

# Submission by the Federal Agencies Information Management Network to the Functional & Efficiency Review of the National Archives of Australia – June 2019

## About Us

The Federal Agencies Information Management Network (FAIMN) represents a group of 54 Sydney/NSW based Information Managers in 32 Australian Government agencies and departments who meet quarterly to share knowledge and discuss all aspects of information and data governance as it pertains to our respective information management roles in those agencies. The group was initially started by the National Archives of Australia (the National Archives) over 15 years ago, but since 2007 has been convened as a 'community of practice' by the members themselves, the National Archives provides updates via conference call at each meeting.

In addition to FAIMN a subgroup, comprising the Information Managers from the agencies of the Council of Financial Regulators, meets regularly and this submission also reflects their views.

This response reflects the experience, knowledge and views of the individual members of the network, as active information, records and archives professionals in the Australian Government, rather than the views of their agencies.

## Purpose

The purpose of this submission is to respond to the opportunity to provide feedback in respect of the Functional & Efficiency Review of the National Archives based on the Terms of Reference.

As a network of information management professionals, the group acknowledges the significant role and importance of the National Archives in preserving the cultural identity and memory of the Nation. It also acknowledges that with limited resources the National Archives has achieved, through the Digital Continuity 2020 (DC2020) Policy and its predecessor the Digital Transition Policy, an uplift in the digital information governance capability across the Australian Government.

## Challenges Facing the National Archives

A number of barriers are perceived as affecting the National Archives, particularly in the space of resourcing, distribution of responsibilities across government and capacity to maintain pace with the modernisation of the work environment.

### Fragmentation of information responsibilities across government

Discussing the functions of the National Archives, should also consider the overall inefficiency of the fragmentation of information management related functions across many Australian Government agencies. This includes information, data, technology, security and workplace modernisation led by the National Archives, the Digital Transformation Agency, the Office of the Australian Information Commissioner, the National Data Commissioner and the Department of Finance. There is a recognition that this decentralised regulatory environment may result in inefficiencies and conflicting standards, guidelines and requirements.

The increasing delivery of information capabilities and driving of changes to the information practices of the public service, particularly from the Department of Finance and Digital Transformation Agency, has led to conflicting approaches and priorities. This has an ongoing effect of eroding the capacity of the National Archives to implement and enforce compliance mechanisms in support of its functions.

The workforce modernisation program led by the Department of Finance and the associated Estimates Memorandum 2018/34 (and its predecessor EM2017/21) on the Digital Records Investment Alignment Process which freezes all new investment on records management capability by non-Corporate

Commonwealth entities has slowed or completely stopped some agencies from successfully delivering against the targets of the Digital Continuity 2020 policy.

This fragmentation and mixed messaging has led to the dilution of digital transformation in some agencies, and the perception that the National Archives has been somewhat sidelined. Being 'the memory of our Nation' is a key part of their mandate, but by comparison, a relatively small amount of records will end up in their care. The rapid growth and diversity of digital content in agencies presents challenges for Australian Government information management professionals.

While the DC2020 Policy is a huge achievement, agencies need to be able to rely on timely and informed advice from the National Archives, and to know that they have substantial 'skin in the game' in relation to Government policy and the implementation of digital transformation initiatives. Competing priorities across Government from agencies with a louder 'voice' or more authority will see the National Archives vision and goals diluted, again leading to the result that DC2020 can never be a compliance initiative but rather an aspirational one at best.

#### Resourcing and ability to deliver to announced targets

Over recent years, it has been possible to observe that chronic underfunding at the National Archives has limited the engagement of the National Archives with agencies and departments. This has presented in several ways including:

- Incapacity to deliver reports and products within publicly announced timeframes
- Limited capacity to work directly with agencies
- Limited capacity to consult widely across the nation

Under the DC2020 Policy the National Archives have set a number of appropriate and considered targets intended to modernise and improve the state of information management across government. However, the National Archives' ability to provide timely guidance on the application of these targets, for example the digital authorisations framework and the interoperability principles in the DC2020 Policy, limits the capacity of agencies and departments to effectively respond to and implement them in a consistent manner.

The Digital Authorisations framework was issued in its final form only months before the deadline and the guidance on interoperability principles in the DC2020 policy is generally targeted at a relatively low maturity level. If the National Archives is going to set targets then guidance on how to achieve them, or at the very least a guide to 'what success looks like', should also be made available at the start of the journey - not almost at the deadline otherwise DC2020 or its successor can only ever be aspirational and not an achievable target.

