

Compliance Attachments

For Queensland Public Authorities

to self-assess compliance with
Information Standard 40: Recordkeeping

November 2006



Queensland Government
Queensland **State Archives**

Department of **Public Works**

Compliance Attachments

Attachment 1

Background Information

Summary of Provisions of the *Public Records Act 2002*

Please note – Agencies will need to ensure they are aware of and fully understand the provisions of the Act. An electronic copy of the latest reprint of the Act is available from the Office of Queensland Parliamentary Counsel’s website at <http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PublicRecA02.pdf>

Setting the scene...

Section	Details
6	What is a public record?
Schedule 2	What is a public authority?
15	What is the meaning of “responsible public authority”?
7(2)	Who is responsible for ensuring a public authority complies with the Act?
9	Who owns public records?

The Musts...

Section	Details
7(1)(a)	A public authority must make and keep full and accurate records of its activities.
7(1)(b)	A public authority must have regard to any relevant policy, standards and guidelines made by the State Archivist about the making and keeping of public records.
7(2)	The chief executive officer of a public authority must ensure the public authority complies with 7(1)(a) and 7(1)(b).
8(1)	A public authority is responsible for ensuring the safe custody and preservation of records in its possession.
8(2)	Where public records are out of the public authority’s custody, the public authority must include arrangements for the safe keeping, proper preservation and return of the records.

Compliance Attachments continued...

Section	Details
8(3)	Provisions on what a public authority must do with its records if the public authority ceases to exist.
8(4)	If a public authority transfers a function or power to another public authority it must transfer records relating to that power or function to the other public authority.
10(1)	A public authority must let the State Archivist know if it has public records more than 25 years old in its custody.
13	A person (including a staff member or contractor of a public authority) must not dispose of a public record without the State Archivist's authorisation.
14	Public authorities must ensure certain public records remain accessible.
19(5)	A public authority must comply with any decision the Public Records Review Committee makes in deciding disputes between the public authority and the State Archivist about restricted access periods for records.
47	An officer of a public authority must assist an officer of the State Archives authorised under the <i>Public Records Act 2002</i> to enter a public authority's premises and examine its records and recordkeeping procedures and must not obstruct the authorised officer.

The Mays...

Section	Details
10(1)(b)	A public authority may transfer records more than 25 years old to the State Archives if authorised by the State Archivist.
19(2)	The responsible public authority for the record may , by written notice given to the archivist, change a restricted access notice applying to a record.
19(4)	If a dispute arises over a restricted access period applying to a record the public authority (or the State Archivist) may refer the dispute to the Public Records Review Committee for resolution.

Compliance Attachments continued...

Attachment 2

Relevant Information Standards

Please note – Public authorities need to check which Information Standards apply to them. IS31 and IS40 apply to all public authorities (as defined in Schedule 2 of the *Public Records Act 2002*). Other information standards apply to agencies subject to the *Financial Management Standard 1977*.

No.	Name	Purpose	Electronic link to Standard
18	Information Security	Enunciates the mandatory requirements for agencies when establishing, implementing and maintaining information security within their organisation.	http://www.governmentict.qld.gov.au/02_infostand/standards/is18.pdf
31	Retention and Disposal of Public Records	To complement the retention and disposal requirements for government information as described in the <i>Information Standard 40: Recordkeeping</i> , the disposal provisions of the <i>Public Records Act 2002</i> and the <i>Financial Management Standard 1997</i> .	http://www.governmentict.qld.gov.au/02_infostand/standards/is18.pdf
34	Metadata	Forms the central standard for the management of metadata schemes for Government information resources.	http://www.governmentict.qld.gov.au/02_infostand/standards/is34.htm
40	Recordkeeping	To help public authorities meet their recordkeeping obligations under the Act and to foster recordkeeping best practice across the Queensland public sector.	http://www.governmentict.qld.gov.au/02_infostand/standards/is40.htm
42	Information Privacy	To establish a framework for the responsible collection and handling of personal information in the Queensland public sector.	http://www.governmentict.qld.gov.au/02_infostand/standards/is42.pdf

