

Public Records Act 2023
Information Session #2

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Implementation update
and Recordkeeping Policy Framework



Queensland
Government



Acknowledgement of Country



Objectives

- Provide an update on the implementation of the new Act
- Learn about the new Recordkeeping Policy Framework including:
 - mandatory standards, policies, guidelines and advice
 - what applies from 5 December 2024
 - how to be involved in consultation on the mandatory standards and guidelines

Updates on the implementation of the Act



Queensland
Government

Implementing the Public Records Act 2023

Three-year program

2024

YEAR 1

Developing & consulting

QSA will raise awareness of the new PR Act 2023 and work with public authorities

QSA will:

- Develop a Recordkeeping Policy Framework
- Develop a draft first mandatory standard – the Create and Keep Standard and Guideline
- Issue a revised Appraisal Statement
- Issue new advice for Restricted Access Periods
- Commence establishment of the First Nations Advisory Group
- Develop a protection notice process

You will:

- Learn more about the PR Act 2023 throughout the year
- Be able to provide feedback on first mandatory standard and supporting guidelines through:
 - briefings
 - consultation sessions

5 December 2024
PR Act 2023 commences

2025

YEAR 2

Developing, consulting & implementing

QSA will finalise and begin to implement the Recordkeeping Policy Framework

QSA will:

- Continue developing and consulting on additional mandatory standards and supporting guidelines
- Develop regulation on restricted records (s40)
- Issue mandatory standards and supporting guidelines
- Support public authorities to transition to the new mandatory standards
- Issue advice on at-risk records
- Provide education and training

You will:

- Have the opportunity to provide feedback on all mandatory standards and supporting guidelines through a formal consultation process
- Have access to education and training
- Be guided and supported by advice from QSA
- Adopt new mandatory standards

2026

YEAR 3

Supporting & monitoring

QSA will support and review implementation of the PR Act 2023 across public authorities

QSA will:

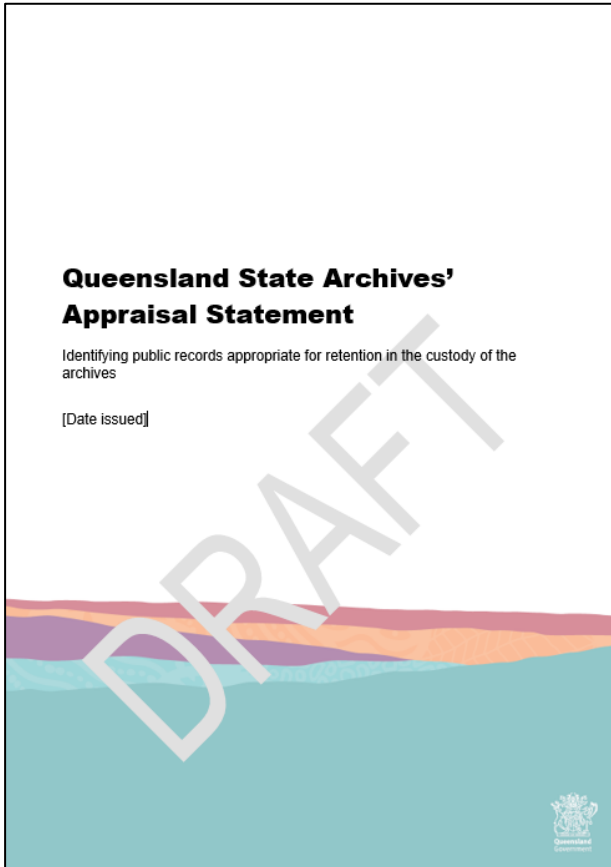
- Continue to support public authorities to implement the new PR Act 2023
- Formalise monitoring and assessment of recordkeeping practices across public authorities
- Support public authorities to transition to the new mandatory standards, including delivering training and education

You will:

