Recordkeeping Regimes

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What is a recordkeeping regime?

- A unified or integrated framework of:
  - identified policy objectives
  - specified implementation directives
  - coherent set of strategies (standards, policies, systems design, systems implementation)

- Overarching set of laws, rules, policies, directions, procedures governing making, keeping and use of records - acknowledged, enforced and monitored throughout jurisdiction
What is a recordkeeping jurisdiction?

- The range over which the recordkeeping policies, processes and authorities have effect
- Operates at any level - part of an organisation, whole-organisation, all government agencies in state or commonwealth, whole of transnational company, a geographic area, whole of industry, all educational institutions ...
Figure 3: The Business Context

MANDATES

Govern

Establish Competencies Of
Are Responsible For

PEOPLE [AGENTS]

Authenticate
Function as corporate & collective memory of
Provide authoritative sources of information

Business

Are Evidence Of

RECORDS

Account For Execution Of
Implementing organisational recordkeeping regimes

- Establishing recordkeeping requirements with reference to socio-legal and corporate context
- Establishing corporate recordkeeping system that meets requirements and the needs of the organisation
- Managing recordkeeping related risks
What is a socio-legal system?

Thus a juridical system is a collectivity organised on the basis of a system of rules. The system of rules is called a legal system. A legal system is a complex paradigm containing many divisions and subdivisions. It can be broken down into positive law, as set out in the various legal sources; legislation; judicial precedent; custom; and literary sources, either authoritative, consisting of statutes, law reports and books of authority, or non-authoritative, such as mediaeval chronicles, periodicals, other books; and all the other conceptions and notions of binding law (e.g. natural law, morality, orthodox religious beliefs, mercantile custom, Roman/Canon law). Because a legal system includes all the rules that are perceived as binding at any time and/or place, no aspect of human life and affairs remains outside a legal system.

(LUCIANA DURANTI, "Diplomastics: New Uses for an Old Science (Part II)", Archivaria, No.29, Winter 1989-90, p.5.)
Structures of Legal Systems

- Institutions which create/make the law or rules, i.e. legislative structures;
- Executive structures that make policy and administer the law;
- Judicial structures that interpret the law within the jurisdiction in which a legal system operates (e.g. the State or family or Church or a traditional community structure such as the Australian Aboriginal society);
- Other institutions in the system that provide the authority for other acceptable norms of behaviour, e.g. through standards and codes of practice, moral and religious beliefs, etc.
Regulatory environment = juridical context

- Generic law relating to business context
- Laws that regulate specific industries and professions
- Laws that provide accountability framework
- Recordkeeping requirements in general and specific law (re creation, evidence, retention and disposal, custody, access, privacy)
- Industry self-regulation, standards and codes
- Professional standards, codes, best practice, ethics
- Technical standards and codes
Legislation Affects:

- Records creation and formats
- Records as evidence
- Records retention
- Records destruction
- Custody of records
- Control over access; and
- Accessibility
Concept of Records Management

- Records management is the discipline and organizational function of managing records to meet operational business needs, accountability requirements and community expectations.

- Concerned with:
  - managing the records continuum
  - providing a service to an organization and its clients
  - managing records to meet legal, evidential and accountability requirements
  - managing records as an asset & information resource
  - promoting efficiency and economy
Records Management as Steering Activity

- RM as steering activity for whole-of-organisation
- Standard setting, policy development, system design, guidelines for system implementation, specifications for records systems, consultancy and advisory services ...
- Records Management as operational activity - implementing policies, systems, procedures, and recordkeeping processes; managing staff and resources

Recordkeeping policies & responsibilities

- RK responsibility exists at all levels of organization (CEOs, managers, records managers, system administrators, individual employees) - needs to be identified & specified
- RM program should be in compliance with requirements of regulatory environment
- RM policies, standard procedures & practices should be documented, promulgated & implemented
- Best practice RK systems should be implemented, monitored and reviewed
- Training programs should address RM roles and responsibilities of all employees
Recordkeeping strategies

- Design RK systems that capture and manage full and accurate records
- Document RK systems
- Train records practitioners and other employees
- Convert records to new systems
- Set standards
- Measure compliance and performance
Recordkeeping system design and implementation

