

Minute Ref: T93/750

Subject:

DEPARTMENTAL RECORDS MANAGEMENT

SUB PROGRAM MANAGERS

cc: Deputy Secretary (Communications)
Deputy Secretary (Transport)

There are two matters requiring attention as we proceed with improvements to our records management practices.

Documenting the business of the department on files

My minute of 17 June 1993 outlined measures to upgrade the management of files and papers within the department. We have now developed guidelines that assist staff in the creation of appropriate written records and their maintenance.

The guidelines are to be distributed to all staff for immediate implementation. CMD will provide bulk copies to your sub program.

These guidelines were developed as part of the implementation of recommendations flowing from Professor Pearce's report on the Pay TV tendering processes.

In preparing the guidelines we consulted the Departments of the Prime Minister and Cabinet and Finance, Attorney-General's Department, the Australian National Audit Office, the Australian Archives, and the Public Service Commission. The guidelines have been agreed by the Minister for Transport and Communications, and the Minister for Communications.

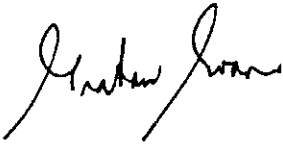
Records management improvements

On 15 September the Planning Evaluation and Audit Committee (PEAC) considered the results of a consultant review of current practices and procedures. Over time, several improvements will be implemented, including:

- the current Records Management Manual will be redeveloped and issued as an instruction on departmental policy (including the above guidelines);

- records management functions are to be integrated as part of each sub program administrative support unit (and the term "Information Centre" discarded);
- a feasibility study will be undertaken to determine the requirements for a replacement computerised records management system;
- current separate sub program recording and management systems will be integrated into the departmental system as soon as practicable;
- enhanced training will be developed at three levels and address the separate needs of new staff, action officers and records management staff.

PEAC will oversight these arrangements. In addition, PEAC will consider the results of a program of audits on records management practices within sub programs to be conducted by records management staff, under the guidance of the Director, Internal Audit.



GRAHAM EVANS

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DOCUMENTING THE BUSINESS OF THE DEPARTMENT ON FILES

1. The purpose of these guidelines is to assist staff to keep appropriate Commonwealth records on departmental files.
2. Although there is significant guidance about the maintenance (or destruction) of Commonwealth records, once these have been created, there is very little, if any, guidance on what records officers should create in the first place in order to provide a full and proper account of the decision-making processes that are the subject of a particular file.
3. Most records in agencies are Commonwealth records and therefore fall under the *Archives Act 1983* (see Attachment A). Commonwealth records cover written or printed documents, sound recordings, coded storage devices, magnetic tapes or discs, microforms, photos, films, maps, plans, models, paintings or graphics that are the property of the Commonwealth.
4. Registered departmental files are the repository of a very important part of Commonwealth records. These guidelines focus on documenting the business of the Department through the creation and maintenance of appropriate Commonwealth records on departmental files.

FILES AND THEIR CONTENTS

5. A file is a collection of papers arranged in chronological or action order relating to a specific matter of departmental business. A file may cover:
 - certain aspects of implementing a Government program eg the transfer of a particular Commonwealth aerodrome to local ownership;
 - an aspect of the Department's administration eg agreed guidelines for the awarding of departmental scholarships; or
 - the development of a particular policy matter eg the policy considerations leading to the establishment of the National Rail Corporation.
6. As a general rule, any document that another officer may need to refer to, or which has any ongoing value to the Department, should be placed on a registered file.
7. Some of the major benefits from proper documentation of files are that:
 - a successor, through reference to the files, is able to take over responsibility for a particular matter from another officer with the least possible inconvenience thus providing for continuity and consistency in

administration and in the provision of advice to the Minister and of information more generally;

the Department and its officers are able to account for their actions to the Minister, Parliament and the public;

the Department can provide adequate responses under the various administrative law statutes or where legal action is taken against the Department;

there is an enduring record of public administration.

8. A file should include all the key decision points in relation to its subject matter and who has made those decisions. It should include all the information which a decision maker has taken into account in formulating his or her decision, including any significant options that the decision maker considered but rejected. There should be sufficient documentation on the file to make quite explicit the intention of the decision maker and the basis for the decision.

9. Papers should not be placed indiscriminately on a file because they have a relevance, if only slight, to its subject matter. Paragraphs 26 and 34-36 provide some guidance on what not to put on file. Creation of files is the responsibility of the sub program administrative support units. This is because careful wording of the file title is essential to make the scope of its content as specific as possible. Proper keywords and cross-referencing are also important.

