

MINISTERIAL RECORDS POLICY

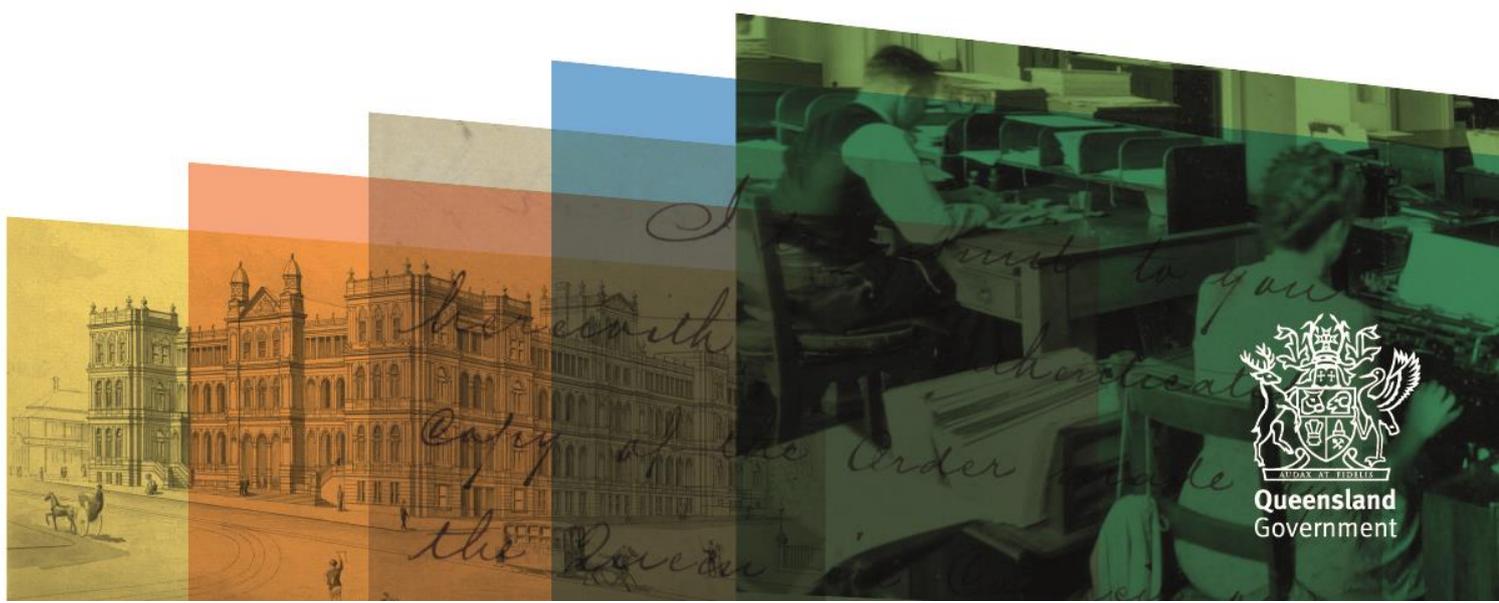
A recordkeeping policy for Ministers and Assistant Ministers

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Queensland State Archives

Department of Housing
and Public Works



Queensland
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Purpose

This policy establishes requirements for the management of ministerial records and the records of Assistant Ministers by Ministers, Assistant Ministers and ministerial staff in accordance with the *Public Records Act 2002*.

Policy statement

Ministers and Assistant Ministers will make and keep full and accurate records of activities related to their ministerial portfolio responsibilities or Assistant Minister duties.

Policy benefits

Records are the cornerstone of an accountable and democratic society and allow scrutiny from the public of the decisions made by those who are elected to act on their behalf.

