

Public Records Act 2023 Information Session

27, 28 and 29 May and 3 and 4 June 2024



Acknowledgement of Country

Objectives

Learn about:

- Key changes to the Act
- What these changes mean for you and your public authority
- How QSA will support you
- What you need to do to prepare

<https://www.legislation.qld.gov.au/view/html/asmade/act-2023-033>

Background

- Independent review of *Public Records Act 2002* and Government Response
- Made 27 recommendations – 20 implemented in Act
- New Act does not include councillors as public authorities – subject to further consultation
- Two operational recommendations
- New Act starts on **5 December 2024**

Key benefits of new Act

Greater clarity about recordkeeping requirements

Promotes First Nations perspectives and advice

Supports contemporary digital public sector services

Helps protect our records, particularly records of enduring value to Queensland

Recognition of the value of information as an asset

**Key changes and what
they mean for you and
your public authority**

Definitions

Public record – simplified and reflects digital environment (s9)

- Information recorded on, in or by using any medium—
 - that is made, received or kept in the course of a public authority carrying out activities for a purpose of the authority, including the exercise of its statutory, administrative or other public responsibilities; and
 - that evidences the activities, affairs or business of the authority
- Includes information connected to a public record to identify or contextualise record e.g. logs, metadata

Dispose includes alter and delete – reflects digital environment (Sch 3)

- Altering or damaging the record in a way that changes how accurately an action or decision is shown in the record; or otherwise affects the integrity of the record

Permanent value record (Sch 3) - link to Appraisal Statement, other provisions & RDS

New responsibilities

- Your public authority must:
 - make public records that accurately show:
 - the actions or decisions of the authority and
 - matters that inform or contextualise the actions or decisions (s14)
 - keep the public records
 - advise State Archivist of permanent value records at risk of loss or damage (s21)

First Nations

- First Nations Advisory Group (s64-66)
- Public Records Review Committee membership (s50)
- Principles (Sch 1, part 1)
- First Nations perspectives are heard and considered

Principles for administering the Act

- The making and management of public records and access to them is guided by the principles (s4)
- Schedule 1
 - Part 1 Public records relating to Aboriginal peoples and Torres Strait Islander peoples
 - Part 2 Public records generally
- Applies to public authorities and QSA
- Your public authority should be guided by these principles when making and managing public records and deciding access to them
- QSA's Mandatory Standards and supporting guidelines, and other documents will provide advice for public authorities on this



New functions and powers of State Archivist - improving recordkeeping


- Issue mandatory standards by regulation (s46)
- Monitor, audit and report (s44(g), s80), including requiring a report on records and information management issues
- Enhanced investigations powers (s77-79)
- Publish annual report including status of recordkeeping across public authorities, any non-compliance and measures taken or recommended (s89)
- Provide assistance and training about making and managing public records (s44(f))



New functions
and powers of
State Archivist
- protecting
public records



- Issue Appraisal Statement (s47)
- Issue protection notices (similar to disposal freezes) (s24)
- Direct the transfer of at-risk records or records over 25 years of age (instead of 30 years) (s26)
- Ability to restrict access or refuse access to records by regulation (s40)



Access – Restricted Records

Records open unless it's a **regulated record** or contains **restricted information** (s28-29; Sch 2)

Decisions about access in 35 business days (or longer if agreed by State Archivist) (s38)

If access is refused or conditions applied, need to advise State Archivist why (s38)

If no agreement, SA or PA refers to Public Records Review Committee for resolution (s38)

“Information about the personal affairs of an individual..” (prev s16(2)), now “personal information” under IPA Act (changing soon)

ACTION - May be beneficial to consider your access delegate and appropriateness of level e.g. CEO is default; need to be able to make decisions

Annual report includes number of times access to restricted records was refused

Existing RAPs continue to apply

RTI still available for applicants

Updates to offences

- New attempted unlawful disposal offence (s23)
- Disposal now includes altering or deleting (Sch 3)
- Time limits for sanctions extended (s83):
 - one year after the offence was allegedly committed, or
 - within six months after the offence comes to QSA's knowledge, but within three years of the offence allegedly being committed

Two operational recommendations

Recommendation 24 - Whole-of-government strategy

- a. The government adopt a cohesive approach to the management of its public data, information and records as a valuable and inter-connected asset.
- b. In doing so, consideration be given to clarification of roles and accountability for management of data, information and records.
- c. The State Archivist be requested to provide advice on the selection and implementation of business ICT solutions from a records and information management perspective.

