Machinery-of-government changes:

Advice for agencies

October 2020

Most Queensland government agencies will be affected by Machinery-of-Government (MOG) changes at some point. MOG changes often happen after an election and can mean big changes for an agency.

This advice is for anyone who wants to know what to do with records and information during a MOG change.

What is a machinery-of-government change?

A MOG change is an administrative, organisational or functional change that affects an agency.

Most MOG changes happen as a result of an election, a restructure, legislative change or the decision to privatise or outsource a function.

The actual change that happens could be the creation of a brand-new agency, the closure of an existing agency (or function within an agency) or the merger or transfer of agencies (or functions within them).

Agencies are responsible for making sure all records and information are cared for during and after a MOG change.

Regardless of the type of MOG change, there are some things you need to do, and these are outlined in the steps below.

For some specific MOG changes there might be additional actions.

Is there any way to prepare for a MOG?

If you suspect that you may be impacted by a MOG change soon, there's a few things you can do before it happens:

⇒ If you can, use an approved retention and disposal schedule to dispose of any records and information that have reached their minimum retention period – it's usually a lot quicker and easier to get rid of records and information before the MOG is officially enacted than after

⇒ If you find any permanent value records and information, check with QSA about whether you can transfer them to the Archives

⇒ Update your information asset register (or similar) to make sure all records and information are accounted for – this is usually the most time consuming part of any MOG project (see Step 2) so do as much of this as you can before the MOG is enacted.

1.

Find out what kind of MOG change it is

The first indication of a MOG change will usually be through legislation or another legal instrument e.g. **Administrative Arrangements Orders**, which set out the principal ministerial responsibilities and Acts they administer, and **Departmental Arrangement Notices** to amalgamate, create an entity or to add an entity to a department.

These will tell you what kind of change is happening, what functions are involved and consequently, the ownership of records and information (the agencies who will be sending and receiving them). Look for language like 'established', 'created', 'commencement', 'separate entity', 'appointed' and 'cease operating' as a starting point.

There are three actions you'll need to take in this first step:

$\Rightarrow$ Find out what kind of MOG change it is – MOGs will look very different to each agency but there are a few common scenarios that we cover. If you're unsure contact your manager.

$\Rightarrow$ Find out which functions are involved – legislation or the legal instrument will tell you this.

$\Rightarrow$ Find out who will be responsible for these functions after the MOG.

    o   If this is covered in legislation, then responsibility for the records and information will automatically be transferred with the function.

    o   If this is not covered in legislation, you might need to do some investigative work to find out who will be receiving records and information (check out the **Stage 1 workflow**).

    o   If a function will no longer be performed, QSA may need to develop a regulation to assign responsibility for the records and information to another agency.

2.

Identify the records

Once you've identified the functions that are impacted by a MOG, you need to find all records and information within those functions.

This means **all business systems and applications** used within those functions of the business, as well as everything in a dedicated recordkeeping system (if you have one), any physical records stored within the organisation or offsite, and any permanent value records held at QSA.

Depending on the size of your agency and the functions involved, this can be a big task so allow enough time to be thorough (check out the **Stage 2 workflow** for a suggested process).

It might help to focus on core records and information (the things that help an agency do its core business) first – these may be more obvious and easier to find than administrative records and information.

Note: if the MOG has been enacted, do not destroy any records.

Once you've done this, details of the remaining records and information need to be documented in a **transfer list** (we talk about this more in Step 4).

You may also need to identify any records that can't be transferred, e.g. for technology reasons or you're unable to split or separate records and information of a particular function from others.

If you can, try to be involved in discussions about the transfer of systems, applications and other IT considerations, this will make the physical transfer of records and information a lot easier.

3.

Plan and write a MOG change agreement

All agencies involved in the MOG need to reach an agreement about the responsibility of the records and information involved, and formally document it. It will need be signed by the Chief Executive Officers of each agency or their delegates.

The agreement needs to cover:

⇒ how records and information have been identified for transfer

⇒ how the records and information will be transferred and when

⇒ how the records and information will be managed and accessed over time, including:

- o storage costs for records stored offsite
- o ongoing costs of business systems, applications and other digital storage (e.g. licenses, ongoing technical support)
- o potential challenges (e.g. software no longer supported or soon to be no longer supported; storage capacity issues)

⇒ **custody arrangements** (if applicable).

If the records need to be accessed by more than 1 agency, you'll need to include in your agreement arrangements around how, when, and where records will be accessed or provided.

This should be based on your business needs and how many records are involved. You could:

- provide copies to the other agency of any records they need – these records will become their master record

- lend records you're responsible for to the other agency or private entity

- manage it through access requests when records are needed infrequently.

Also consider access for any records stored off-site by a storage provider.

