

Managing Information in Minister's Offices

Handbook

September 2021

STATE RECORDS

of South Australia



Government of South Australia
State Records

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Purpose

This handbook has been developed to assist Minister's Offices to manage official information and records.

It is a legal requirement for agencies, including Ministers of the Crown, to keep official records as evidence of their business, to provide access to information upon request, and to protect personal information.

Records are important assets that capture the decisions and transactions of the government of the day. They are vital for informed and responsible decision-making, providing appropriate access to records and information to supports government accountability and transparency.

Scope

This handbook focuses on managing information assets by Minister's Offices in accordance with:

- » the *State Records Act 1997* (SR Act)
- » the *Freedom of Information Act 1991* (FOI Act)
- » the Information Privacy Principles Instruction (IPPs) published as a Premier and Cabinet circular

of which State Records of South Australia (State Records) is responsible for administering.

A summary of the responsibilities of agencies and public officers under the above documents can be found in State Records' brochure *Responsibilities and Guidance for Public Officers* found on the State Records website.

It is important for Minister's Offices to understand that:

- » Ministers of the Crown are agencies according to definitions in both the SR Act and FOI Act
- » Houses of Parliament, committees of Parliament, officers and members of Parliament are excluded from the SR Act (other than a Minister in respect of records made or received in their capacity as a Minister).

In this Handbook, the term 'information assets' should be taken to incorporate the definition of official records as defined by section 3(1) of the SR Act. The term 'information assets' refers to information, data and records, in any format (whether digital or hardcopy), where it is created or received through the conduct of government business.

1. Information Management Responsibilities

There are three common types of information assets created by and/or received by Minister's Offices: Minister's Portfolio records; Cabinet records; and Agency (portfolio) records.

NOTE: Records created or received by a Minister in their capacity as a member of parliament (MP), member of a political party, or as a private citizen should not form part of a Minister's official government records, and must be kept separate from official government records.

1.1 Minister's Portfolio Records

Minister's Portfolio records belong to the relevant Minister's portfolio e.g. Minister for Education, not the office e.g. Minister Johnson. Further, records relating to individual portfolios should be managed so they can be easily separated within the Minister's Offices recordkeeping systems.

Administrative Arrangements Proclamations published in the Government Gazette can vest and attach the assets, rights and liabilities of a former Minister's portfolio in a new Minister. Responsibility for records is transferred through this mechanism. The underlying principle is that records follow function.

1.2 Minister's Portfolio Restructure

During a portfolio restructure (machinery of government change) it is important that all records relating to a specific portfolio are transferred to the Minister that assumes responsibility for that portfolio.

Ownership of records that are not currently active, e.g. those stored in temporary or archival storage, must also be transferred to the new Minister.

If the information assets are in digital form they should be transferred in this format wherever possible.

1.3 Legacy Records

Minister's Offices should maintain an effective recordkeeping program that ensures the timely destruction and transfer of information assets in order to not accumulate legacy records.

Where a Minister inherits a portfolio or function, either through a machinery of government change or following an election, that Minister is responsible for managing any records related to the new portfolio/function. This includes the costs associated with the sentencing and destruction of those records, with storage and with the transfer of permanent value records to State Records.

If a Minister inherits records of an abolished portfolio, contact State Records to discuss how the records will be managed.

1.4 Caretaker Conventions

Once an election is called, the government enters a period known as the "caretaker period". What occurs during the caretaker period is based on conventions established under the Westminster system of government and adopted by South Australia.

Management of the three types of records created and received by Minister's Offices during the caretaker period differs, as outlined below:

» Minister's portfolio records

Minister's records required for ongoing business should be retained in the office. Those not required for ongoing business should be sentenced and transferred to an appropriate storage provider or State Records (for permanent value records).

» Cabinet records

Cabinet documents are considered confidential to the government that created them.

In the event of an election being called, Cabinet documents including files and submissions, notes and comments in any format, need to be transferred to the custody of the chief executive of the relevant Portfolio for safe keeping until the outcome of the election has been determined.

If, following an election, there has been no change in government, chief executives will/can return Cabinet documents to the Minister. Where a change in government has occurred, chief executives are responsible for the ongoing management of the records.

» Agency (portfolio) records

Portfolio records should be returned to the records management unit of the responsible agency.

For further guidance on managing the records of a Minister's Office before and following an election, refer to:

- » Guide to Caretaker Conventions and Pre-election Practices 2021 (Department of Premier and Cabinet)
- » Management of Records in a Minister's Offices before, during and after Caretaker period on the State Records website.

1.5 Access to Minister's Records

The following advice has been provided to State Records from the Crown Solicitor's Office and applies following the appointment of a new Minister to a portfolio or to a change in government:

Where a newly appointed Minister is the agency responsible for those official records transferred by a previous Minister, the new Minister will have a statutory right to seek access to those records in accordance with s.25 of the SR Act.

It is important to note however that the convention is that Ministers do not exercise this right unless they have a requirement to do so for the ongoing management of the office and the portfolio e.g. in response to a member of the public who wrote to the Minister pre-election.

