



Western Australia

State Records Act 2000

State Records Principles and Standards 2002

Western Australia

State Records Principles and Standards 2002

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State Records Principles and Standards 2002

1. Citation

These principles and standards may be cited as the *State Records Principles and Standards 2002*.

2. Commencement

These principles and standards come into operation on the day after the day on which they are published in the *Government Gazette*.

3. Government record keeping

SRC Standard 1 Government record keeping

SRC Standard 2 Record keeping plans

SRC Standard 3 Appraisal of records

SRC Standard 4 Restricted access archives

[SRC Standard 5 superseded]

SRC Standard 6 Outsourcing

[Clause 3 amended: Gazette 21 Jun 2016 p. 2219.]

STATE RECORDS COMMISSION

SRC Standard 1

GOVERNMENT RECORD KEEPING

A Record Keeping Standard for State Organizations

**State Records Commission of WA
Perth, Western Australia
February 2002**

SRC STANDARD 1—GOVERNMENT RECORD KEEPING

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SRC STANDARD 1—GOVERNMENT RECORD KEEPING

DEFINITIONS

Government record—is a record created or received by a government organization or a government organization employee or contractor in the course of the work for the organization.

Government organization—is an organization listed in Schedule 1 or Schedule 3 of the State Records Act 2000.

Parliamentary department—is a department that is deemed to have been constituted in relation to the administration of Parliament for the purposes of the *Financial Administration and Audit Act 1985* by regulations made under Section 3(2) of that Act.

Parliamentary record—is a record created or received by a parliamentary department or a person in the course of their work for the department, whether the person is employed under a contract of service or is engaged under a contract for services or otherwise.

Record—means any record of information however recorded and includes—

- (a) any thing on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work, or photograph;
- (d) any thing on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- (e) any thing from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) any thing on which information has been stored or recorded, either mechanically, magnetically, or electronically.

Record keeping plan—is the plan required under Parts 2 and 3 of the State Records Act 2000. State Records Commission Standard 2 provides details about the plan.

State organization—is a parliamentary department or a government organization.

State record—is a parliamentary record or a government record.

PURPOSE

The purpose of this Standard, established under Section 61(1)(a) of the State Records Act 2000, is to define principles and standards governing record keeping by State organizations.

BACKGROUND

The State Records Act 2000 is an Act to provide for the keeping of State records and for related purposes. Section 61(1) of the Act requires that the State Records Commission is to establish principles and standards for record keeping.

The State Records Commission will recommend and encourage the adoption of principles and standards to enhance and support record keeping in State organizations.

Existing policies and standards produced by the State Records Office remain current. *The Australian Standard AS15489 Records Management* is the accepted Australian Standard for all aspects of record keeping in Australia. It is a useful guide to supplement existing standards produced by the State Records Office.

SCOPE

The principles and minimum compliance requirements in this Standard apply to all State organizations as defined in Section 3 of the State Records Act 2000.

Principle 1—Record keeping by State organizations

State organizations ensure that State records are created, managed and maintained over time, and disposed of in accordance with principles and standards issued by the State Records Commission.

Rationale

The implementation of record keeping principles and standards established by the State Records Commission will—

- provide an effective means of accountability across Government;

- provide for an effective flow of information through and across State organizations;
- increase the efficiency of State organizations by ensuring that information is readily identifiable and available;
- promote consistency in record keeping across Government;
- provide an effective means of complying with the legislative requirements, especially the State Records Act 2000; and
- lead to better record keeping practices.

Minimum Compliance Requirements

The minimum compliance requirements may be demonstrated in the record keeping plan developed by each State organization. That plan enables State organizations to provide evidence to adduce that—

1. The principles and standards established by the State Records Commission have been implemented by the organization.
2. *Australian Standard AS15489 Records Management* has been adopted as the model for best practice record keeping within the organization.

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State Records Office of Western Australia. (1992) *Policies and Standards Manual: Records Management*. Perth. Library Board of Western Australia.

**For further information regarding this standard contact
State Records Office of WA
ph: 9427 3360
email: sro@sro.wa.gov.au**

STATE RECORDS COMMISSION

SRC Standard 2

RECORD KEEPING PLANS

A Record Keeping Standard for State Organizations

**State Records Commission of WA
Perth, Western Australia
February 2002**

SRC STANDARD 2—RECORD KEEPING PLANS

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SRC STANDARD 2—RECORD KEEPING PLANS

DEFINITIONS

Disposal—refers to the removal of records from the organization once they have reached the inactive phase, and their subsequent destruction, or permanent retention as State archives.

Disposal Authority—the document authorising the disposal of records. This may take the form of a Retention and Disposal Authority or Schedule, an Ad Hoc Disposal Authority or a Disposal List, which has been approved. The State Records Commission is the authorizing body for disposal authorities.

