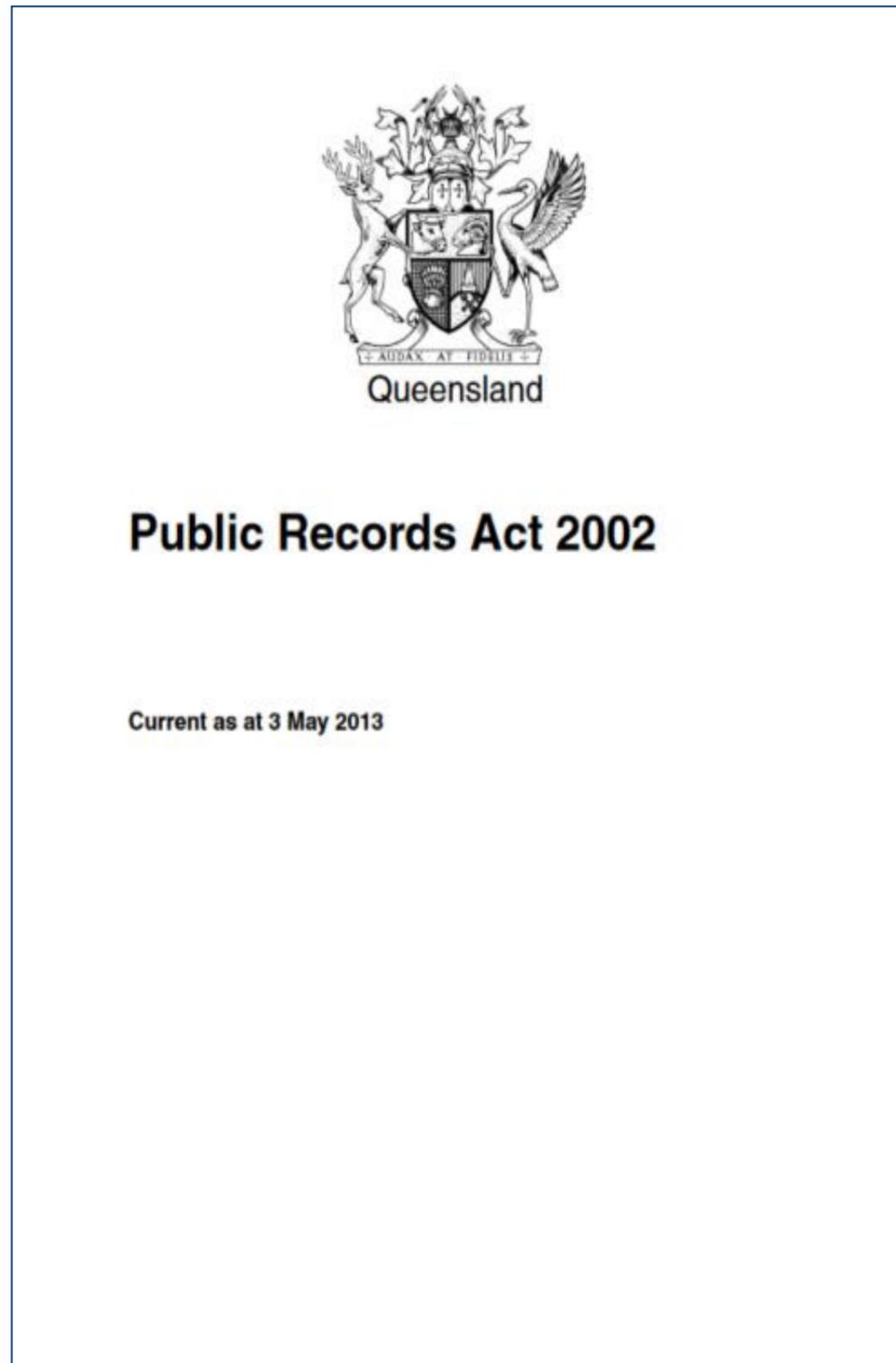


RECORDKEEPING REQUIREMENTS UNDER THE PUBLIC RECORDS ACT 2002

Queensland State Archives

A guide for CEOs

The [Public Records Act 2002](#) aims and ensures the public records of Queensland are made, managed, kept and, if appropriate, preserved in a usable form for the benefit of present and future generations. This is an overview of the important sections about recordkeeping:



Public Records Act 2002

Current as at 3 May 2013

Section 6 – What is a public record?

A public record includes any form of recorded information, created or received by, or created on behalf of a Queensland public authority in the transaction of government business.

Section 7 – Making and keeping public records

Full and accurate records of your business activities must be created and kept, and regard must be given to any relevant policy, standards and guidelines made by the archivist

Sections 8 and 15 - Responsible and Relevant Public Authority (ownership)

A *relevant* public authority is the agency that has ownership of public records not in the custody of Queensland State Archives.

A *responsible* public authority has ownership of the permanent public records held in the **custody of Queensland State Archives**. They also control access to these records.

When a *responsible* or *relevant* public authority for a particular set of records needs to be assigned by a regulation under the Act, it is usually under either s15 or s8.

Regulations are usually required when there is a MOG change and no responsible agency has been identified by legislation and the function relating to the records is not being transferred to another agency.

Section 13 – Disposal of public records

Records cannot be disposed of without authorisation from the State Archivist – usually through a retention and disposal schedule.

Section 16, 18 & 19 - Restricted Access Periods

A restricted access period (RAP) is a period of time where a public record in the custody of Queensland State Archives (QSA) may not be accessed by the public.

RAPs need to be set by the CEO of the responsible public authority or their authorised delegate and is usually done when the records are transferred to QSA.

The RAP process supports the right to access public records unless it would not, on balance, be in the public interest for the records to be immediately open.

All RAPs must be consistent with the requirements of the Act and are subject to approval by the State Archivist.

Section 17, 18 & 20 – Access to records

Records with open access are available to the public.

If a record is still under a RAP, access to that record can be granted with specific authorisation from the responsible public authority or when there is an application under the *Right to Information Act 2009*.

Access to any record can be denied by the State Archivist for various reasons. Section 18 details what those reasons are.

Schedule 2 – Definition of a public authority

Schedule 2 details what positions and government agencies are considered public authorities and are therefore obliged to follow the *Public Records Act 2002* when managing their records.

This includes Ministers and Assistant Ministers, Departments, the Governor, organisations created by a minister or through legislation, Commissions of Inquiry, Government Owned Corporations, officers of the court, and local governments.

For full details see Schedule 2 of the Act.

Section 26 – Authorisation to dispose of records

Under section 26, the State Archivist may authorise the disposal of public records or classes of public records, upon application by or with consent from the public authority that has control of those records.

Authorisation to dispose of public records is usually granted through an approved retention and disposal schedule.

Section 28 – Authorisation to dispose of records

Schedule 2 - Dictionary

s6 – What is a public record?

s7 – Making and keeping records

s8 – Custody & preservation

s8 & s15 – Responsible and relevant public authority

s13 – Disposal of public records

s16, s18 & s19 – Restricted access periods

s17, s18 & s20 – Access to records

Queensland

