



Australian Children's  
Education & Care  
Quality Authority

# **INTERIM RECORDS MANAGEMENT POLICY AND PROCEDURE**

(Draft) Version 0.1 – 22 December 2011

**Document Version History**

<b>Version No.</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
Draft V0.1	KPMG	22 December 2011	Initial draft

**Approval**

<b>Name / Position</b>	<b>Signature</b>	<b>Date</b>
Karen Curtis - CEO		

# Policy Statements and Principles

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## Purpose

This interim policy and procedure establishes a framework for the reliable and systematic management of the Australian Children's Education and Care Quality Authority (ACECQA) records in accordance with legislative requirements and best practice standards, including the way that all personal information is handled.

ACECQA recognises that records are vital to:

- facilitate information accessibility, and enhance business by supporting program delivery, management and administration
- deliver services in an efficient, fair and equitable manner
- provide evidence of actions and decisions and precedents for future decision making, and
- protect the rights and interests of ACECQA and its stakeholders.

The *Education and Care Services National Law Act 2010* (the Act) and the *Education and Care Services National Regulations 2011* (National Regulations) (**Appendix A**) outline and modify ACECQA's legislative obligations for document and records management under the:

- *Commonwealth Privacy Act 1988*
- *Commonwealth Freedom of Information Act 1988*, and
- *NSW State Records Act 1998* (**Appendix B**).

## Policy

All Executive, staff, and contractors will create, capture and maintain full and accurate records, in the appropriate format, that properly and adequately record the performance of ACECQA's business and transactions to meet all legislative, regulatory, business, administrative, financial, evidential and historical requirements.

Computer hard drives and external storage devices are only to be used as a short term temporary storage area when necessary and therefore are not part of an approved repository for the storage of ACECQA's electronic records.

This policy is applicable to all staff of ACECQA and to all official corporate records and documents, in any format and from any source. Examples include paper, electronic messages, digital documents and records, video, DVD, web-based content, plans, diagrams and including significant sent and received emails.

ACECQA is committed to environmentally friendly practice and will be conscious of this in its development of its physical records management system.

## Responsibilities

ACECQA's Chief Operating Officer has responsibility for the records management policy and procedure and for the performance, reliability, integrity, support and continuity of records and document management systems. However, it is the responsibility of all ACECQA staff to support this role and comply with the requirements outlined in this document.

Prior to ceasing employment with ACECQA, all staff members must save any work related documents which remain stored on the hard drive of their computer into the appropriate area on the ACECQA G drive. Compliance with this requirement will be managed as part of the company's staff employment cessation process.

### **Related reference documents**

- Human Resource Policy and Procedure Manual (to be developed)
- Individual staff and Executive Employment Contracts
- ACECQA Privacy Policy
- ACECQA Establishment Engagement and Recruitment Strategy