- Understand your recordkeeping responsibilities
- Integrate the Recordkeeping Policy Framework into your public authority's recordkeeping practices
- Adopt new mandatory standards
- Continue to have access to training provided by QSA
- Be supported by QSA in implementing the Act

Records Governance Policy remains in place until mandatory standards are issued by the State Archivist (after mid-2025)

Appraisal Statement (s47)



- What's new:
 - A characteristic for records that support “First Nations Peoples and Culture”
 - New general appraisal characteristics
 - Specific appraisal characteristics now have exclusions
 - Additional information on the appraisal of records in digital formats
- Starts on 5 December 2024
- Look out for a consultation draft coming soon



Restricted Access Periods (s28 – 32, Sch 2)

- New advice to be published on QSA website to reflect time periods in the Act by 5 December 2024
- Current restricted access periods remain in effect
- Ensure your [delegations for access](#) decisions are updated
- Longer term, QSA will work with public authorities to review existing restricted access periods



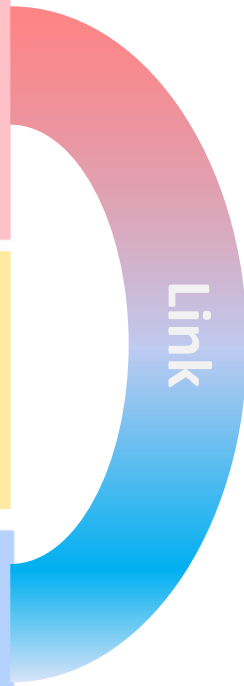
Access to Restricted Records (s33-41)

- Requests for access through QSA online catalogue
- QSA is making system changes to include requirements for public authorities to:
 - decide access within 35 working days
 - notify QSA of their decision and any conditions of access
 - advise QSA of reasons for decision if any conditions of access or access is denied
- The PRRC will review the decision if the State Archivist and public authority disagree about access or conditions of access
- You will see the status of access requests through ArchivesGateway
- Targeted information sessions will be held later in 2024 with those public authorities who receive a high volume of access requests

Recordkeeping Policy Framework

Recordkeeping Policy Framework

| | | | | |
|--|---|--|--|--|
| REGULATION MAKING POWERS | <p>Issued under section 90 PR Act 2023</p> <p>Public Records Regulation</p> <p><i>Governor-in-Council approves the standards by regulation</i></p> | | | |
| STANDARDS (MUST) | <p>Issued under S46(1)(a) PR Act 2023</p> <p>Standards are the minimum requirements public authorities will be measured against.</p> <table border="1" data-bbox="861 402 2094 574"> <tr> <td data-bbox="861 402 1212 574"> Standard 1: Create and Keep 1. Create 2. Keep </td> <td data-bbox="1279 402 1661 574"> *Standard 2: Safe keeping and preservation 1. Safekeeping 2. Preservation <i>(* working title)</i> </td> <td data-bbox="1727 402 2094 574"> *Standard 3: Dispose 1. Appraisal 2. Sentencing 3. Dispose <i>(* working title)</i> </td> </tr> </table> <p>The standards will replace the Records Governance Policy</p> | Standard 1: Create and Keep 1. Create 2. Keep | *Standard 2: Safe keeping and preservation 1. Safekeeping 2. Preservation <i>(* working title)</i> | *Standard 3: Dispose 1. Appraisal 2. Sentencing 3. Dispose <i>(* working title)</i> |
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| POLICIES (MUST HAVE REGARD TO) | <p>Issued under S46(1)(b) PR Act 2023</p> <p>Issued to provide advice which public authorities must have regard to</p> | | | |
| GUIDELINES (MAY) | <p>Issued under S46(1)(c) PR Act 2023</p> <p>Issued to support a standard and provide further information which may assist public authorities to implement the standards and encourage good practices</p> | | | |
| ADVICE | <p>Issued under S44f PR Act 2023</p> <p>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> | | | |



Mandatory standards

- Mandatory standards will specify outcome-based principles that public authorities must achieve for recordkeeping compliance
- Mandatory standards will replace the records governance policy
- Consultation on mandatory standard one and the supporting guideline will start late September/early October 2024

Requirements

EXAMPLE

Requirement 1: A public authority must create an accurate public record of an action or decision.