By implementing this policy Ministers, Assistant Ministers and ministerial staff will be able to:

- Make informed policy and business decisions
- Protect the rights and entitlements of citizens
- Contribute to democratic and accountable government
- Respond quickly to requests for information including Right to Information requests
- Share accurate information
- Locate evidence of decisions and actions
- Answer correspondence consistently and efficiently
- Provide confidence in the authenticity and integrity of information
- Support open data
- Promote collaboration and communication
- Support efficient and transparent business practices

Applicability

This policy applies to all Queensland Government Ministers, Assistant Ministers and ministerial staff.

This policy should be used in conjunction with the *Queensland Ministerial Handbook*, the *Ministerial Information Security Policy*, and advice provided by the Department of the Premier and Cabinet on creating, keeping and disposal of ministerial records.

Queensland Government departments may find it useful to refer to the policy when managing ministerial records on behalf of their portfolio Minister.

Definitions

The definition of a ministerial record under the *Public Records Act 2002* is 'a record created or received by a Minister in the course of carrying out the Minister's portfolio responsibilities'.

A Minister's portfolio is the area of responsibility assigned as a member of Cabinet and identified in the Administrative Arrangements Orders.

For the purposes of this policy, reference to a ministerial record also includes a record created or received by an Assistant Minister in the course of carrying out their official duties.

Ministerial records do not include the following (unless they relate to the Minister's portfolio responsibilities or Assistant Minister's duties):

- personal activities and interactions with family and friends
- party political membership or activities
- constituency or electorate activities
- responsibilities as a member of the Legislative Assembly.

Authority

This policy is issued under section 25(1)(f) of the *Public Records Act 2002* which enables the State Archivist to make policy, standards and guidelines about the making, keeping, preserving, managing and disposing of public records.

Authorised by State Archivist: Mike Summerell

Date: 13/12/2017

Policy requirements

Policy requirement 1

Ministers, Assistant Ministers and ministerial staff are aware of and fulfil their recordkeeping obligations under the *Public Records Act 2002*

Accountability

Ministers and Assistant Ministers are public authorities for the purposes of the *Public Records Act 2002*.

As public authorities, Ministers and Assistant Ministers have a statutory obligation under section 7 of the *Public Records Act 2002* to make and keep, full and accurate records of activities related to their ministerial portfolio responsibilities or Assistant Minister duties. There is also an obligation to ensure compliance with policies, standards and guidelines made by the State Archivist including the *Records Governance Policy*.

Ministers and Assistant Ministers are responsible for:

- allocating resources for the creation, capture, keeping and disposal of ministerial records
- endorsing the disposal of ministerial records in accordance with authorisations issued by the State Archivist
- implementing procedures that ensure the appropriate management of ministerial records
- ensuring the safe custody and preservation of ministerial records
- ensuring ministerial staff attend recordkeeping training

While overall accountability for recordkeeping rests with the Minister or Assistant Minister, recordkeeping obligations outlined in the *Public Records Act 2002* extend to anyone who manages ministerial records including ministerial and portfolio department staff.

A Minister or Assistant Minister can delegate the actions of creating, maintaining and disposing of ministerial records to a suitably qualified or skilled person in the same way as financial or human resource activities can be delegated.

Policy requirement 2

Ministers and Assistant Ministers must make full and accurate ministerial records

Ministerial records

Ministers, Assistant Ministers and ministerial staff create and receive a lot of records, not all of which are ministerial records. If a record is created or received because of an individual's role as a Minister or Assistant Minister, then it is a ministerial record. If a record has been created or received in any other role solely as a Member of Parliament or membership of a political party - it is not a ministerial record.

Private email and social media accounts

Ministerial records can be created in both digital or paper formats and include emails, text messages, social media interactions, diaries, photographs, videos, and data held in business systems.

Ministerial records include **emails, social media interactions** and **text messages** relating to a Minister's portfolio responsibilities that are sent or received from a private account.

If a ministerial record is received in a private email account, processes must be in place to forward the email from the private email account to the official ministerial email account within 20 days of receipt or creation of the email.

If a response is required to an email received in a private email account, a ministerial email account should be used to respond.

