

Government Accountability in the Digital Age

An independent review of government records and information management
in Australia and New Zealand for the
Council of Australasian Archives and Records Authorities

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Glossary of terms

Data – any facts, statistics, instructions, concepts, or other information in a form capable of being communicated, analysed or processed (whether by an individual or by other means including a computer, electronic and automated means).

Records – the records (in digital and non-digital format) of decisions and activities of government which are created, received, kept, retained, maintained, preserved and provided access to and/or appropriately disposed of in accordance with archives and record authorities' legislation or regulations.

Information policy and standards – the policies and standards developed by archives and records authorities for government agencies to apply to all government business information, including data and records in digital and non-digital formats created, used or received as part of government business.

Information management – the maintaining, keeping and preservation and disposal of government information, in accordance with the required information policy and standards, set by archives or records authorities.

Digital agenda – the application of digital technology to reengineer administrative processes, products and services, and the channels by which citizens and businesses connect and communicate with agencies and departments.

Key findings and recommendations

Purpose of the review

This independent review was commissioned by the Council of Australasian Archives and Records Authorities (CAARA) to examine the state of government records and information management in Australia and New Zealand. The purpose of the review is to inform national, state and territory governments of the extent to which their agencies are capable of meeting government expectations with regard to information management, particularly as they continue the transition to digital processes and digital service delivery channels.

The findings set out below are largely derived from a survey of CAARA institutions and stakeholders. The recommendations in the report are informed by these findings but are the views of the independent reviewer.

Addressing the culture: providing leadership to agencies

Governments and central agencies do not consistently view archives and records authorities as integrity agencies with a central role in government accountability. There is little consistency in the portfolio position and status of CAARA authorities. Good recordkeeping and information management is essential to achieve trust in government and to deliver services to the public but this message cannot be delivered effectively by a CAARA authority unless it occupies a position of influence.

Independence and a position in a central portfolio are essential for CAARA agencies to ensure the credibility, influence and the visibility required for them to fulfil their roles and responsibilities. While independence is most visible when it is set out in legislation, a reasonable level of independence can be achieved in practice without a statutory basis by governance arrangements that avoid improper or undue influence. Even statutory independence can be compromised by funding that is not sufficient to fulfil statutory functions.

Recommendation 1

National, state and territory governments should ensure that archives and record authorities have the independence and a position in a central portfolio essential to ensure the credibility, influence and visibility required for them to fulfil their roles and responsibilities.

Information management and governance are often not seen as core functions of government agencies. While this attitude prevails, the impact of agency culture towards information management is at least as important as the legislative or policy framework. A consistent increase in advocacy and leadership as well as in outreach and training by CAARA authorities should raise awareness of the importance and value of information management and the risks of non-compliance.

There is room for improvement in the relationship between CAARA authorities and some government agencies. CAARA authorities need to demonstrate to all governments and agencies that while there are real costs in creating, managing, storing and preserving records and information over time, there is a good return on this investment. While the importance of recordkeeping for good governance and accountability is well understood by many, there are still challenges in prioritising records and information management.

Recommendation 2

Archives and record authorities should be active in advocacy and leadership to ensure that governments and government agencies understand the value of information management and the risks of non-compliance. The authorities need to demonstrate that while there are real costs in creating, managing, storing and preserving records over time, there is a good return on this investment.

The role and responsibilities of CAARA authorities

CAARA authorities are generally responsible for setting and issuing standards and guidelines for information management. While the authorities also generally have responsibility for providing advice and training to government agencies, limited resourcing means that these functions are often not fulfilled. Government agencies would value more tailored advice and training.

CAARA authorities also have responsibility for the monitoring and evaluation of information management practices, but such evaluation is currently described as ad hoc, reactive, or conducted at the strategic level based on self-assessment. The authorities do not conduct ongoing regular audits of particular government agencies. This function is often performed by audit offices.

Some CAARA authorities also have enforcement powers and can apply penalties for agency failures to comply with requirements, in particular for unauthorised disposal. In practice such powers are rarely, if ever, used. Little evidence was provided to this review to support the suggestion that enhanced penalties and broader enforcement powers would increase compliance with information management legislation, particularly in the absence of routine independent monitoring.

This review does not make any recommendation about enforcement powers but notes that the public reporting of non-compliance can in itself lead to significant improvement in compliance.

CAARA authorities generally have responsibility for the storage and preservation of permanent digital and permanent non-digital archival information but stakeholders comment that many authorities do not have the capacity to provide this storage. This can have serious adverse consequences for preservation and access.

While all agencies continue to strive for efficiencies and have prioritised function to some extent to respond to financial constraints, CAARA authorities have statutory obligations that require funding. CAARA authorities also dedicate a substantial proportion of their budgets to fixed property costs which can be difficult to trim. Any decrease in funding below this threshold means that authorities cannot satisfy their statutory obligations. Such regulatory failure would have serious risks to transparency, integrity, accountability and government service delivery to the public.

Recommendation 3

To ensure sound government decision making, proper accountability and transparency, national, state and territory governments should provide proper resourcing and ongoing funding for archives and records authorities to carry out their statutory functions including assuring the ongoing storage and preservation of permanent digital and non-digital archival records.

Providing secure storage of non-digital or digital temporary information is not generally a CAARA authority responsibility. This means that the creating or controlling agencies are the custodians of temporary material (often including through third party arrangements). Their ability and commitment to do this is inconsistent which can have serious implications for future access.

While large service-delivery agencies should consider this role as core business, it is not clear to this review that it is sensible or feasible for small and medium sized government agencies of all sizes and complexities to continue to individually maintain the provision of secure storage, or whether a collective arrangement would be more efficient.

Recommendation 4

National, state and territory governments should ensure that government agencies are properly resourced to comply with their recordkeeping obligations including the storage and preservation of temporary digital and non-digital records. They should also consider whether it is feasible for individual agencies to have responsibility for the storage and preservation of records or whether a collective arrangement in a jurisdiction would be more efficient.

The effectiveness of legislation and policy frameworks

A small majority of both CAARA authorities and stakeholders find that the current framework provides effective arrangements for governing the creation and secure storage of government information; however, a significant proportion do not agree, particularly in respect of preservation and access regimes, and the management of digital information.

While a number of individual improvements were identified that could be made to legislation and policy frameworks, particularly to manage the move to digital records, a more significant challenge and risk identified again by stakeholders is the perceived current lack of resources in both CAARA authorities and government agencies to comply with the existing legislation and policy.

Working with other government authorities with related roles

Stakeholders generally agree that it is better practice to combine core archives and information management functions and responsibilities in a single agency. Where the functions are not integrated, the additional complexities for stakeholders require careful management.

Recommendation 5

National, state and territory governments should ensure that core archives and records management functions, including the setting of standards, are the responsibility of a single agency in any jurisdiction. Where the functions are not integrated, the additional complexities for stakeholders require careful management.

There is little conflict in responsibilities between CAARA authorities and other integrity agencies. In practice these other agencies often support the work of CAARA authorities.

Multiple authorities with information management roles are now an important part of the landscape. These authorities include a proliferation of government agencies that have a particular role in digital information standards and management.

While a number of agencies now have a role in the access of information, only CAARA authorities have the statutory authority and responsibility to set policies governing the creation, storage and preservation of records. If records are not created in the first place, government data will not exist in an accessible and usable form. Even very sophisticated artificial intelligence applications being developed for more efficient and effective service delivery rely on the diligent application of policies and rules that are the responsibility of CAARA authorities.

Generally there is a collaborative relationship with CAARA agencies but there needs to be more clarity and certainty in roles to reduce conflict and overlap and avoid gaps in responsibilities. Where a government proposes to establish a new agency or adjust the responsibilities of existing agencies with roles in digital information management and standards, the relevant CAARA authority should be consulted.

Recommendation 6

Where there are multiple agencies in a jurisdiction with a role in information standards and management, the government in that jurisdiction should ensure that there is clarity and certainty in roles to reduce conflict and overlap and avoid gaps in responsibilities. The relevant archives and records authorities should be consulted about any proposal to vary existing arrangements.

The impact of the digital transformation agenda

Governments are recognising the unprecedented opportunities for the application of digital technology to reengineer administrative processes, products and services, and the channels by which citizens and businesses connect and communicate with agencies and departments. This is the digital transformation agenda.

There is a concern that unless the digital transition is accompanied by an appropriate set of information management standards, practices, policies, legislation and governance arrangements, governments at all levels will not preserve and may potentially lose the important information that constitute memory and evidence of their activities.

Particular concerns were raised about:

- skills development and training and the overall governance arrangements
- lack of consistent standards and interagency operability
- lack of preparedness for long-term storage, preservation and access to a range of information in different formats
- current appraisal and disposal methodologies are not suitable for the rapid increase in digital information
- a significant risk for access to digital data is the obsolescence of legacy technology.

Not all views are negative, with some agencies welcoming opportunities to provide greater controls over the creation, storage and management, preservation and access to records.

Notwithstanding the opportunities that these greater controls should be able to provide, the weight of views is that government agencies are ill-prepared to meet their current obligation in respect of information management and compliance is being severely challenged by the digital transformation agenda. This could compromise business processes, service delivery and accountability in the future.

The storage and preservation of digital information is a key challenge for the future. This review finds that it is perhaps overly optimistic to believe that individual government agencies will be able to securely store and manage their own digital information into the future, even using external storage providers. Governments should consider whether there would be economies of scale and more efficient use of scarce skilled human resources to manage this function centrally, particularly with the current increased threat of cybersecurity breaches

Recommendation 7

National, state and territory governments should consider whether there would be economies of scale and more efficient use of scarce skilled human resources to manage the storage and preservation of digital information centrally.

Ongoing advocacy is urgently needed to raise awareness of the risks associated with increasing obsolescence of storage technologies and to support the development of a cooperative approach to achieve this.

Recommendation 8

Archives and records authorities should consider developing and conducting an ongoing promotional campaign to raise awareness of the need to prevent loss of information through obsolescence.

Digital literacy skills

There is a lack of confidence in digital literacy skills in both archives and records authorities as well as in government agencies. There is also limited access to digital literacy development programs. This review finds that this is an area where CAARA authorities could work together and explore methods of ensuring that this training is available and delivered.

Recommendation 9

Archives and records authorities should explore partnering with vocational educational institutions and other third-party training options to provide training in digital literacy to staff.

Capacity of agencies to provide timely and proper access to records

Information access is crucial to government accountability and trust. The ongoing trend of decreased trust in authorities, particularly governments, is concerning and should be met with greater transparency, not more secrecy.

Effective information access through archives and FOI legislation is essential but this review has found that current performance is sometimes poor. Identified barriers including inadequate prioritisation and resourcing, poor retention and disposal practices, and excessive agency clearance processes need to be addressed.

Recommendation 10

National, state and territory governments should work with the archival and records institution in their jurisdiction to identify and address barriers to effective information access including ensuring appropriate prioritisation and resourcing, proper retention and disposal practices, and streamlined agency clearance processes.

Part 1 Introduction

The UNESCO Universal Declaration on Archives states:

Archives record decisions, actions and memories. Archives are a unique and irreplaceable heritage passed from one generation to another. Archives are managed from creation to preserve their value and meaning. They are authoritative sources of information underpinning accountable and transparent administrative actions. They play an essential role in the development of societies by safeguarding and contributing to individual and community memory. Open access to Archives enriches our knowledge of human society, promotes democracy, protects citizens' rights and enhances the quality of life.¹

Archives and records authorities in Australia and New Zealand generally have the functions of setting and maintaining recordkeeping obligations in respect of government records and, after the passage of time, facilitating the release of records to the public. This role is essential to support the integrity of decision making and to uphold the accountability of public officials to governments, parliaments and the public.

Archives and records are the tools by which governments can make themselves accountable and demonstrate their democratic credentials. Well-managed archives and records are the means by which a country can understand the who, when, where, how and why of government actions. They enable the delivery of human rights and the ability for a government to explain and defend its actions. Good management also ensures efficient, timely government.²

For archives to be of value to society they must be a trusted resource. To achieve this they must have the following qualities:

- Authenticity - the record is what it claims to be, created at the time documented, and by the person that the document claims to be created by.
- Reliability - they are accurately representing the event, although it will be through the view of the person or organisation creating that document.
- Integrity - the content is sufficient to give a coherent picture.
- Usability - the archive must be in an accessible location and usable condition.³

¹ UNESCO Universal Declaration on Archives, <https://www.ica.org/en/universal-declaration-archives>

² International Council on Archives, <https://www.ica.org/en/why-archiving>

³ <https://www.ica.org/en/what-archive>

Part 2 Background to this review

The Council of Australasian Archives and Records Authorities (CAARA) is the peak body of government archives and records authorities in Australia and New Zealand. CAARA Council comprises the heads of the government archives authorities of the Commonwealth of Australia, New Zealand and each of the Australian states and territories.

CAARA has the following ten members:

- National Archives of Australia (NAA)
- State Archives and Records Authority of New South Wales (SARA NSW)
- Tasmanian Archive and Heritage Office (TAHO)
- Queensland State Archives (QSA)
- State Records Office of Western Australia (SROWA)
- Library and Archives NT (LANT) formerly Northern Territory Archives Service (NTAS)
- State Records of South Australia (SRSA)
- Public Record Office Victoria (PROV)
- Territory Records Office, Australian Capital Territory (TRO ACT)
- Archives New Zealand (Archives NZ).

The aims of CAARA are to improve the practice of government archives and records management by:

- sharing information and knowledge
- collaboration across jurisdictions
- identifying and responding to emerging issues impacting on government archives and records management
- building the reputation of CAARA as the peak body for government archives and records management
- being an advocate for government archives and records management.

Matters that have previously been considered by CAARA include the management of information following the transfer of functions between governments, and between governments and the private sector; principles for the disposal and access to ministerial information; the ongoing review of copyright legislation; and the state of archives in Australia.

CAARA members believe that the most pressing issue for archives in the government sector is the transition to digital technology. Governments are recognising the unprecedented opportunities for the application of digital technology to reengineer administrative processes, products and services, and the channels by which citizens and businesses connect and communicate with agencies and departments. This is the digital transformation agenda.

This transition to digital government has a number of significant risks. As government processes and services have moved to a digital platform they have, in many cases, become disconnected from traditional recordkeeping processes.