File titling system—is a listing or outline of file titles in use in the organization, regardless of format.

General Disposal Authority—a document designed to provide consistency throughout government organizations in disposal activities and decisions. It covers records common to all State organizations such as Human Resource Management and Financial and Accounting. The General Disposal Authority for Local Government covers records common to local governments and may eliminate the necessity for each to prepare its own Schedule.

Government organization—is an organization listed in Schedule 1 or Schedule 3 of the State Records Act 2000.

Government record—is a record created or received by a government organization or a government organization employee or contractor in the course of the work for the organization.

List of authorized headings—A list of authorized subject headings, sometimes known as a list of indexable headings or a thesaurus, is a simple alphabetical listing of terms derived, initially, from terms in the classification scheme. The meaning of the term must be prescribed and relationships between terms shown. It must allow control of the terminology used to name records, by establishing the terms acceptable to and used in the natural language of the organization.

Parliamentary department—is a department that is deemed to have been constituted in relation to the administration of Parliament for the purposes of the *Financial Administration and Audit Act 1985* by regulations made under Section 3(2) of that Act.

Parliamentary record—is a record created or received by a parliamentary department or a person in the course of their work for the department, whether the person is employed under a contract of service or is engaged under a contract for services or otherwise.

Record—means any record of information however recorded and includes—

- (a) any thing on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work, or photograph;
- (d) any thing on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- (e) any thing from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) any thing on which information has been stored or recorded, either mechanically, magnetically, or electronically.

State archive—is a State record that is to be retained permanently.

State organization—is a parliamentary department or a government organization.

State record—is a parliamentary record or a government record.

Thesaurus—is a complex alphabetical listing of all terms derived from a classification scheme. Such tools act as a guide in the allocation of classification terms to individual records. In a thesaurus the meaning of the term is specified and hierarchical relationships to other terms shown. A thesaurus should provide sufficient entry points to allow users to navigate from terms that are not to be used to the preferred terminology adopted by the organization.

PURPOSE

The purpose of this Standard, established under Section 61 of the State Records Act 2000, is to ensure that government organization record keeping plans submitted to the State Records Commission for approval, meet the requirements of the State Records Act 2000.

BACKGROUND

The State Records Act 2000 is an Act to provide for the keeping of State records and for related purposes. Section 19 of the Act requires that every government organization must have a record keeping plan that has been approved by the State Records Commission.

Parliamentary departments are required under Section 12 of the Act to have a record keeping plan that is approved by the President of the Legislative Council or the Speaker of the Legislative Assembly.

Government organizations listed in Schedule 3 are required, under Section 27 of the Act, to have a record keeping plan that is approved by their relevant Minister.

The State Records Commission is required, under Section 25 of the Act, to have a record keeping plan that is approved by the Minister.

A government organization's record keeping plan sets out the matters about which records are to be created by the organization and how it is to keep its records.

The record keeping plan shall comprise one or more documents which, when assessed as a whole, will provide an accurate reflection of the record keeping program within the organization. More specifically, documentation regarding the organization's record keeping system/s, disposal arrangements, policies, practices and processes will be the essential components of the record keeping plan. The inclusion of such documentation will constitute evidence of compliance. Each government organization will be expected to present sufficient evidence that best practices have been implemented within the organization.

Extracts or complete documentation (where applicable) based upon the principles in this standard are to be compiled to form the record keeping plan.

SCOPE

The principles and minimum compliance requirements in this Standard apply to all government organizations.

Parliamentary departments must prepare a draft record keeping plan in consultation with the Commission and taking note of any relevant principles and standards established by the Commission under section 61 of the Act.

Principle 1—Proper and Adequate records

Government organizations ensure that records are created and kept which properly and adequately record the performance of the organization's functions and which are consistent with any written law to which the organization is subject when performing its functions.

Rationale

Every government organization has roles and functions, usually mandated by legislation, regulation or government directive. There is a wide-ranging set of activities and transactions conducted in the performance of the roles and functions. Proper and adequate records of an organization's business activity must be created and kept to ensure sufficient evidence of an organization's performance of those functions.

To address matters about which records are or should be created, organizations are to identify and describe the internal and external sources of authority that have a bearing on the creation and

keeping of its records. Particular attention should be paid to explicit requirements for record keeping.

An organization's record keeping policies and procedures and its Retention and Disposal Schedule will address specific details about which records will be created and kept.

Under Principle 1, an organization must identify and describe its broad record keeping requirements within the business and regulatory environments in which it operates.

Minimum Compliance Requirements

1. The record keeping plan will provide information about—
 - historical background of the creating body;
 - mission statement, strategic focus and main business activity of the organization;
 - functions and activities including those that are contracted out to other organizations; and
 - major stakeholders of the organization.
2. The record keeping plan will provide a list of—
 - enabling legislation (legislation that establishes the organization and its functions);
 - legislation administered by the organization;
 - other legislation affecting the functions or operations of the organization; and
 - major government or industry standards and codes of practice imposed on or adopted by the organization.