10. Many of the documents that officers should maintain on file will be obvious. These include for example:

incoming and outgoing correspondence;

minutes to the Minister or to the Executive;

legal opinions;

background material, including recommendations that decision makers take into account when making a decision or formulating a policy;

the formal decisions of decision makers under delegated legislation (note that paragraph 36 refers to the special arrangements for storing the originals of legal documents - a copy would normally be placed on file);

draft documents as described in paragraph 27;

discussion papers;

- submissions to committees of inquiry;

- records of discussion detailing views expressed to, and by, parties relevant to the business at hand;

- descriptions of entitlements of beneficiaries under departmentally managed programs.

11. In addition, there are a variety of technical papers which need to be retained on file or need separate storage arrangements. Sub programs should determine their own local arrangements in relation to this category of documents.

12. Many documents that are created in the Department will have a relatively short life (up to ten years). Important documents that record major policy and decisions need to be retained indefinitely, if not forever. These latter documents should be produced on paper that will last; most recycled paper will deteriorate rapidly beyond ten years, so documents that you consider important should be printed or copied on permanent paper before they are placed on file.

13. Most of the categories of records listed in paragraph 10 come into being more or less automatically as a result of administrative action and once they are in existence there is no difficulty in deciding that they should go on a file.

14. The principal object, of course, is to ensure that important decisions and actions of the Department are documented and accountable.

15. There are cases, however, where doubt can arise, either about whether to create a record in the first place or whether a record, once created, is eligible for longer-term retention and should therefore be placed on file.

16. In the end, this is a matter in each case for judgement by individual officers and it would be unwise to attempt to lay down hard and fast rules. The following comments may, however, be helpful in dealing with the most common "difficult" categories of records or potential records.

RECORDS OF MEETINGS

17. The responsible officer should normally make a record of a meeting where the outcome represents an important part of the information gathering, decision making or policy formulation processes on a particular matter. Examples of such meetings might include those with State Government officials, industry representatives, trade unions, Government Business Enterprises, other departments or agencies, legal representatives and intradepartmental committees eg the Human Resources Committee.

18. Records of such meetings should include detail of the persons and organisations involved and the date and place of the meeting. The note should be a record of the main matters discussed rather than a verbatim report of the discussions. Notetakers should ensure that records are brief and to the point, recording only matters of significance, decisions taken and issues requiring follow-up. Participants should be given the opportunity to comment on the minutes/record before finalisation.

19. In certain instances, it may also be necessary to make file notes of relatively less formal meetings or discussions eg those with Branch or Division Heads, members of the Executive, the Minister or the Minister's staff. Cases in which a file note might be appropriate include meetings which:

- . make important policy or program administration decisions;
- . agree upon a strategy approach and/or significant task allocation;
- . are important to the information gathering process (eg ascertaining the views of another Division).

20. In view of the informal nature of such meetings, it may not be appropriate in every case to apply all the rules set out in paragraph 18 above. Officers making a file record of such meetings should, however, ensure that participants in the meeting know that there will be a record, and, where the subject matter of the meeting so dictates, have the opportunity to comment on it before it goes on the file.

RECORDS OF CONVERSATION/CONSULTATION INVOLVING THE MINISTER

21. Officers may be invited to attend a meeting with the Minister or his/her Office to provide, if the Minister's office requires it, an official record of conversations or consultations involving the Minister or his/her Office and a third party. These records should follow the rules set out in paragraphs 18 and 25.

22. Draft records will require clearance by the Minister's Office unless that Office decides otherwise. This is not a decision for the notetaker. It is the responsibility of the notetaker to ensure that the departmental copy of the record is properly filed and, where appropriate, maintained on a restricted access file. Distribution of records placed on a restricted access file should be by name strictly on a "need to know" basis. Please note that a person may apply for access to these documents under the *Freedom of Information Act 1982* (see paragraph 37).

23. The notetaker may not place hand written notes made during the meeting on departmental files or retain them after making the official record. If the

Minister's Office decides no official record is necessary, the notetaker must destroy any handwritten notes.

TELEPHONE CONVERSATIONS

24. A file note of a telephone conversation would be appropriate in certain circumstances. Examples might include where the conversation:

- . is part of the information gathering process;
- . conveys a departmental response to another Government agency, a staff member, a media representative or to a client (depending on the situation, the response may need to be confirmed in writing);
- . conveys to the Department a response on a particular matter;
- . represents a complaint from the public on an aspect of the Department's administration;
- . provides significant policy or administrative direction from a senior officer or from the Minister's Office.

25. If a file note is to be prepared the notetaker should inform the other party that he/she intends to prepare a file note of the conversation. Participants in the conversation should be given the opportunity to comment on the record before finalisation.