CAARA engaged Dr Vivienne Thom AM to undertake an independent review of government records and information management in Australia and New Zealand to inform its member governments of

the extent to which their agencies are capable of meeting government expectations with regard to information management, particularly as they continue, in various forms, the transition to digital processes and digital service delivery channels.

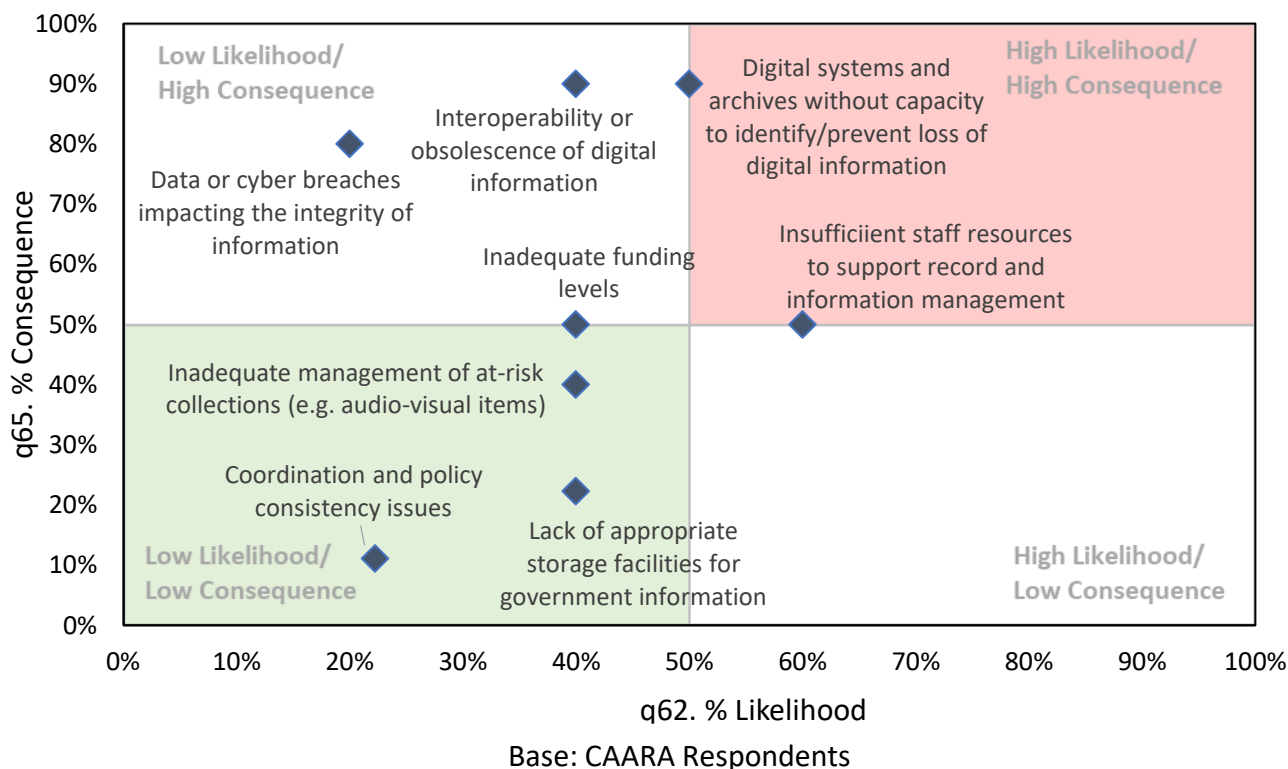
The review was directed to:

[I]nvestigate and report on the current status of government agency recordkeeping in each state and national jurisdiction of Australia and New Zealand and the extent to which existing arrangements provide an effective framework for the creation, preservation and access to the records of activity and decisions.

To inform the review, CAARA engaged Orima Research to conduct a survey to collect information from CAARA authorities and stakeholders. A total of 48 stakeholders responded from key areas of government: integrity and accountability, information technology and data authorities, commissions, audit and legal, lead portfolio departments, external stakeholders including civil society, research and the information sector. The information from the survey formed a key input into this review report, along with third-party resources and consultation with CAARA members. New Zealand stakeholders were not approached for this survey, but the review was provided with the results of a survey of stakeholders conducted by Archives NZ in late 2018.

As part of this survey, CAARA authorities were asked to identify the likelihood and consequences of a range of areas of risk relating to information management that could be experienced by government agencies in their jurisdiction. The results are set out in figure 1.

Figure 1: The likelihood and consequence that a particular area of risk will be commonly experienced by government agencies.



The two highest likelihood/highest risk areas as identified by CAARA authorities are that digital systems and archives will not have the capacity to identify or prevent the loss of digital information, and that government agencies will have insufficient staff resources to support record and information management. The mid-level risks identified were all related to the digital agenda, resourcing and expertise.

Realisation of any of these risks could severely compromise government information and the business of government, including the provision of services to the public, and critically affect the ability of government to demonstrate standards of transparency, integrity and accountability. The potentially serious consequences of these recognised risks provide confirmation that it is indeed timely to examine the extent to which agencies are capable of meeting government expectations with regard to information management in the context of the digital transformation agenda.

The focus of this review is on the digital agenda and accountability and integrity. It does not seek to address issues relating to archives and records authorities' roles as custodians of our cultural history. In any event, there is the risk that if the current situation does not improve, our archival collection will be fragmented and incomplete. Future access to our heritage is dependent on meeting the challenges set out in this review.

Part 3 Why is good recordkeeping important?

An overview of the importance of the role of records and archives authorities is illustrated well by the following two diverse examples of what happens when good recordkeeping standards are not upheld with serious consequences for vulnerable citizens and for government accountability and integrity.

The Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse (December 2017) drew a clear link between the failure to maintain good recordkeeping standards and serious detrimental effects to the safety, health and welfare of vulnerable citizens. The Commission's final report identified the following deficiencies in recordkeeping and information management:

- poor practice that is systematic and enduring exacerbated distress and trauma for survivors
- records being withheld or access to them refused
- records being lost or misplaced resulting in loss of organisational memory
- difficult identification of victims, perpetrators and survivors
- preventing or hindering disciplinary action, redress, civil litigation and criminal proceedings
- inconsistencies in law and practice across authorities.

The Commission found that the creation of accurate records and the exercise of good recordkeeping practices are critical to identifying, preventing and responding to child sexual abuse. Records are also important in alleviating the impact of child sexual abuse for survivors. It also found that information sharing between authorities with responsibilities for children's safety and wellbeing, and between those authorities and relevant professionals is essential to identify, prevent and respond to incidents and risks of child sexual abuse. The Commission made a number of recommendation to address the concerns with specific responsibilities for the NAA.

This case also highlights the roles of archives authorities in supporting the work of such important and far-reaching inquiries. The NAA published a General Records Authority in October 2018 to ensure that relevant Australian government records are created, maintained and made available for survivors of child sexual abuse. This records authority addresses the report's recommendations by outlining the records that need to be created and setting the requirements for the retention and destruction of records relating to child sexual abuse incidents and allegations.

NAA had also previously issued a records disposal freeze in January 2013 to preserve Commonwealth records relating to the Royal Commission.

Learning from failure

In August 2015 Professor Peter Shergold AC released an independent review of government processes for the development and implementation of large public programs and projects. The review, *Learning from Failure: Why large government policy initiatives have gone so badly wrong in the past and how the chances of success in the future can be improved*, took into account the findings and recommendations of the Royal Commission into the Home Insulation Program, and the report of the Independent Audit of the NBN Public Policy Processes. The Shergold report highlighted the critical importance of good recordkeeping practices in ensuring sound decision making, and proper accountability and transparency. It observed:

The duty of public servants to provide frank advice in writing needs to be made clear and unambiguous. The HIP Royal Commission asked whether the deficiencies highlighted in departmental record keeping were indicative of a broader deficiency across government. They are. Indeed, it is surprising how many APS employees are unaware of their legal and professional obligations to record the business of government. As a result, record-keeping is too often treated as a low priority. This is something that should be corrected.

All significant advice and decisions that are part of an ongoing process of deliberation should be recorded. Much advice is part of an ongoing and iterative discussion. Part of the public servant's role is to assess the points at which a record is required. This might initially occur in an email or a diary note, but it is important that all documents that inform decisions find their way into formal records management systems. Proper record-keeping allows others in the future to fully understand the reasons for a decision or action. In the case of sensitive information, records may be tightly held and only released to the public after considerable time has passed. The record is no less important in these circumstances.

It noted that the landscape had changed in the digital age:

Ensuring a record of decisions is more challenging in the digital age, when ministers, their offices and departments deal with massive volumes of information. Today, most written communication takes place not on paper but through electronic media, and the iterative process of policy development is regularly conducted over email and SMS. Unfortunately, the most comprehensive guide to APS recordkeeping was completed in 2007, well before the current proliferation of smartphones and tablets within government. The APS should rebuild the discipline of good record-keeping and modernise it for the digital age. Texts matter.

The report also addressed the preservation and access of records for future accountability:

Advice on significant matters must be written down. There will rarely be a single document. The development of policy (as any good public servant knows) is an iterative process of argument, counter-argument, negotiation and compromise. Records of deliberative discussions in all forms, including emails and texts, should be retained.

... deliberative documents need to be preserved, whether written on paper or delivered by digital means. Nothing symbolises significance more than handing a minister a sheet of signed advice. Increasingly, though, policy is developed in real time by email and text message communication between departments and ministers' offices. These important electronic documents need to be managed as confidential records. They are the files of the future. They are our protection against 'digital amnesia'.

These reports are not isolated examples. During the course of its work, PROV observed a significant trend of record keeping non-compliance within government departments, agencies and other public bodies within its jurisdiction. It commissioned a report to investigate whether this non-compliance was systematic and what, if any patterns could be determined regarding any non-compliances observed.⁴ The review examined the 224 reports published by Victorian Auditor-General's Office and the Victorian Ombudsman between 2010 and 2014. Records management failures were identified in over half of them:

- 54% of reviewed reports highlighted record management failures
- 77 institutions had record management failures identified in reports
- 63% of reports identify that poor record keeping is considered to reduce agency accountability.

The Victorian review found that records management failures are systemic, chronic and pervasive, rather than being isolated incidents and can have serious detrimental effects on the human rights of vulnerable individuals and government accountability. The report notes that:

Some of the most alarming failures in the reviewed reports demonstrate that poor record practices lead to decisions or advice inconsistent with human rights set out in the Charter of Human Rights and Responsibilities Act 2006. For example the consequences of poor documentation of incidents, decisions and outcomes within Government often most seriously impact those who are already vulnerable; namely children, prisoners or those experiencing mental health concerns. With an adequate system to capture and manage records of these incidents there is an opportunity to improve processes and ensure decisions can be identified.

More common (occurring on average in 63% of the reviewed reports) are incidents that highlight problems with accountability. Incidents highlighting problems with record keeping responsibility (43% of reports) and integrity (39% of reports) are also of significant concern.

Unfortunately, there is no reason to believe that records management has improved in recent years or that it is significantly better in other jurisdictions.

⁴ Landell review of Victorian government records management, https://www.landell.com.au/images/documents/Victorian_Government_Records_Management_v-1.18_20150803.pdf

Part 4 Addressing the culture: providing leadership to agencies

Archives and records authorities as accountability and integrity agencies

As noted in the previous section, government recordkeeping is often not the standard it should be. CAARA authorities are charged with improving these practices.

The review was advised that there is sometimes a reluctance to see CAARA authorities as accountability and integrity agencies with a tendency to view them as cultural agencies that hold historical documents with no present or future role in the digital environment of government and no requirement to maintain pace with the digital transformation of government business. This view could prevent these agencies being allowed to perform their role effectively.

This image problem is perhaps driven by a lack of awareness and understanding of their role. The TAHO said it had a ‘reputation for being old-fashioned, paper-based, inflexible, focused on compliance’. In New Zealand, one stakeholder commented: ‘The name “Archives New Zealand” doesn't sound like it includes record keeping. It sounds like dusty old papers and cardigans.’ This lack of understanding can undermine an institution’s authority and influence.

There is little consistency in the portfolio position and status of CAARA authorities in Australia and New Zealand with parent portfolios including central agencies, attorney-general’s, internal affairs, arts, education, as well as tourism, sports and culture, and housing and public works. This perhaps confirms the impression that governments and central agencies do not consistently view these authorities as integrity agencies with a central role in government accountability.

There was a general view in both CAARA agencies and other stakeholders that administrative placement can be a barrier to elevating the importance of information management with government. One CAARA authority noted the poor visibility of their role and inadequate support within the parent portfolio. In New Zealand, the Chief Archivist’s position was recently changed to a senior manager in a larger department rather than a chief executive of their own agency. There is a perception that this compromised the NZ Archives’ institutional visibility.

While it is important to highlight the importance of good recordkeeping and information management in achieving trusted government and delivering services, this message cannot be delivered effectively by a CAARA authority unless it occupies a position of influence.

The review finds that independence and a position in a central portfolio is essential for CAARA agencies to ensure the credibility, influence and the visibility required for them to fulfil their roles and responsibilities. While independence is most visible when it is set out in legislation, a reasonable level of independence can be achieved in practice without a statutory basis by governance arrangements that avoid improper or undue influence. Even statutory independence can be compromised by funding that is not sufficient to fulfil statutory functions.

Recommendation 1

National, state and territory governments should ensure that archives and record authorities have the independence and a position in a central portfolio essential to ensure the credibility, influence and visibility required for them to fulfil their roles and responsibilities.

Attitudes towards recordkeeping in government

The NAA commented that the growing volume of data being amassed by government entities and the continuous procurement of additional digital storage capacity across the APS has fostered a complacent attitude toward information management among senior public servants and a view that 'archiving' is the same as a data back-up and can be done within the agency.

The NAA also observed:

Perhaps as a consequence, there is a growing public disquiet regarding a perceived increasing culture of secrecy across the APS and a desire for public servants to have more say regarding the records that should be destroyed and those that are worthy of public release; this has the threat of the National Archives becoming a curated collection, or a 'preferred' view of the past, as opposed to a rigorous and objective record of evidence.

A recent NSW Ombudsman report into the administration of water compliance and enforcement in NSW highlighted the risks of a lack of agency commitment to and investment in recordkeeping.⁵ The report identified chronic and severe under-resourcing, issues with staff training and core capabilities, lack of adequate legal support and organisational culture issues. Insufficient understanding and investment in recordkeeping led to poor results in complying with obligations. The report recommended that the agency 'correct their culture of recordkeeping among staff'.