Principle 2—Policies and Procedures

Government organizations ensure that record keeping programs are supported by policy and procedures.

Rationale

A government organization's record keeping program is to be compliant with legislative requirements. It should be reliable, systematic and well managed within a framework for consistent and accountable implementation. To achieve this, policies and procedures governing record keeping matters in the organization should be in place.

A record keeping policy, in the form of one or more identifiable policy statements, should be authorized at an appropriate senior level, promulgated throughout the organization, and be available to all employees.

Record keeping policy statements should be comprehensive and provide the framework for underlying procedures. They should emphasize the corporate ownership of government records; that all records are corporate assets and as such, do not belong to individual employees. They should formally define the roles and responsibilities of all employees who manage or perform record keeping processes. Most importantly, they should establish an official position on the making and keeping of proper and adequate records of the organization's business activities.

Standard operating procedures for all staff to follow when carrying out record keeping tasks should be in accordance with the organization's record keeping policy and be based on best-practice standards.

Minimum Compliance Requirements

The record keeping plan must provide evidence to adduce that—

1. Policies and standard operating procedures governing record keeping in the organization are established, authorized at an appropriate senior level, and are available to all employees.
2. The policies and procedures define the roles and responsibilities of all employees who manage or perform record keeping processes.
3. The policies take into account relevant government policy and endorsed standards for the making and keeping of proper and adequate records.
4. The policies and procedures cover records in all formats and all aspects of their management, including—
 - creation of records;
 - capture and control of records;
 - security and protection of records;
 - access to records; and
 - appraisal, retention and disposal of records.
5. The organizational scope of the policies and procedures has been addressed, i.e. whether they are applicable to the entire organization, including divisions, regional branches and offices, and outsourced contractors.

6. The custodianship and management of government records has been addressed in regard to organizational restructures, the transfer of an organization's functions, the creation of new business units or the devolution of authority for managing government records.

Principle 3—Language Control

Government organizations ensure that appropriate controls are in place to identify and name government records.

Rationale

Appropriate mechanisms for controlling the language or terminology used to identify and name an organization's records should be in place to support the organization's business classification scheme.

Such mechanisms, for example, a thesaurus, an authorized list of (subject) headings, or a file titling system, should suit the complexity of the records of the organization and should reflect the terminology used to label the organization's business functions, activities and transactions.

Tools to control and maintain consistent use of language will assist organization-wide uniformity and result in improved indexing, tracking and retrieval of information. Organizations should ensure that the tools used for conventional records are also applicable to electronic records.

Minimum Compliance Requirements

The record keeping plan must provide evidence to adduce that—

1. An appropriate tool is in place whereby records are identified and named in a systematic and consistent way.
2. The tool is capable of being augmented and adjusted to reflect changing functions of the organization's business.
3. Any changes to the structure and content of the tool are controlled, authorized and recorded.

Principle 4—Preservation

Government organizations ensure that records are protected and preserved.

Rationale

Organizations and their employees are responsible for preserving government records for as long as required by law and business requirements. A major threat to the preservation of records is the risk of disaster, natural or otherwise.

Organizations are to establish and maintain a disaster management plan for the records of the organization.

A disaster management plan for records is a plan setting out the strategies and activities for preventing disasters, for preparing an appropriate response to and recovery from disasters, should they occur, and resuming normal business.

Minimum Compliance Requirements

The record keeping plan must provide evidence to adduce that—

1. The organization has identified and assessed the risks and impacts of disasters on its recorded information.
2. The organization has planned strategies and activities for the reduction and management of risks to its records.
3. The organization has planned quick-response strategies and activities for salvaging, recovering and stabilizing the condition of the organization's records should a disaster occur.

Principle 5—Retention and Disposal

Government organizations ensure that records are retained and disposed of in accordance with an approved disposal authority.

Rationale

A government organization's records are to be retained and disposed of in accordance with an approved disposal authority. The State Records Commission, via the State Records Advisory Committee, is the authorizing body for disposal authorities.

Every government organization shall operate an approved Retention and Disposal Schedule, being the records retention and disposal component of the record keeping plan. A Retention and Disposal Schedule is a systematic and comprehensive listing of categories or series of records created and/or kept by an organization, which plans the life of those records from creation to ultimate disposal.

For information and guidance on the preparation, format and content of a Retention and Disposal Schedule, organizations are to refer to Sections 8 and 9 in the *Records Disposal: A Handbook for Government Agencies*, published by the State Records Office.

