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# Report on initial consultation for *Building the Archives* Review

In June 2023, the State Records Authority NSW ("State Records NSW") undertook public consultation on the suitability of *Building the Archives*, a policy on records appraisal and the identification of State archives originally published in 2001.

Feedback was sought from public offices, industry professionals, collection users and members of the public primarily through an online survey tool, with wider distribution of the survey actively encouraged.

A total of 185 submissions were received on the policy during the consultation period, representing a diverse range of perspectives.

Overall feedback was generally positive towards the appraisal objectives in the policy, which guide the identification of State archives.

Common comments that came through included:

- The language and examples used were not inclusive of all types of public offices, e.g. local government, universities, etc.
- Aboriginal and Torres Strait Islander peoples should be explicitly acknowledged, either through a specific objective or explicitly mentioned within existing objectives.
- Objectives 1 and 2 are not distinct from each other.
- The language in the policy should be simplified to make it more accessible.
- The policy should be shaped to better reflect the relationship between records and people
- The language used in the policy is subjective and open to interpretation, e.g. "significant"

A number of comments were also received that were out of scope. Most of these comments related to the access and management of the State Archives Collection, which is now managed by Museums of History NSW (MHNSW), or to records other than NSW State records.

In reviewing the comments and incorporating them into a consultation draft policy, the scope of *Building the Archives* has been narrowed to the identification of State archives only. A new policy on records appraisal and disposal will be developed in the future to better address the development and implementation of retention and disposal authorities, appraisal methodologies and approaches to destruction.

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## Consultation

Initial consultation for the review of *Building the Archives* ran from Wednesday 31 May to Tuesday 27 June 2023. During this time, feedback was sought from public offices, industry professionals, collection users and members of the public. A consultation paper and feedback survey were created and published on the State Records NSW website ([staterecords.nsw.gov.au](https://staterecords.nsw.gov.au)). Wider distribution of the survey was actively encouraged.

Communications were sent to all records management contacts in NSW public offices, and the consultation webpage was linked from the MHNSW website. State Archives Collection users were contacted through the MHNSW newsletter and through a notice in the Reading Room and Readers Lounge at Kingswood. The following groups or individuals were also approached directly for feedback:

- State Records NSW
- Curatorial & Research, MHNSW
- Collections Services, MHNSW
- Access Services, MHNSW
- Australian Society of Archivists (ASA)
- Records and Information Management Practitioners (RIMPA) Global
- Council of Australasian Archives and Records Authorities (CAARA)
- Royal Australian Historical Society (RAHS)
- Professional Historians Australia (PHA)
- Society of Australian Genealogists
- The Law Society of New South Wales
- Australian Centre for Public History, UTS
- Jumbunna Institute for Indigenous Education and Research, UTS
- Researchers on Charter of Lifelong Rights in Childhood Recordkeeping in Out of Home Care
- NSW Information Commissioner
- NSW Privacy Commissioner
- Care Leavers Australia Network (CLAN)
- Link-Up (NSW) Aboriginal Corporation
- Various Australian academics and historians nominated by MHNSW from the University of Technology Sydney (UTS), Sydney Local Health District, Macquarie University, the University of Sydney (USYD), and the University of New South Wales (UNSW)

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## Approach

Both the consultation paper and the survey centred on the five existing appraisal objectives for the identification of State archives, although there was an opportunity for general feedback on the policy. This was to make the survey more accessible to people outside of the archival profession without limiting the opportunity for feedback from professionals.

Effort has been made to reflect the intention of each comment in the Table of Commentary without recording each comment verbatim. Where appropriate, similar comments have been grouped to highlight themes, and some of the comments on specific objectives have been moved into the 'General Comments' section of this report.

Statistics in this report are only reflective of survey responses, but comments reflect all feedback received.

