



26 June, 2019

Mr David Tune AO PSM
Independent Reviewer
c/o Tune Review Secretariat
National Archives of Australia
Queen Victoria Terrace
Parkes ACT 2600

Dear Mr. Tune,

SUBMISSION TO THE FUNCTIONAL AND EFFICIENCY REVIEW OF THE NATIONAL ARCHIVES OF AUSTRALIA

I make this submission to the Tune Review in my capacities as the current Agency Information Manager in a Commonwealth government portfolio agency and as a public servant with a decade of experience interacting with the National Archives.

Other submissions have already addressed the National Archives' capabilities and resourcing with regard to servicing public access to Commonwealth records. I will touch briefly on these issues where they intersect with my experience of access examinations within government organisations; however, I primarily intend to provide observations and recommendations on the National Archives' performance and role as the central information management body in the government which produces these records.

The National Archives plays a vital role in influencing information management strategy in government and in developing and promulgating a range of information management maturity standards, from the minimum to the aspirational.

Without reform and increased resourcing of the government information management functions of the National Archives, the future of public interaction with, and understanding of, government decision-making will be in serious jeopardy due to the lack of complete, accessible and informative records available to the public through the National Archives.

Federal government agencies rely on the National Archives to drive change and innovation in information management but without proper funding and investment into technical and professional capabilities, the Archives will not be able to adequately service the digital governments of today, let alone those of the future.

The full submission comprises attachment A to this letter. I am interested in discussing any of the points raised therein.

Yours sincerely,

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ATTACHMENT A

RECOMMENDATIONS ON THE ROLE OF THE NATIONAL ARCHIVES IN GOVERNMENT INFORMATION MANAGEMENT

The National Archives of Australia (NAA) is ostensibly the lead organisation within the Commonwealth Government that sets the standards and expectations for the management of records and information. However, in the last decade there has been a sharp decline in the ability of the NAA to effectively drive government information management practices, despite some excellent strategies and policies¹ being produced.

NAA activity and involvement in innovations and developments in digital government have also become less prominent, with initiatives such as the AGRIF² now being led solely by the Department of Finance. The NAA must play a central role in shaping the information management landscape in government because without their guidance, individual agency information management strategies and policies can lead to a situation where the information architecture and holdings in an agency are largely incompatible with long term archival capabilities at the NAA.

By the same token, the NAA must be well resourced and agile enough to adapt to the rapidly changing information landscape and be able to develop retention, transfer and storage agendas which complement contemporary and emerging digital business models.

1. RECORDS CREATION AND RETENTION

From personal experience and through interactions with colleagues in similar roles across the federal and state governments, it is clear that it has been historically very important that officers and executives responsible for the care and management of information have strong centrally managed long term strategies, guidance and policies to enable them to drive information management agendas and compliance in their own agencies.

Key artefacts in this respect have been the government 'Records Authorities', which provide both a functional way to categorise information, and a legislative instrument under the *Archives Act 1983* by which government can retain, manage and dispose of information of varying values and risk profiles. These artefacts are created in consultation with the organisation's business areas and the NAA, and take into account business, legal, social and historical values of records when assigning retention periods. NAA sign-off is required on all Records Authorities as an endorsement to manage information in accordance with S.24 of the *Archives Act 1983*.

Without an NAA-endorsed Records Authority in place for their business functions, federal government agencies would only be able to legally dispose of most records of short-term value with express permission from the NAA on a case-by-case basis; a situation that is neither efficient nor practical for either party.

