

# Recordkeeping policy framework



## 1. Public Records Act 2023 – new legislation about making, managing and accessing public records.

- The new *Public Records Act 2023* will commence on 5 December 2024.
- A key change under section 46 of the *Public Records Act 2023* is the State Archivist can issue mandatory standards.
- Schedule 1 also establishes principles for public authorities to guide how public records should be managed and accessed with care to support Aboriginal peoples and Torres Strait Islander peoples, and about public records generally.

### What's in it for me?

*The new legislation has been drafted for a digital eco system and using modern language which will make it easier to understand the Act.*

## 2. Recordkeeping policy framework

- The Recordkeeping policy framework will consist of:
  - o mandatory standards
  - o policies
  - o guidelines
  - o advice.
- These standards, policies and guidelines will be developed in consultation with public authorities.
- Mandatory standards must go through a regulation-making approval process and are subject to scrutiny through Queensland Treasury's Regulatory Impact Analysis process.
- The Recordkeeping policy framework includes regular reviews of the mandatory standards, policies, and guidelines to ensure requirements are necessary, efficient, and effective.

### What's in it for me?

*It is easy for me to identify the key recordkeeping documents issued by the State Archivist.*

## Recordkeeping policy framework for the Public Records Act 2023

<b>REGULATION MAKING POWERS</b>	<p>Issued under section 90 PR Act 2023</p> <p style="text-align: center;">Public Records Regulation</p> <p style="text-align: center;"><i>Governor-in-Council approves the standards by regulation</i></p>			
<b>STANDARDS</b>	<p>Issued under S46(1)(a) PR Act 2023</p> <p style="text-align: center;">Standards are the minimum requirements public authorities will be measured against.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;"> <p><b>Standard 1: Create and Keep</b></p> <ol style="list-style-type: none"> <li>1. Create</li> <li>2. Keep</li> </ol> </td> <td style="width: 33%; padding: 5px;"> <p><b>*Standard 2: Safe keeping and preservation</b></p> <ol style="list-style-type: none"> <li>1. Safekeeping</li> <li>2. Preservation</li> </ol> <p style="text-align: right;"><i>(* working title)</i></p> </td> <td style="width: 33%; padding: 5px;"> <p><b>*Standard 3: Dispose</b></p> <ol style="list-style-type: none"> <li>1. Appraisal</li> <li>2. Sentencing</li> <li>3. Dispose</li> </ol> <p style="text-align: right;"><i>(* working title)</i></p> </td> </tr> </table> <p style="text-align: center;">The standards will replace the Records Governance Policy</p> <p>(MUST)</p>	<p><b>Standard 1: Create and Keep</b></p> <ol style="list-style-type: none"> <li>1. Create</li> <li>2. Keep</li> </ol>	<p><b>*Standard 2: Safe keeping and preservation</b></p> <ol style="list-style-type: none"> <li>1. Safekeeping</li> <li>2. Preservation</li> </ol> <p style="text-align: right;"><i>(* working title)</i></p>	<p><b>*Standard 3: Dispose</b></p> <ol style="list-style-type: none"> <li>1. Appraisal</li> <li>2. Sentencing</li> <li>3. Dispose</li> </ol> <p style="text-align: right;"><i>(* working title)</i></p>
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<b>POLICIES</b> (MUST HAVE REGARD TO)	<p>Issued under S46(1)(b) PR Act 2023</p> <p style="text-align: center;">Issued to provide advice which public authorities must have regard to</p>			
<b>GUIDELINES</b> (MAY)	<p>Issued under S46(1)(c) PR Act 2023</p> <p style="text-align: center;">Issued to support a standard and provide further information which may assist public authorities to implement the standards and encourage good practices</p>			
<b>ADVICE</b>	<p>Issued under S44f PR Act 2023</p> <p style="text-align: center;">General recordkeeping advice on making and managing public records For example: providing information to public authorities on emerging recordkeeping issues such as AI, vulnerable persons, Building Information Modelling, source records</p>			

