MACHINERY OF GOVERNMENT AND ADMINISTRATIVE CHANGES

Stage 3: Plan and draft an agreement for the transfer and management of records

Identify any differences between recordkeeping systems and processes of the transferring and receiving agencies that may impact on which records can be transferred, how and when.

Are there any potential risks to the records during the change that need to be addressed? This particularly applies to privatisation and outsourcing arrangements as risks to public records are higher.

YES

Identify ways to mitigate risks to the records and include provisions to address these in the agreement if necessary.

NO

Are there any legislative considerations, obligations or requirements that need to be taken into account?

YES

Include provisions to address any legislative requirements, obligations and considerations around the management of records in the agreement.

NO

Are there any potential issues around custody, ownership and responsibility for the records?

YES

Include provisions to address any issues or requirements around custody and ownership of the records in the agreement.

NO

Are there any access requirements that need to be negotiated? Including access to records:

• by the original public authority
• by other public authorities
• by the public
• by the service provider or private organisation
• in the custody of or to be transferred to QSA

YES

Include provisions to address any access rights or issues in the agreement.

NO

Agree on how you will ensure records remain usable and accessible for as long as required, including after transfer. You may need to contact your agency’s IT area to identify and discuss any potential issues around software or equipment that may impact on the accessibility and usability of records, or if any other systems are impacted.

Closure of a public authority
Amalgamation or merger
Transfer of functions

Outsourcing and / or privatisation

Identify the status of the records that will be created during the outsourcing of the function (if applicable).

Determine which records are to be transferred to the private entity or service provider (if applicable) and how.

Are the records to be...

YES

Permanently transferred
Records to be transferred to service provider or private organisation permanently

Arrange for copies of required records to be made in preparation for transfer to private entity or service provider. Copies can be transferred with no further agreement.

Temporarily transferred / loaned
Records to be transferred to the service provider or private organisation for a specified period of time

Contact Queensland State Archives if original records are to be permanently transferred to a private entity.

Arrange to loan required records to service provider or private entity as specified in the agreement. Agreement should include terms of the loan, time period and responsibilities.

Reaching an agreement with successor public authority about:
• the transfer of records
• any recordkeeping requirements
• any security, privacy and copyright issues
• any other identified issues and responsibilities
Include appropriate clauses in any draft agreement or contract that address recordkeeping issues if required.

NO

Reach an agreement with the service provider or private entity about the transfer and management of the records, and any of the identified issues, including:
• the recordkeeping considerations and responsibilities identified
• how electronic records will be managed
• disposal of records
• storage and handling
• any security, privacy and copyright issues
• any legislative considerations that need to be considered
• any other identified issues and responsibilities relating to public records
Include appropriate clauses in any draft agreement or contract that address recordkeeping issues.

Go to Stage 4: Transfer and manage the records after the change