



Australian Government

**Fair Work Building
& Construction**

Recordkeeping Policy

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FAIR WORK BUILDING & CONSTRUCTION

RECORDKEEPING POLICY

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1. Purpose

- 1.1. This policy aims to establish a framework for the creation and management of authentic, reliable and usable records to support the business of Fair Work Building & Construction (FWBC). FWBC is committed to introducing and maintaining recordkeeping practices that meet its business needs, accountability requirements and stakeholder expectations.
 - 1.2. The policy aims to ensure that the following is understood:
 - there are obligations and requirements to identify and keep records of business conducted including records created or received as part of daily work;
 - records created are covered by legislation and provide proof of activities and evidence of business; and
 - records have many purposes other than the original intent and these are often not evident at the time of creation.
 - 1.3. This policy will provide FWBC employees with the guidance necessary to protect the organisation and individual rights and obligations to ensure a fair and equitable outcome for involved parties. It will increase their understanding that business-related and some information-related materials are official records.
 - 1.4. This policy will efficiently and effectively guide FWBC in the management of records and information if
 - The contents are read and understood by FWBC staff and employees;
 - The promotion of this policy by management to staff is committed and ongoing;
 - The policy is under constant review for any anomalies and amendments; and
 - The policy undergoes a formal review at not more than twelve (12) month intervals.
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2. Policy context

- 2.1. This policy compliments and supports the broader FWBC management framework that is defined through internal instructions, policies and processes. As in all policy instructions, the ultimate aim is to ensure optimum outcomes for FWBC and accordingly all aspects of the policy must be considered in the broader organisational context.
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3. Policy statement

- 3.1. Records which document and provide evidence of the official activities of FWBC shall be identified and captured. This will be achieved by:
 - Provision of appropriate training, guidance and awareness;
 - Appropriate controls, monitoring, review and reporting;
 - Effective records management systems; and
 - Compliance with applicable legislation through the development of, and adherence to Organisational policies and procedures.
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4. Scope

- 4.1. This policy applies to obligations for capturing business transactions as records and includes business applications that create records for FWBC.
- 4.2. This policy applies to all records regardless of their format. However, until such time as FWBC implements an approved Electronic Recordkeeping system for the purpose of organisational recordkeeping, only hardcopy records will be recognised as official records of the organisation. All digitally born records regardless of their point of creation or origin must therefore be printed and attached to official FWBC files.

5. Legislation and standards

- 5.1. FWBC is committed to developing and maintaining records in accordance with the legislative framework within which it operates and it endeavors to meet government and international standards for recordkeeping.
- 5.2. The following Acts relate to recordkeeping in the Australian Government:
- *Archives Act 1983* – empowers the National Archives of Australia to preserve the archival resources of the Commonwealth and authorises destruction/transfer of and access to records
 - *Freedom of Information Act 1982* - provides a public mechanism for access to records
 - *Privacy Act 1988* – protects information gathered about individuals
 - *Evidence Act 1995* – clarifies the acceptance of records/copies in court
 - *Electronic Transactions Act 1999* - recognises electronic transactions as records
 - *Public Service Act 1999* - employees must not disclose inappropriate information
 - *Crimes Act 1914* – forbids unauthorised disclosure of information.
- 5.3. The following standards and procedures relate to recordkeeping:
- Australian Standard AS ISO 15489 – Records Management
 - AGLS metadata element set AS 5044
 - National Archives of Australia 'e-permanence' procedures.
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6. Recordkeeping Systems