DRAFT DOCUMENTS

26. It is undesirable to clutter up files with a large number of draft papers, thus detracting from the clarity of the decision making processes that are documented on the file. As a general rule, you should not place draft documents on a file and may destroy them under the normal administrative practice provision of the Archives Act (see Attachment A).

27. However, there will be occasions when it is appropriate to place drafts on file. Some examples are:

- . a draft discussion paper or draft record of a meeting that has been circulated to industry for comment or to other departments or agencies;
- . a draft that has been circulated widely within the Department for comment;
- . a draft annotated by a senior officer that indicates amplification of a significant policy point or change in policy direction;

a draft that notes agreement to a particular policy position or course of action from a senior officer or from another area of the Department.

28. Where you retain drafts because of annotations on them, it is only necessary to file the annotated pages unless the annotations will be misleading without the remainder of the document. If you receive comments of an editorial nature, it is not necessary to retain annotated drafts but a file note could indicate the originator of the comments and the fact that they have been incorporated into a revised paper.

29. All drafts should show the file reference, date of creation and the originating officer or area. The facility for automatic dating, timing and document identification is available on the Department's word processing software. Further information is included in the Australian Archives Guideline Booklet "When It's Gone, It's Gone".

ELECTRONIC MAIL

30. Increasingly, staff use electronic mail for communication within the Department. Much of the material conveyed by electronic mail is probably relatively unimportant or of short term facilitative value (eg time and place of a meeting, details of training courses) and can be disposed of in accordance with normal administrative practice (see Attachment A).

31. However, some electronic mail will be relevant to the information gathering, policy formulation or decision making processes of a particular issue and should therefore be printed out and placed on the relevant file.

32. Consideration should be given to the circumstances in which electronic mail is appropriate. Only in rare and/or exceptional circumstances would it be appropriate for important administrative decisions to be conveyed and recorded via the E-mail system.

33. Staff should also think about the style of the electronic message, particularly in circumstances where the message is likely to be retained on file. Where appropriate, it may be desirable to indicate as part of the message whether it is a record that the originator or the recipient should place on file. Further information is contained in the Australian Archives Guideline Booklet "Just for the Record".

WHAT NOT TO PUT ON FILE

34. As a general rule, unimportant records which can be destroyed as a normal administrative practice (see Attachment A) should not be placed on file. If material in a diary or personal notebook represents an important part of the decision making process, the author should translate it into a formal note for inclusion on the file.

35. Other material that should not be placed on file includes:

- . reference material such as books or pamphlets - should be held in a reference section; if they relate directly to action or correspondence on file they can be placed in an envelope on the inside cover of the file;
- . maps - as for reference material unless there is a specific requirement for these to be placed on file eg where they explain policy and administrative issues such as routes for roads or rail corridors;
- . newspaper clippings - should be held in a reference section unless there is a specific requirement for these to be held on file eg where they form part of a brief to the Minister;
- . cablegrams - master copies are held by Policy Coordination Branch; information copies should be held in a sub program reference area unless there is a specific requirement for these to be held on file eg where they form part of a brief;
- . Cabinet Submissions, Memoranda and Minutes - kept with Parliamentary Liaison Section. Where these are temporarily located in action areas, adequate care needs to be taken to keep the documents separate and properly secured.

36. In addition, there are special arrangements for storing the originals of legal documents eg legislative instruments, certificates, deeds, contracts and licences in a central register in the Policy Coordination Branch and/or in some cases special arrangements within the sub program. Staff should consult their sub program administrative support unit about arrangements. (Refer to the Minute to all Sub Program Managers - Procedures for Handling Statutory Instruments dated 3 August 1993).

ACCESS TO DEPARTMENTAL RECORDS

37. A person may apply under the Freedom of Information Act for access to any document in the possession of the Department (including documents existing in electronic form, such as E-mail, or informal records such as diary notes). Exemption provisions in the Freedom of Information Act may protect sensitive documents from disclosure.

38. Similarly, the Department may be liable to disclose any document with evidentiary value to another party in a court action. There are only very limited circumstances where the Commonwealth can oppose production of documents on public interest grounds.

39. Staff should also note that under the Information Privacy Principles of the *Privacy Act 1988*, they are required to ensure that any personal information contained in files is not disclosed to another person, body or agency, unless an exception is applicable.

FILE MANAGEMENT ARRANGEMENTS

40. These guidelines form part of the Department's Records Management Manual. The Manual also contains departmental instructions about the management of files eg file creation, titling, folio numbering, security classification. Other guidance is contained in the Department's booklet entitled "Records Management", copies of which have been issued to all staff. Additional copies are available from your sub program administrative support unit or central Records Management.

