NSW Ombudsman

RECORDS MANAGEMENT POLICY

PREFACE

Our office is subject to the *State Records Act 1998* which requires all public sector agencies, local councils and universities to have in place records management programs that comply with the standards outlined in guidelines issued by State Records.

As Department Head, I am responsible for putting in place the necessary framework to ensure that the requirements of the State Records Act are met. However, all staff of the office have responsibilities under the Act. In particular, staff are responsible for making and keeping full and accurate records that adequately document our business activities and which support any decisions made.

Any decision for which the Ombudsman may be held accountable in any way should be adequately documented to meet accountability requirements. Records should be inviolate and unalterable. A record must show what occurred, when it occurred, how it occurred, what the transaction was, who participated and what the outcome was. Records also form the basis of our corporate memory – they tell a story about our evolution - our activities, development and achievements. They support consistency, continuity and productivity in management and decision-making.

The success of record-keeping practices, such as filing, updating of the records system and secure storing of files, is dependent on staff. As the office's primary record keeping system is paper based, electronic records essential to the office's corporate records should be printed and filed. When a staff member performs an action that does not in itself generate a record the staff member must consider whether a record needs to be made.

Procedures for the management of records will be issued to all staff on a regular basis including a manual for using Resolve and guidelines on full and accurate records. Comments and suggestions on improvements to the Records Management Policy or program are encouraged and should be directed to Anita Whittaker, Manager Corporate.

PURPOSE

The purpose of this policy is to outline the office's record management program.

RESPONSIBILITY

All staff have responsibilities to create, keep and retain records in accordance with this policy. The Corporate Team, in particular, the Manager Corporate and three Records Clerks, have specific responsibilities to manage the records created by the office.

LEGISLATIVE FRAMEWORK

State Records Act 1998.

NSW Ombudsman policy number:	22
Policy originally created:	June 2001
Last reviewed / updated:	24 January 2005
Version number:	2
Related policies:	None

This policy does not supersede any other policy.

DEFINITIONS

Appraisal is the process of determining which records should be kept and how long for.

Archiving is the process of identifying and transferring records no longer required on a daily basis to approved secondary or off-site storage areas.

Disposal covers a range of processes associated with implementing appraisal decisions.

Email is a generic term covering all forms of electronic mediated communication.

Electronic records are records communicated and maintained by means of electronic equipment.

Inactive records are those records no longer required to conduct business and can be transferred to approved secondary or off-site storage areas.

Record-keeping is the making and maintenance of complete, accurate and reliable evidence of business transactions in the form of recorded information.

Records are recorded information created and received as part of the business transactions. They serve an administrative, legal and historical purpose.

Records management is the discipline and organisational function of managing records to meet administrative, legal and historical requirements.

Retention period is the time required for records to be retained before their disposal.

POLICY STATEMENT

1. What is a record?

Records are recorded information created and received as part of any business transaction and kept as evidence of such activity. A record must show what occurred, when it occurred, how it occurred, what the transaction was, who participated and what the outcome was.

A record serves an administrative, legal and historical purpose. Records may be correspondence, files, forms, plans, drawings, notes (including *File Notes* and *Post-It* notes), photographs, videotapes, audiotapes, films, emails and electronic documents such as word processing and spreadsheet files.

Records, documents and information are not one and the same. A record is not just a document containing information. It is the combination of content, context, and structure. Information can be manipulated, is timely and may or may not be current. Records should be unchangeable, time-bound, inviolate and tamper proof. For example, when you create an email and save it without sending it, it is a document. When you send the message it becomes a record. The transmission of an email is a transaction and the message is therefore a record. Similarly, sending a memorandum or a piece of correspondence by internal or external post, facsimile or e-mail is a transaction. A word processing document remains a document until it is transmitted or submitted either electronically or physically to another person. Whilst the word processing document may be used for future reference, the transmitted or submitted document is the record. When you conduct a telephone conversation you are exchanging information. When you make a note of a telephone conversation, file note a decision made or actions taken you are creating a record.

2. Records management

Records management is the discipline of managing records to meet administrative, legal and historical requirements. Records management is the systematic control and organisation of records from their creation to their disposal.

The records management responsibilities have been assigned to the Corporate Team and in particular the Manager Corporate and three Records Clerks. A further two staff assigned to records duties exist within the Police Team. The main responsibilities of these staff, in the context of records management are:

- capturing and maintaining complete, accurate, reliable and useable documentation of the office's activities to meet operational, legal, historical and public accountability requirements
- preserving the office's corporate memory
- ensuring that records are available when and where they are needed at minimal cost
- determining how long records need to be retained
- establishing and monitoring records management policies, standards, guidelines and procedures for the office
- providing advice and assistance to teams on managing their records
- identifying record-keeping requirements, and
- training office staff in records management practices.

Other records systems exist around the office, for example, personnel files are stored and managed by the Personnel staff. Similarly Controlled Operations, Witness Protection, Telecommunication Interception and Police Covert files are stored and managed within the relevant team.