A number of stakeholders noted in the survey conducted for this review that it is always difficult for agencies to justify resource allocation for information management relative to other priorities that appear more front-line or service delivery focussed. While the value of information management is very high, it is indirect and long-term. It seems that currently corporate information records management and governance is not seen as a core function of government agencies. One government agency commented that 'the CEOs of agencies and government as a whole seem to have little respect, care and understanding of information management issues nor a drive to comply with legislative obligations and best practice'. This means that in the current tight budget environment, good record management is not a measurable output that is reported on, so is often not seen as a priority.

While these views prevail, the impact of agency culture towards information management is at least as important as the legislation or policy framework. While it is difficult to remedy this, an increase in advocacy and leadership as well as in outreach and training by CAARA authorities should raise the importance and value of information management.

Advocacy and leadership

There is a clear expectation from stakeholders that CAARA authorities should have responsibility for advocacy as well as guidance. One government agency commented that 'support and guidance on systems development, advocacy and clear recordkeeping advice relevant to changes in government practice and technology trends is limited' from the CAARA authority in its jurisdiction.

⁵ NSW Ombudsman, , Water compliance and enforcement, 2018, https://www.ombo.nsw.gov.au/data/assets/pdf_file/0006/57903/Water-compliance-and-enforcement-a-special-report.pdf

Some stakeholders commented that CAARA authorities did not always provide the required leadership. 'Recordkeeping is an afterthought or not considered at all at an executive level. The level of understanding is low. This is a result of limited advocacy by [the jurisdiction's CAARA authority] to government executive' and '[CAARA authority] has historically struggled to elevate the importance of information management issues at high levels with government'.

Agencies particularly wanted more leadership in the area of digital information management. One stakeholder observed that expertise with paper based records had not been carried through to the digital environment:

[The CAARA authority] is, and has been, a professional leader in the management of paper records. This position is not being carried through to the digital environment. ... the digital agenda is not being driven by [the CAARA authority], who are inadequately funded and resourced to take on this role. The implication is that only part of the mandate of the legislation can be carried through. Directions point to a competent custodial (paper based) organisation failing to meet the challenges of the digital world, and the more the drift is permitted by absence of resourcing, the greater the gap will become. This may be largely a consequence of resourcing constraints, rather than strategic directions of the organisation.

Another stakeholder noted that this could be outside of the area of control of the authority:

I don't believe it's through a lack of trying that the [CAARA authority] cannot elevate the importance of information management. The management, control, storage, access and security of government records has not been seen as significant with any [State] government for many years.

Some CAARA authorities were seen by stakeholders as being partly successful in this advocacy role:

ACT Territory Records Office has made great progress in elevating information management issues in Government, especially in regard to digital record keeping especially around access to information but until there is a cultural change in management to commit, there will always be a shortfall.

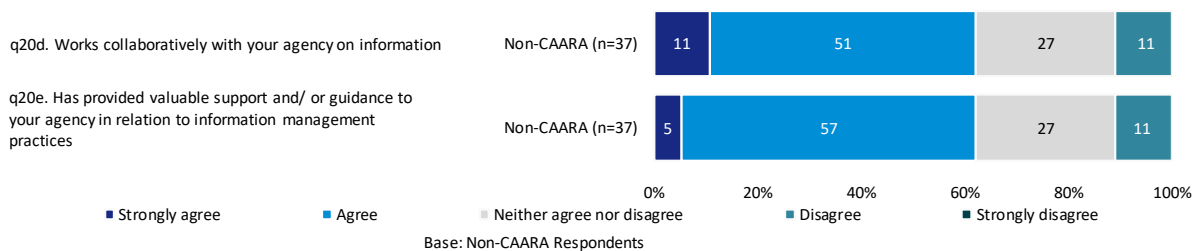
The risks of an agency disregarding good recordkeeping and not being able to demonstrate integrity and probity were set out in a recent report from the ACT Auditor-General which examined the tender process for the sale of land.⁶ The report highlighted the need for adequate records for accountability. It found that records were not kept of tender negotiations, meaning merit and value underpinning the sale was not evident and tender was not transparent and there was an inability to account for decisions and to demonstrate probity in significant land sale negotiations because of inadequate recordkeeping.

[Working collaboratively with stakeholders](#)

In the survey conducted for this review, stakeholders were asked about the performance of CAARA authorities working collaboratively with the stakeholders and providing support or guidance. The results are set out in figure 2.

⁶ ACT Auditor-General, Tender for the Sale of Block 30 (Section 34 Dickson. Report 3/2018, 21 February 2018,

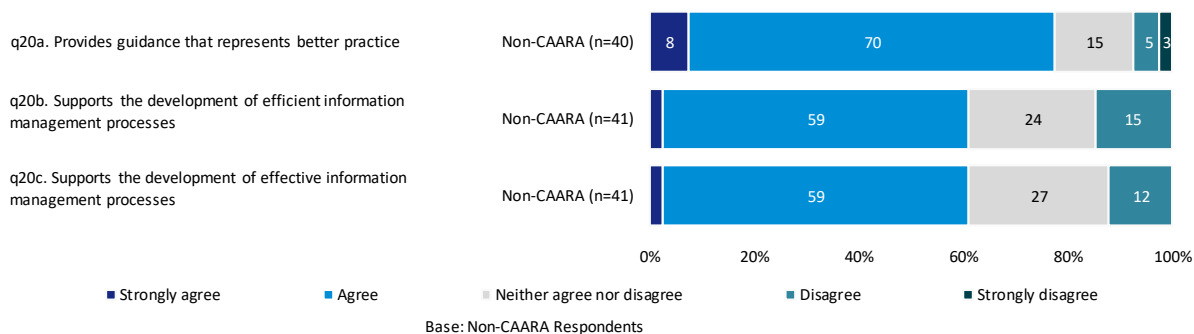
Figure 2: The extent to which CAARA authorities work collaboratively



The majority of stakeholders agree that the CAARA authority in their jurisdiction work collaboratively with their agency.

Stakeholders were asked about the performance of CAARA authorities in respect of providing better practice guidance and supporting the development of efficient and effective processes. The results are set out in figure 3.

Figure 3: The extent to which CAARA authorities provide better practice guidance and support efficient and effective processes



While the majority of stakeholders agreed that CAARA authorities did provide better practice guidance and supported the development of efficient and effective processes, a significant minority were not so sure and a reasonable number disagreed. It was clear from the responses that one area where it was thought that CAARA authorities could improve the quality of their guidance relates to digital information. One stakeholder commented that ‘updated legislation, standards and policy would assist. A more joined up approach across government, led by [the CAARA authority] and key partners, should also be pursued’. This is discussed further in Part 8 of this report.

Some stakeholders were also critical of what they considered to be a compliance focus:

Unfortunately they [the CAARA authority] are not seeing the requirement for efficiency in the manner in which information is handled. Information should be an asset used to derive benefit, our CAARA institution is still very focused on regulatory compliance rather than deriving efficiency and realizing benefits.

Some agencies expressed the need for a more tailored approach to giving advice:

The technical knowledge available at the CAARA authorities needs to be extensive in order to help agencies make good decisions about how best to manage systems and data. It would also extremely helpful to set up the provision for a more consultative approach in talking to agencies and tailoring advice and service to their needs rather than a broad-brush and generalist approach.

The Australian National Audit Office's recent report, *Implementation of the Digital Continuity 2020 Policy*, examined how effectively the National Archives of Australia was monitoring, assisting, and encouraging entities to meet the specified targets of the *Digital Continuity 2020 policy*.⁷ This policy seeks to ensure that records and information are created, managed, and maintained digitally; and digital authorisation and approval processes are embedded into all business systems used by Australian Government entities to deliver services and undertake functions. The policy also requires entities to ensure that interoperable information, systems, and processes are developed and implemented that meet standards for short and long-term management.

The report found that while guidance material was largely adequate, stakeholder engagement was limited in effectiveness:

The products, advice, and guidance material developed and released by the Archives to support the implementation of the Digital Continuity 2020 policy are largely fit for purpose, noting some deficiencies in the consistency of terminology within the guidance, and timeliness in relation to the delivery of supporting products.

The Archives' engagement activities with stakeholders to administer the Digital Continuity 2020 policy are limited in effectiveness. There is no communications or stakeholder engagement strategy in place for the implementation of the policy. In practice, communication occurs with stakeholders through a variety of channels including online, face-to-face, telephone, and annual surveys, however there has been no formal process to identify entities who are experiencing difficulties in implementing the policy and provide targeted assistance.

The report also concluded that the effectiveness of the NAA's arrangements for monitoring and evaluating the implementation of the Digital Continuity 2020 policy were limited.

There is clearly room for improvement in the relationship between CAARA authorities and some government agencies. CAARA authorities need to demonstrate to all governments and agencies that while there are real costs in creating, managing, storing and preserving records and information over time, there is a good return on this investment. While the importance of recordkeeping for good governance and accountability is well understood by many, there are still many challenges in prioritising records and information management.

Recommendation 2

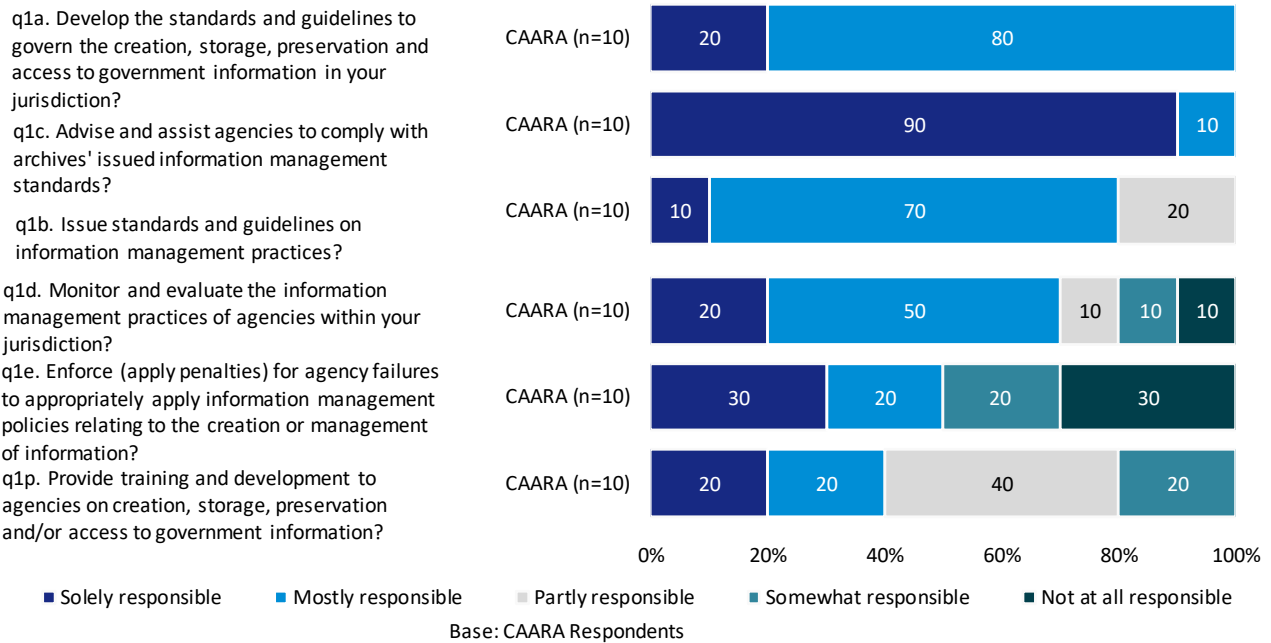
Archives and record authorities should be active in advocacy and leadership to ensure that governments and government agencies understand the value of information management and the risks of non-compliance. The authorities need to demonstrate that while there are real costs in creating, managing, storing and preserving records over time, there is a good return on this investment.

⁷ Australian National Audit Office, *Implementation of the Digital Continuity 2020 Policy*, Report 11 of 2019-20, 31 October 2019.

Part 5 The role and responsibilities of CAARA authorities

While all CAARA authorities are government archive and records authorities for a particular jurisdiction, the role and responsibilities of these authorities vary considerably. In the survey conducted for this review, CAARA authorities were asked to what extent their institution has responsibility for particular aspects of information management governance and training. The results are set out in figure 4.

Figure 4: Roles and responsibilities of CAARA authorities: governance and training



Setting standards and guidelines

All authorities are at least 'mostly responsible' for developing the standards and guidelines to govern the creation, storage, preservation and access to government information and issuing standards and guidelines on records management practices. All but LANT and PROV were at least 'mostly responsible' for issuing the relevant standards and guidelines.

Advising agencies

While all authorities are at least 'mostly responsible' for advising and assisting agencies to comply with information standards, a stakeholder in one jurisdiction noted that even when an institution has the responsibility to advise on recordkeeping it is not always resourced to do so:

Currently, [jurisdiction] agencies are largely left up to their own devices (staffing, resourcing, budget) to adequately manage and maintain the records they create (both digital and non-digital).

Whilst advice is provided to agencies on an ad hoc basis this is largely at the end of the information management process when information is about to be archived.

Due to current resourcing implications, [CAARA authority] does not have the capability of assisting agencies with the development of policies/procedures/disposal schedules etc for the active management of their records.

This approach could well be described as ‘too little, too late’ but unfortunately these comments were echoed by a number of stakeholders in different jurisdictions.

Monitoring and evaluation

All authorities except TAHO have some responsibility for monitoring and evaluating information management practices. In practice, such monitoring has been described as ad hoc and is usually based on self-assessment.

Archives NZ conducted an annual survey on government information management and also ran a programme of public office information management audits that commenced from 2010-2015. They advise this will re-start in 2020-21.

The NAA conducts an annual ‘Check-up’ survey that provides an analysis of responses provided by almost 180 Australian Government agencies on their capability in the areas of governance, creation, interoperability, storage and disposal. The survey allows government to monitor progress towards digital continuity, identify gaps in capability, and assist with forward planning. Check-up is a self-assessment program and does not independently monitor an agency’s practices.

QSA also conducted self-assessment surveys until 2015.

In many jurisdictions it is often the audit office that identifies and reports on instances of poor recordkeeping and provide recommendations to agencies. For example, the Office of the Auditor General in Western Australia audited records management practices within the Western Australian local and state government. Better practice principles were included in its recent *Records Management in Local Government* audit of April 2019.⁸ These principles support the work of SROWA.