41. The Department's file management check list is at Attachment B for easy reference.

DEPARTMENT OF TRANSPORT AND COMMUNICATIONS
20 SEPTEMBER 1993

ATTACHMENT A

LEGISLATIVE FRAMEWORK

The *Archives Act 1983* gives the Australian Archives control over disposal of Commonwealth records to ensure:

- . efficient and economical record keeping in the Commonwealth government by the prompt destruction of records no longer needed for legal, fiscal, administrative or other reasons;
- . identification and preservation of those records which for similar reasons, must be kept permanently.

2. Under the Act (s.24(1)), it is illegal to destroy or otherwise dispose of a record, to transfer the custody or ownership of a record or to damage or alter a record unless these actions are:

- . required by any law;
- . authorised by the Australian Archives;
- . a normal administrative practice.

3. The Act permits normal administrative practices involving destruction, disposal, alteration or transfer of Commonwealth records (s.24(2)(c)). Thus daily administration may proceed so long as it does not undermine the proper preservation of Commonwealth records or endanger valuable information.

4. It is for example, a normal administrative practice to:

- . destroy drafts, rough notes, spare copies (note that once these are placed on file, they cannot be removed without reference to a sub program administrative support unit. Additionally, some drafts should be retained on file - paragraph 27 of the guidelines refer);
- . add comments to folios on file unless the folio is more than 25 years old;
- . underline important points;
- . add file movements to file covers.

5. Destruction as a 'normal administrative practice' usually occurs because the information is:

- . duplicated (eg a handwritten draft or information copy);

- . unimportant (eg telephone message slips);
 - . of short term facilitative value (eg compliments slips, or some ADP test data);
 - . or a combination of these.
6. Officials must not use the 'normal administrative practice' provision to destroy records which document the significant operations of an agency and may have long term value for research. In this regard, Australian Archives can issue a notice of disapproval in situations where they consider a 'normal administrative practice' of an agency is putting information at risk.
7. It is also not permissible to destroy any record once a Freedom of Information request or another legally binding request has been made of it, irrespective of whether it is eligible for destruction under the 'normal administrative practice' provision.
8. The Information Privacy Principles (IPPs) in section 14 of the *Privacy Act 1988*, require that any personal information contained in files is:
- . accurate, up-to-date, complete and not misleading (IPP 7);
 - . used only for a purpose to which the information is relevant (IPP 9) and only for the purpose for which it was obtained, unless an exception is applicable (IPP 10); and
 - . not disclosed to another person, body or agency, unless an exception is applicable (IPP 11).

FILE MANAGEMENT CHECK LIST FOR ACTION OFFICERS

- ☒ To create a file, complete a "File Request Form" and pass to your Administrative Support Unit together with the papers which go to make up the new file. The papers are sighted to ensure that the file is titled, indexed correctly and appropriately classified.
- ☒ Place papers on files in date or action order. Ensure that the papers relate directly to the file title.
- ☒ Folio number each page.
- ☒ Documents which refer specifically to Cabinet Submissions, Memoranda or Minutes by title, number or date, or reveal the nature of Cabinet deliberations should be marked "Cabinet-in-Confidence" and placed on an appropriately classified departmental file.
- ☒ Obtain existing files by telephoning or contacting your Administrative Support Unit in person.
- ☒ Always endorse the action record on the file cover clearly. Never let a file leave you without a marking - this should be done by marking the file to another officer, re-submitting (R/S) it, or if all current action is completed, signing off the action record.
- ☒ If you pass a file by hand to another officer, notify your Administrative Support Unit of the movement or complete a file transfer advice.
- ☒ A file marked to more than one officer will be sent to the one whose name appears first. If you want the file to go in a different order, indicate your order by placing a number in pencil against the names on the file.
- ☒ Where later documents placed on a file are of a higher classification than the file cover indicates, send the file with a file request form to your Administrative Support Unit for reclassification.
- ☒ Do not attempt to alter or correct a file title. If a file title is no longer considered appropriate, refer the file to your Administrative Support Unit.
- ☒ Do not place more than 200 folios on a file. When a file is this size, ask your Administrative Support Unit to create a subsequent file (new part). The Centre will place a "file closed" sheet on the old file together with information of the new file's existence.
- ☒ Do not remove papers from a file. Refer incorrect filing to your Administrative Support Unit.
- ☒ Do not add further papers to a file that is closed.
- ☒ Do not place Cabinet Submissions, Memoranda or Minutes on a file.