If a Minister has access to and continues to use a private email account that predates the ministerial appointment, it is prudent to activate automatic or standard replies, that direct people to send correspondence related to ministerial portfolio responsibilities to the official ministerial email account.

Social media interactions relating to ministerial portfolio responsibilities or Assistant Minister duties that are required to be kept must be captured whether they are sent from a private or an official account. This includes social media posts and comments or responses to posts.

Procedures

Documented procedures must be in place for the management of ministerial records that are created and received by Ministers, Assistant Ministers and ministerial staff.

Some business interactions may result in the automatic creation of a ministerial record (e.g. when sending or receiving an email). In other cases, specific action will need to be taken to create a ministerial record for example creating a file note or sending a follow up email to document the decisions or outcomes agreed in a text message or a meeting.

Policy requirement 3

Ministers, Assistant Ministers and ministerial staff must keep all ministerial records for as long as they are lawfully required to be kept

Retention and disposal of ministerial records

Ministerial records can only be disposed of or destroyed with the authorisation of the State Archivist. This authorisation is usually given in a retention and disposal schedule or other disposal authorisation from the State Archivist and determines the length of time ministerial records need to be kept.

The retention and disposal schedules and other disposal authorisations applicable to records of Ministers, Assistant Ministers and ministerial staff can be located at <https://www.forgov.qld.gov.au/search-retention-and-disposal-schedule>

Transfer of ministerial records to Queensland State Archives

Ministerial records identified as permanent by the State Archivist in a retention and disposal schedule or other disposal authorisation must be transferred to Queensland State Archives. They can be transferred at any time during a Minister's term of office but must be transferred on a change of Minister or government.

Ministerial staff should contact Ministerial Services to discuss the ongoing storage of ministerial records identified as temporary in a retention and disposal schedule or other disposal authorisation on a change of Minister or government.

Ministerial diaries

Ministerial diaries must be kept permanently, which means they must be transferred to Queensland State Archives on a change of Minister or government.

Ministerial diaries should be in electronic form e.g. Microsoft Outlook calendars and the full diary must be captured. This means that all attachments that are relevant to the meeting such as meeting agendas, meeting reports and details of attendees must be captured in conjunction with the diary.

Any entries in the ministerial diary that relate to personal or party political matters should be removed before transferring the diary to Queensland State Archives. If these entries are not removed prior to transfer they will remain part of the ministerial diary.

Extracts from diaries of ministers published on the Queensland Government website are not sufficient to meet this requirement.

Management of other records

Other ministerial records related to the portfolio department such as briefing notes, parliamentary briefs and correspondence actioned by the department must be returned to the portfolio department for retention or disposal.

Cabinet documents are treated differently to ministerial records and must be returned to the Cabinet Secretariat for disposal. Information about this can be found in the *Queensland Cabinet Handbook*.

Administrative records such as finance and human resource records must be returned to Ministerial Services for safekeeping.

Access to records at Queensland State Archives

Following transfer to Queensland State Archives, ministerial records have a restricted access period of 30 years after the date of the last action on the record.

Anyone seeking access to ministerial records held in the custody of Queensland State Archives during the 30 year restricted access period must apply under the *Right to Information Act 2009* or *Information Privacy Act 2009*. This includes former Ministers (including the Minister who created the records), members of the public and Ministers of a different party.

Further information

More information about recordkeeping can be found at forgov.qld.gov.au/recordkeeping

For recordkeeping implementation advice please contact Ministerial Services on 07 3003 9900.

For recordkeeping advice from Queensland State Archives, please go to forgov.qld.gov.au/contact-queensland-state-archives.

Attachment 1: Examples of ministerial records

If a record is created or received because of an individual's role as a Minister or Assistant Minister then it is a ministerial record.

How long to keep ministerial records is determined by disposal authorisations issued by the State Archivist.

Procedures issued by the Department of the Premier and Cabinet also provide guidance on identifying ministerial records.

Minister for Industry XYZ

Use the examples of records created or received by the fictitious Minister for Industry XYZ to help identify ministerial records.