Note: You need proper authorisation before selling or donating any records to a private entity or organisation. Find out more about **selling or giving records to a private entity.**

The **Stage 3 workflow** and these **examples of clauses** might help when thinking about these considerations. Use the **agreement checklist** as a basis for your agreement but have the legal teams of all agencies involved review it.

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4. Transfer records

The final step is to transfer the records and information.

This includes transferring physical records and information and migrating digital records and information.

The most important part of this stage is making sure the records and information are useable and accessible while they're being transferred and when they're in their new home.

It's important to record the event history so you can clearly see when the records and information were transferred and where they came from.

Remember to update any dedicated recordkeeping systems and information asset registers or other tools you use to identify and manage your agency's records and information. The **Stage 4 workflow** outlines the steps in this process.

In this step, the **transfer list** needs to be provided to the new agency. This list includes:

- the records being physically transferred

- permanent value records held at the Archives

- any records held in offsite storage.

All agencies need to be aware of the records in offsite storage, including the cost implications for the receiving agency, and ensure the offsite storage provider is advised about the new agency responsible for the records.

The transfer list (see our sample **records transfer list template**) should include:

- file title or **description** of the records–this can be each series or records of a particular activity

- **format** (e.g. paper or digital, microfilm, images, maps, plans)

- volume (e.g. how many or how much space)

- date range for that series

- where they are stored (e.g. off-site with a storage provider or at your agency)

- sentencing information (e.g. **disposal action, retention period**), if applicable.

Your agency's CEO or authorised delegate will need to endorse the transfer of records. This can be done through the transfer list, the **sample transfer memo** and the **transfer letter.**

Note: if you can't physically transfer records and information before the MOG change is officially enacted, the receiving agency can outsource the care of records and information back to the sending agency until the records can be transferred. This can be covered in your MOG change agreement.

What if I'm a receiving agency?

If you're a receiving agency (also called successor), it means that your agency is taking on one or more functions, that legislation (or another legal document) is naming you as a successor agency or that your agency has agreed to be responsible for the records of another agency.

As soon as the MOG takes effect, you'll be responsible for the records and information that you inherit and there's some things you'll need to do:

⇒ contact the transferring agency (ideally prior to the MOG) to find out the types of records and information being transferred, including whether they have any permanent value records at the Archives and what kind of business systems and applications they use

⇒ work with your internal IT areas to make sure you have the knowledge and resources required to accept the transferred records and information

⇒ if you can't physically accept the records and information (because of technological issues, etc.), work with the transferring agency to organise a suitable timeframe for transfer and if necessary, arrange to outsource the care of the records and information back to the transferring agency until you're able to accept them

⇒ understand which approved retention and disposal schedules cover the records

⇒ check if you need to review or update your records governance framework, or any of your tools, policies, or procedures.

Responsibility for records

There are three sections of the *__Public Records Act 2002__* dedicated to custody and ownership of records, and how responsibility for records is transferred between agencies.

For the purposes of a MOG change, there are only a few things you really need to know.

⇒ Responsibility follows the function – so when functions of an agency are transferred or merged during a MOG, those records will automatically follow.

⇒ You might need to work with QSA to develop a **regulation** under the *__Public Records Act 2002__* to transfer responsibility for records to another agency if your agency ceases to exist or is privatised.

⇒ If your agency is legally responsible for records (as stated in legislation, etc.), you remain responsible for those records regardless of whether they are in someone else's custody.

⇒ Anyone with custody of records is responsible for looking look after the management of records usually in agreement with or on behalf of the agency that has legal responsibility.

What about permanent records held at QSA?

QSA are the custodians of the records we hold.

If your agency has permanent records at the Archives but the function of those records transfers to another agency, we will transfer responsibility to the new agency.

You can find out more about **transferring responsibility for records** at QSA on our website.

You can **find out more** about the responsibility for records in our advice on **custody, ownership and responsibility for records.**

Prepare for next time

Know where all your records and information are – identify which business areas are responsible for which records and information and keep up-to-date details about them.
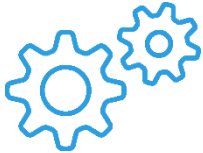
Take a functional approach to recordkeeping – this means grouping or keeping your information according to its function within the business, rather than the type of information it is.

Have an idea of the costs associated with keeping records and information – you'll need to tell the receiving agency when you transfer them the responsibilities of those costs.

Destroy things when you can – this means you may not have to transfer as many records and information for the next MOG.

Learn from any past MOGs.

Helpful links, documents and templates

⇒ [Machinery of Government changes checklist](#)

⇒ [Transfer list template](#)

⇒ [Records transfer batch list template](#)

⇒ [Transfer memo template](#)

⇒ [Transfer letter template](#)

⇒ [Sample clauses for agreements](#)

⇒ [Agreement checklist](#)

⇒ [Recordkeeping responsibilities during outsourcing](#)

⇒ [Transfer records to QSA advice](#)

⇒ [Move records between locations advice](#)