# Glossary

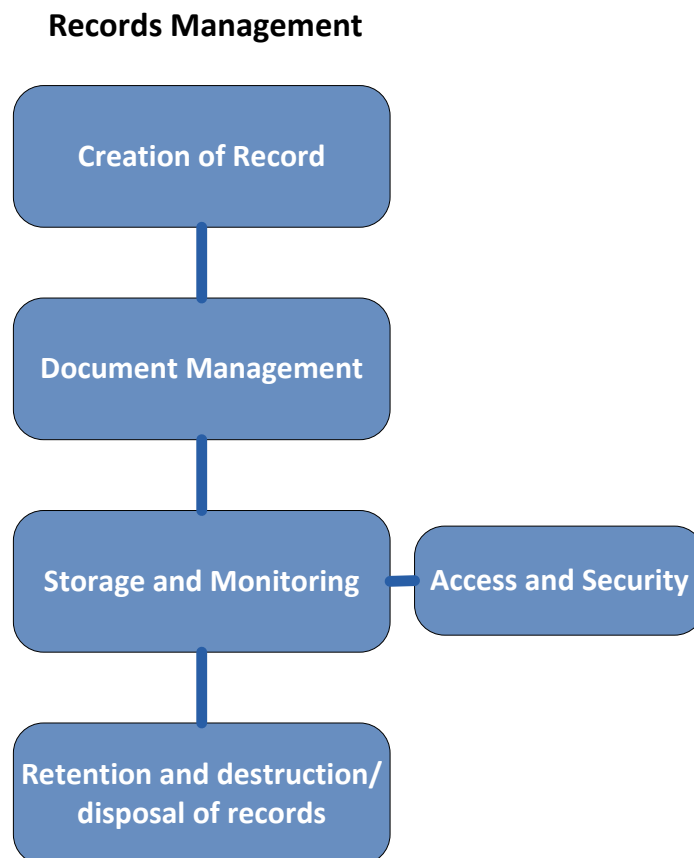
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<b>ACECQA</b>	The Australian Children’s Education and Care Quality Authority ABN 59 372 786 746.
<b>Disposal</b>	A range of processes associated with implementing disposal decisions. These include the retention, deletion or destruction of records in or from record keeping systems. They may also include the migration or transmission of records between record keeping systems, and the transfer of custody or ownership of records.
<b>Employee records</b>	The information held by ACECQA concerning the history and status of the entire employment relationship with an individual employee.
<b>The Act</b>	<i>Education and Care Services National Law Act (2010).</i>
<b>Employee</b>	All ACECQA staff in non-Executive roles.
<b>Executive</b>	The ACECQA positions of Chief Executive Officer, Executive General Manager, Chief Operating Officer and Company Secretary.
<b>G Drive</b>	ACECQA’s interim document storage area on the local network of ACECQA owned computers.
<b>National Quality Framework (NQF)</b>	The Act (Part 1, p.19) defines the National Quality Framework as defined as the national education and care services quality framework, meaning: <ul style="list-style-type: none"><li>(a) this Law; and</li><li>(b) the National Regulations; and</li><li>(c) the National Quality Standard; and</li><li>(d) the prescribed rating system;</li></ul>
<b>National Regulations</b>	<i>Education and Care Services National Regulations (2011).</i>
<b>Physical Records</b>	A record that has been written or printed on paper. This can be items such as hand written notes, correspondence, printed reports, procedures or diagrams.
<b>Records</b>	Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business.
<b>Record keeping</b>	Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.
<b>Record keeping system</b>	An information system that captures, maintains and provides access to records over time. ACECQA’s record keeping system includes the storage of electronic records on the G Drive and hard copy records in paper based folders.
<b>Significant documents</b>	Documents that are required to meet regulatory or legal requirements and, or provide evidence of work undertaken, decisions made that commit ACECQA or would be identified for retention under ACECQA’s Risk Management Plan (under development).

# Procedures and Guidance

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## 1 Overview of procedure



## 2 Records management

### 2.1 Creation of record

The creation of a record is the making of complete, accurate and reliable evidence of business transactions.

A record may constitute:

- a written file note (hard copy or electronic)
- an email
- a voice recording
- minutes/meeting papers
- a report
- correspondence
- a film or video recording
- a facsimile.

A record needs to convey understanding of a decision or the outcome of a transaction, and the circumstances directly leading to the decision/transaction. Records should be able to be understood some time after the event by a person not involved with the transaction at the time of its occurrence.

At a minimum records should include the:

- date of the transaction/decision
- names of the relevant parties
- nature of the transaction, and the
- classification terms describing the transaction.

## 2.2 Document Management

All ACECQA Executives and employees are required to store and manage all records and work related documents, including significant sent and received emails, in ACECQA's record keeping system and ensure that appropriate document management processes are followed.

In addition, some documents will require multiple and draft versions to be kept. Interim guidance is that it is good practice to keep:

- records relating to the drafting or development items for publication or reports (for example draft versions, email or paper based correspondence about an item's design), and
- copies of the published or issued versions of publications and promotional items. This can include: books, web publications, CD-ROMS, videos, posters, online or hard copy forms or leaflets.

Drafts should be kept if there is a business need to do so. For example, it may be necessary to retain all the drafts of more significant or high risk publications but not for others.

### *Physical Records*

Physical records must be stored in a way that they are accessible and safeguarded against environmental damage. A typical physical record may be stored in a folder, within a filing cabinet in an office.

### *Employee Records*

In accordance with Section 263 (1) of the Act, ACECQA will comply with the *Commonwealth Privacy Act 1988* in the collection and maintenance of employee records.

Employee records or personal information regarding an employee will be stored in a secure location where access can be controlled, both electronically and physically. Access to these records is limited to the current employee and, for official business purposes, to the Human Resources staff and the Chief Operating Officer.

Employee records and personal information may be disclosed to third parties only with the relevant individuals consent or pursuant to legal authorisation.

### *Electronic records*

All electronic records including all significant sent and received email must be retained in their original electronic version. If a copy is printed and placed into a physical file, the electronic version should still be retained on the ACECQA G Drive.

All threads of an email conversation are separate documents for legal purposes and must be retained. This means that each individual message needs to be retained separately including the original message and all subsequent replies and forwards in the trail.

Computer hard drives and personal folders of ACECQA computers and email are not automatically backed up and must not be used for long-term storage of work related documents and emails.