This requirement is met when:

| | |
|-----|--|
| 1.1 | An action or decision is consistently and routinely recorded. |
| 1.2 | A decision about a record and records management is defensible. |
| 1.3 | A decision about a record and records management considers value and risk. |

Requirement 2: A public authority must create accurate metadata about a public record.

This requirement is met when:

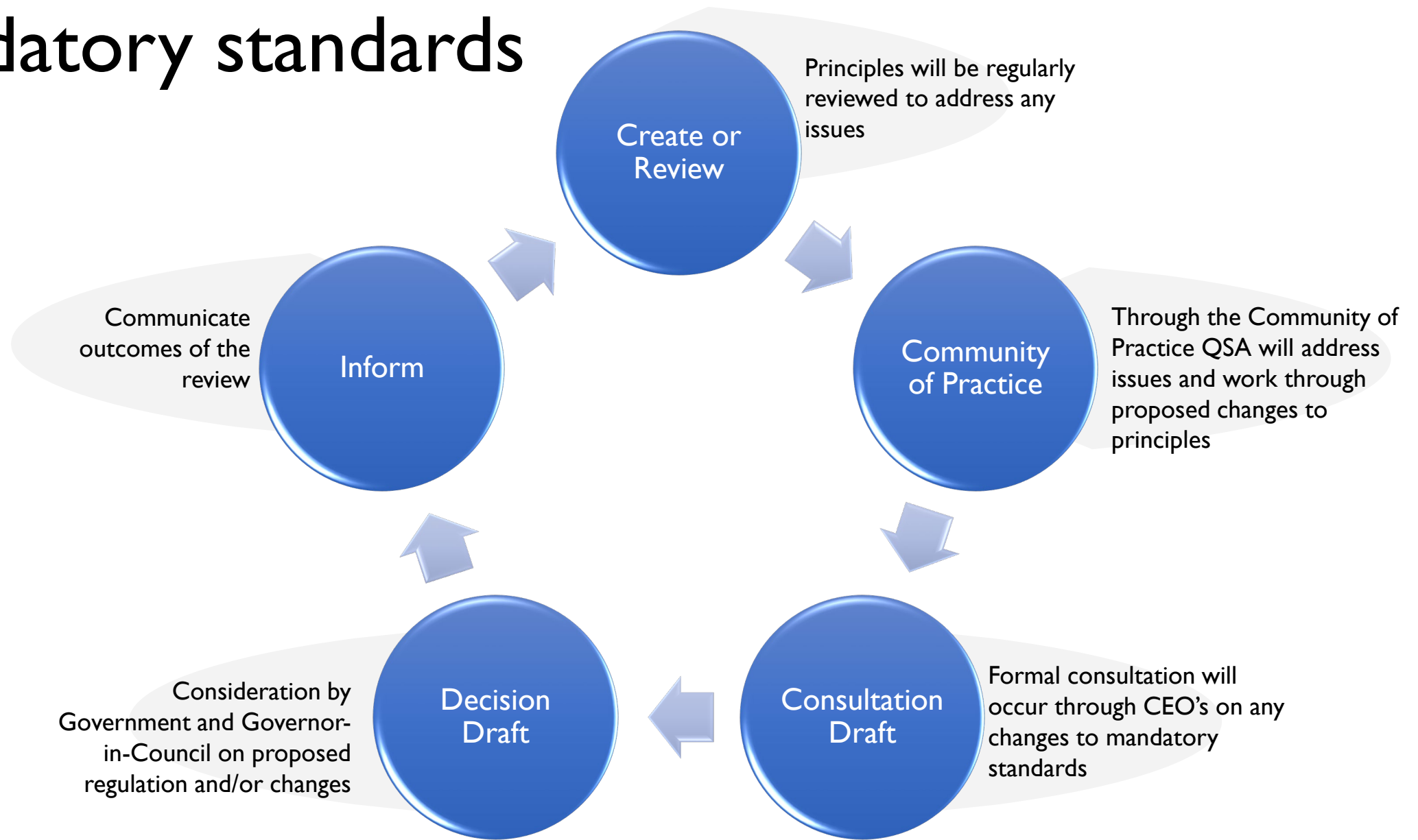
| | |
|-----|--|
| 2.1 | Metadata provides authenticity, meaning and context for an action or decision. |
|-----|--|