The Check Up report is valued as it provides appropriate targets, prominence to information management within our agencies and ensures that our executives are aware of the work that has been completed and upcoming targets and requirements. However, the analysis and benchmark Check Up reports have generally been released a long time after the submission and sometimes after planning cycles have been completed. This limits the capacity of agencies and departments to effectively identify and target areas for improvement in their normal planning cycles based on their ratings across government and areas of concern identified by the National Archives.

A further example is the review of Records Authorities and the replacement of the Administrative Functions Disposal Authority (AFDA) and AFDA Express with AFDA Express v2 on 1 July 2019 by the National Archives. Revision was expected to conclude in early 2019 which may have provided time for agencies to assess the implementation and impact against the final version. However, a number of drafts were issued for consultation in June 2019 with some functions still outstanding. This does not provide practitioners with

time to assess the impact and make changes to electronic systems prior to the implementation date. As functions are being combined and the AFDA will no longer match the KeywordAAA classification scheme, the impacts may be significant for some agencies.

#### Resourcing and ability to deliver to perform core functions

The National Archives is also constrained in responding to core business that pre-dates modern initiatives to transform agencies to digital processes such as disposal authorisation. This has presented in considerable delays in achieving successful outcomes across the following activities:

- Revision of Records Authorities following Machinery of Government Changes
- Release of new specific and general Records Authorities
- Negotiation of distributed custody arrangements
- Acceptance of physical and audiovisual records transfers
- Acceptance of digital transfers of records

Following Machinery of Government changes, records disposal authorities of affected agencies require consolidation and agencies need these to continue to sentence records being created in their core records business systems, such as Electronic Document and Records Management Systems (EDRMS) or case management systems. Revised disposal authorities can take years to be approved by the National Archives.

The negotiation of distributed custody arrangements for records, something that should be a relatively simple exercise, takes years not months.

Transfer of records to the National Archives generally requires significantly advanced notice, with agencies that are not accustomed to performing regular transfers often deferring the activity.

#### Opportunities

##### Championing transparency in practice through modern mechanisms and reducing red tape

The National Archives should be a champion for more efficient mechanisms and practices in agencies. Various practices not necessarily led by the National Archives but seen as a records management requirement, are no longer consistent with modern practice. In particular the ongoing requirement to produce the Senate Order for file titles, commonly known as the Harradine list.

Since the implementation of the Senate Standing Order there have been significant changes to the frameworks to address the transparency and accountability of government business. These include the introduction of Check Up reporting, FOI and Privacy legislative changes and new initiatives such as transparency.gov.au for accessible publishing of government reporting. In addition to this the publishing of records authorities provides a more detailed account of the functional purposes of government agencies and departments.

The wording of the Standing Order is also tied to traditional notions of filing in government. Variations in what technologies are deployed and their individual information architectures mean that there are practical variations in how these orders are interpreted and applied by government, often resulting in relatively meaningless aggregations. The increased reporting and transparency of agency functions combined with the shift away from traditional paper-based recordkeeping methods, renders the Harradine lists meaningless. We believe that the National Archives, as the lead policy agency in this area, should take a leadership role in advocating to the Parliament and other Government agencies for the removal, or at the very least the amendment, of these outdated and meaningless practices against the various new mechanisms already implemented for government transparency in a digital age.

## Agency engagement model

A new agency engagement model that clusters like agencies according to function or size would lead to a better customer experience from the agency perspective. Data gathered from DC2020 would enable this clustering.

- Capacity to engage with a local representative outside Canberra
- Capacity to engage with a representative who has a better understanding of the challenges facing agency specialties – e.g. big data, regulators, intelligence, courts and tribunals, arts and culture
- Capacity to engage with agencies based on their maturity levels in specific domains

The National Archives could be resourced for greater interactions with practitioners in Agencies. There are a number of ways in which this could be implemented, for example, National Archives graduates being put on placements within an agency as a rotation, high performing staff from agencies could be seconded to the National Archives for a short term placement or as a reciprocal skill share swap with a National Archives employee. This would provide a benefit to the agency and enable knowledge of practitioner and agency issues to be transferred to the National Archives but would be most beneficial within a structured program.

## Skillset modernisation and diversity

The National Archives has attempted to establish itself as a lead agency in the domains of data management, information governance, interoperability and compliant use of new technology. This has been through a number of avenues under the DC 2020 policy such as engagement and accreditation with relevant associations, releasing tools such as the business systems assessment framework and publishing educational pieces such as the interoperability scenarios.