Documents stored on hard drives, in personal workspaces and emails stored in email system folders are not considered part of ACECQA's official record and as such will be deleted from those locations as part of a routine termination process within 30 days of an individual ceasing employment.

#### *Voice Mail*

Voicemail should be avoided for conveying substantive information relating to ACECQA. However where it does occur, the voicemail should be transcribed and stored in the appropriate G drive folder and physical file where necessary.

#### *Document Naming*

It is required that staff will apply a meaningful document title when saving electronic documents onto the G drive.

A meaningful document title should be enable an electronic document to be easily identified by another user. It is required that at a minimum document name will:

- refer to the title or content of the document
- indicate document status or version.

Electronic Documents should be named using the following format:

<Document Type> <Document Name> #Version Number# DDMMYY

*e.g. Policy and Procedure Credit Card V2 191211*

### **2.3 Storage and Monitoring**

Records and documents created, received or used by ACECQA staff in the normal course of business are the property of ACECQA, unless otherwise agreed, and will be managed in accordance with this policy and procedure. This includes reports compiled by external consultants commissioned by ACECQA.

### **2.4 Access and Security**

All work related records will be accessible to all ACECQA staff unless there are confidentiality restrictions, legal, regulatory or legitimate business reasons for limiting their access.

This would include:

- personnel information
- Board-in-confidence material
- commercially confidential information
- information relating to legal actions.

#### *Clean Desk Policy*

All staff are required to ensure that all papers and files containing material that is confidential or has a privacy requirement, should be locked up at night or at times when staff are absent from the office.

## 2.5 Retention and destruction/ disposal of records

All ACECQA work related records will be retained for at least the minimum retention period required to meet legislative, regulatory and business requirements.

The NSW State Records Authority's guidelines can be found at

<http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/general-retention-and-disposal-authorities> , specifically:

- 'General retention and disposal authority: administrative records' (GA28)  
<http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/files/General%20retention%20and%20disposal%20authority%20-%20administrative%20records%20 GA28 %20 Nov%202010 .pdf>
- General retention and disposal authority: personnel records (GDA12)  
[http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/files/GDA12personnel\\_revision20092011disposalclass\\_.pdf](http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/files/GDA12personnel_revision20092011disposalclass_.pdf)

Records that are facilitative or duplicate in nature (and not of continuing value to ACECQA) may not need to be placed within record keeping systems and may be required for only a few hours or days. The destruction of these types of records is acceptable as a part of normal administrative practice.

# Appendices

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## Appendix A: Education and Care Services National Regulations

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### Education and Care Services National Regulations

#### Part 6.2—Information, records and privacy—National Authority and Regulatory Authorities

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#### Division 3—Application of New South Wales State Records Act 1998

##### 212 Application of State Records Act

For the purposes of section 265 of the Law, this Division sets out the modifications of the State Records Act as it applies as a law of a participating jurisdiction for the purposes of the National Quality Framework.

##### 213 Modifications relating to State Records Authority and its Board and Director

The State Records Act applies as if it were modified—

- (a) to provide that a reference to the Authority is taken to be a reference to the State Records Authority constituted under the *State Records Act 1998* of New South Wales; and
- (b) to provide that a reference to the Board is taken to be a reference to the Board of the State Records Authority constituted under the *State Records Act 1998* of New South Wales; and
- (c) to provide that a reference to the Director is taken to be a reference to the Director within the meaning of the *State Records Act 1998* of New South Wales; and
- (d) so that sections 63 and 69 and Schedule 2 did not apply.

##### 214 Modifications relating to National Authority

The State Records Act applies as if it were modified so that—

- (a) in section 3(1), the definition of *public office* referred only to the National Authority; and
  - (b) any reference to an agency of the State included a reference to a public office; and
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- (c) sections 40(4), 42 and 43 did not refer to the State; and
- (d) sections 45(3), 47(1) and 60(3)(e) also applied to the National Authority.

#### **215 Modifications relating to Ministerial Council**

The State Records Act applies as if it was modified so that—

- (a) any reference to a Minister, the Premier, the Attorney General or the responsible Minister were a reference to the Ministerial Council; and
- (b) any reference to the Minister responsible for a public office were a reference to the Ministerial Council; and
- (c) in section 17—
  - (i) subsection (1) provided for the review to be conducted by the Ministerial Council in place of the responsible Ministers; and
  - (ii) subsections (2) and (4) did not apply.