¹ Including the *Digital Continuity 2020 Policy* and *Information Management Standard*
<http://www.naa.gov.au/information-management/information-management-standard> ;
<http://www.naa.gov.au/information-management/digital-transition-and-digital-continuity>
² <https://www.finance.gov.au/australian-government-records-interoparability-framework/>

Treasury Submission to the Tune Review of the National Archives of Australia

As of 2019, however, the majority of government Records Authorities are over 10 years old and some are over 15 years old³, including the Department of Treasury's authority which is currently undergoing review. This presents several issues, including:

- Descriptions of business functions are often out of date with current agency activities due to machinery-of-government changes impacting legislative accountabilities, or changes in industry nomenclature;
- The Records Authorities assume an aggregation of information that is unrealistic in a digital context, due to volume, scale, or changing user behaviour. The notion of a neat 'file' is becoming less viable the more scattered and ubiquitous data becomes; and
- There are often inadequate or out-of-date descriptions for Retain-as-National-Archive (RNA) content due to vagaries in criteria which can be subjective and therefore impact an agency's ability to properly care for RNA content.

While this is certainly not the fault of the NAA, many agencies do not have adequate resources in-house to undertake a comprehensive review of their Records Authorities, and even when they do, there is not adequate bandwidth at the NAA to provide the requisite guidance on, or review and processing of, new or updated authorities. Sometimes years will pass between the start and finish of a Records Authority review.

Additionally, while there have been recent releases by the NAA of General Records Authorities, the information management sector is still waiting on a full and comprehensive *Administrative Functions Disposal Authority (AFDA) Express V.2*, which will impact how a large portion of an agency's corporate data must be stored.

For many agencies still using a pre-digital Government Records Authority, we are approaching a crisis point with our ability to properly classify, control and dispose of our information, without strong and consistent guidance from the NAA.

Recommendations – Refers to Review Terms of Reference items (a), (b) and (e):

Being that it is the end-state for approximately 5-6% of all government records, it is imperative that the NAA be adequately resourced to be actively involved in the review and/or creation of government records authorities. Specific recommendations are:

- **Create a NAA taskforce charged with reviewing and updating all records authorities over 10 years old, and currently in use, by 2023. Consider a 'user pays' arrangement where the agency in question partially funds the NAA resources required to complete their records authority.** Enabling maintenance of up-to-date authorities will reduce both government agency and NAA potential liability and ensure that only genuinely valuable information and data is able to be sentenced and prepared for transfer to the NAA.
- **Resource and empower the NAA to provide more specific and targeted advice in relation to sentencing, retention and transfer/disposal of digital information;** suggest a strategy/policy be formulated with the DTA on best practice for digital information formats and storage. Consider the co-design of tools designed specifically for retention management (the Records Authorities) alongside tools for granular categorisation on enterprise and government-wide scale (Such as the AGRIF). This

³ <http://www.naa.gov.au/information-management/records-authorities/types-of-records-authorities/Agency-RA/index.aspx>

could ensure they can both be constructively utilised by agencies throughout the information life-cycle and provide efficient and accurate real-time illustrations of information value and risk.

- **Properly resource the NAA to engage regularly and in an ongoing capacity with agencies on their records retention issues – not just every 10 years. Consider integrating this into NAA’s annual survey (*Check-up*).**

2. ACCESS TO GOVERNMENT RECORDS

The backlog⁴ of requests to the NAA for access to government information in the open access period is well documented, and generally considered to be at a crisis point by many researchers.

There are no doubt many factors contributing to this volume of unprocessed access applications, and one factor that has been explicitly highlighted is the examination by the controlling agency for their opinion on the sensitivity of the artefact and its suitability for viewing by the public.

There are several factors that can contribute to the long timeframe for an agency to review an access request:

- Lack of sufficient corporate knowledge in the business area responsible for the record (often due to the age of the record being requested) to enable a quick and informed examination of the record. This can be doubly problematic if the record has been inherited by the agency as part of a machinery-of-government change, rather than created by the agency.
- Varying interpretations of the sensitivity of the information, particularly as they relate to exemption clauses in S.33 of the *Archives Act 1983*.
- Processing examinations of old records for public consumption is not generally viewed as a BAU task for agency business areas, and they are therefore not a high priority.
- The 90-day legislative time pressure on the NAA to make an access determination is not passed through to the agencies when agency input is required on an access determination. Section 40A of the *Archives Act 1983* places the onus on the Archives to comply with a 90-day examination period, however S.31(2) only requires a controlling agency to make the record available so that the NAA can meet its obligations under S.31(1) but not S.40. That is, agencies must make the record available (or not, depending on exemptions) to the public eventually; but not necessarily within the timeframe required in S.40.