Minimum Compliance Requirements

1. An approved records Retention and Disposal Schedule is operating in the organization.
2. The Retention and Disposal Schedule must—
 - identify the records of the organization and their formats;
 - identify those government records that will be State archives (in accordance with SRC Standard 3—Appraisal of records);
 - identify those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives (in accordance with SRC Standard 4—Restricted Access Archives);
 - identify those State archives that will not be transferred to the State archives collection (in accordance with SRC Standard 5—Compulsory Transfer of Archives);
 - stipulate the retention period for those government records that are not State archives (in accordance with SRC Standard 3—Appraisal of records);
 - identify other (previous and current) disposal authorities of the organization; and
 - refer to the appropriate General Disposal Authorities published by the State Records Office, and state that the retention and disposal of relevant records will conform to the standards set in these authorities.

Note: The **General Disposal Authority for Financial and Accounting Records** and the **General Disposal Authority for Human Resource Management Records** cover financial and accounting records and human resource management records, common to most government organizations and prescribe the authorized disposal of these records.

Organizations should not incorporate financial, accounting or human resource records into their Retention and Disposal Schedule unless there is particular justification for varying the retention period for any records covered by the General Disposal Authorities.

Local Governments should refer only to the **General Disposal Authority for Local Government Records**.

Principle 6—Compliance

Government organizations ensure their employees comply with the record keeping plan.

Rationale

An organization and its employees must comply with the organization's record keeping plan.

Organizations should develop and implement strategies for ensuring that each employee is aware of the compliance responsibilities.

Minimum Compliance Requirements

The record keeping plan is to provide evidence to adduce that—

1. The efficiency and effectiveness of the organization's record keeping systems is evaluated not less than once every 5 years.
2. The organization conducts a record keeping training program.
3. The efficiency and effectiveness of the record keeping training program is reviewed from time to time.
4. The organization's induction program addresses employee roles and responsibilities in regard to their compliance with the organization's record keeping plan.
5. The organization includes within its annual report an appropriate section that addresses points 1-4.

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For further information regarding this standard contact

State Records Office of WA

ph: 9427 3360

email: sro@sro.wa.gov.au

STATE RECORDS COMMISSION

SRC Standard 3

APPRAISAL OF RECORDS

A Record Keeping Standard for State Organizations

**State Records Commission of WA
Perth, Western Australia
February 2002**

SRC STANDARD 3—APPRAISAL OF RECORDS

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SRC STANDARD 3—APPRAISAL OF RECORDS

DEFINITIONS

Appraisal—is the process of determining which records are to be retained as archives and which will be destroyed.

Disposal Authority—the document authorising the disposal of records. This may take the form of a Retention and Disposal Authority or Schedule, an Ad Hoc Disposal Authority or a Disposal List, which has been approved. The State Records Commission is the authorizing body for disposal authorities.

General Disposal Authority—a document designed to provide consistency throughout government organizations in disposal activities and decisions. It covers records common to all State organizations such as Human Resource Management and Financial and Accounting. The General Disposal Authority for Local Government covers records common to local governments and will eliminate the necessity for each organization to prepare its own Schedule.

Government organization—is an organization listed in Schedule 1 or Schedule 3 of the State Records Act 2000.

Government record—is a record created or received by a government organization or a government organization employee or contractor in the course of the work for the organization.

Record—means any record of information however recorded and includes—

- (a) any thing on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work, or photograph;
- (d) any thing on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- (e) any thing from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) any thing on which information has been stored or recorded, either mechanically, magnetically, or electronically.

Record keeping plan—is the plan required under Parts 2 and 3 of the State Records Act 2000. State Records Commission Standard 2 provides details about the plan.

Retention and Disposal Schedule—is a systematic and comprehensive listing of categories, or series, of records created and/or kept by an organization that plans the life of those records from creation to ultimate disposal.

Retention period—in relation to a record, means the period for which the record must be kept before it may be destroyed.

State archive—is a State record that is to be retained permanently.

State record—is a parliamentary record or a government record.

PURPOSE

The purpose of this Standard, established under Sections 61(1)(c) and (f) of the State Records Act 2000, is to ensure that State organizations determine which State records should be State archives and determine the retention periods for State records that are not to be State archives.

BACKGROUND

Under State Records Commission Standard 2: Principle 5 (Retention and Disposal), State organizations are to retain and dispose of their records in accordance with an approved disposal authority. The State Records Commission is the authorizing body for disposal authorities.

Several General Disposal Authorities published by the State Records Office are current for the disposal of the records they describe. The General Disposal Authority for Financial and Accounting Records (1996) and the General Disposal Authority for Human Resource Management Records (revised 1999), authorize the retention and disposal of these types of records, which are common to most organizations. State organizations must use these General Disposal Authorities for the retention and disposal of records covered in them.