Requirement 3: A public authority must keep a public record.

This requirement is met when:

| | |
|-----|---|
| 3.1 | A created or received public record is consistently and routinely kept. |
|-----|---|

Mandatory standards





Monitoring, auditing, investigations and enforcement

- Requirements (Section 12 *Public Records Act 2023*):
 - must comply with mandatory standards
 - must have regard to policies
 - may have regard to guidelines
- Queensland State Archives will work with public authorities, through an educational approach, to build records management maturity
- Monitoring will include recordkeeping surveys and other assessment activities
- Non-compliance must be included in Queensland State Archives Annual Report
- Enforcement action can be taken for wilful non-compliance

Recordkeeping policy framework Handout

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.

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.

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.

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.

7. Reporting, investigations and enforcement

- Queensland State Archives will be liaising with integrity agencies to investigate instances of willful 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.

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.



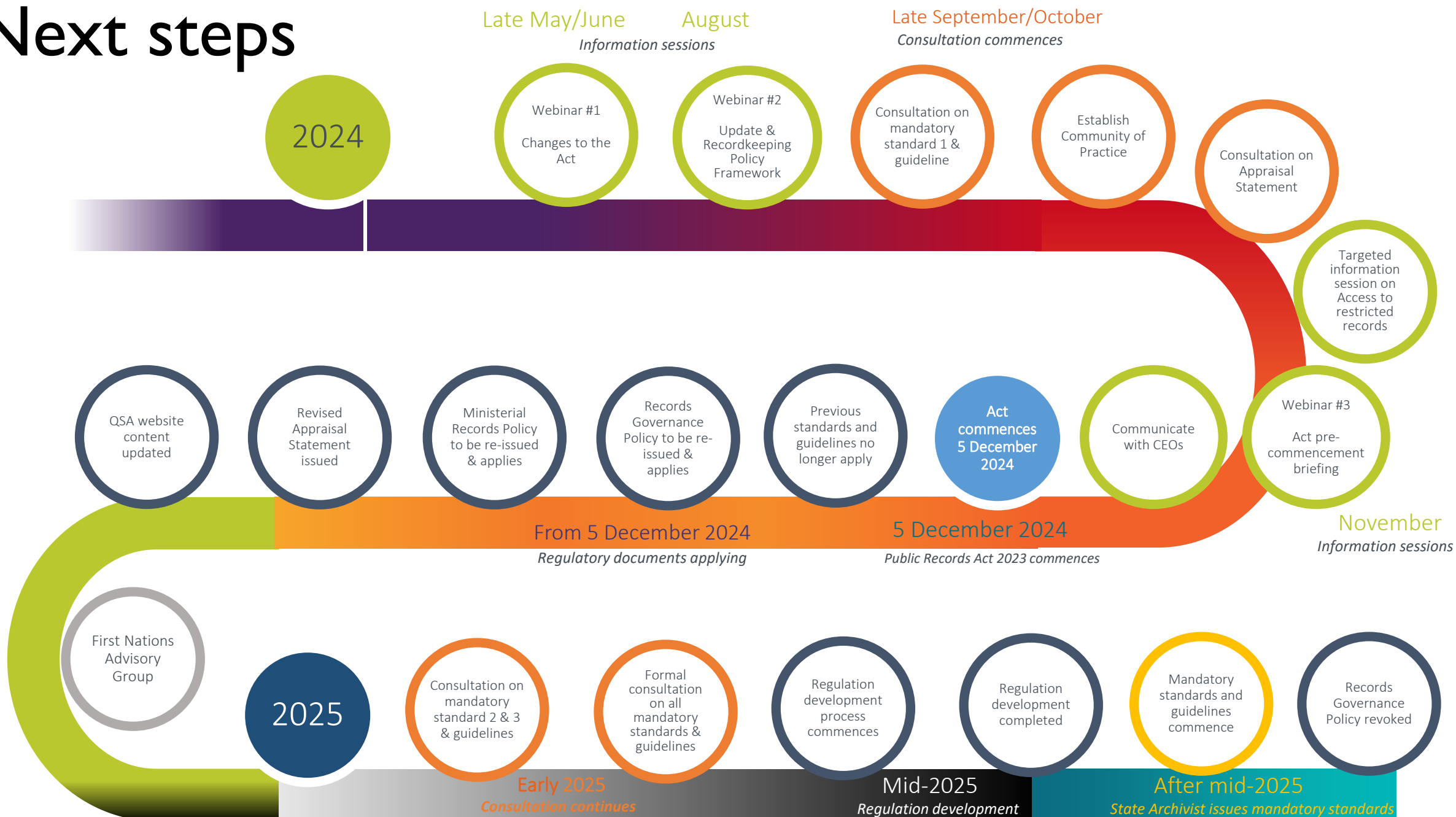
| Recordkeeping policy framework for the Public Records Act 2023 | | | | |
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What happens to existing standards, policies and guidelines