Enforcement

Half of the CAARA authorities advised that they have enforcement responsibilities and can apply penalties for agency failures to appropriately apply information management policies in limited circumstances. For example, in the Queensland legislation, only unauthorised disposal or record is enforceable. No examples were provided for any jurisdiction where these enforcement powers had been exercised. In practice it may be more efficient and effective for authorities to work with agencies and support them to meet their legislative requirements with enforcement action regarded as a last resort.

All CAARA authorities without full enforcement powers said this had some negative impact that hindered the achievement of their roles and responsibilities. For example, the NAA advised:

There are penalties under the Act for unauthorised disposal of information, but this has never been exercised. While poor creation and management can lead to unauthorised disposal there are no direct penalties for this. The unauthorised loss of information impacts accountability and transparency, and rights and entitlements of citizens, as well as future access to this information.

The TRO ACT noted the perceptions that can arise from the absence of legislative penalties:

⁸ Records Management in Local Government, Office of the Auditor-General (WA), <https://audit.wa.gov.au/reports-and-publications/reports/records-management-in-local-government/>

... without any significant penalties it is sometimes difficult to have our recommendations taken seriously. We are able to report to Ministers on the operation of agency records management programs and compliance with the Act.

It should be noted that a system of reporting recommendations to a minister or a parliament without enforcement powers is common within the legislation that establishes ombudsman and auditor-general offices. While penalties do not exist under archives legislation, maladministration or misconduct relating to recordkeeping may also be addressed in other legislation including codes of conduct or public interest disclosure schemes. Little evidence has been provided to this review to support the suggestion that enhanced penalties and broader enforcement powers would increase compliance with information management legislation, particularly in the absence of routine independent monitoring.

This review does not make any recommendation about enforcement powers but notes that the public reporting of non-compliance can in itself lead to significant improvement in compliance.

Training and development

All CAARA authorities have some responsibility for providing training and development, with four responding that they are at least 'mostly responsible'. Even CAARA authorities that are empowered to provide training do not routinely provide it, with more than one institution noting this was limited by resource constraints. In practice, training is often provided by commercial providers. A number of stakeholders indicated that they would appreciate more training and guidance. For example:

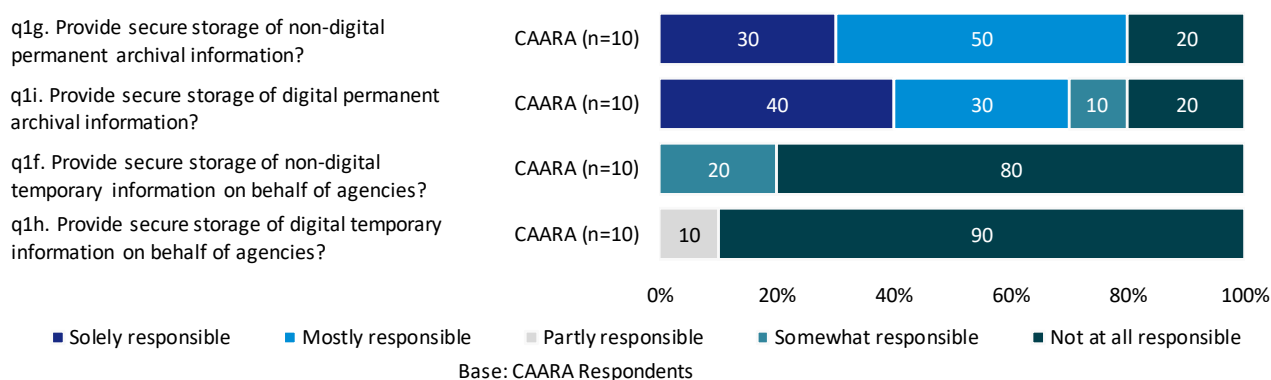
I think most agencies would appreciate a little more direction or hands on help as many of us are promoted into records management roles with little or no experience. A common comment is 'I don't know what I don't know'. While some of the framework documentation gives enough detail to effectively direct staff to fulfil their obligations, some has quite broad strokes on managing matters and can be a little ambiguous regarding the execution.

The apparent lack of leadership on the provision of guidance and training is discussed further in Part 9 of this report.

Storage

CAARA authorities were asked about the extent to which they had responsibility for storage of government information. The results are set out in figure 5.

Figure 5: Roles and responsibilities of CAARA authorities: storage



There is a clear difference in approach in different jurisdictions with respect to storage. While TAHO, the TRO ACT and LANT have no responsibility for providing secure storage of permanent archival information, all other authorities are at least mostly responsible for the storage of permanent archival information. The transfer of information is not always compulsory, for example, in Queensland the transfer of permanent records is optional, and many agencies retain responsibility for the management of the permanent records.

While the responsibility for providing storage might be clear, the situation in practice is less than ideal. Many authorities commented on the lack of appropriate storage for government information. In particular, in the NT there is a lack of digital archives in place for the transfer, storage and preservation of permanent digital records. In the ACT it was noted that sometimes archival records are stored in less than ideal conditions. In Victoria, PROV is running out of space to store government records. Surveys conducted by PROV indicate that there are 80 km of permanent value hard copy public records still held by agencies or stored by agencies in commercial storage suppliers. PROV told the review it did not have room in its repository to store these records and it would run out of space in two to four years depending on rates of transfer. In WA while commercial providers address needs for storage of temporary government information, there are approximately 75 km of state archives being held in government agencies. QSA advised that '*in the case of digital permanent records - we have responsibility but no capability to store digital records - a digital archive program is currently in progress*'.

The TRO ACT advised:

While we are not precluded from taking custody of records under legislation, we have never been resourced to do so and agencies retain responsibility and provide resources for the preservation of and access to their archival records. To facilitate public access, we provide a public facing reference service and work with agencies to help them to provide public access to records as required by the Act. This arrangement produces a broad range of less than optimal outcomes for records and their users, including lack of dedicated, professional resources for records preservation, unnecessary risks to records through physical movements to facilitate tools and finding aids.

Distributed custody also increases the challenge of standardising archival practices.

Other authorities also do not have archival storage space for non-digital archives. One consequence of this is that such material cannot be accessed by the public.

While all agencies continue to strive for efficiencies and have prioritised function to some extent to respond to financial constraints, CAARA authorities have statutory obligations that require funding. CAARA authorities expressed frustration with the lack of assured ongoing funding. Funding was often allocated on a one off project based on a particular business case rather than a commitment for ongoing funding for core functions.

The volume and storage requirements for both digital and non-digital records increase every year. CAARA authorities dedicate a substantial proportion of their budgets to fixed property costs which can difficult to trim. Any decrease in funding below this threshold means that authorities cannot satisfy their statutory obligations. Such regulatory failure would have serious risks to transparency, integrity, accountability and government service delivery to the public.

Recommendation 3

To ensure sound government decision making, proper accountability and transparency, national, state and territory governments should provide proper resourcing and ongoing funding for archives and records authorities to carry out their statutory functions including assuring the ongoing storage and preservation of permanent digital and non-digital archival records.

Providing secure storage of temporary records is not generally a CAARA authority responsibility. This means that the creating or controlling agencies are the custodians of temporary material (often including through third party arrangements). Their ability and commitment to do this is inconsistent which can have serious implications for future access.

While large service-delivery agencies should consider this role as core business, it is not clear to this review that it is sensible or feasible for government agencies of all sizes and complexities to continue to individually maintain these, or whether a collective arrangement would be more efficient.

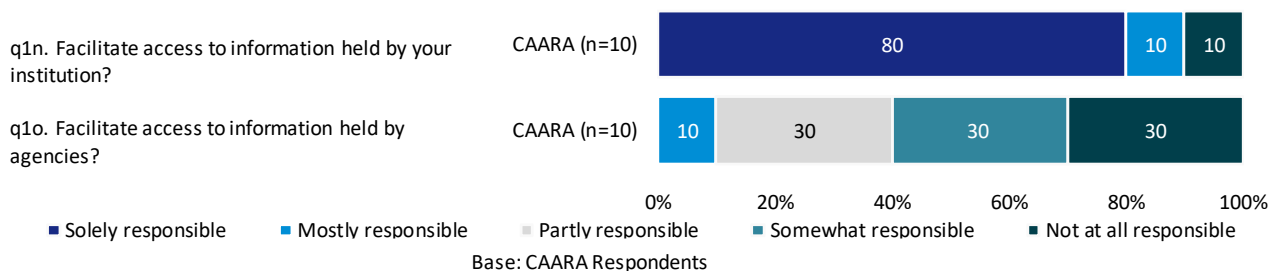
Recommendation 4

National, state and territory governments should ensure that government agencies are properly resourced to comply with their recordkeeping obligations including the storage and preservation of temporary digital and non-digital records. They should also consider whether it is feasible for individual agencies to have responsibility for the storage and preservation of records or whether a collective arrangement in a jurisdiction would be more efficient.

Access

CAARA authorities were asked about the extent to which they had responsibility for access to government information. The results are set out in figure 6.

Figure 6: Roles and responsibilities of CAARA authorities: access



Most CAARA authorities are responsible for facilitating access to information held by that authority with only TAHO not having any responsibility for this. On the other hand, responsibly for facilitating access to information held by government agencies was very limited with QSA having the greatest responsibility.

Part 6 The effectiveness of legislation and policy relating to government records

In most CAARA jurisdictions there are standalone pieces of legislation that govern the management of public records with separate pieces of legislation for access to documents under freedom of information. An exception to this is the Northern Territory where the same piece of legislation covers all of these aspects of information management and access.

In the survey conducted for this review, CAARA authorities and stakeholders were asked about the effectiveness of the framework in respect of the creation and secure storage, and the preservation and access of government information. The results are set out in figures 7 and 8.

Figure 7: The effectiveness of the policy and legislation framework in relation to the creation and storage of government information.

q25. Overall, to what extent do you agree or disagree that the legislation and policy framework in your jurisdiction supports effective information management outcomes in relation to the creation and secure storage of government information?

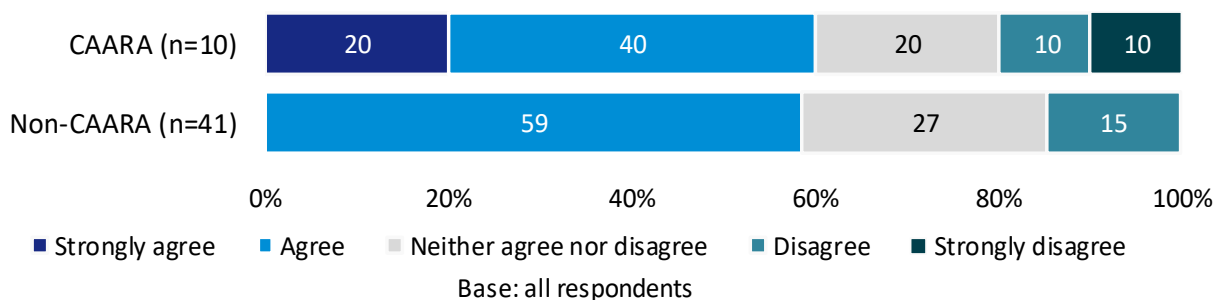
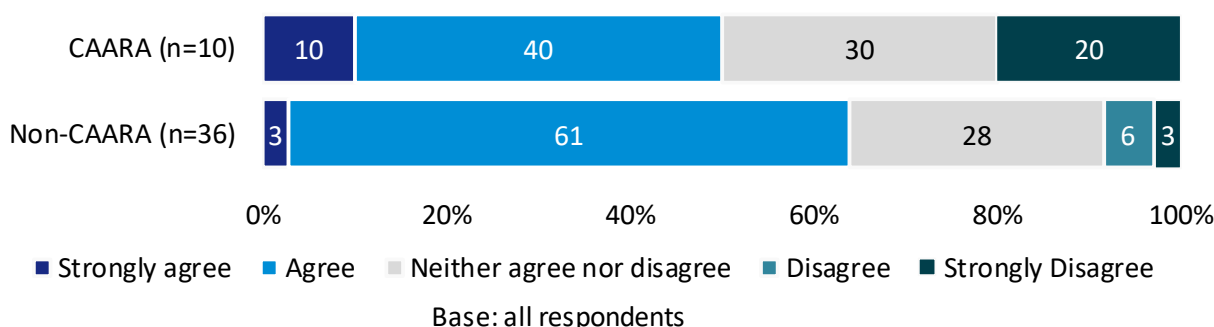


Figure 8: The effectiveness of the policy and legislation framework in relation to the preservation and access of government information.

q39. Overall, to what extent do you agree or disagree that the legislation and policy framework in your jurisdiction supports effective record and information management outcomes in relation to the preservation and access to government information?



The results are not comforting. Although a small majority of both CAARA authorities and stakeholders thought that that the current framework provided effective arrangements for governing the creation and secure storage of government information, a significant proportion did not agree, particularly in respect of preservation and access regimes and managing digital information.

Some archives legislation dates back to the 1980s and a common concern expressed by CAARA authorities is that the legislation is dated and does not adequately cover digital information. Even the name 'Archives Act' was seen as preventing some users from understanding that the legislation covered records, information and data.

While SARA NSW felt confident that the legislation has established effective arrangement for creation and secure storage of government's records and Archives NZ commented that 'There are no problems with the framework itself regarding preservation and access to government information', other authorities noted that their governing legislation required some review but were concerned that that 'information management did not seem to be a priority for governments'. It was noted that 'Recordkeeping is not considered important at Ministerial level and there is no desire to address issues in recordkeeping practices or legislation'. Individual problems identified with the frameworks included:

- The ACT has a model of distributed custody of archival records, which was seen by some stakeholders as creating barriers to proper preservation and public access. It also maintains a separate regime for the management of and public access to cabinet records.
- In New Zealand the *Public Records Act 2005* (NZ) enables the Chief Archivist to charge 'reasonable fees' for public access but does not allow for cost recovery which was seen to be unrealistic in the environment of very stretched resources.
- In New Zealand the legislation specifies a 25-year period between record creation and transfer or other disposals. While this was adequate for paper records it is considered too long for digital information.
- In many jurisdictions there was either an uncertainty about the records that ministers and their offices receive or create in the course of their duties are not considered to be public records.
- There is a legislative obligation in some jurisdictions for the mandatory transfer of records to an institution that is unable to accept them.