Recommendation 25 - Digitisation

To investigate savings that might be achieved, the State Archivist be requested to prepare a plan, for the government's consideration, to address:

- a. legacy physical records, and
- b. opportunities for digitisation of public records which are not already stored in digital form.

Will form part of our report back to Government on implementation of the Act

Implementing the Public Records Act 2023

Proposed three-year program

2024

YEAR 1

Developing and consulting

QSA will raise awareness of the new PR Act 2023 and work with public authorities

QSA will:

- Work with public authorities on a Recordkeeping Policy Framework and Roadmap
- Develop a draft first mandatory standard – the Create and Keep Standard and Guidelines
- Revise Appraisal Statement
- Issue new guidelines for Restricted Access Periods
- Establish the First Nations Advisory Group
- Develop a Protection Notice process

You will:

- Learn more about the PR Act 2023 throughout the year
- Be able to provide feedback on first mandatory standard and supporting guidelines through:
 - briefings
 - consultation sessions

5 December 2024
PR Act 2023 commences

2025

YEAR 2

Implementing

QSA will finalise and begin to implement the Recordkeeping Policy Framework

QSA will:

- Continue to develop the Recordkeeping Policy Framework and Roadmap, including:
 - second and third mandatory standards and supporting guidelines
 - regulation on restricted records (s40)
- Issue advice on at-risk records
- Support public authorities to transition to the new mandatory standards (late 2025/2026 TBC)
- Develop and deliver education and training material

You will:

- Have access to training and education
- Be guided and supported by advice from QSA
- Adopt new mandatory standards (late 2025/2026 TBC)

2026

YEAR 3

Supporting and monitoring

QSA will support and review implementation of the PR Act 2023 across public authorities

QSA will:

- Continue to support public authorities to implement the new PR Act 2023
- Monitor and assess recordkeeping practices across public authorities
- Support public authorities to transition to the new mandatory standards, including delivering training and education

You will:

- Understand your recordkeeping responsibilities
- Integrate the Recordkeeping Policy Framework into your public authority's recordkeeping practices
- Adopt new mandatory standards
- Continue to have access to training provided by QSA
- Be supported by QSA in implementing the Act

Existing Records Governance Policy remains in place until late 2025/2026 (TBC)

Key takeaways



Continue to make and keep public records (s14)



Update and inform your delegate responsible for access decisions about changes coming



QSA has a three-year program to develop and consult; implement and support and monitor

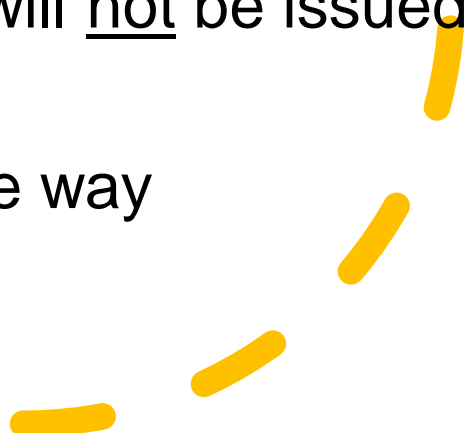


Mandatory Standards and supporting guidelines are coming, along with consultation and training



New principles to be built into QSA's advice

Next steps

- QSA will engage with you on Recordkeeping Policy Framework, focusing on Mandatory Standards and supporting guidelines
 - Provide feedback along the way (e.g. on draft standards and supporting guidelines and other documents e.g. RAP guidelines, Appraisal Statement)
 - Look for our emails and new QSA webpage (coming) for consultation
 - Remember Mandatory Standards will not be issued on 5 December 2024 by SA
 - Please ask any questions along the way
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Questions and contact details

- Email: praimplementation@archives.qld.gov.au
- Additional information:
 - [Public Records Act 2023](#)
 - [Public Records Act 2023 – Explanatory Notes](#)