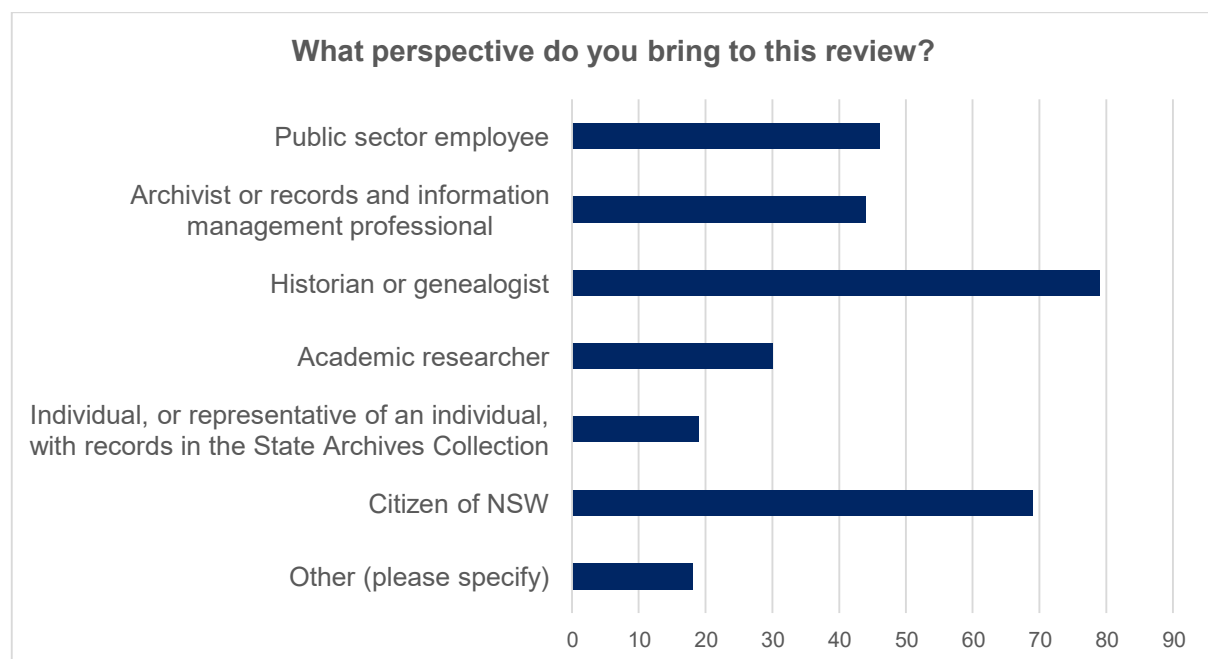
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## Responses

A total of 185 submissions on the policy review were received, with 177 received via the feedback survey. Some feedback was also provided via email, or verbally in consultation sessions.

The survey was designed to be anonymous to encourage open and honest feedback on the policy. One public office and two organisations sent through responses directly to State Records NSW, and there were also a handful of consultation sessions either in person or by telephone. In these cases, identifying information has intentionally been omitted from this report except in the case of MHNSW as current custodians of the State Archives Collection.

Minimal demographic data was collected. A high-level description of the perspective that the respondent brought to the survey was captured to ensure that there was reasonable representation across stakeholder groups. Out of the survey respondents, the most well-represented perspective was 'Historian or Genealogist' with 44.63%, closely followed by 'Citizen of NSW' with 38.98%. Respondents were able to select as many perspectives as applied.

