



Private Email Use Policy

1 Purpose

To outline certain recordkeeping obligations under the *Public Records Act 2002* (the Act) and set out the principles for the use of private email and messaging applications.

2 Effective Date

20 March 2018

3 Authority

Premier of Queensland

4 Application

This policy applies to all Queensland public service employees.

5 Previous references

Use of Internet and Electronic Mail Policy and Principles Statements (7 September 2007)

6 Related information

This policy should be read in conjunction with

- (i) [Use of ICT Services, Facilities and Devices policy \(IS38\)](#)
- (ii) [Personal use of social media guideline](#)
- (iii) Information Standard 40: Recordkeeping
- (iv) Information Standard 31: Retention and Disposal of public records
- (v) Forgov.qld.gov.au/recordkeeping
- (vi) Use of internet and email policy (22 December 2015)

7 Attachments

- (i) Examples of public records
- (ii) What records do I need to keep?



8 Recordkeeping Obligations

- 8.1 Records are the cornerstone of an accountable and democratic society and allow scrutiny from the public of the decisions made by public service employees.
- 8.2 The Act requires each agency to make and keep full and accurate records of its activities (section 7).
- 8.3 Public service employees are responsible for:
- the creation, capture, keeping and disposal of public records
 - disposal of public records in accordance with authorisations issued under the Act
 - adhering to procedures that ensure the appropriate management of public records
 - ensuring the safe custody and preservation of public records
- 8.4 All public service employees have a statutory obligation under section 7 of the Act to make and keep, full and accurate records of work related interactions including those received outside of official government accounts.

9 Principles – use of private email and messaging apps

- 9.1 Public service employees must ensure that all government business is conducted through their government email account.
- 9.2 The use of private email accounts or systems (such as Gmail, Hotmail or similar) and messaging applications (such as Facebook Messenger, SnapChat, Wickr Me and WhatsApp), for government related business poses a security risk, prevents the proper management of records, and is prohibited.
- 9.3 Where a communication is received through a private email account that relates to government business it must be treated as a public record under the Act and the obligations under the Act including the safe custody and preservation of the record must be complied with.
- 9.4 If a record relating to government business is received in a private email account, the email must be forwarded from the private email account to the employee's agency email account within 20 days of receipt of the email. If a response is required to an email received in a private email account, an agency email account **must** be used to respond.
- 9.5 The disposal of public records within a private email account (that are not captured elsewhere) can be a breach of the Act. Public records can only be disposed of or destroyed in accordance with the Act.

10 Limited exception approved by Chief Executive

- 10.1 A chief executive may allow an employee or a group of employees to use a private email account in certain situations (eg. in emergency, disaster, IT systems limitations) provided adequate systems and processes are in place to ensure that resulting records are captured by agency record keeping systems.

11 Conduct inconsistent with this policy

- 11.1 Conduct inconsistent with this policy may result in:
- disciplinary action in accordance with applicable legislation and/or policy
 - referral to a relevant law enforcement and/or oversight body (such as the Crime and Corruption Commission).

12 Definitions

Under the *Public Records Act 2002*

record means recorded information created or received by an entity in the transaction of business or the conduct of affairs that provides evidence of the business or affairs and includes—

- a) anything on which there is writing; or
- b) anything on which there are marks, figures, symbols or perforations having a meaning for persons, including persons qualified to interpret them; or
- c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
- d) a map, plan, drawing or photograph.

A **public record** is any of the following records made before or after the commencement of this Act—

- a) a record made for use by, or a purpose of, a public authority, other than a Minister or Assistant Minister;
- b) a record received or kept by a public authority, other than a Minister or Assistant Minister, in the exercise of its statutory, administrative or other public responsibilities or for a related purpose;
- c) a Ministerial record;
- d) a record of an Assistant Minister

A **public record** includes—

- a) a copy of a public record; and
- b) part of a public record, or a copy of a part of a public record

Attachment 1: Examples of public records

Example	Public Record?
<u>Email received</u>	
An email received in the private email account of the Director-General of the Department XYZ asking about the outcomes of a meeting held for which both parties were present (The DG and sender are known to each other socially).	Yes Transfer to business account and respond as appropriate from business account
An email sent by a lobbying organisation requesting a meeting to discuss the future of industry XYZ in Queensland sent to the private email account of a public servant who is known to the lobbying group personally.	Yes Transfer to business account and respond as appropriate from business account

Attachment 2: What records do I need to keep?

WHAT RECORDS DO I NEED TO KEEP?

...records of *all* your work activities. The majority of information you create and receive is likely to be a public record, **BUT** not all records need keeping for long periods. Records of work activities...

 <p>...capture a decision</p> <ul style="list-style-type: none"> • policies/procedures • file notes • meeting minutes • leave applications • discussion papers • plans • authorisations • business cases • finance approvals • recruitment and selection documentation • approved CAD drawings <i>(also includes records listed under ...capture action taken)</i> 	 <p>...capture action taken</p> <ul style="list-style-type: none"> • internal/external advice • consultation reports, feedback requests, public enquiries • invoices for payment • interactions – rights and entitlements of individuals and communities • research – reports and data • drafts – at key milestones (e.g. consultation, approval), that show change in direction, significant feedback or comments • legal agreements <i>(also includes records listed under ...capture a decision)</i> 	 <p>...are created, received or kept to meet</p> <ul style="list-style-type: none"> • legal requirements - needed for future legal/disciplinary action (e.g. licences, permits, contracts, advice, application assessments) • community expectations - value to community groups (e.g. registration forms, reports, protective clothing logs, consultation) • business requirements - support decisions and actions (e.g. service contract, general ledger, advice, expenditure approvals) 	 <p>...are in all formats, and located in business applications</p> <ul style="list-style-type: none"> • emails • spreadsheets • shared drives • websites • metadata • business applications/systems - client management database, infrastructure maintenance system etc (e.g. audit logs, data files, system change requests)
---	--	--	--

What does NOT need to be kept? Information which does not record your work activities, such as: personal emails and messages, external publications and external training material.

What transitory records can be destroyed once use ceases? Duplicates, emails for information only, some drafts, daily routine administrative arrangements such as parking arrangements, committee meeting arrangements.

How do I know what to keep? Ask the following questions: what is the ongoing use and value of these records; to whom and why. Check your approved retention and disposal schedules for retention periods.