2. Information and Records Management in Practice

Minister's Offices should take a planned and coordinated approach to managing information assets.

2.1 Establish policy

Minister's Offices should establish policy that outlines expectations as to how official information assets are to be managed. This policy should be based on State Records' Standards and policy and legislative advice, including:

- » Separation of systems for official records of the Minister, from their role as an MP, member of a political party or private citizen
- » Use of official government systems for undertaking Minister's work, not private email or file storage systems
- » Establishing processes for the collection, storage, use, access and disclosure of personal information.

Policy should be supported by a simple procedure which clearly outlines how information management practices and tasks need to occur.

2.2 Assign roles and responsibilities

Minister's Offices must ensure that information management tasks are appropriately resourced and that roles and responsibilities are assigned.

As the head of the agency **the Minister** has responsibilities under the SR Act to ensure:

- » information assets are maintained in good order and condition
- » information management standards are followed
- » information assets are protected against damage, alteration and illegal disposal.

As a senior manager in a Minister's Office, **the Office Manager** must ensure there are dedicated resources and funding for information management and staff are adequately equipped to fulfil their responsibilities.

There may be **dedicated support staff** that undertake daily information management and FOI tasks including the classification and registration of documents, maintenance and creation of new files, handling requests for information and management of disposal, access and storage of both active and inactive records.

Minister's Offices will need to assign responsibility to an **Authorised Agency User**, if records in State Records custody need to be temporarily loaned.

Minister's Offices must ensure **Accredited FOI Officers** are available to make determinations under the FOI Act.

All staff have responsibilities for creating and capturing information assets into official systems in the conduct of their day-to-day business. It is essential that all staff have general information management awareness and an understanding of their individual responsibilities under the SR Act, the FOI Act and the IPPI.

2.3 Set up and maintain official systems

Minister's Offices should ensure official systems are set up for official business including:

- » separate social media accounts for the Minister (separate from any personal, or party political accounts)
- » official government email accounts (separate from any personal or electorate accounts).

2.4 Create and capture information assets

Minister's Offices must create and capture records of the Minister of the Crown as an agency.

Records must be created and captured in an official system, either digital folders in an EDRMS, in a business system or in registered physical files. Network drives and personal email accounts are not suitable for records management, as they are not secure and records can be easily deleted or accidentally lost.

Suggestions for creating and capturing records include:

- » Create digital files / folders for short term temporary records and save email messages, MS files (Word, Excel, PowerPoint), PDF, etc into these files
- » Capture social media posts by the Minister (not as MP or in private capacity) digitally (or print and file if necessary)
- » Ensure information is recorded accurately and without opinion (unless opinion is specifically required) given that any document can be requested under FOI.

Minister's Offices, as with all government agencies, should adopt a "digital first" approach to managing their records. Records that are created or received digitally should be managed digitally (and not printed and filed) within systems that comply with relevant standards.

It is recognised that Minister's Offices may receive some records in a paper format.

Minister's Offices can digitise paper records and then destroy the source record whilst managing the digital copy as the information asset under General Disposal Schedule 21 (GDS21).

The Office Manager must confirm that systems and processes meet the conditions outlined in GDS 21.

2.5 Establish business classifications for information

Business classifications identify the categories for recording information in digital and paper systems so that related information is managed together (such as a sequence of correspondence, or documents relating to a specific matter) and the information can be more effectively managed.

GDS 50 and GDS 30 both include function and activity terms which can be used to establish business classifications e.g.

Information Management / Case Management (FOI) – [Free text Title]

In this example, the classification is intended to be used for FOI applications, where each file or folder, whether digital or physical, is freely titled with useful information on the applicant to facilitate retrieving the file and understanding its contents.

Where possible, a consistent approach to the structure and naming of files across Minister's Offices should be established to make it easier when staff move between offices or where portfolios change.

2.6 Use an Electronic Document and Records Management System (EDRMS) or Business System to Manage Records

Minister's Offices with access to an EDRMS (e.g. Objective, Content Manager) or business systems can manage records digitally, including email, without the need to create physical files.

This is especially the case for short term temporary value records, which can be legally destroyed within a term of government.

Minister's Offices need to be aware that records may need to be migrated to a new Minister if there is a change of portfolio or government, so this must be planned for.

Minister's Offices need to ensure that digital records remain accessible for as long as required (e.g. permanent and long term retention).

2.7 Understand the retention requirements for information

Information assets must not be destroyed or given away without authorisation through a general disposal schedule (GDS) (also known as disposal determinations under the SR Act).

Minister's Offices should familiarise themselves with the two general disposal schedules which set out how long information assets must be retained before they can be destroyed, and which records are required to be kept permanently as part of the State's archive.

The general disposal schedules (GDS) most relevant to Minister's Offices are:

GDS 50 (previously GDS18)– which covers records specific to Minister's Offices.

GDS 30 - which covers records common across agencies e.g. financial and personnel records.

They should also familiarise themselves with schedules that allow the destruction of hardcopy records after digitisation (GDS21) and any relevant disposal freezes.

