.

In the sections below the phrase 'management of records' has been used in preference to the term 'records management'. This has been done in order to encompass both records management obligations established under Parts 2 and 3 of the Act and the obligations regarding the management of records and archives established under Parts 4 and 6 of the Act.

Monitoring by public offices

Public offices are responsible for undertaking measuring and monitoring of recordkeeping performance for planning and improvement purposes and conformity with State Records Act and associated standards and codes of best practice.

Individual public offices may be asked, during State Records' follow up on particular issues of non-compliance or recordkeeping failure or by other organisations with an interest in good records management (eg ICAC), to advise on their monitoring activities and corrective actions that were undertaken as a result of monitoring.

State Records encourages monitoring by public offices as part of good management practices.

A public office will be expected to:

Undertake regular monitoring of the management of records within the organisation to ensure the effectiveness and efficiency of recordkeeping systems and processes, and conformity with the State Records Act and associated standards and codes of best practice.

Performance monitoring

Regular performance monitoring of records, recordkeeping, and the organisational records management program ensures that these continue to be of value to the public office. It also maximises opportunities for continuous improvement in the management of records and the records management program.

Performance monitoring can assist public offices in

- ensuring that recordkeeping is sufficient to support business processes
- making improvements to service delivery and efficiencies
- making improvements to process and services
- reducing costs, and
- providing assessments of how well resources have been used.

The *Standard on managing a records management program* establishes a formal requirement for public offices to monitor all aspects of the organisation's records management program against its performance objectives (see Principle 5: 'Monitored and reviewed').

For more information on performance monitoring and monitoring tools, see www.records.nsw.gov.au/recordkeeping/topics/monitoring-records-management/monitoring-tools

Compliance monitoring

Regular monitoring of the organisation's conformity and compliance with the State Records Act and associated standards and codes of best practice ensures that the organisation is aware of its formal obligations and that non-compliance issues are addressed. This is an important aspect of the good governance of any organisation.

Compliance monitoring provides an opportunity for continuous improvement in the management of records and the records management program.

For more information on compliance monitoring and monitoring tools, see www.records.nsw.gov.au/recordkeeping/topics/monitoring-records-management/monitoring-tools

Monitoring by State Records

State Records takes a risk-based approach to compliance monitoring to ensure that compliance measurement is targeted to the areas in most need and where the monitoring will prove most effective, for example digital recordkeeping and disposal of records. This type of approach leads to improved compliance outcomes in critical areas and is sensitive to the needs and constraints facing different types of public offices.

State Records undertakes a range of compliance monitoring activities including:

- surveys

- inspections and assessments.

When we do conduct compliance monitoring surveys it is likely that there will be follow up by State Records of serious issues or matters of particular concern identified. State Records reports the results of monitoring activities to public offices.

Surveys

State Records uses self assessment surveys to measure and monitor a public office's compliance with the Act, standards and codes of best practice. These mechanisms allow public offices to discharge their obligations under s.12(4) of the State Records Act.

State Records conducts topic based surveys on a needs basis in order to monitor compliance with the State Records Act, standards and codes of best practice. Upcoming surveys include:

- assessment of the implementation of requirements in the Standard on digital recordkeeping in 2010 and 2012, and
- targeted follow-up on storage and disposal in 2010.

State Records may also request further information from public offices in order to verify survey responses.

A public office will be expected to:

- Complete and return any monitoring-based surveys by the nominated deadline.
- Participate in verifying information, if requested.

Reporting on surveying activities

One of the key purposes for monitoring recordkeeping and the management of records is to assist public offices to improve their performance in these areas. Appropriate reporting and liaison with public offices is vital to effective monitoring.

Aggregate report

State Records reports on survey results at an aggregate level, through a report on the survey made available on our website and at a more general level in our annual report.

We will continue to publish aggregate reports which:

- highlight trends and issues
- include recommendations and proposed actions, and
- provide statistics where possible.

Reports can be used for benchmarking activities and for developing strategic priorities within public offices.

Reports also contain recommendations and proposed actions, so it is clear how State Records intends to use and learn from the data collected, such as identifying topics for briefing sessions, further guidance and training.

Individual reports

In some monitoring activities it may be appropriate to identify public offices that are having serious difficulty in complying with requirements and those that are at particular risk of a recordkeeping failure. In those cases there will be follow up by State Records.

Inspections and assessments

Under section 15 of the State Records Act, State Records is entitled to access to records in the control of a public office

'for the purpose of enabling the Authority to monitor compliance by the public office with the requirements of this Act and the regulations.'

Access may mean inspections or visits to public offices by State Records' staff or requests for information. The inspections or requests for information may be required for assessing and monitoring the compliance of public offices with the State Records Act, standards and codes of best practice.

Inspections, requests for information, and assessment may also occur in situations where State Records has been informed that the public office may not be compliant with the State Records Act or standards issued under the Act, for example State Records may have been informed of poor recordkeeping practices, poor storage of records, or inappropriate disposal of records. Information about non-compliance may be received from many different sources including formal State Records' monitoring mechanisms, media sources or notification by employees of a public office or members of the public.

Generally when State Records receives information about a potential breach of the Act, we

- contact the public office seeking information and documentation in order to determine if a breach of the act has occurred
- assess documentation against criteria drawn from standards and obligations in the Act
- in some cases we may inspect records and recordkeeping at the public office to assess conformity with the obligations of the State Records Act and the standards issued under the Act, and
- prepare reports with our findings and any recommendations which is sent to the public office .

The report will recommend remedial action to address the issues identified. Issues identified in inspections and assessments and reported to the public office will be followed up by State Records.

A public office will be expected to:

- Complete and return any assessments by the nominated deadline.
- Facilitate inspections, if requested
- Implement remedial action to address issues identified in the assessment.
- Participate in further follow up assessments, if requested.

Follow up and remedial action

Monitoring activities are formal activities and mechanisms for meeting obligations at s.12(4) of the State Records Act.

State Records, using a risk management approach, follows up on issues of non-compliance identified through monitoring activities and inquiries, or investigations and audits undertaken by The Audit Office of NSW, NSW Ombudsman's Office and the Independent Commission Against Corruption, or other advices received by State Records.

We will contact those public offices that are:

- having serious difficulties in complying with key requirements, and
- at particular risk of a recordkeeping failure.

Depending upon the issues identified, State Records will either:

- request further information from the public office in order to verify survey responses
- identify the issues requiring action and request that the public office take remedial action in consultation with State Records, or
- identify the issues requiring action and request that the public office develop an improvement plan with project tasks and milestones identified. The public office may need to submit regular progress reports to State Records, so that improvements are monitored.

A public office will be expected to:

- Provide further information, if requested
- Take remedial action if recordkeeping failures or serious issues are identified.

Monitoring by others

Other organisations such as The Audit Office of NSW, the NSW Ombudsman's Office and the Independent Commission Against Corruption in the course of their audits, inquiries and investigations continue to highlight the inadequacy of records, recordkeeping failures and issues concerning the management of records. Other public sector organisations may also have cause to refer recordkeeping issues to State Records for our attention.

State Records will continue to follow up serious recordkeeping issues identified by other organisations or issues which have been referred to our attention.