- 6.1. All information created or received in the conduct of FWBC business should be considered as an Australian Government record and therefore captured into a recordkeeping system.
- 6.2. Recordkeeping systems are a combination of business applications, procedures and practices. FWBC's recordkeeping systems manage the following processes:
- the creation and capture of records;
 - the storage of records;
 - the protection of record integrity and authenticity;
 - the security of records;
 - access to records;
 - the disposal of records in accordance with approved disposal authorities; and
 - guidance and uniformity in method.
- 6.3. These processes provide full and accurate records that are:
- compliant with the recordkeeping requirements arising from the regulated and accountable environment of FWBC;
 - adequate for the purposes for which they are kept;
 - complete in content and contain the structural and contextual information necessary to document a transaction;
 - meaningful with regards to information and/or linkages that ensure the business context in which the record was created and used is apparent;
 - comprehensive in documenting the complete range of business for which evidence is required by the organisation;
 - accurate in reflecting the transactions that they document;
 - authentic in providing proof that they are what they purport to be and that their purported creators did indeed create them, and
 - inviolate through being securely maintained to prevent unauthorised access, alteration or removal.
- 6.4. Examples of applications that support the agency's recordkeeping practices and systems are listed in Annex A.
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7. Records as evidence

- 7.1. In order for a record to be produced and accepted in a court as evidence, they must be managed within a recordkeeping system. The records must also be maintained in a form that enables their recognition as evidence under the relevant legislation and court rules.
- 7.2. Courts will consider certain issues when determining the admissibility of records as evidence, such as:
- whether the record contains information that is an accurate record of what actually occurred at a particular time in the transaction in question;
 - whether the record is able to be reconstructed electronically when required, so that each component part is brought together as a whole and presented in an intelligible way;
 - whether the record is able to be placed in context so that the circumstances of its creation and subsequent use by an agency can be understood in conjunction with its information content, and
 - whether the records have been officially incorporated into a recordkeeping system.
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8. Responsibilities

- 8.1. *The FWBC Director shall, through the Executive Director Governance and Chief Financial Officer:*
- be responsible for the standard of FWBC recordkeeping.
- 8.2. *The National Records Manager shall:*
- develop/review strategies, policies and procedures to support the recordkeeping function of FWBC;
 - ensure that FWBC recordkeeping practices comply with its obligations and responsibilities as an Australian Government agency;
 - develop and deliver records management training sessions (including staff induction) for all levels of staff;
 - conduct national audits on records system and process compliance;
 - attend and contribute to the FWBC Audit Committee;
 - oversee the recordkeeping functionality of FWBC recordkeeping systems;
 - develop and implement methods for marketing/promoting recordkeeping activities, responsibilities and compliance; and
 - manage the day-to-day and long term operation of the Records Management Function
- 8.3. *Nominated Records Support Officers shall:*
- Contribute to and maintain recordkeeping procedures documenting specific FWBC requirements, rules and practices that govern the recordkeeping activities of all FWBC staff;
 - promulgate FWBC recordkeeping policies and guidelines to all staff;
 - monitor staff compliance with the recordkeeping policy;
 - deliver a recordkeeping information session as part of the FWBC Staff Induction Process;
 - deliver recordkeeping training and advice to all staff;
 - maintain, monitor and review FWBC recordkeeping systems;
 - ensure that records are kept in accordance with organisational and Record Retention Schedule requirements (as a minimum); and
 - Provide / seek advice on recordkeeping which are unclear.
- 8.4. *IT support staff, including system administrators, shall:*

- maintain the technology used to support systems that capture and keep records electronically ensuring that all documents are reliable, available and accessible to staff when required; and

8.5. *All managers and supervisors of FWBC employees shall:*

- monitor staff under their supervision to ensure that they understand and comply with FWBC recordkeeping policies and records management guidelines for the creation and maintenance of records;
- support and foster a culture in their workgroup that promotes good recordkeeping practices; and
- provide / seek advice on recordkeeping issues which are unclear.

8.6. *All employees and contractors of FWBC shall:*

- understand the recordkeeping obligations and responsibilities that relate to their position;
- adhere to organisational policies, records management guidelines and standards in keeping records. Specifically to create records to protect the agency and its clients and ensure appropriate security, privacy and access;
- document their daily work by creating and capturing records into identified recordkeeping systems for the following business activities
 - approvals, authorisations or decisions;
 - guidance, advice or direction;
 - information relating to investigations, projects or activities being undertaken;
 - formal business communications between staff and/or external recipients;
- only dispose records under an authorised disposal authority or through the application of normal administrative practice; and
- provide / seek advice on recordkeeping issues which are unclear.