- Investigate
- Analyse business activity
- ID RK requirements
- Assess existing systems
- ID strategies for satisfying RK requirements
- Implement RK system
- Review
Adoption of AS & ISO by Australian governments

- The Standards are endorsed by the National Archives of Australia, State Records Authority of NSW and other state archives
- AS 4390 and the later ISO/AS form the basis of a radical transformation of recordkeeping in the Australian government sector
- Archival authorities are reinventing themselves as proactive promoters of best practice recordkeeping - their core business spans the entire records continuum
NAA and SRA NSW as lead agencies

- NAA and SRA NSW are promoting ISO and AS compliance
- They are developing various detailed manuals and standards that expand upon the ISO and AS
- Check out these developments by browsing:
  - www.naa.gov.au (click on Services to Government and check out policies, standards, guidelines re electronic recordkeeping and records management)
Standards-based toolkit for government agencies (1)

- **DIRKS Manual** - Designing and Implementing Recordkeeping Systems
  - 8-step methodology drawn from AS 4390
  - Analysis of functions and activities leading to a business classification scheme

- **Recordkeeping Metadata Standards**
  - Records registration, classification and management metadata at/from point of creation within an agency domain
Standards-based toolkit for government agencies (2)

- Keyword AAA Thesaurus of General Administrative Terms - a *functions*-based thesaurus for classifying general administrative records
- Guidelines for preparing agency-specific functions thesauri based on a BCS
- Functional analysis/business classification scheme as basis of new functions-based agency disposal authorities
Standards-based toolkit for government agencies (3)

- New General Disposal Authority for general administrative records based on the functions identified in Keyword AAA
Standards-based toolkit and software vendors

- Software vendors have been consulted in the development of many of the new manuals and standards.
- A key objective is to exert a positive influence on the software market.
- Detailed standards and manuals of archival agencies provide the basis for auditing product and system compliance with the ISO and AS Standards.
Monitoring and auditing (1)

- A compliant organization can demonstrate:
  - assigned responsibilities
  - developed strategies
  - identified accountability requirements
  - identified RK requirements
  - identified RK related risks
Monitoring and auditing (2)

- RK requirements integrated into policies, business rules, procedures, work processes, and information, business application and communication systems
- RK procedures and practices ensure capture and management of full and accurate records
- RK system(s) established and functioning in accordance with best practice
- All records captured in RK systems
- All systems regularly performance tested
What is risk? What is risk analysis?

- **Risk**: the chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.

- **Risk analysis**: a systematic use of available information to determine how often specified events may occur and the magnitude of their likely consequence (AS 4360: 1995)
What is risk management?

Risk management is the term applied to a logical and systematic method of identifying, analysing, assessing, treating, monitoring and communicating risks associated with any activity, function or process in a way that will enable organisations to minimize losses and maximise opportunities.
Corporate concerns and risk management

- Monetary loss
- Loss of public confidence
- Bad public relations
- Damage to reputation
- Liability for damages
- Fraud
Government organisations and risk management

- Risks associated with management of funds, staff and assets
- Credibility and standing in community
- Risks associated with statutory responsibilities
Risk management and recordkeeping regimes

- Recordkeeping as a response to identified risks for defensive and preventative purposes: to provide evidence of action taken, to provide an accountability mechanism, for monitoring compliance and measuring success of the program ...

- Risk arising from decisions to create and keep, or not to create and keep, records, and from the management of those records
Nature of recordkeeping risks - and their consequences

- Personal
- Organisational
- Societal
Risk management and accountability

- Risk management accountabilities follow pattern of decisionmaking responsibilities within an organisation
- Critical decisions re recordkeeping should be taken within an agreed policy framework
- Recordkeeping decisions made on basis of documented policy & procedures, & authorised at appropriate level
Accountable Recordkeeping Regimes

- Established recordkeeping regime at macro level
- Independent recordkeeping or archival authority
- Professional standards
- Compliant regimes at micro level
- Strategic and beneficial alliances with accountability players and stakeholders
Benchmarks of Accountable RK Regime at micro level

- RK responsibility, which exists at all levels of organization (CEOs, managers, records managers, system administrators, individual employees), is identified & specified
- RM program in compliance with requirements of regulatory environment
- RM policies, standard procedures & practices documented, promulgated & implemented
- Best practice Records systems be implemented, monitored and reviewed
- Training programs address RM roles and responsibilities of all employees