The General Disposal Authority for Local Government Records covers the retention and disposal of records (including finance and accounting and human resource management records) common to most local governments. Local governments must use this General Disposal Authority for the retention and disposal of records covered by the General Disposal Authority.

State organizations are to operate an approved Retention and Disposal Schedule for those records created or received by the organization that are not covered by the General Disposal Authorities.

SCOPE

The principles and minimum compliance requirements in this Standard apply to all State organizations as defined in Section 3 of the State Records Act 2000.

Principle 1—Appraisal of Records

State records are to be kept for as long as required.

Rationale

Every State record, or record series, has a minimum retention period for which it must be kept. Some records series have continuing value and are to be kept permanently as State archives, either within the State archives collection or, in the case of electronic records designated as having archival value, within and by the organization that created or received them. Some records series are to be kept by the organization for the life of the organization. Most records series may be destroyed at the end of their minimum period of retention, in accordance with an approved retention and disposal schedule.

State organizations in developing their Retention and Disposal Schedules must determine which records series are to be retained permanently as State archives and must determine the minimum length of time that a record series, which is not to be a State archive, is to be retained.

The essential criteria for making these determinations are described in *Records Disposal: A Handbook for Government Agencies* (2000) produced by the State Records Office. State organizations may liaise with the State Records Office in making retention and disposal determinations.

Minimum Compliance Requirements

1. State organizations retain and dispose of records covered by the General Disposal Authorities in accordance with those Authorities.
 - The General Disposal Authority for Financial and Accounting Records.
 - The General Disposal Authority for Human Resource Management Records.
 - The General Disposal Authority for Local Government Records.
2. State organizations must take into account legislative and any other legal requirements that prescribe the minimum retention period for a record or records series, and/or identify which records, created or received by the organization in the performance of its functions, are to be retained permanently.
3. State organizations must use the appraisal criteria described in *Records Disposal: A Handbook for Government Agencies*, for determining the minimum retention period and final disposition of those records of the organization not covered by the General Disposal Authority.

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State Records Office of Western Australia. (1995) *General Disposal Authority for Financial and Accounting Records*. Perth. Library Board of Western Australia.

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For further information regarding this standard contact
State Records Office of WA
ph: 9427 3360
email: sro@sro.wa.gov.au

STATE RECORDS COMMISSION

SRC Standard 4

RESTRICTED ACCESS ARCHIVES

A Record Keeping Standard for State Organizations

**State Records Commission of WA
Perth, Western Australia
February 2002**

SRC STANDARD 4—RESTRICTED ACCESS ARCHIVES

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SRC STANDARD 4—RESTRICTED ACCESS ARCHIVES

DEFINITIONS

Government organization—is an organization listed in Schedule 1 or Schedule 3 of the State Records Act 2000.

Government record—is a record created or received by a government organization or a government organization employee or contractor in the course of the work for the organization.

Parliamentary record—is a record created or received by a parliamentary department or a person in the course of their work for the department, whether the person is employed under a contract of service or is engaged under a contract for services or otherwise.

Record—means any record of information however recorded and includes—

- (a) any thing on which there is writing or Braille;
- (b) a map, plan, diagram or graph;
- (c) a drawing, pictorial or graphic work, or photograph;
- (d) any thing on which there are figures, marks, perforations, or symbols, having a meaning for persons qualified to interpret them;
- (e) any thing from which images, sounds or writings can be reproduced with or without the aid of anything else; and
- (f) any thing on which information has been stored or recorded, either mechanically, magnetically, or electronically.

Record keeping plan—is the plan required under Parts 2 and 3 of the State Records Act 2000. State Records Commission Standard 2 provides details about the plan.

Restricted access archive—is a State archive that is a government record and to which access is restricted until it is of a certain age.

State archive—is a State record that is to be retained permanently.

State organization—is a parliamentary department or a government organization.

State record—is a parliamentary record or a government record.

PURPOSE

The purpose of this Standard, established under Section 61(1)(d) of the State Records Act 2000, is to ensure that the implications of restricted access provisions of the Act are clearly identified and implemented.

BACKGROUND

Many State archives contain sensitive information. That information may be of a personal nature, have commercial significance, or may include culturally sensitive information. Section 3 of the Act defines a restricted access archive as ...“a State archive that is a government record and to which access is restricted until it is of a certain age”.

The Act requires all government organizations to identify restricted access archives in their record keeping plans and recommend when those records will cease to be restricted. The Commission may approve or not approve these recommendations. If the recommendations are upheld the Commission is required to determine the restricted access period and review these restrictions every five (5) years.

SCOPE

The principles and minimum requirements of this Standard apply to all Government organizations.

Principle 1—Identification of a Restricted Access Archive

State organizations must ensure that restricted access archives are identified in record keeping plans.

