

RECORDKEEPING RESPONSIBILITIES DURING OUTSOURCING OF FUNCTIONS

Queensland State Archives

A guide for CEOs

There are recordkeeping implications for public records when outsourcing a government function or activity. If you are planning on outsourcing one or more of your authority's functions or activities, bear in mind the following responsibilities, considerations and implications:

Examples	Your responsibilities	To meet those responsibilities, you should
<p>Outsourcing of:</p> <ul style="list-style-type: none"> • corporate functions: <ul style="list-style-type: none"> ○ mail functions including scanning, sorting and delivery ○ ICT functions such as email and cloud based storage and services ○ call centres • infrastructure and equipment <ul style="list-style-type: none"> ○ building ○ maintenance ○ tenancy and property management • transport services • counselling of clients or patients. 	<p>Responsibility for the service delivery and the associated records remains with the public authority.</p> <p>Records created by the service provider on behalf of a public authority are public records.</p> <p>Ownership of these records remains with the State of Queensland or the relevant local government.</p> <p>Your recordkeeping responsibilities do not diminish with the outsourcing of a function.</p> <p>You are responsible for</p> <ul style="list-style-type: none"> • all public records created by the service provider on your authority's behalf • ensuring that the service provider creates and keeps full and accurate records of the activities they perform on your authority's behalf • ensuring the safekeeping, proper preservation and return of <u>all</u> records created or received by another entity on your behalf • ensuring public records created or received by the service provider on your behalf are legally disposed of • any permanent records held at QSA (e.g. for Right to Information and public access when restricted access periods apply) 	<p>During planning stage consider implications for recordkeeping.</p> <p>Have contractual arrangements or agreements with the service provider to ensure:</p> <ul style="list-style-type: none"> • recordkeeping responsibilities of both the provider and your authority for <u>all</u> public records involved are clear, including: <ul style="list-style-type: none"> ○ any specific requirements (e.g. list of records to be created and to be returned) ○ ownership, access, control (including monitoring and auditing) and privacy ○ management, preservation and storage ○ disposal, including authorisation and endorsement of disposal Note: disposal must be authorised by QSA and also endorsed by the CEO of the public authority or their authorised delegate ○ dealing with the provision of pre-existing and new records at the completion of the contract including record formats, migration and responsibility for transfer costs ○ dispute resolution and disaster preparedness. • obligations under the Public Records Act 2002, and the Records Governance Policy continue to be met. <p>Queensland State Archives provides a checklist of issues to be included within agreements as well as sample recordkeeping clauses.</p>