2.8 Dispose of records routinely

Minister's Offices should regularly assess records against GDS' to identify those that can be legally destroyed or transferred. Ideally, this process should be automated in an EDRMS based on the business classification. The task of applying disposal schedules to records is known as sentencing.

It is important that, at a minimum, information assets are sentenced and disposed of in the months preceding an election. This ensures that Minister's Offices are not managing or handling large quantities of information assets during the caretaker period.

2.9 Transfer of permanent records

Sentencing can also involve identifying permanent value records that are no longer needed for current administrative purposes and can be transferred to State Records' custody.

Permanent records can only be transferred to State Records in accordance with the Transfer of Official Records Standard (Transfer Standard). State Records will consider granting Minister's Offices exemptions from the Transfer Standard to allow transfers of records younger than 15 years old.

Permanent records in digital format cannot be transferred to State Records custody at this stage and Minister's Offices will need to retain them ensuring accessibility is maintained until such time as they can be transferred.

Where a Minister's Office is supported and hosted by their portfolio agency, the supporting agency must also ensure the Minister's records are managed appropriately through any changes in technology and or infrastructure.

2.10 Manage personal privacy

Collection, storage, use and disclosure of personal information by Minister's Offices is governed by the IPPI.

Minister's Officers should:

- » obtain consent for the collection of personal information
- » ensure only personal information necessary for the collection purpose is to be collected
- » store personal information securely
- » only use the personal information for the purposes it was collected.

Minister's Offices that become aware of a breach of privacy data they are storing should follow the instructions in the Personal Information Data Breach Guideline released by the Department of the Premier and Cabinet and the Privacy Committee of South Australia.

2.11 Facilitate appropriate access to information

Allowing public access to information demonstrates that the government is committed to being open and accountable and encourages public participation.

There are several options for releasing information to the public:

- » **Administrative release** – this is at the discretion of the Minister's Office or in accordance with government circulars, e.g. detail of Ministers' credit card, travel, and mobile phone expenditure is proactively released in this way.

For further information on alternative release policies refer to:

Premier and Cabinet Circular PC035 – Proactive Disclosure of Regularly Requested Information.

Premier and Cabinet Circular PC045 - Disclosure Logs for Non-Personal Information released through Freedom of Information.

- » **FOI** - any document held by a Minister's Office can be requested under the FOI Act which provides an individual a legally enforceable right to seek access to government information. A document is anything in which information is stored or from which information can be reproduced. When an FOI application to access a document is received the Minister's Office is required to search all possible systems and locations (digital, physical, on site, off site) to ensure that relevant documents are located and considered for release. A bias to disclosure over non-disclosure should be the default position with exclusions only occurring when legislated exemptions (refer to Schedule 2 of FOI Act) are relevant.

For more information on FOI Accreditation training and processing FOI applications go to State Records website.

If there is concern about release of information, agencies are encouraged to contact the Crown Solicitor's Officer via email AGDCSOFOIRequest@sa.gov.au.

- » **Public access** – access to records of permanent value in the custody of State Records is determined by access determinations which specify whether the records can be accessed by the public immediately or are restricted for a period of time. Access determinations are authorised by Minister's Offices as part of the transfer process to State Records.

Whilst it is important that information is shared with other government agencies, third parties and the public, it is also important that Minister's Offices ensure that the legitimately sensitive information they create and store is protected from inappropriate access. This includes personal information.

The SA Government has adopted the South Australian Protective Security Framework (SAPSF) to assist agencies to implement appropriate security controls.

2.12 Update the Freedom of Information Management System (FOIMS)

Minister's Offices should manage their FOI Applications within their Records Management System.

Minister's Offices are also required to enter data relating to FOI applications into FOIMS. State Records uses the data to prepare an annual report for the Minister to present to Parliament.

If your Minister's Office is not yet registered in FOIMS, complete a FOIMS Agency Registration form and sent it to State Records. Once created, the Minister's Office is responsible for adding any additional users and maintaining applications.

Please note that FOIMS will be decommissioned at the end of the 2021/22 financial year and Minister's offices will be required to maintain statistics on FOI applications processed in order to meet annual reporting requirements. Agencies will be provided more information throughout the year on this.

2.13 Manage records in storage

Minister's Offices are responsible for the storage of temporary value records until they are due for destruction, and for storage of permanent value records pending transfer to State Records.

Minister's Offices should proactively manage records stored with an Approved Service Provider (ASP), even those which may have been set up by a predecessor.

Where records are transferred to an ASP it is important that the Ministers Office retains lists of those records. Should ownership of those records change, e.g. through a machinery of government change, then the new Minister's Office should be provided with the lists to assist in the ongoing management of those records.

Further Resources and Supporting Information

Records and information management standards, guidelines, policies and information sheets can be found on the State Records Website at www.archives.sa.gov.au.

In many instances, the portfolio agency of a Minister's Office can provide technology and subject matter advice and assistance. This includes setting up and managing Minister's Office records management systems and processes.

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Need further assistance?

Contact**Tel** (+61 8) 8204 8791**Email** staterrecords@sa.gov.au**Web** archives.sa.gov.au