Rationale

The record keeping plan must identify those State archives that are to be restricted access archives. The State Records Commission will authorize access recommendations before it ratifies the plan. An organization can apply at any time for the access restriction to be varied. All determinations by the Commission are to be reviewed within five (5) years.

Minimum Compliance Requirements

A government organization must provide evidence that—

- a considered appraisal process has been undertaken to identify State archives to be the subject of a restriction;
- the creating organization of those archives is identified;

- the reasons for restriction are documented;
- the proposed open access date is documented;
- the access restriction is total or conditional; and
- a formal application process to enable public access is in place *.

** In terms of the State Records Act 2000, the application is made under the Freedom of Information Act 1992 (section 46 of the State Records Act 2000 refers).*

Principle 2—Open Access Archives

State archives must be open for public inspection at some point in their life.

Rationale

The spirit of the State Records Act 2000 is to facilitate open access to State archives by the community unless special conditions apply. In general, government organizations may transfer State archives to the State archives collection at any time. State Records Commission Standard 5 provides details about transfer of State archives to the State archives collection. Once in the State archives collection, those records are available for public inspection subject to Section 37 of the Act.

State archives still in the custody of a government organization after twenty-five (25) years are open to the public, unless the record keeping plan of the government organization that has control of them says otherwise.

Minimum Compliance Requirements

Government organizations must provide evidence that—

1. State archives which are subject to a restriction are identified, and that the Commission's authorization is readily available.
2. A mechanism is in place to ensure that restrictions are referred to the Commission for review at least every five (5) years.
3. Where a State archive is more than twenty-five (25) years old, is an open access archive and remains in the custody of the responsible organization, the organization has a mechanism in place for the public to have access to the archive.

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For further information regarding this standard contact

State Records Office of WA

ph: 9427 3360

email: sro@sro.wa.gov.au

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STATE RECORDS COMMISSION

SRC Standard 6

OUTSOURCING

A Record Keeping Standard for State Organizations

**State Records Commission of WA
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SRC STANDARD 6—OUTSOURCING

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SRC STANDARD 6—OUTSOURCING

DEFINITIONS

Contractor—is the person or persons with whom the State organization has entered into a contract or arrangement whereby the person or persons are to perform any function for the organization.

Control—means the responsibility for keeping a record but does not include the responsibility for creating it.

Custody—means the responsibility for the care of State records usually based on their physical possession. Custody does not include legal ownership, or the right to control access to the records.

Government organization—is an organization listed in Schedule 1 or Schedule 3 of the State Records Act 2000.

Government record—is a record created or received by a government organization or a government organization employee or contractor in the course of the work for the organization.

Outsourcing—is the transfer of responsibility for a service or function conducted by the State organization to an external service provider.

Ownership—means the legal, physical and intellectual property rights over state records. The records may not be in the custody of a state organization but they remain the property of the State.

Parliamentary department—is a department that is deemed to have been constituted in relation to the administration of Parliament for the purposes of the *Financial Administration and Audit Act 1985* by regulations made under Section 3(2) of that Act.

Parliamentary record—is a record created or received by a parliamentary department or a person in the course of their work for the department, whether the person is employed under a contract of service or is engaged under a contract for services or otherwise.

State archive—is a State record that is to be retained permanently.

State organization—is a parliamentary department or a government organization.

State record—is a parliamentary record or a government record.

PURPOSE

The purpose of this Standard, established under Section 61(1)(b) of the State Records Act 2000, is to define principles and standards governing contracts or arrangements entered into by State organizations with persons to perform any aspect of record keeping for the organization.

BACKGROUND

The State Records Act 2000 is an Act to provide for the keeping of State records and for related purposes. Section 61(1) of the Act requires that the State Records Commission is to establish principles and standards for record keeping.

It is of the utmost importance that the integrity of State records be maintained and that proper procedures ensuring correct capture, management and maintenance are put in place at the time that any contract or agreement is entered into. Such contracts or agreements may involve contracting an individual or an organization to act as the State organization's agent to deliver services to clients, or for the State organization's own use.

Contracts should provide that the contractor create records that meet the organization's accountability requirements, in relation to the functions performed or services provided for the organization. Such contracts should also provide that the contractor maintain those records according to standards acceptable to the organization, for as long as the records are required and return them to the organization when the contract expires.

SCOPE

The principles and minimum compliance requirements in this Standard apply to all State organizations as defined in Section 3 of the State Records Act 2000.

Contracts and agreements must be developed in accordance with government guidelines supplied by the State Supply Commission and the Department of Industry and Technology.

Principle 1—Planning

State organizations ensure that the keeping of State records is in accordance with legislative requirements.

Rationale

The process of engaging a contractor to deliver services to clients or to provide support services to the organization is usually achieved through a contract or binding service agreement. These contracts and agreements can generally cover areas such as service levels, performance

benchmarks, costs and penalties. Records, which enable compliance measurement to be undertaken, must also be included.