While these approaches have been able to establish a minimum baseline, the level of awareness of new technologies and approaches is currently limited to specific individuals within the National Archives and engaging the National Archives for assistance with specific highly technical scenarios is 'hit and miss'. For example, an agency wishing to engage the National Archives for advice on interpreting the nature and requirements related to automated records generated by complex entity resolution calculations in relation to intelligence data sets would need to contact the Agency Service Centre which may not be equipped with the appropriate experience and capabilities to respond. In addition to developing specialisations around agency and industry clusters, the Archive must consider devoting resources to cross skilling staff and broadening its technical expertise.

Relating the National Archives' own experience in implementing DC2020, while admirable, is not sufficient as the National Archives has a small range of core functions vastly different to other agencies. The National Archives is also the architect of the DC 2020 policy so management support for its implementation with the agency is guaranteed. Many of the challenges faced by agencies are in changing practices to align with DC2020 and this requires not only resources, but also executive support.

## Other relevant reviews

We note that the National Archives is also the subject of another review, also relating to the DC2020 policy, by the Australian National Audit Office (ANAO), the 'Implementation of the Digital Continuity 2020 Policy':

*The objective of this audit is to examine the extent to which Commonwealth entities have implemented the Digital Continuity 2020 Policy, and how effectively the National Archives of Australia is monitoring, assisting and encouraging entities to meet the specified targets.*

This report is due to be tabled in September 2019 and may have findings relevant to this current review, although this will be one month after the final report of the Tune Review. The Tune Review's [Terms of Reference](#) state:

*3. The Review should inform itself of:*

*a) Findings of recent inquiries and audits of government agencies relevant to the state of government records management or archival matters;*

Given the focus of ANAO's current audit cuts to the heart of the National Archives' ability to perform its role in the digital age, the Tune Review might like to revise and extend its reporting deadlines: an interim report is scheduled to be delivered by 30 June 2019, with the review expected to be finalised in August 2019.

## Legislation and Standards

### Information Management Standard

Along with the DC2020 Policy, the issuing of the Information Management standard is one of the National Archives' successes in recent years and addressed a number of gaps, including establishing a clearer framework in describing the individual responsibilities for creating records across government.

The standard does not address a government position on records classification and the ongoing applicability of functional classification, such as AGRIFT and KeywordAAA, under a rolled up disposal framework under which these relationships are becoming increasingly disconnected.

### Archives Act 1983

The *Archives Act 1983* (the *Archives Act*) is due for review as is the regulatory and policy role of the National Archives in relation to government record keeping. The last major review was in 1996 since which we have seen drastic changes to the digitisation and digitalisation of the workplace, the impact of the internet and the emergence of big data.

The vast majority of Government records sit outside the custody of the National Archives and the resources to manage them within agencies are quite often limited. While the National Archives has addressed some of the recommendations from the Management Advisory Committee report *Note For File*, including streamlined disposal authorities, the overall philosophical and regulatory approach to record keeping has not really changed to be 'risk-based' as per the recommendations in *Note for File*.

Within the *Archives Act* there is a very expansive definition of records, broad enough to encompass data and information, but which was formed in a time when records management more frequently was represented by a tangible print to file paper paradigm and digital information was still in its relative infancy. The realistic ability of agencies to manage all their records needs to be given some careful consideration and acceptance within the National Archives and the *Archives Act*. The quantities of records generated every day across Government mean that, even with the best will in the world, not all of those records can (or should) be managed. The *Archives Act* and the concepts within it that are regulated by the National Archives, like Normal Administrative Practice and incorporation of digital migration in GRA 31 *Destruction of source or original records after digitisation, conversion or migration*, were written for a paper world and by and large they are still administered by archivists with predominantly 'paper minds'.

A regulatory framework for a digital age needs to be envisaged – the only significant updating the *Archives Act* has had since the advent of electronic records was to include electronic records in the definition of record in 2007. Even then this, this was years after the various Australian jurisdictions enacted electronic transaction legislation. Digital records, their volumes and the processes for their management and preservation are vastly different to the paper world. The legislative framework needs to recognise this, while at the same time preserving the core values for which the *Archives Act* was enacted in the first place.

A review of the Act should focus on transparency and accountability requirements in the making and keeping of full and accurate records and other requirements of a modern robust democracy.