In the *Administrative Arrangements Orders* the Minister for Industry XYZ is responsible for a number of pieces of legislation, including the *Industry XYZ Support Act 2016* and has oversight for the Department of Industry XYZ Regulation.

The Minister is also the shareholding minister for the Government Owned Corporation IndustryTechQ. The Minister has a Chief of Staff, 2 Senior Policy Advisors and an Executive Assistant. The Minister is the Member of Parliament for the electorate of Bristown.

Example	Ministerial record?
<u>Portfolio related</u>	
An email to the Director-General of the Department of Industry XYZ Regulation requesting an update on the progress of the new strategy for industry development	Yes
An email received by the Minister congratulating them on their appointment as the Minister for Industry XYZ	Yes
An email received by the Minister congratulating them on their Ministerial appointment, and requesting a meeting to explain how their private company can assist with potential government initiatives	Yes
An email sent by a family friend recommending their grandson for a role in the new Ministry	Yes
An email sent by a lobbying organisation requesting a meeting to discuss the future of industry XYZ in Queensland	Yes
An email from a long-time colleague attaching an article of interest relating to industry XYZ in New Zealand	Yes

Example	Ministerial record?
An email from the president of the Industry XYZ Engineers Union requesting an update on pay negotiations with IndustryTechQ	Yes
An email from a fellow Member of Parliament requesting an investigation for development of a new industry XYZ centre of technology in their electorate	Yes
Response to a social media post from a constituent complaining about proposed new policy on industry XYZ	Yes
Emails with a marketing firm relating to the development of a newsletter promoting industry XYZ that is issued by the Minister	Yes
Email from a long time business associate providing advice on the latest draft of a new policy on industry XYZ licensing	Yes
Email subscription providing latest updates on US industry XYZ activities	Yes
Text message to Director-General of the Department of Industry XYZ Regulation requesting DG to meet with representative from industry XYZ (the details might be captured elsewhere in a follow up email or file note and therefore the text message would not require further capture)	Yes
Email from a member of the public providing information on their new industry XYZ invention	Yes
Invitation from an international government for a visit to discuss and view innovation on industry XYZ in their jurisdiction	Yes
Email from the Minister's Executive Assistant with details of the Minister's trip to Gladville to open a conference on industry XYZ technology	Yes
Email from the Minister's Chief of Staff requesting 2 days leave	Yes
Photos of the Minister presenting the key note speech at an industry XYZ conference in Queensland	Yes
Email from an industry association providing input into proposed government policy on industry XYZ technology development in Queensland	Yes
Invitation from CEO of IndustryTechQ to attend football match	Yes

Example	Ministerial record?
Emails with NSW Minister for Industry ZYX discussing differences in government policy between the two states	Yes
<u>Personal</u>	
An invite to dinner on Saturday night from a family member	No
Email subscription advising of travel specials from local travel agent	No
Notifications of updates on Minister's personal Facebook account	No
Text message to family member asking what they want for dinner	No
Comments made on posts about world travel expo in Queensland using personal Twitter account	No
Invitation from brother to attend football match	No
<u>Electorate/parliamentary/party political</u>	
A submission by a constituent of Bristown on the proposed changes to the main road in the Minister's electorate	No
An invitation to open new classrooms in Minister's electorate of Bristown	No
Emails with party candidates in the lead up to an election proposing policy ideas for advancing the Queensland space industry	No
Text message from fellow caucus member regarding party nominations for next election	No
Social media post congratulating Minister on re-election as Member of Parliament for Bristown	No
Circular from union sent to its members	No
Advice on dates from the Clerk of the Parliament on the induction for new Members of Parliament	No
Email with party officials regarding election of new party leader	No
<u>Cabinet related matters</u>	

Example	Ministerial record?
Email from Cabinet Secretariat circulating cabinet documents for next Monday's cabinet meeting	Yes
Correspondence between the Minister and the Premier proposing matters to be raised in Cabinet	Yes