3. Record-keeping

Record-keeping is the making and maintenance of complete, accurate and reliable evidence of business transactions in the form of recorded information. It is a critical function that is performed through the collective action of staff and systems throughout the organisation.

The success of record-keeping practices, such as filing, updating of the records system and secure storing of files, is dependent on staff. The records managed by the Corporate Team can only be complete if documentation including correspondence and file notes etc are filed and correct procedures are used for the movement and storage of files.

Generally, staff receive or create records as part of the business process. The majority of these records should be retained and maintained to comply with the regulatory and administrative environment in which the office operates. Records should be retained where there is an operational need or a need to be accountable for decisions, actions, outcomes or processes. Full and accurate records should be maintained in a manner that ensures they are clearly identifiable, authentic, credible, authoritative, adequate for the purposes for which they are kept, correctly reflect what was communicated, decided or done, accessible and retrievable when required.

Any decision for which the NSW Ombudsman may be held accountable in any way should be adequately documented to meet accountability requirements. This includes any decision that is reached, or any commitment or transaction made verbally, eg meetings and telephone conversations. This should be documented by making a record such as a *File Note*. Records should document who made the decision and on what basis the decision was made.

Sometimes active steps are required to create the record. When a staff member performs an action that does not of itself generate a record the staff member must consider whether a record needs to be made. For example, if voice mail is received or an email is sent but then is deleted a record is lost. Staff need to ensure they capture the message before deletion. Staff should save the message to file, tape it, write it down on a *File Note* or print a hard copy before deletion and then store the record on file. Also, during meetings, minutes must be taken and approved to create a record of the meeting. The record should adequately document attendance, decisions made at the meeting and should include a copy of the agenda and all documents considered at the meeting.

Records should be inviolate and unalterable. Once the action has occurred nothing from the record should be deleted or altered. Where information is added to an existing hard copy record, for example by annotations, the additional information should be initialled and dated.

4. Electronic records

Electronic records are records communicated and maintained by means of electronic equipment. They can vary from word processing, spreadsheet and presentation files to e-mails. The definition of a record applies to an electronic record although they potentially differ from non-electronic in the way they are stored, maintained and disposed of.

The office’s record-keeping system is primarily paper-based. Until compliant systems are in place to capture and maintain records electronically, electronic records essential to the office’s corporate needs should be printed and filed.

For internal electronic records, printing and filing is the responsibility of the message originator. For messages received from external sources, printing and filing is the responsibility of the recipient.

5. Access to records

Storage

Staff with records and files that are no longer required for daily operational or administrative use or which are only infrequently accessed should send these records to the Records Clerks in the Corporate Team for storage and appraisal**.**

Records should be transferred to off-site storage at the earliest possible time after their current office life has ended. Records should not be transferred if frequent access (more than once a month) to the records is required. The use of off-site storage assists in the removal of records from prime office space and enables more efficient and economical use of storage space.

The Records Clerks in the Corporate Team are responsible for the transfer and retrieval of records to archives or off-site storage. Requests for archived records should be directed to a Records Clerk in the Corporate Team.

Security

Records’ security is the responsibility of all staff.

The office’s records are managed under one of three security standards:

- confidential
- protected disclosure
- covert/highly protected.

These security measures apply to administration files as well as complaints files.

Anyone in the office has access to confidential files. For the privacy and confidentiality of the complainant and complaint information, it is recommended that you clear your desk of files overnight by storing them in your desk’s drawers. ‘Protected disclosure’ and ‘covert/highly protected’ files can only be accessed by authorised staff. ‘Protected disclosure’ files should be kept when not accessed in a locked cabinet. Emails should not be used to send ‘protected disclosure’ or ‘covert/highly protected’ documents unless there is special approval sought beforehand. When not being used, ‘covert/highly protected’ files should be locked in a safe.

6. Records disposal

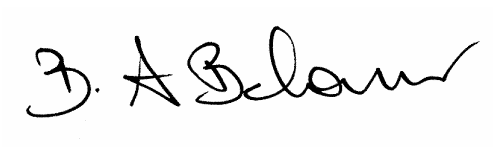
The Records Clerks in the Corporate Team and State Records are responsible for the disposal of records. Retention periods for all records are determined in a disposal schedule according to the office's legal requirements, the value of the records and the approval of the various parties involved.

Regular and routine removal of inactive records is essential for good records management. It saves space, time and equipment and allows for a timely and efficient retrieval of vital records. Records should be disposed of in a lawful manner as soon as they are no longer required for administrative purposes.

A common view is that all records can be destroyed after seven or nine years. This is however not always the case. Some records may have shorter or longer retention periods. All records should therefore be sent to the Records Clerks in the Corporate Team for appraisal.

The decision of keeping or destroying a record is made in consultation with the people who create the record and those who are ultimately responsible for the record. Procedures are in place to ensure accountability and prevent accidental or unauthorised destruction of records.

OMBUDSMAN APPROVAL



Bruce Barbour

OMBUDSMAN