9. Monitoring and review

- 9.1. To support the National Records Manager, Supervisors and senior management should follow established procedures and carry out regular monitoring activities for the purposes of staff and system compliance.
- 9.2. The National Records Manager will review this recordkeeping policy annually and in line with changes to the information management environment.

10. Recordkeeping Strategies

To support this policy the following strategies will be employed within FWBC.

- 10.1. FWBC will establish, where the need is identified, and maintain existing and future record keeping systems so as to provide appropriate levels of evidence of its activities.
- 10.2. All FWBC records are to be properly managed so as to retain contextual integrity through the use of the control systems and processes associated with records management that are consistent throughout the organisation.
- 10.3. FWBC will identify and maintain records which are vital to the organisation's operations and legislative requirements. Such records will be referred to as **Vital Records**.
- 10.4. Vital Records will be copied and original documents stored securely with regard to theft and disaster. Copies only of Vital Records will be used for the organisation's operational requirements.
- 10.5. FWBC shall keep an up to date Business Classification Scheme which will be used for the classification of files and documents
- 10.6. All FWBC files shall be created on the basis of FWBC Policy and shall include, amongst other data:

- ownership details;
 - access right details; and
 - sentencing details.
- 10.7. All incoming and outgoing correspondence shall be registered and captured where required so that conformance with legislative requirements is met. Such correspondence will include electronic records such as facsimiles, e-mail and other electronic media which shall be printed and placed on file.
- 10.8. All determinations regarding capturing of records shall be in accordance with the FWBCRecords Management Policy.
- 10.9. All registered records will be tracked so that their location is known at a particular time.
- 10.10. FWBC Business Continuity Plan will incorporate vital and other records.
- 10.11. A records disposal program shall be undertaken on an annual basis in accordance with NAA guidelines and approved Records Disposal Authorities.
- 10.12. Transfer of custody of records from FWBCshall only occur within the guidelines authorised by the National Archives of Australia and with the authorisation of the FWBC Director. Such authorisation shall be granted only when suitable arrangements with the proposed custodian have been approved.
- 10.13. All FWBCstorage facilities will maintain records in a safe and secure environment with reference to National Archives of Australia Storage Guidelines.
- 10.14. All classified records shall be handled in accordance with the requirements of the Australian Government Protective Security Manual.
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11. Glossary

- 11.1. The glossary of recordkeeping terms published by the National Archives of Australia has been adopted as recordkeeping terms of FWBC, the glossary can be found at: http://www.naa.gov.au/recordkeeping/rkpubs/recordkeeping_glossary.html
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12. Resources

National Archives of Australia, *e-permanence* suite of products
Australian Standard AS ISO 15489–2002, *Records Management*
Archives Act 1983
Privacy Act 1988
Freedom of Information Act 1982
Evidence Act 1995
Electronic Transactions Act 1999
Public Service Act 1999
Australian Public Service Code of Conduct

13. Further information

- FWBCRecords Management Guideline.
- 13.1. For further information please contact the National Records Manager, FWBCMelbourne.

Annex A - Applications that support recordkeeping

The following major applications support the organisations' recordkeeping:

- **Paper-based recordkeeping system (TRIM)** is the business application responsible for capturing and managing the paper-based records. TRIM is a dedicated recordkeeping business application. TRIM does not create or store the physical records it manages.
- **Document Centre (DC) (previously known as DM and WIMS)** is the DEEWR Share Point document management system in which all records are required to be entered as a part of the governance process. **DC** is not a fully compliant recordkeeping system.
- **AIMS (previously MONTI)** is the case management system which is currently utilised by the ABCC for monitoring and managing investigations.
- **Business Information System (BIS or SAP)** is the business application responsible for managing our essential HR and financial transactions and processes. The transactions and processes (records) are created, managed and stored in the application. Although BIS is not a dedicated recordkeeping business application the recordkeeping controls within the application coupled with external recordkeeping procedures and practices, allow the records (transactions and processes) to be managed over time.