Again, an apparent lack of resources caused greater concern, with both CAARA authorities and stakeholders responding that insufficient resources are allocated to fulfil legislative obligations.

One stakeholder commented:

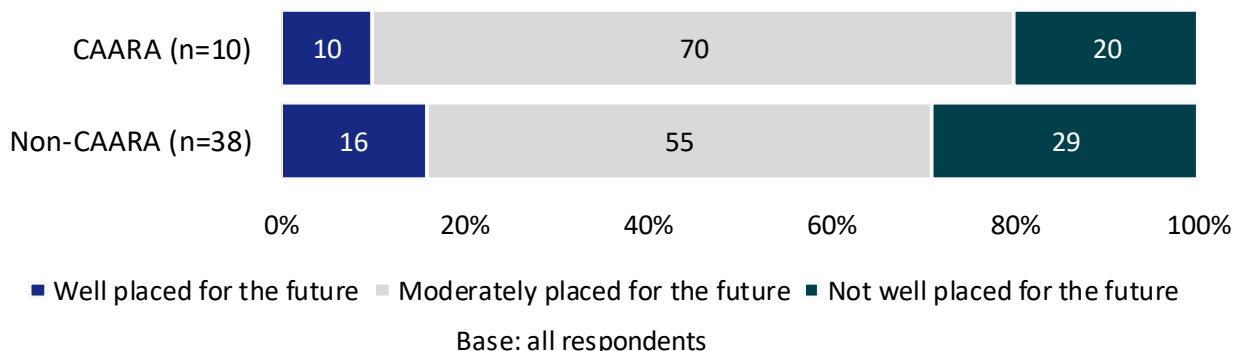
The legislation is very clear/understandable however the work required to appropriately assess information for preservation and access is cumbersome which is not adequately planned for at the agency level. This means that in most cases the work is not completed for long periods of time if at all.

...the barrier is less the legislative regime and more the impact this has had on resourcing to support preservation and access.

CAARA authorities and stakeholders were also asked about the effectiveness of the framework for future creation and secure storage of government information. The results are set out in figure 9.

Figure 9: The suitability of the legislation and policy framework for future creation and secure storage

q28. Looking forward, how well does the existing legislation and policy framework provide an effective arrangement for the creation and secure storage of Government information in your jurisdiction?



There is clearly great uncertainty and concern about how well placed these legislative and policy frameworks are for the future. Responses in respect of the arrangements for preservation and access gave similar results. A number of stakeholders expressed views along the lines that ‘the problem was not in the legislative framework which is adequate and undergoing review. It is the resourcing of the function, the translation of obligations and policies into a fast moving and ever changing digital environment of significant transformation in practice and the conduct of all types of business’.

Many of the concerns are related to the digital agenda and are discussed further in Part 8 of this report.

In summary, while a number of individual improvements were identified that could be made to legislation and policy frameworks, particularly to manage the move to digital records, a more significant challenge and risk identified again by stakeholders is the perceived current lack of resources in both CAARA authorities and government agencies to comply with the existing legislation and policy.

Part 7 Working with other government authorities with related roles

Integration of functions

In the Northern Territory, the 'records service' is separate from the 'archives service'. The Department of Corporate and Information Services (DCIS) has some 'records service' functions that are the responsibility of CAARA authorities in other jurisdictions including 'to prepare, promote and monitor compliance with records standards; to facilitate and promote policy and systems to enable cost effective compliance with records standards; to provide advice (including training) to enable compliance with records standards; and to facilitate the preparation of records retention and disposal schedules'. The review was advised that the reason for the separation of functions was to better align records service with whole of government ICT policy and services and the archives service with other cultural institutions. Northern Territory stakeholders commented on the additional complexity this arrangement incurs suggesting closer alignment would allow agencies to go to a single point for advice. A further consequence of this separation is disaggregation of staff and skills with the LANT having only eight staff members to carry out its functions.

DCIS advised that in their role as the 'records service', they work closely with LANT on the development of policies and standards, general disposal authorities and facilitating the authorisation of agencies disposal authorities. Despite this close cooperation, in the absence of compelling reasons to the contrary, stakeholder views support this review's proposition that it is better practice to combine these core archives and information management functions and responsibilities in a single agency. Where the functions are not integrated, the additional complexities for stakeholders require careful management.

Recommendation 5

National, state and territory governments should ensure that core archives and records management functions, including the setting of standards, are the responsibility of a single agency in any jurisdiction. Where the functions are not integrated, the additional complexities for stakeholders require careful management.

Integrity agencies

In all jurisdictions there are multiple agencies with some role in integrity, accountability and information management. Traditionally these have included oversight and integrity agencies such as ombudsman offices, auditors-general, integrity commissions and information commissioners as well as special commissions of inquiry. The reports of these agencies often emphasise the importance of effective information management as critical to transparency and integrity in government. These integrity agencies complement and support the role of CAARA authorities.

The complementary role of an integrity agency was demonstrated following two Ombudsman SA reports about the Department of Correctional Services.⁹ The reports found serious deficiencies in recordkeeping that could have amounted to a breach of the legislation. SRSA followed up with the

⁹ Ombudsman SA, Department for Correctional Services - Handling of a prisoner's diabetes, 2017, <https://www.ombudsman.sa.gov.au/wp-content/uploads/Department-for-Correctional-Services-Handling-of-a-prisoners-diabetes.pdf> ;Ombudsman SA, Department for Correctional Services and Central Adelaide Local Health Network (South Australian Prison Health Service) - Wrongful Placement and delay in providing medication, 2016, <https://www.ombudsman.sa.gov.au/wp-content/uploads/Department-for-Correctional-Services-and-Centrel-Adelaide-Local-Health-Network-South-Australian-Prison-Health-Service.pdf>

Department to ensure that improvements were implemented including enhanced recordkeeping training to staff.

Similarly, in March 2017, the Victorian Auditor-General tabled its report on records management in local government.¹⁰ The audit findings included that there was a lack of education or training in records management. The audit also found insufficient executive support for, and attention to, records management prevented two Victorian government departments from achieving full compliance with PROV standards. It found that central oversight and monitoring of agency compliance to records management standards remains inadequate and that the *Public Records Act 1973* (Vic) hinders the efforts of PROV and other agencies to manage records effectively, noting that a previous audit had recommended that the Act be reviewed. The report concluded that the issues identified in the audit were consistent with previous government-wide reports, indicating the issues apply state-wide and not just to the two audited portfolio departments.

Minimising the risk of conflicting obligations and duplication

In recent years, state and national governments have established other government authorities with information management policy responsibilities as a response to the digital transformation agenda. These agencies include government chief information officers, digital transformation agencies, data analytics offices, and data commissioners. The purpose of these bodies is often to ensure that government can access and use data effectively for service delivery including using artificial intelligence (AI) applications. The focus of these agencies is data access not accountability.

The information management policy and standards that these bodies set may include those related to digital transformation and cyber strategies, the management and storage of government data, data sharing and release, and information security. While there is no fundamental conflict between the role of these bodies and the role of CAARA authorities, CAARA authorities have noted that there can be some overlap and confusion. For example, technical policies and standards relating to cloud storage or government websites may also have implications for the storage of government records. Chief information officers may set data definitions while archive institutions set metadata frameworks. There can be overlaps and inconsistencies in these standards. Government agencies need clarity and consistency and should not be expected to navigate these overlaps.

While a number of agencies now have a role in the access of information, only CAARA authorities have the statutory authority and responsibility to set policies governing the creation, storage and preservation of records. If records are not created in the first place, government data will not exist in an accessible and usable form. Even very sophisticated artificial intelligence applications being developed for more efficient and effective service delivery rely on the diligent application of policies and rules that are the responsibility of CAARA authorities.

The NAA made the following comments about other bodies in the Australian federal jurisdiction:

Lack of awareness of roles has resulted in some potential duplication eg the recently created Office of the National Data Commissioner which has some potential overlap with the National Archives, Prime Minister & Cabinet (Public Data) and the Australian Bureau of Statistics (guidance on data management). The risk of duplication may relate to both digital and non-digital information but is perhaps stronger with digital due to lack of clarity about whether the Archives' role covers non-

¹⁰ Managing Public Sector Records, Victorian Auditor-General's Office, <https://www.audit.vic.gov.au/report/managing-public-sector-records>

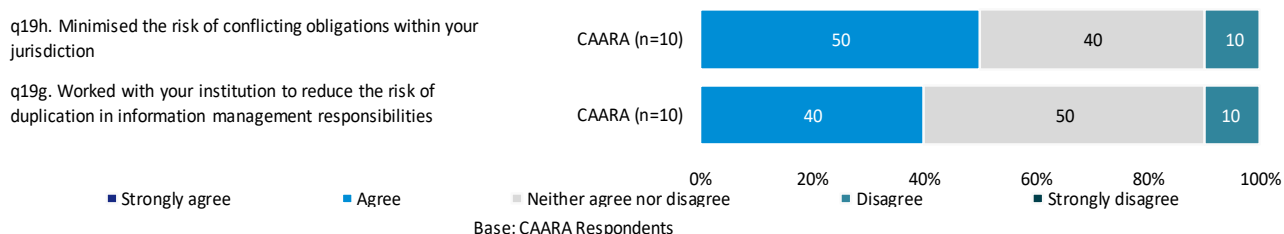
traditional digital records. Collaboration, as well as greater awareness and clarity of individual agency's roles would assist to reduce this risk of duplication. Greater clarity is also needed on the Archives' role in setting requirements for information in all formats

While all CAARA authorities noted the importance of working proactively with other information management agencies, some noted that it requires constant effort and engagement on the part of their staff and depends to a greater or lesser extent on goodwill and the personalities of those in senior roles in the relevant authorities. One CAARA authority noted that only some of the authorities can see alignment with their legislative and strategic priorities.

One small CAARA authority commented that, generally, there is goodwill to work together on issues. The CAARA authority believed they were now being increasingly accepted as having a role in information governance and ICT policy, planning and standards, whereas until fairly recently they had been seen as relevant only in the paper world. They believed they were not always front of agency minds in the digital context, and as a result still often left out of discussions they believed they should be part of; however, once they established their interest they were generally accepted as belonging at the table and had recently been deferred to on many matters of policy and standards.

In the survey conducted for this review, CAARA authorities were asked how well other agencies with information management responsibilities had reduced the risk of duplication, or minimised conflicting obligations. The results are set out in figure 10.

Figure 10: The extent to which other government authorities with information management responsibilities minimise risk



In the survey, while 80 % of CAARA authorities agreed with the proposition that these other government authorities work collaboratively, only half of CAARA authorities agreed that the other government agencies minimised the risk of conflicting with the CAARA authority's obligations in the jurisdiction, and only 40% agreed that they worked to reduce the risk of duplication in information responsibilities.

PROV noted that:

... there are a number of agencies that work in policy spaces that intersect with government information (e.g. cyber security, ICT policy, whole of government portals and services). This requires considerable cross collaboration and the establishment and maintenance of excellent relationships across all relevant agencies

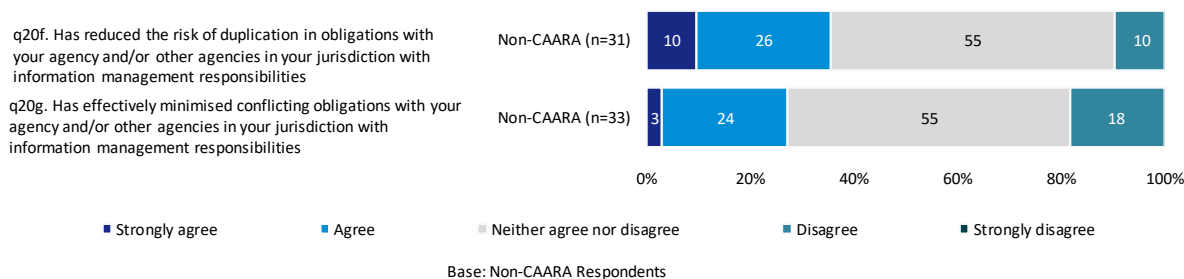
Archives NZ comments that:

The Public Records Act is the core statute that governs information management ('recordkeeping') in central and local government for the purpose of enabling accountability and government business.

Other statutes and roles each have unique focus that depends upon or should complement the Public Records Act.

Stakeholders were also asked a related question about the extent to which their CAARA authority had reduced the risk of duplication, or minimised conflicting obligations. The results are set out in figure 11.

Figure 11: The extent to which CAARA authorities minimise risk of overlap and conflicts



The perception of the management of risk is less positive in stakeholder agencies than in CAARA authorities. A significant proportion of government agencies do not agree that the CAARA authority in their jurisdiction has reduced the risk of duplication or conflicting obligations in respect of information management responsibilities. This represents a significant risk to the CAARA authority’s central role and clear authority in these areas.

One government department stated that:

There is good work being done, but there needs to be greater collaboration and coordination between all regulators and organisations with responsibilities for digital information policy and practice. For agencies and customers, better joined up services that connect all areas of information and data management to build and improve digital service delivery are required.

Another stakeholder suggested there were insufficient efforts to de-conflict advice:

It would be interesting to know how often the authorities get together to discuss possible overlap, or even to create referrals within their advice documents, as sometimes it is not clear which advice we should be following or which jurisdiction we should refer to.

The need for a coherent approach including across jurisdictional boundaries was seen by stakeholders as especially important in the digital space and suggested cooperation across the CAARA network:

The lack of leadership in digital information management has created a confusing and fragmented environment for information management within the state. In the absence of [the CAARA authority] taking the lead, other agencies have moved into the framework. Where there should be good relationships and collaboration, resource starving those functions which might undertake this aspect of the work, has effectively ceded responsibility. This is greatly to the detriment of the digital State records and archives environment.

Adopting some alternative approaches in this environment might be explored - where strategies, directions, policies may be established across the CAARA network (and beyond to other standards setting bodies), rather than duplicated might assist in financially-straitened times. Greater collaboration across jurisdictional boundaries for system development, for digital archives

infrastructure etc might be negotiated, rather than no action in difficult times. Different sets of arrangements and agreements could be imagined.