Recommendations – Refers to Terms of Reference items (a), (b) and (d):

- **Pass through (via amendment of the *Archives Act 1983*) the 90-day legislative requirement for a decision on access through to controlling agencies where consultation is required.** The NAA currently has very little recourse when agencies exceed 90 days in access examination, or otherwise contribute significantly to processing time. The legislation should be amended to make agency compliance to this requirement binding, or at least more explicit. Decreasing response time for access examinations for Commonwealth records now in the open period will have positive impacts on both the public confidence in the NAA and in the government decision-making process in general.

⁴ Over 25,000 access applications in backlog as of 30 June 2018 : <http://www.naa.gov.au/about-us/publications/annual-reports/2017-18/report-on-performance/>

- **Implement a secondment/job-swap program for high-performing or influential government agency information professionals to spend time at the NAA in the access examination unit, and vice-versa for NAA staff in access and examinations to spend time in the information management teams of prominent government agencies.** This would increase agency understanding of the NAA process and pressures, and allow NAA staff to understand operational and political pressures affecting agency business areas when considering access examination decisions.
- **NAA should implement and maintain regular training sessions for understanding the *Archives Act 1983* implications from a government agency perspective.** Information management professionals in government agencies should be aware of the legislative requirements of their position; however with many other disciplines such as data management, enterprise architecture and digital development attracting a diverse selection of professionals to the Commonwealth information management roles, it is more important than ever for these professionals to have a clear understanding of legislative requirements under the *Archives Act 1983*. Specific legislative requirements are not covered in many tertiary or vocational courses as they are intended to be generally applicable to private business, local or state governments as well.

3. INFORMATION MANAGEMENT ACCOUNTABILITY

The NAA has had a major positive impact on the strategic development of information and records management practices in the government with the requirement for the mandatory *Check-up PLUS* (previously *Check-up*, *Check-up 2.0* and *Digital Check-up*) agency self-assessment survey to be reviewed and submitted by an agency head.

Much of the NAA's guidance and strategic development produced out of the *Digital Continuity 2020* policy has been elevated beyond the realms of the information management teams at agencies because of the annual requirement to raise the profile of these issues to the agency head through *Check-up*.

Some agencies already take information management seriously at an executive level, and need no further impetus to align with the strategic targets set out in *DC2020*. Other agencies either have other pressures, or little knowledge and/or experience in driving a strategic information management agenda and the *Check-up* has been an excellent method of ensuring that high level exposure is given to these issues.

It is vital that the NAA is able to continue to drive innovation, change and minimum acceptable standards in information management as we progress beyond 2020.

Recommendations – Refers to Terms of Reference items (a) and (d):

- **NAA be empowered (via a Senate Continuing Order if necessary) to continue to drive an information management standard in the federal government through an annual *Check-Up* (or similar) report up to and beyond 2020.** *Check-up* should remain an annual, mandatory requirement for all organisations that produce or manage Commonwealth records, and the response to the survey/report must be submitted by the ultimate accountable authority in the organisation (Agency Head, CEO, Director-General, etc.). Aggregated results of *Check-up* should be tabled in Parliament, similar to Senate Continuing Order 12 (Harradine Report).
- **NAA continues to evolve standards of digital information management maturity in the *Check-Up* survey in line with industry developments, legislative requirements and best practice.**

- **NAA require documented proof of information management and governance maturity in organisations, and in turn the NAA produce qualitative aggregated reporting on successful and unsuccessful models and initiatives in organisations for the benefit of the wider government.**