#### **216 Miscellaneous modifications**

The State Records Act applies—

- (a) as if the definition of *State collecting institution* in section 3 and section 5 did not apply; and
- (b) as if sections 4, 9, 16, 21(2)(e), 25, 26 and 49 did not apply; and
- (c) as if section 48(1), (2), (3) and (4) and the definition of *recognised estray provisions* in section 48(6) did not apply; and

Education and Care Services National Regulations

Part 6.2—Information, records and privacy—National Authority and  
Regulatory Authorities

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- (d) as if in section 58(2)—
    - (i) a reference to the appropriate Minister were a reference to the Ministerial Council; and
    - (ii) the last sentence were omitted; and
  - (e) as if section 64 applied only to the State Record Authority's functions in relation to the National Quality Framework; and
  - (f) as if sections 79 and 82 and Schedule 3 did not apply; and
  - (g) as if any reference to the Gazette were a reference to the New South Wales Government Gazette; and
  - (h) as if any reference to the Supreme Court or a Local Court were a reference to a court of competent jurisdiction; and
  - (i) as if a reference in section 19 to the State were a reference to New South Wales; and
  - (j) as if any reference in sections 21, 40 and 46 to New South Wales were a reference to Australia; and
  - (k) as if any reference in section 22 to the regulations were a reference to guidelines issued by the Ministerial Council; and
  - (l) as if section 36A provided that the Authority may enter into access arrangements under that section with an authority of any participating jurisdiction; and
  - (m) as if any reference to the *Government Information (Public Access) Act 2009* were a reference to the FOI Act; and
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- (n) as if section 73(5) also referred to the following persons and bodies—
- (i) the Crime and Misconduct Commission established under the *Crime and Misconduct Act 2001* of Queensland;
  - (ii) the Anti-Corruption Branch of the South Australia Police;
  - (iii) the Integrity Commission of Tasmania established under the *Integrity Commission Act 2009* of Tasmania;
  - (iv) the Ombudsman appointed under section 3 of the *Ombudsman Act 1973* of Victoria;
  - (v) the Corruption and Crime Commission established under the *Corruption and Crime Commission Act 2003* of Western Australia;
  - (vi) if a person or body or an office referred to in subparagraphs (i) to (v) (the *initial entity*), whether by or under an Act of the relevant participating jurisdiction or otherwise, is abolished and another person, body or office is conferred or given functions and powers that substantially correspond to the functions and powers of the initial entity, that person, body or office;
  - (vii) if the functions and powers of a person or body or an office referred to in subparagraphs (i) to (v), whether by or under an Act of the relevant participating jurisdiction or otherwise, are transferred to another person, body or office, that person, body or office;  
and
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- (o) as if in section 76 any reference to the Crown were a reference to a public office; and
- (p) as if in section 78(2) the reference to the *Criminal Procedure Act 1986* were a reference to any other law and the notes were omitted; and
- (q) with any other modifications that are necessary for the effective administration of the State Records Act for the purposes of the National Quality Framework.

**217 Regulations**

The regulations made under the State Records Act do not apply.

**Division 4—Application of Commonwealth Ombudsman Act 1976**

**218 Application of Commonwealth Ombudsman Act**

For the purposes of section 282(2) of the Law, this Division sets out modifications of the Ombudsman Act as it applies as a law of a participating jurisdiction for the purposes of the Law.

**219 Modifications relating to Education and Care Services Ombudsman and staff**

The Ombudsman Act applies as if it were modified—

- (a) so that the provisions of the Act providing for the appointment of the Ombudsman and the conditions of service of the Ombudsman (other than the provisions providing for the resignation, retirement, suspension or removal of the Ombudsman and the appointment of an acting Ombudsman) do not apply; and

## Appendix B: Application of New South Wales State Record Act

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Education and Care Services National Law Act 2010  
No. 69 of 2010

Part 13—Information, Records and Privacy

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(c) confer jurisdiction on a tribunal or court of a participating jurisdiction.

(4) In this section—

*FOI Act* means the Freedom of Information Act 1982 of the Commonwealth, as in force from time to time.

### Division 3—Application of New South Wales State Records Act

#### 265 Application of State Records Act

(1) The State Records Act applies as a law of a participating jurisdiction for the purposes of the National Quality Framework except to the extent that this Law applies to a Regulatory Authority and the records of a Regulatory Authority.

(2) The national regulations may modify the State Records Act for the purposes of this Law.

(3) Without limiting subsection (2), the national regulations may—

(a) provide that the State Records Act applies under subsection (1) as if a provision of the State Records Act specified in the national regulations were omitted; or

(b) provide that the State Records Act applies under subsection (1) as if an amendment to the State Records Act made by a law of New South Wales, and specified in the national regulations, had not taken effect; or

(c) confer jurisdiction on a tribunal or court of a participating jurisdiction.

(4) In this section—

*State Records Act* means the State Records Act 1998 of New South Wales, as in force from time to time.

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