Identity of a nation: Protecting the digital evidence of who we are

The requirement for collaboration and deconfliction was highlighted recently in the December 2018 report *'Identity of a nation Protecting the digital evidence of who we are'* from the Australian Strategic Policy Institute. The report looked at the threats of information warfare, fabricated news, and increasing and evolving cyberattacks and the impact of such threats on Australia's digital national identity assets. It noted:

Internationally, there's a large 'infosec' industry, which continues to grow. Governments and a swag of organisations and agencies are dealing in cybersecurity, information security, big data, privacy and information policy.

The glaring omissions are digital preservation and governance—not just for digital national identity assets, but for all business-critical information and data. This includes assets relied upon by the public and business for planning, redundancy and technology that can read the data in 10 or 100 years from now.

This crowded landscape calls for a strategic and coordinated approach and stronger focus to address a major vulnerability that all organisations face—the integrity, reliability, authenticity and accessibility of digital assets now and into future, whether it's three years, thirty-three or forever, as with national identity assets.

The report concluded:

Gaps in our protection of national infrastructure and information security need to be addressed. Australian governments—state and federal—need to begin a systematic effort to identify and value national identity data. A closer alignment between the professional fields of digital preservation and information security is required, and a stronger focus on information governance.

Australian governments need to ensure that our critical government-held national identity assets are protected and that memory authorities charged with their care are adequately funded to do so.

This review finds that multiple authorities with information management roles are now an important part of the landscape. These authorities include a proliferation of government agencies that have a particular role in digital information standards and management. Generally there is a collaborative relationship with CAARA agencies but there needs to be more clarity and certainty in roles to reduce conflict and overlap and avoid gaps in responsibilities.

Where a national, state or territory government is developing a policy proposal to establish a new agency with a role in information management and standards, or change existing roles, it should recognise the CAARA authority as a key stakeholder with a lead role to play.

Recommendation 6

Where there are multiple agencies in a jurisdiction with a role in information standards and management, the government in that jurisdiction should ensure that there is clarity and certainty in roles to reduce conflict and overlap and avoid gaps in responsibilities. The relevant archives and records authorities should be consulted about any proposal to vary existing arrangements.

Part 8 The impact of the digital transformation agenda

A challenge for government agencies

Governments are recognising the unprecedented opportunities for the application of digital technology to reengineer administrative processes, products and services, and the channels by which citizens and businesses connect and communicate with agencies and departments. This is the digital transformation agenda.

Digital transformation provides both opportunities and threats. There is an opportunity to provide greater controls over the creation, storage and management, preservation and access to records. There are also opportunities to achieve business efficiencies for government, but poor information management could create a 'digital black hole' for government agencies exposed to increased risk.

The work of archives and records authorities in setting information policy and standards for government information management is essential by ensuring better information, records and data is available to enable digital transformation, business efficiency and improved services to the public. Unless the digital transition is accompanied by an appropriate set of information management standards, practices, policies, legislation and governance arrangements, governments at all levels will not preserve and may potentially lose the important information that constitute memory and evidence of their activities.

CAARA authorities are concerned that recordkeeping is often seen as a compliance encumbrance. Digital transformation has so far often concentrated on the procurement of IT infrastructure to achieve savings and enable increased sharing of data between agencies and the delivery of services to the community.

Children in State Care Commission of Inquiry

The consequences of not considering information management requirements when developing computer systems and the serious impact on vulnerable young people was apparent from the report of the *Children in State Care Commission of Inquiry - Allegations of Sexual Abuse and Death from Criminal Conduct* by the Hon. E.P. Mullighan QC Commissioner.

The Inquiry heard evidence about the need to improve recordkeeping in relation to children in state care who frequently abscond. The SA Police systems did not record as a separate field the fact that a child or young person is in State care; nor did it record as a separate field the fact that a child is a frequent absconder. This meant that information about the number of children in state care who were missing or considered to be frequent absconders was not readily available.

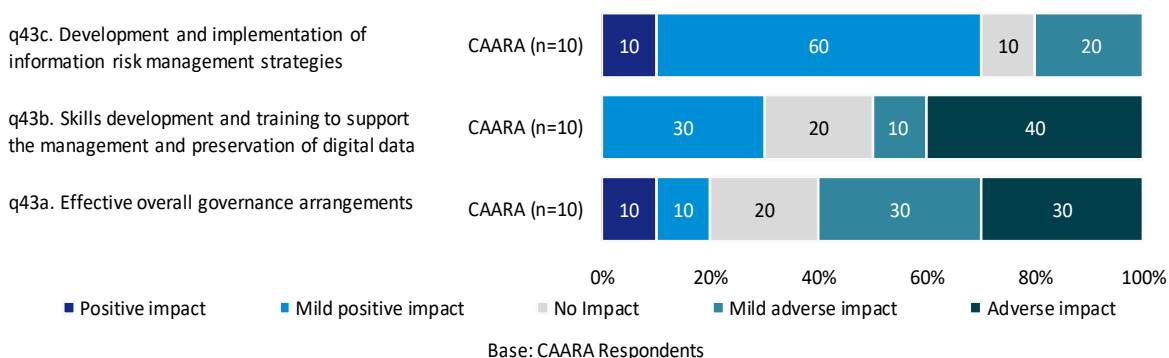
The inquiry found that the status of a child as being in state care should be on a separate menu, with a subset of that menu permitting an inquiry into all children who are 'at risk' from frequent absconding. The Inquiry also concluded that SA Police local service areas and the Missing Persons Unit should keep specific files about children in State care who frequently abscond. The files should contain information about each time a child absconds, including where he or she has been located. This would assist in finding the missing person and overcome the difficulties encountered by changes in personnel.

The challenge to CAARA authorities is to demonstrate the value of recordkeeping in this environment. Governments are enthusiastic about digital transition, and largely diligent about associated issues around information security, use and reuse. The need to fix some information in time to provide evidence of an action, and the tasks that need to be managed to achieve that (metadata creation and management, disposal authorisation, persistence of records beyond the life of business systems) is rarely understood or valued in that context.

To better identify the areas requiring attention, CAARA authorities were asked in the survey conducted for this review about the extent to which digital transformation had impacted on the management of government information. The results are set out in figures 12 to 16.

Impact on governance

Figure 12: The impact of digital transformation on governance.



CAARA authorities expressed significant concerns about skills development and training. In government agencies there was a discontinuity in the transition between the former responsibility for paper records (records management area) and responsibility for digital information which may sit between the records/information management area, an ICT area or a data governance area. There is often a lack of clear leadership in agencies. While there is significant investment in technology, there is often limited resourcing of information management content roles.

Failure in the management of a critical email

The Select Committee of the Legislative Council (SA) was appointed to investigate and report on the Independent Education Inquiry which investigated an incident of child sexual abuse at an Education and Child Development site. The Independent Inquiry report had raised the issue that memories fade and recollections of events are difficult to recall later. The report had advised that is essential that principals and other members of staff keep a written record of all conversations and actions that occur in the course of managing allegations of sexual misconduct. It also prescribed how the notes should be filed and who is to have access to the file.

The inquiry had also heard that that record keeping in the ministerial office was haphazard, as evidenced by the disappearance of a critical email relating to the sexual assault incident. The Committee heard that when the State Records Act was passed there was an expectation that electronic records would be caught, but that ‘at that point in time they anticipated the level of email traffic that we now experience’. Given the dramatic increase in electronic communication, it appears that the government has failed to ensure the Act was complied with.

The NAA commented on the adverse impact of the digital agenda on governance:

Overall, digital transformation has had a negative impact on governance of data. The increased volume and number of systems in which information and data is created and held impacts on the ability of an agency to have proper oversight and governance of all the information it is responsible for. As a 'new way' of working, there are skills gaps with staff needing additional training and capability to support the management of digital information. The 'new' format has also required different ways of working, and while digital may offer new opportunities for streamlining decision-making and management, these haven't always been identified or implemented.

Lack of consistent standards and interagency operability were also identified as challenges.

Other agencies were more positive about potential benefits. One small CAARA authority noted that the digital transformation can assist with recordkeeping if properly built into systems:

As a general statement, I think digital transformation agendas are having a mildly positive impact. Digital systems are enabling recordkeeping considerations to be designed into systems and to become automated, rather than existing as an add-on to business process. To that extent I think that recordkeeping is not getting any worse in the context of digital transition. It is probably improving to some extent in that agencies who are paying attention are able to accommodate recordkeeping as part of the transition without that being the procedural overhead it was in the paper environment.

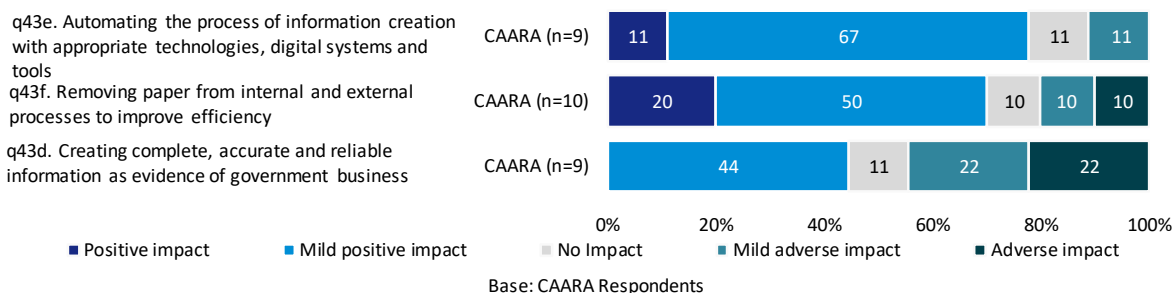
... automation of processes is resulting in better designed/embedded recordkeeping in processes, rather than ad hoc or as an add-on.

This optimistic view is not shared by many stakeholders. While it is true that recordkeeping considerations can and should be built into business rules for new systems, the rapid development cycle and the business imperative of driving efficiencies and cost-savings means that information management principles and good governance can often be compromised.

Unless appropriate information and cyber-security governance arrangements are in place the core responsibility of every government agency to uphold standards of transparency, integrity and accountability will be severely compromised, and the ability of that agency to meet the expectations of its government and society will be diminished.

Impact on creating information

Figure 13: The impact of digital transformation on creating information.



Authorities recognise and welcome the efficiencies to be gained from digital transformation in terms of the processing of information and removing paper from processes, but there are significant concerns about an adverse impact on creating a complete, accurate and reliable record as evidence of government business.

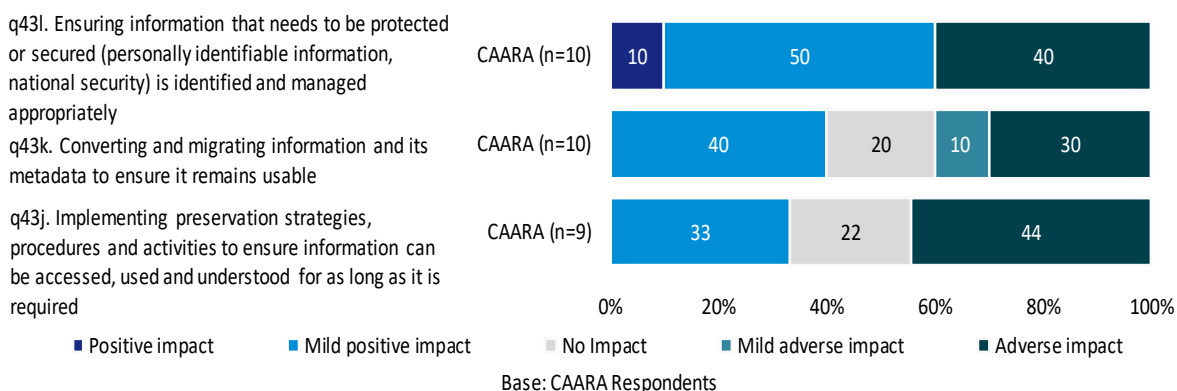
For example, it was noted that in one jurisdiction several agencies had developed customer relationship management systems. Information in these systems should be considered a record of government; however, these systems did not have records functionality, nor did they link into an official records management system. Unless staff printed, scanned and filed the documents, there was no 'official record'. This again highlights the need for records management expertise and leadership to be integrated into programs implementing the adoption of new systems.

The NAA observed:

Digital transformation has supported an improvement in the automation of the creation of information as part of the business transaction. It has also reduced the amount of paper that is being generated and maintained as the 'official' copy, with 87% of agencies reporting in a 2017 survey that they managed the majority of their information digitally. In a 2018 survey, 58% of agencies stated they continually identify and remove paper from business processes to improve efficiency. The ease with which digital information can be created and kept does however have a negative impact on the reliability and accuracy as there may be multiple copies kept by the various participants in the transaction.

Impact on storing and preserving information

Figure 14: The impact of digital transformation on storing and preserving information digitally



The rapid move away from paper to the creation of digital information in all business processes brings with it an increased need to store and preserve information in digital systems to ensure it is available for as long as needed and can be accessed forever in the case of information with permanent value.

Around 40% of CAARA authorities are concerned that digital transformation is having an adverse impact on the management of stored information. Digital transition programs often fail to account for the long-term need to store some digital information.

The NAA noted:

While more information is being stored digitally, preservation still represents a high risk as there is little awareness or understanding of how to preserve digital information long term, with most systems not having the capability to do this. The ability for digital information to be accessed without authorisation (hacked) has however supported an increase in the awareness of the need, and the measures put in place, to protect sensitive information. In the 2018 survey, 78% of agencies stated they had measures in place to protect information.

Poor controls allow data manipulation

The importance of preserving the integrity of digital records was noted in a report by the ACT Auditor-General in a report on emergency department performance information. The report found that hospital records were manipulated to improve overall performance information and reporting for the Canberra Hospital's Emergency Department. Poor access controls and lack of governance and administrative accountability for systems allowed manipulation of records about the timeliness of services in the Emergency Department, and also posed risks to privacy of patient information.

A particular concern of many CAARA authorities and stakeholders is the availability and suitability of digital archives. Agencies are currently required to retain digital information of permanent value within their own business systems which do not generally have disposal or preservation functionality built into them. For example, in 2015, SROWA undertook an agency survey on digital information, with approximately 180 agencies responding. Nearly 40% reported they did not have in place strategies, policies or other documentation to support the long-term preservation of digital information.