### 3. Understanding the mandatory standards

- Mandatory standards will be issued to establish the minimum recordkeeping requirements for public authorities under the *Public Records Act 2023*.
- Mandatory standards will have principles-based requirements which specify outcomes that must be met but will not specify how the outcome will be achieved.
- Principles-based requirements allows some flexibility for implementing these recordkeeping requirements and for the diversity of public authorities.
- Public authorities must comply with mandatory standards.
- There will be a transition period from the Records Governance Policy (RGP) to the mandatory standards.

#### What's in it for me?

*It is easy for me to understand what the mandatory recordkeeping requirements are under the Public Records Act 2023.*

*The specified outcomes give my public authority flexibility to choose how to meet recordkeeping requirements.*

### 4. Understanding the policies, guidelines and general recordkeeping advice

- Public authorities must have regard to policies, including the Records Governance Policy.
- A guideline will support a mandatory standard and provides information about how the standard can be implemented.
- It is not mandatory to follow a guideline.
- It is important to note a guideline is only issued to support a mandatory standard.
- A guideline may also contain best practice approaches for public authorities.
- Queensland State Archives will continue to provide general advice to support you with emerging recordkeeping issues and digital capabilities.
- Advice will be clearly distinguished from mandatory standards, policies and guidelines.

#### What's in it for me?

*The new Recordkeeping policy framework will make it easy for me to distinguish between mandatory requirements, policies, guidelines and general recordkeeping advice.*

### 5. Disposal authorisations

- The State Archivist will continue to authorise disposal of public records.
- Existing retention and disposal schedules will remain in place and Queensland State Archives will continue to work with you to reduce the volume of disposal authorisations.
- The State Archivist has a new power under section 24 to issue a protection notice that allows temporary suspension of disposal authorisations for public records which may be required by an investigative entity, for example a Royal Commission.

#### What's in it for me?

*The State Archivist will communicate with public authorities when protection notices are issued, outlining when disposal authorisations are suspended.*

### 6. Providing assistance

- The voluntary recordkeeping survey will recommence and will help Queensland State Archives understand your recordkeeping needs.
- The State Archivist has a new function to provide assistance and training for public authorities.
- The new Act also includes powers for the State Archivist to monitor, audit and report on compliance with the Act, including issuing a public authority with a notice to report on an issue.
- The new function and powers, as well as pulse surveys and the findings of recordkeeping surveys, will help Queensland State Archives to understand your recordkeeping needs and provide assistance.

#### What's in it for me?

*It will be easy for me to communicate recordkeeping issues and to receive assistance from Queensland State Archives.*

*Queensland State Archives will work with me to help uplift recordkeeping capability.*

### 7. Reporting, investigations and enforcement

- Queensland State Archives will be liaising with integrity agencies to investigate instances of wilful noncompliance.
- There is a new offence for attempted unlawful disposal of a public record, along with extended timeframes for action to be taken for unlawful disposal.
- Queensland State Archives will prioritise working with public authorities to address any recordkeeping compliance gaps.
- There are new annual reporting requirements, with the State Archivist required to report on any notices to report issued, any noncompliance with the Act and actions recommended and taken in response to the non-compliance.

#### What's in it for me?

*It will be easy to understand the actions Queensland State Archives can take if noncompliance with the Public Records Act 2023 is identified.*

### 8. Stay informed

- Queensland State Archives will communicate timelines for consultation and preparation of mandatory standards, policies and guidelines.
- We are seeking your feedback on future activities and awareness and education priorities.
- Sign up to our Community of Practice, our Update from the Archives newsletter or visit our Public Records Act webpage.

#### What's in it for me?

*It will be easy for me to have a voice about changes that may affect my public authority.*

*It will be easy for me to understand and prioritise which activities my public authority would like to engage in.*