| Current recordkeeping documents | Issued by Queensland State Archivist under <i>Public Records Act 2002</i> | From 5 December 2024 | Recordkeeping Policy Framework under Public Records Act 2023 (after mid-2025) |
|---|--|---|---|
| Records Governance Policy | Issued on June 2018 as a policy “ <i>must have regard</i> ” | Administrative updates and <u>reissued as a policy</u> - “must have regard” to | Will be replaced by mandatory standards |
| Records governance policy implementation guideline | Issued on April 2019 as a guideline | Advice | Advice |
| Metadata standard and guideline | Issued on June 2012 as a standard and guideline | Will be repealed and replaced by national advice | Outcome-based principle in mandatory standards |
| Ministerial records policy | Issued in December 2017 as a policy “ <i>must have regard</i> ” | Administrative updates and <u>reissued as a policy</u> - “must have regard” to | Policy |
| Disposal of Source Records guideline (issued as web text) created February 2018 | Issued on February 2018 as a guideline <i>Disposal Authorisation 2017</i> | Advice Disposal Authorisation 2074 | Advice Disposal Authorisation 2074 |
| Building information modelling guideline | Issued on 15 May 2019 as a guideline | Advice Disposal authorisation | Advice Disposal authorisation |
| Proactive protection of vulnerable person guideline | Issued on 27 March 202 as a guideline | Advice Disposal Authorisation 1558, 1559 and 1560 | Advice Disposal Authorisation 1558, 1559 and 1560 |

NOTE: Queensland State Archives also provides advice for *Council records: a guideline for mayors, councillors, CEOs and government employees* this will remain as advice

Next steps



How to stay involved?

1. Community of Practice

- QSA is establishing a community of practice to promote awareness and information sharing on key issues affecting records and information management for Queensland public authorities



2. [EOI for consultation on standards](#)

3. QSA's [Public Records Act webpage](#)

4. [QSA's Agency newsletter](#)

5. Emails from QSA

Questions?

Email:

rkqueries@archives.qld.gov.au

Thank you for attending!