Protecting stored information against increasing vulnerability to cyberattacks

The report, '*Identity of a nation Protecting the digital evidence of who we are*' from the Australian Strategic Policy Institute identified the threats to stored information of the following possible catastrophic scenarios that could eventuate in the event of an cyberattack:¹

- *The discovery that digital reference legal documents had been altered could bring the court system to a halt while the integrity of the entire system is reviewed.*
- *The deletion, encryption or corruption of information relating to landholdings or births, deaths and marriages would cause widespread societal disruption, stopping everything from property sales to weddings.*
- *A synchronised attack on half a dozen key historical archives—such as our entire newspaper archives, historical photo databases, war records and Indigenous archives—would cause an irreplaceable loss that would be likely to cause public outrage and a great collective sense of loss.*
- *Because we haven't anticipated sophisticated attacks against the organisations holding these assets and because they're generally undervalued, the protections in place are inadequate. And it isn't just nation-states, but cybercriminals and hacktivists who may cause serious damage.*

The report concluded that there is a serious gap in how Australia approaches the protection of digital national identity data and information assets, which the report found are not currently being adequately protected. The report proposes that a long-term plan to protect digital national identity assets is required based on a closer alignment with a stronger focus on information governance.

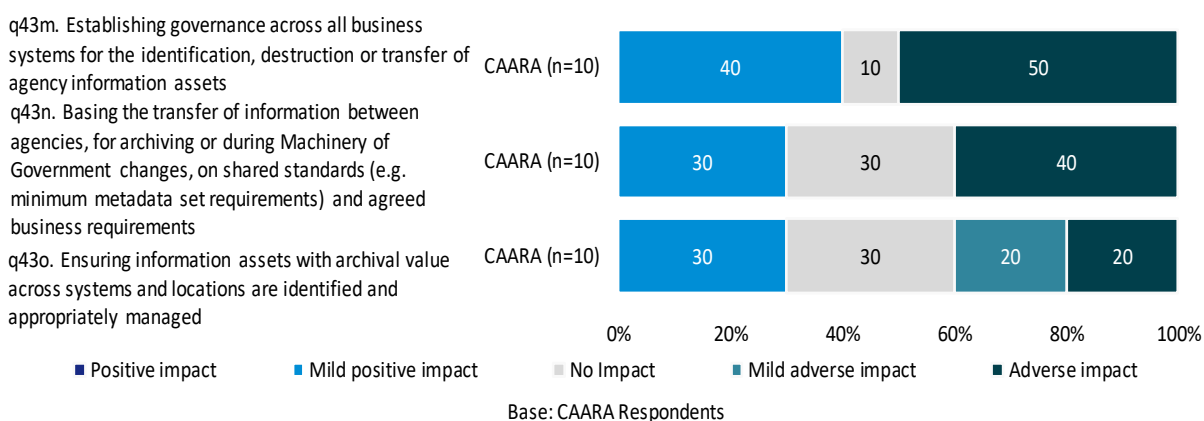
The storage and preservation of digital information is a key challenge for the future. This review finds that it is perhaps overly optimistic to believe that individual government agencies will be able to securely store and manage their own digital information into the future, even using external storage providers. Governments should consider whether there would be economies of scale and more efficient use of scarce skilled human resources to manage this function centrally particularly with the current increased threat of cybersecurity breaches

Recommendation 7

National, state and territory governments should consider whether there would be economies of scale and more efficient use of scarce skilled human resources to manage the storage and preservation of digital information centrally.

Impact on disposal and transfer of information

Figure 15: The impact of digital transformation on disposal and transfer of information



More CAARA authorities believed that digital transformation has had an adverse rather than positive impact on the identification, destruction or transfer of information. A number of CAARA authorities commented that the volume of data being created is projected to increase exponentially and that means that appraisal and disposal methodologies need a rethink.

It was also observed that paper files were very visible, took up valuable property space and were costly to store. Electronic records are largely invisible and relatively inexpensive to store. The previous incentives to engage in good housekeeping no longer exist. It is also resource intensive to identify electronic records that should be destroyed unless systems are set up correctly to automate disposal.

Archives NZ observed the opportunities as well as the risks:

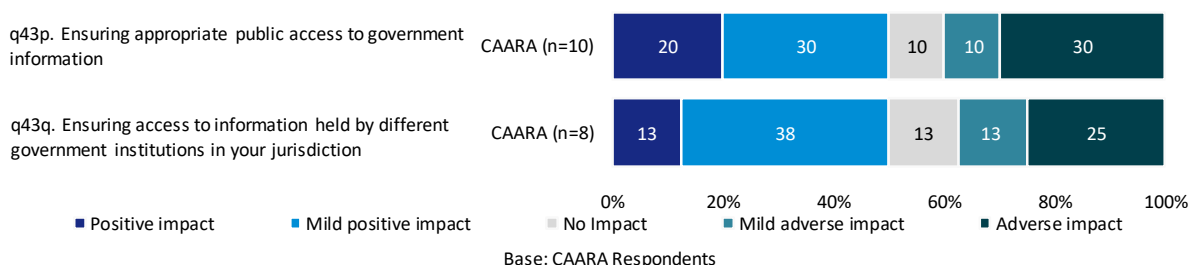
Our long-term goal is to automate disposal within recordkeeping systems, but this is far off. There is a fairly wide range of maturity within agencies around disposal and transfer regarding digital information.

Other CAARA authorities advised that government agencies do not contemplate disposal or transfer requirements when considering digital transformation. They advise that the disposal of digital information can be ad hoc with many agencies keeping everything and others destroying digital information outside of prescribed disposal determinations.

The 2015 SROWA agency survey on digital information found 66% of respondent agencies said their organisation did not actively conduct authorised destruction of digital records. Nearly 55% of respondents said that, even if appropriate infrastructure was in place, their agency would not be in a position to transfer its digital archives to the SRO. From these responses it could be conjectured that many agencies are not allocating sufficient resources to support record and information management, especially with regard to digital records.

Impact on access to information

Figure 16: The impact of digital transformation on access



Around 40% of CAARA authorities believed that digital transformation has an adverse impact on the access to government information.

PROV provided an example where effective information management was not properly considered when a system was implemented with adverse consequences many years later:

... the Victorian government is moving away from Lotus Notes to Office 365 for email provision. Lotus Notes was not designed to appropriately manage information and as a result the government has 20 years' worth of unmanaged email which now needs to be appraised and disposed of or archived. The cost of managing this is very high.

On the positive side, the use of systems which require the inclusion of key metadata should assist in improving the collection of descriptive information and some authorities believe that there is a move towards collecting more standard metadata across government, including the move towards standardisation of taxonomies. The current focus on 'data' is increasing awareness of the need to have appropriate governance and is giving rise to communities of practice (for example, data champions) which further increase awareness of, and support for, data governance.

Interoperability is still identified as one of the lower performing areas and would inhibit access. In the NAA annual capability maturity survey 56% of agencies stated they use standardised file formats to enable use and reuse, while 36% have adopted relevant metadata standards at the appropriate level. The average capability maturity for interoperability in the most recent 2018 survey was 3.1 out of 5.

The Australian Productivity Commission published a report in March 2017, *Data Availability and Use*.¹¹ The report notes the economic opportunities offered by data access:

Effective use of data is increasingly integral to the efficient functioning of the economy. Improved availability of reliable data, combined with the tools to use it, is creating new economic opportunities. Increasing availability of data can facilitate development of new products and services, enhance consumer and business outcomes, better inform decision making and policy development, and facilitate greater efficiency and innovation in the economy.

These opportunities will only materialise if there are proper systems and access regimes.

¹¹ Data Availability and Use, Productivity Commission Inquiry Report, No. 82, 31 March 2017, <https://www.pc.gov.au/inquiries/completed/data-access/report/data-access.pdf>

Victoria has introduced data sharing legislation to facilitate inter-agency data sharing;

Victoria has introduced data sharing legislation, in part flowing from the Royal Commissions into family violence and institutional responses to child sex abuse. The focus on legislation has been both on inter-departmental sharing, and between specific relevant agencies.

The Victorian Data Exchange Framework creates a standardised data exchange approach regardless of data type, classification, exchange method, platform, or intended use. It identifies the key steps and components of data exchange and the overarching governance and business rules. In additions, as part of Victoria's IT Strategy 2016-20, the government has piloted API's for inter-agency data sharing, along with a number of metadata standards, both general and specific (such as, address metadata and gender metadata).

The introduction of Information Asset Registers, through the Victorian Privacy and Data Security Framework, could also be expected to improve interoperability through improving information visibility between agencies.

PROV's new digital archive systems are specifically designed to support the transfer of records to the archive from a wider range of sources and provide greater discoverability and access back to agencies.

A significant risk for access to digital data is the obsolescence of legacy technology. If data (records and information in a system) is not migrated forward when an organisation moves to a new system or an upgrade of a system, then the data will become obsolete and inaccessible. If it is inaccessible or on obsolete IT, then the potential is that the records and information will be lost (unless government is prepared to pay to recover the records and information).

The 2015 SROWA agency survey on digital information found nearly 50% of agencies reported they would need assistance in maintaining long term digital information. Approximately 28% of agencies retain non-active electronic records or legacy systems which have not been migrated or become part of the agency's current ICT environment. While only 2% of respondents admitted that some legacy systems had not been retained when information from these systems should have been kept, 27% of respondents did not know if that was the case.

LANT gave an example of problematic and high-risk transfer of digital information:

A current example of export from a database (provided as a service) of submissions from the government to an inquiry that will be required to be stored on a hard drive or network server due to the LANT not having a digital archive in place to accept transfer of digital records. Determining the metadata and preservation formats on a case by case basis due to no formally approved standard is a high risk that these records will not be available in the long term, apart from the storage media issue. Establishment of a digital archives for government records, along with a suite of standards and documents for agencies to manage permanent digital records and digital transfers, training of the LANT staff and development of a digital archives transfer program would reduce this risk.

Difficulties in accessing records that should have been migrated were identified in a case study in Archives NZ *Report on the State of Government Recordkeeping 2017-18*.¹² An individual, who had been seeking information about the rebuilding of sport and recreation facilities in Christchurch, complained to the Ombudsman that the organisations could not supply information about

¹² Archives New Zealand, <https://archives.govt.nz/publications/report-on-the-state-of-government-recordkeeping/report-recordkeeping-2017-18>

discussions at a meeting between the Mayor of Christchurch and the Minister for Sport and Recreation. Although there were records to confirm the meeting had taken place, searches for records documenting the discussion proved fruitless and the information request was therefore refused. These had not been migrated into a new information management system and were effectively inaccessible to Sport New Zealand and external requestors under initial searches. This case highlights the challenges posed in maintaining continuing accessibility to records once they have been made.

SARA NSW has similar concerns about the proliferation of legacy systems and the abandonment of data which should become digital state archives, but which has no means of being managed, resourced or sustained.

Archives NZ commented that the implementation of effective metadata schema at the point of creation in agencies is required for the long-term accessibility of government digital information, but we do not currently have a good picture of how agencies are performing in this regard.

The issue of the future accessibility of the storage and access of voicemail was examined by the New Zealand Chief Archivist in the *Report on the State of Government Recordkeeping 2017/18*.¹³ The Chief Archivist's investigation was concerned with voicemail left by a government minister. This case raised two important issues of concern about public recordkeeping practices. The first was the question of whether the voicemail was a public record; the second was the challenge public offices have in creating and maintaining records across multiple technologies or devices and in a variety of formats. The investigation found that the legislation was clear in its definitions that records and public records are information in its original form or otherwise, without limitation on format but highlights the challenge of preserving records in all their formats, so they can remain accessible for accountability.

LANT suggests that a survey of at-risk material would be useful:

At-risk collections have not been surveyed within government, as they are often not identified to records management staff until there is a major issue. ... A survey of at-risk formats would assist in flagging these issues, and a program of digitisation would mitigate the risk of losing these records.

The NAA raised the possibility of conducting a promotional campaign to raise awareness of the need to prevent loss of information through obsolescence. As this message is relevant to all jurisdictions it would seem to be an appropriate topic for cross-jurisdictional collaboration.

This review is persuaded of the urgent need for ongoing advocacy to raise awareness of the risks associated with the increasing obsolescence of storage technologies and supports the development of a cooperative approach to achieve this.

Recommendation 8

Archives and records authorities should consider developing and conducting an ongoing promotional campaign to raise awareness of the need to prevent loss of information through obsolescence.

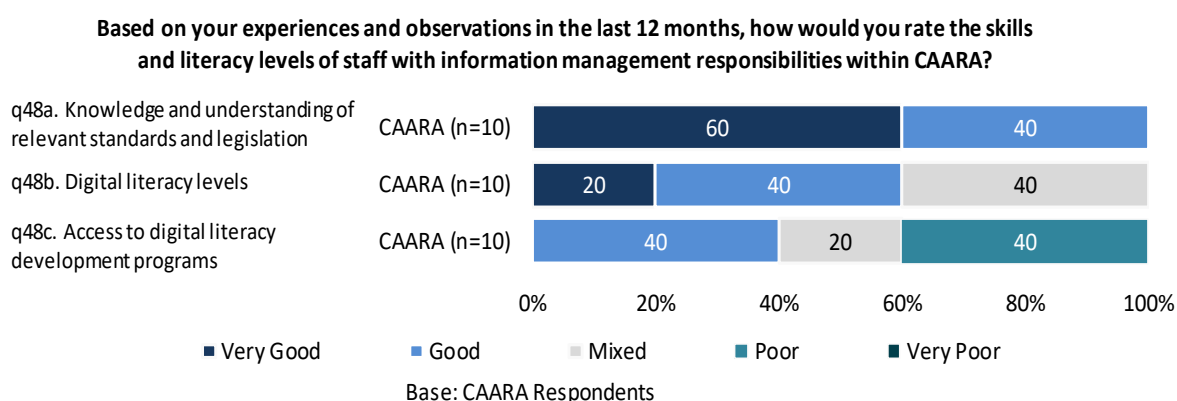
¹³ Archives New Zealand, <https://archives.govt.nz/publications/report-on-the-state-of-government-recordkeeping/report-recordkeeping-2017-18>

Part 9 The capability of staff with responsibility for records management

It is essential that staff with responsibility for records management in government agencies have the appropriate knowledge and skills relevant to their roles. Professional certification and qualifications provide a level of assurance that staff have those skills. Membership of professional bodies offer individuals opportunities for continuing professional development.