It may be legally difficult to re-acquire records when needed for administrative purposes or litigation if access to records is not included in the contract or agreement.

Accordingly, State organizations must ensure that access to State records is considered in the planning process and included in the contract or agreement established for outsourcing.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. Specific record keeping requirements in any enabling legislation relating to the organization are analysed, documented and accommodated within the contract or agreement.
2. If the contracting out is taking place as a result of specific legislation and there are specific provisions relating to record keeping, these provisions are considered when developing the contract or agreement. In other instances, record keeping provisions may not be specifically mentioned within the legislation but may be intended to be covered within the scope of the term “assets”.
3. The records and their owners are identified.
4. The organization and the contractor are bound by the State Records Act 2000 and any Principles and Standards developed in accordance with the Act.
5. The disposal of the records is in accordance with Western Australian legislation.
6. Unlimited access to the records is provided for the organization and access provisions are specified to the contractor.
7. Records custody provisions are defined, both within the contracting body and the State organization.
8. Control and ownership of the records are established for the duration of the contract and following completion of the contract or agreement.

Principle 2—Ownership

State organizations ensure that the ownership of State records is addressed and resolved during outsourcing exercises.

Rationale

Failure to clarify issues surrounding the legal ownership of records, and the information they contain, in outsourcing agreements and contracts can severely restrict the business capabilities of the contractor and expose the organization to considerable risks. The issue of ownership extends not only to records of the organization that may be acquired by the contractor but also to records created by the contractor during the life of the agreement or contract.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. Existing State records, for which custody is to be transferred to the contractor, are specified.
2. State records remaining the property of the State organization are specified.
3. Any records remaining the property of the contractor at the completion of the contract or agreement are specified.
4. Ownership of the intellectual property of the records is specified.
5. Any State records of the State organization that are excluded from the transfer of custody to the contractor are specified.
6. The legal ownership of records, or copies of those records, created by the contractor during the course of the contract or agreement is specified.
7. Any limitation imposed on the contractor for the use of State records, and disclosure of information contained therein, is specified.
8. All rights of the State organization regarding the use of records created by the contractor during the life of the contract or agreement, are specified.
9. State records are returned to the State organization upon completion of the contract or at any other time specified by the State organization.

Note: State organizations should be cognisant of the specifications relating to intellectual property outlined in Government Information and Technology Contracts (GITC) 3 Terms and Conditions.

Principle 3—Control

State organizations ensure that contractors comply with the record keeping controls determined by the record keeping plan of the organization.

Rationale

Even though a service or operation has been outsourced it is likely that the controlling organization will retain some degree of responsibility and control over the contractor and how it performs its business. This control will be best supported by the State organization ensuring proper and adequate records management practices are observed by the contractor.

To make this possible the State organization must require the contractor to create and manage records, whether manual or automated, effectively and efficiently in a manner specified by the organization. The organization may also require that the contractor follow particular government policies and standards that are binding upon the organization.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. Any records that must be created to enable the State organization and the contractor to fulfil their statutory and service obligations are stipulated.
2. The State organization ensures that the contractor is complying with any relevant State legislation with regard to creation and management of proper and adequate records relating to the business function, activity or operation being outsourced.
3. The State organization ensures that the contractor is complying with record keeping standards, policies, procedures and guidelines stipulated by the organization.
4. The State organization stipulates any technical standards needed to ensure the information created and managed by the contractor can integrate with other government or private service provider record keeping systems, as required.

Principle 4—Disposal

State organizations ensure that State records are disposed of in accordance with Western Australian legislation.

Rationale

State records transferred to the custody of the contractor and those State records received or created by the contractor during the term of the contract, remain the property of the State

organization. They must be disposed of in accordance with an approved disposal authority. The State Records Commission, via the State Records Advisory Committee, is the authorising body for disposal authorities.

Further disposal issues are addressed under Principle 7—Contract Completion.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. A Retention and Disposal Schedule covering the records of the outsourced function, both those state records transferred to the custody of the contractor and those State records received or created by the contractor during the term of the contract, will be developed and submitted to the State Records Commission for approval.
2. All State records included in the terms of the contract are returned to the organization, in accessible format, before or at the conclusion of the contract, for disposal in accordance with the approved Retention and Disposal Schedule.

Principle 5—Access

Agreement is reached between the State organization and the contractor concerning the provision of access to State records.

Rationale

State records are retained not only for their administrative use, but also as an information resource for non government access. This access is established in the State Records Act 2000, Freedom of Information legislation and other instruments.