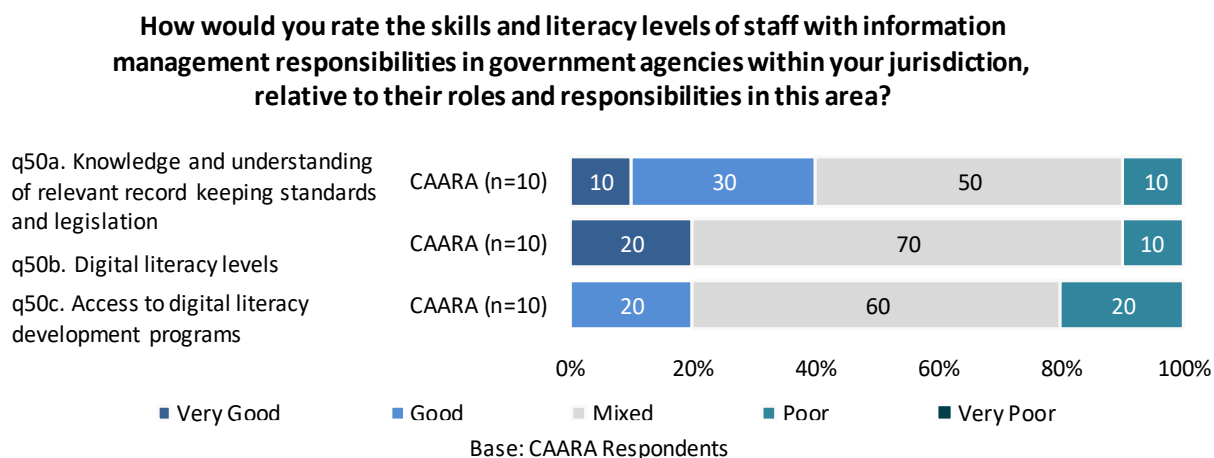
CAARA authorities were asked about the knowledge, skills and digital literacy levels of their staff and the staff in government agencies. The results are set out in figures 17 and 18.

Figure 17: Skill, digital literacy levels and qualifications of CAARA staff with information management responsibilities



In the survey, all CAARA authorities responded that their staff had either very good or good knowledge and understanding of relevant standards and legislation; however, the responses in respect of digital literacy levels (40% mixed) and access to digital literacy development programs (20% mixed and 40% poor).

Figure 18: Skill and literacy levels of staff with information management responsibilities in government agencies



CAARA authorities were even less confident about the skills and literacy levels of staff with information management responsibilities in government agencies responding that 60% had mixed or poor knowledge and understanding of relevant standards and legislation, 80% had inadequate digital literacy levels and a similar figure had inadequate access to digital literacy development programs.

Based on these results, it is not surprising that only 20% of CAARA authorities said that these skills and qualifications of staff meant that the government agencies were well placed for the future to support the creation, secure storage, preservation and access to government information. Specific barriers identified included a lack of understanding of the long-term role of government data as memory and evidence and that the growth in technology use as well as the change in the way that technology is procured (software as a service, cloud, etc) requires information management professionals with skills in the area of contract management, technology procurement and technology integration.

Although there are also good pockets of skills and expertise across government with some CAARA authorities commenting that some government agencies are successful in recruiting skilled people, there is a very limited pool of such staff.

There was widespread concern that this lack of technical literacy meant that agency records staff are ill-equipped to be part of digital information governance conversations and tend not to be 'invited to the table'. This is especially apparent in regional areas. One state archives authority noted:

Those employed in government agencies in the records management areas are often not engaged at a strategic level in information management within their agencies. This may be because they are not senior enough, they lack the skills to advocate within their organisations or because their agencies do not provide sufficient resources (budget, attention, executive support). Sometimes there is a tendency for records/information management to take a back seat to ICT with CIOs sometimes being more technology focussed. There are pockets of extremely good practice (often in local government where this is driven by service delivery needs). Another issue is that records management is seen as a head office corporate function and this means that the awareness of responsibilities for information management and the tools necessary for good practices are not available in regional offices or in service delivery parts of departments (e.g. care/social workers, hospitals, schools, etc).

There was general agreement that skills across the range of records management and information management professionals need to be improved as a matter of urgency so that staff can understand and add value to their business. Archives New Zealand noted that it is three years into a long-term transformation programme that is specifically looking at upskilling staff for the changing information management environment and this is an initiative that other CAARA authorities should follow with interest.

CAARA authorities already engage with a range of sources to support the development of these specialised skills in their own agencies including professional associations and universities. None responded that they engage with TAFEs, vocational educational institutions or other registered training organisations. This is an option that would seem to be worth exploring.

CAARA authorities also saw room for improvement in the digital skills of their general staff with only 60% rated as 'good'. Initiatives to improve the skills of general staff include targeted programs for digital literacy in larger agencies. Small agencies commented on the need to be opportunistic about training opportunities looking for development opportunities for individual staff as they are relevant and when they become available. Secondments, conferences, mentoring, coaching and peer learning were also mentioned as useful ways to improve staff capabilities.

In general, CAARA authorities do not have the responsibility or funding to improve digital literacy skills in other government agencies. The NAA does provide guidance on its website about supporting continuing professional for information professionals working in Australian government agencies advising that ‘Support can include providing opportunities to join professional bodies, gain qualifications and work in different areas of the organisation’.

This is an international challenge. For example, the National Archives in the United Kingdom have noted as a key challenge that Archives are finding it increasingly difficult to compete in the labour market to recruit people with the digital skills they need. They recognised that as a priority:

The whole of The National Archives needs to be digital by instinct and design; our culture needs to develop over the longer term. We will develop our digital ethos, create opportunities for people across the organisation to lead digital initiatives and evolve our staff’s understanding of digital archiving. Research and development are essential to addressing our digital challenges. We will develop our digital research skills, creating an environment that promotes exploration and experimentation.

We will also actively participate in research networks and communities.

The review concludes that CAARA authorities might work together and consider looking to see what the National Archives in the United Kingdom has achieved in this area, as well as looking at partnering with vocational educational institutions and other third-party training options to provide training in digital literacy to staff.

Recommendation 9

Archives and records authorities should explore partnering with vocational educational institutions and other third-party training options to provide training in digital literacy to staff.

Part 10 Capacity of agencies to provide timely and proper access to records

The current environment of decreasing trust in authorities, particularly governments, requires greater transparency, not more secrecy. In the survey conducted for this review, CAARA authorities were asked about the extent to which agencies are able to meet legislated access requirements and the main barriers that prevent this. The results are set out in figures 19 and 20.

Figure 19: The extent to which agencies are able to meet legislated access requirements

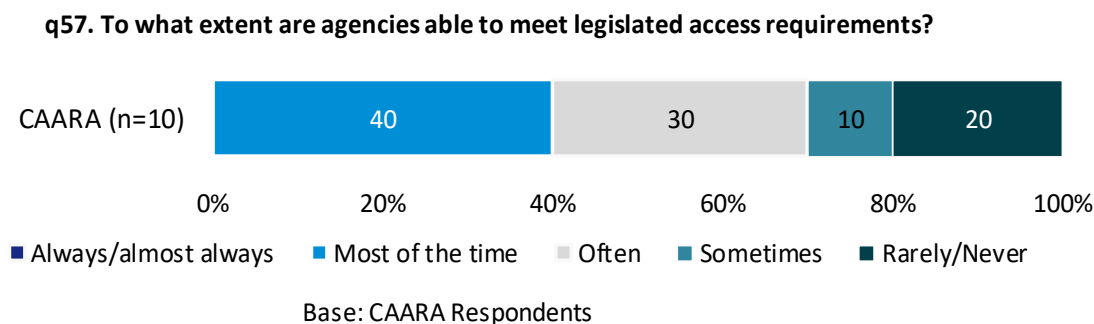
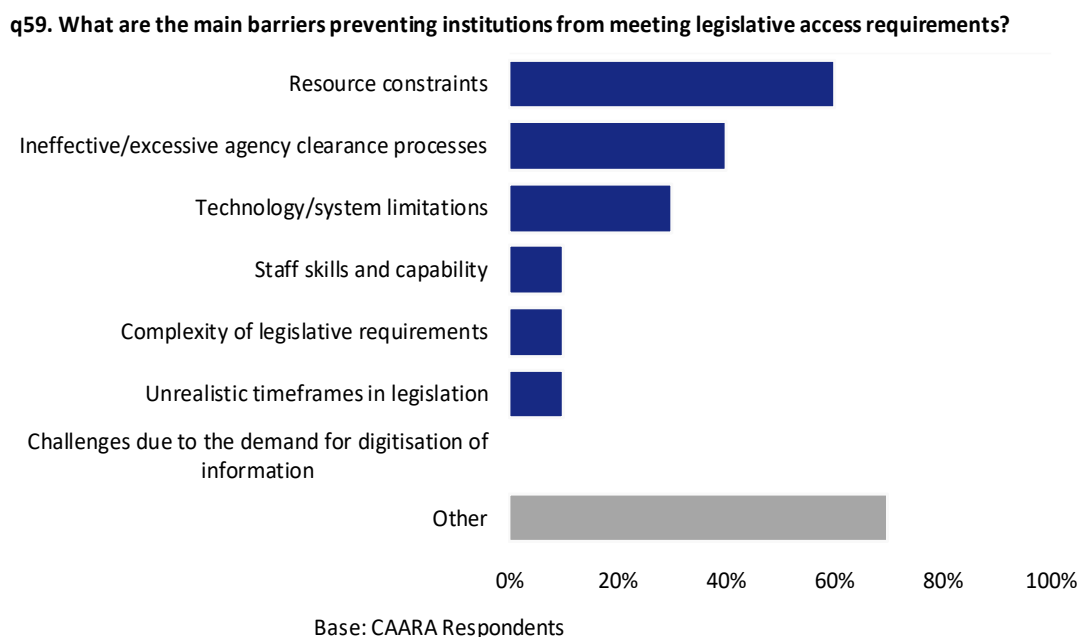


Figure 20: The main barriers that prevent institutions from meeting legislated access requirements



Only 40% of CAARA authorities indicated that agencies could meet the legislated requirements most of the time. The main reason for this failure was identified as resource constraints followed by agency clearance processes and technology and system limitations. Difficulty in locating information was an additional response given for not meeting statutory obligations. With more constrained budgets agencies will continue to take resources from what they consider to be ‘non-core’ business areas like those that provide advice about the release of information, particularly in an environment risk-averse about the release of government information.

The NAA has responsibility for determining access under the Archives Act for any records in the open access period, transitioning to 20 years by 2020. This is unusual – most other access regimes are conducted under freedom of information regimes. One stakeholder noted:

Access is one of the most fragmented information spaces. The overlapping and contested grounds between multiple agencies make access a tricky area. The somewhat adversarial environment also supports risk averse behaviour, which impedes sharing, reuse and appropriate access by other agencies and the public.

The NAA observed that retention and disposal had consistently been identified as poor areas of performance in its annual survey. This results in over-retention of information of low value, potential loss of information of high value, increased storage costs and reduced 'findability'.

One CAARA authority observed that current funding levels in agencies do not support sentencing of records in secondary storage, and the development of records disposal schedules is mostly outsourced requiring agencies to develop a business case for work that was primarily a core records management function. Some of the consequences of this are high and increasing costs for secondary storage, and the risk of permanent records that are un-sentenced being stored in facilities not designed for their preservation. These un-sentenced permanent records are not available for public access.

Poor recordkeeping causes lack of access to records

The report of the *Investigation into the storage and management of ward records by the Department of Human Services* was tabled by Ombudsman Victoria in March 2012. The Ombudsman had received numerous complaints over several years from former wards of the state expressing frustration arising from attempts to access their own personal records relating to their time spent in institutional care in Victoria. The Department was holding approximately 80 linear kilometres of historical records at various locations. Only 26 of the 150 plus years' worth of records relating to wards and institutions had been indexed and catalogued and so an accurate estimate of what portion of these related to wards of the state was not known.

Many examples of poor recordkeeping were uncovered, including one where a collection of 48 boxes containing numerous references to former wards of the state had been marked for destruction. To address this, the Department developed a Ward Records Plan and worked closely with PROV. 42,000 Ward Record Cards were digitised to enable quick and accurate location. To assist people to identify records of interest to them the department has developed a website where it has published series information and lists.

Effective information access through archives and FOI legislation is crucial for government accountability and trust but this review has found that current performance is sometimes poor. Identified barriers including inadequate prioritisation and resourcing, poor retention and disposal practices, and excessive agency clearance processes need to be addressed.

Recommendation 10

National, state and territory governments should work with the archival and records institution in their jurisdiction to identify and address barriers to effective information access including ensuring appropriate prioritisation and resourcing, proper retention and disposal practices, and streamlined agency clearance processes.

Appendix 1: Terms of reference

Government Accountability in the Digital Age **A review of Government Records and Information Management** **in Australia and New Zealand by the** **Council of Australasian Archives and Records Authorities**

- 1 The review will investigate and report on the current status of Government Agency Recordkeeping in each state and national jurisdiction of Australia and New Zealand and the extent to which existing arrangements provide an effective framework for the creation, preservation and access to the records of activity and decisions.
- 2 The review should consider matters including but not restricted to the following:
 - (a) The role, responsibility, authority and powers of the CAARA institutions, including their position and reporting relationships within their respective government's departmental structure
 - (b) The relationship between CAARA institutions and other Government authorities with Information Management Policy responsibilities - such as Government CIO, Information Commissioner, Public Data Stewards, Chief Data Officers and Digital Transformation agencies.
 - (c) The currency and effectiveness of implementation of legislation and policy relating to Government records and recordkeeping
 - (d) The currency and effectiveness of implementation of legislation and policy relating to preservation and access to government records
 - (e) The identified impacts that the digital transformation agenda is having on the creation, use and re-use, preservation and management of government records
 - (f) Adequacy of professional certification and qualifications of staff with responsibility for Records Management within Government agencies (including digital literacy)
 - (g) Capacity of agencies to provide timely and proper access to records and meet legislative requirements
 - (h) Risks being carried by government agencies related to records management.
- 3 The review should inform itself of:
 - (a) findings of recent inquiries and audits of government agencies relevant to the state of government records management; and
 - (b) relevant international developments.
- 4 The review should further inform itself of relevant matters, by engaging with CAARA institutions, stakeholders and agreed institutions, in consultation with the CAARA Chair.
- 5 The review will make recommendations for measures to strengthen the integrity of government agency recordkeeping, assure the proper preservation of records and facilitate access to government records.