This dual access role of State records is easy to establish and maintain whilst the records remain in the custody of the government. It is vital therefore, that organizations ensure that when they are considering outsourcing, issues of access to State records held by the contractor are written into the contract. Failure to do so will make it extremely difficult for the organization to inspect and validate the service delivery being performed for it by the contractor, and Government accountability through its record keeping systems may be compromised.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. Agreement is reached between the State organization and the contractor concerning access by the organization to State records held by the contractor.

2. Agreement is reached between the State organization and the contractor concerning public access to State records held by the contractor.
3. Agreement is reached between the State organization and the contractor concerning any State records held by the contractor, to which access by the public is restricted.
4. Agreement is reached between the State organization and the contractor upon State records, held by the organization, to which the contractor requires access.
5. The State organization shall ensure that public access to State records held by the contractor, is no less than was previously available when the records were in the custody of the State organization.
6. The State organization ensures that the access rules established under the agreement are enforced equitably and consistently.

Principle 6—Custody

State organizations ensure that the custody of State records is addressed and resolved as part of the outsourcing arrangements.

Rationale

The custodial arrangements for State records are well established and have been designed to fulfil the requirements of the State Records Act 2000, and other instruments where these exist. It is important that these gains are not lost when an agency is outsourcing a function, activity or operation.

Poor, or no, decisions over the custodial arrangement for State records will result in the loss of records of evidential value, the integrity of collections of records being lost and unnecessary duplication and waste of effort will follow. Organizations must ensure that when they are outsourcing they include custodial arrangements in the agreements and contracts that are entered into with contractors.

It is also vital that organizations ensure that these agreements and contracts include arrangements for the custody of records at the end of the agreement or contract.

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. Custody agreements are reached between the organization and the contractor for State records stored off site by the contractor.

2. Custody agreements are reached between the organization and the contractor for records stored on site by the contractor.
3. The organization ensures that custody agreements it enters into with contractors, as indicated in 1 and 2 above, cover the following—
 - Environmental requirements, i.e. temperature and relative humidity levels within the areas where the records are stored;
 - Security and safety systems that operate over areas in which the records are stored;
 - The records storage container requirements;
 - The degree and detail of documentation of records held in the records storage area; and
 - The record arrangement requirements for records held in the records storage area.
4. The State Records Office is informed of the location of State records of the organization held outside the custody of that authority.

Principle 7—Contract Completion

State organizations ensure that State records are returned upon the completion of contracts.

Rationale

Just as organizations must ensure that the initial stages of a contract are well regulated and specified, they must also ensure that the completion, and post completion, stages of a contract are well regulated, monitored and specified. Failure to do so will result in lost information, increased risk of exposure to legal liabilities and wasted time and money.

It is unlikely that a contractor will wish to devote time and effort to the State records of an activity or function which it is no longer performing for the government, unless there is an established contractual requirement for them to do so.

It is equally important that these processes are planned to be initiated in advance of the completion of the contract. Where records are boxed, listed or transported in a hurry the risk of material of continuing value being lost or accidentally destroyed increases exponentially. An orderly end of contract or agreement process will result in good records management and fewer wasted resources, both by the contractor and the organization. It will also substantially reduce both the organization's and the contractor's exposure to risk.

See also Principle 4—Disposal

Minimum Compliance Requirements

The contract or agreement must provide evidence to adduce that—

1. The organization ensures that record custody issues, upon completion of the contract or agreement, are contained in the contract or agreement.
2. The organization ensures that record ownership issues, upon completion of the contract or agreement, are contained in the contract or agreement.
3. The organization ensures that record disposal issues, upon completion of the contract or agreement, are contained in the contract or agreement.
4. The organization ensures that record transfer issues, upon completion of the contract or agreement, are contained in the contract or agreement.
5. The organization ensures that the contract or agreement includes any restrictions on the Contractor using information from records for commercial profit or for unauthorised purposes, upon completion of the project, that the organization feels are required.
6. The organization ensures that the contract or agreement contains provisions for the orderly transfer of records when one contractor is replaced by another performing an outsourced function.
7. The organization ensures that the contract or agreement includes sufficient lead time for record issues to be addressed during the final stages of a contract or agreement.
8. The organization ensures that the record keeping issues at the completion stages of an outsourcing contract or agreement are well monitored and reported on at the request of the State Records Commission.
9. Those records identified by the State organization as State records be returned to the State organization.

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For further information regarding this standard contact
State Records Office of WA
ph: 9427 3360
email: sro@sro.wa.gov.au

Notes

- ¹ This is a compilation of the *State Records Principles and Standards 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>State Records Principles and Standards 2002</i>	5 Mar 2002 p. 885-929	6 Mar 2002 (see cl. 2 and <i>Gazette</i> 5 Mar 2002 p. 885)
<i>State Records Principles and Standards 2016</i>	21 Jun 2016 p. 2219	22 Jun 2016 (see cl. 2)