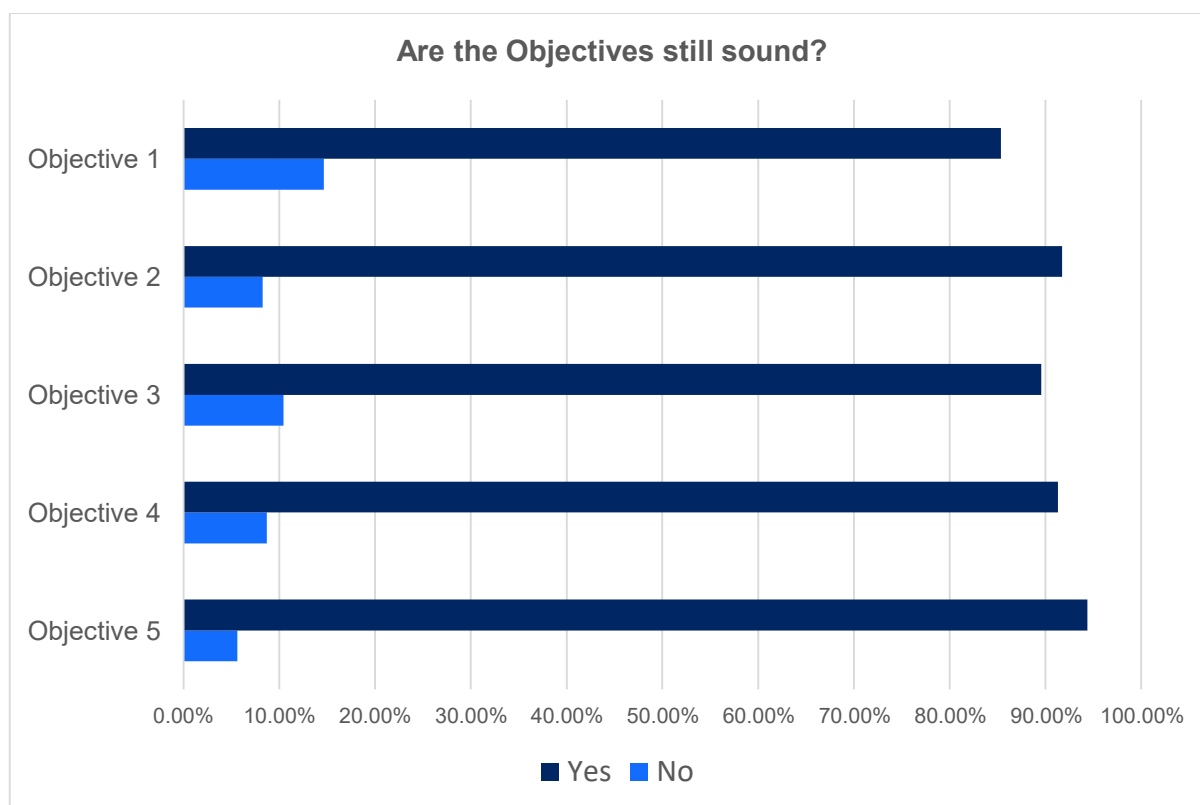


Responses	Statistics	
Public sector employee	25.99%	46
Archivist or records and information management professional	24.86%	44
Historian or genealogist	44.63%	79
Academic researcher	16.95%	30
Individual, or representative of an individual, with records in the State Archives Collection	10.73%	19
Citizen of NSW	38.98%	69
Other (please specify)	10.17%	18
<b>Total</b>	<b>172.32%</b>	<b>305</b>
<i>Question skipped</i>		0
Total number of survey respondents		177

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## Overall response

Overall, respondents were generally supportive of the existing objectives, although areas for improvement were identified. Out of those who responded, at least 85% reported that each objective was sound. The first objective was the least supported, but the free text fields related to that objective make it clear that some respondents were unaware that there were other objectives to follow.



#### Common comments that came through were:

- The language and examples used were not inclusive of all types of public offices, e.g. local government, universities, etc.
- Aboriginal and Torres Strait Islander peoples should be explicitly acknowledged, either through a specific objective or explicitly mentioned within existing objectives.
- Objectives 1 and 2 are not distinct from each other.
- The language in the policy should be simplified to make it more accessible.
- The policy should be shaped to better reflect the relationship between records and people
- The language used in the policy is subjective and open to interpretation, e.g. “significant”

#### Out of scope comments

A number of comments received were out of scope of the policy review. Most out of scope comments related to the management of, or access to, the State Archives Collection, or the inclusion of records other than State records as defined in the *State Records Act 1998*.

Out of scope comments have still been reflected in the Table of Commentary for transparency but have generally not been addressed in any detail and will not be reflected in amendments to the policy.

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## Recommendations

Based on the feedback received both during the initial consultation and during subsequent consultation with staff at State Records NSW, the following recommendations are made:

- Narrow the scope of the policy to be about the identification of State archives alone. A future policy should be written to address records appraisal and disposal in more detail.
- Retain the intention behind the existing objectives but reshape them to improve clarity and make the policy more person focused.
- Address the records of First Nations peoples explicitly by including them in examples and recognising the significant role that archives have, and continue to have, in their understanding of history, culture, rights and justice.
- Simplify the policy, both in structure and language, to make it more accessible to a broader audience.
- Reduce subjective language where possible and include examples of records under each objective to better clarify the intention of each objective.
- Ensure that the language and examples included are representatives of all types of public offices.

# Table of Commentary

## General comments

	Issue	Response
1	One submission mentioned that taking into account prevailing and changing technology may influence the objectives	<i>Noted.</i>
2	One submission was concerned that the objectives were framed as State government-centric, not reflecting other types of public offices, e.g. universities and local government. The submission was critical of the terminology of “public sector bodies”.	<i>Including more examples from other types of public offices will make sure the policy better reflects the jurisdiction. “Public offices” will be used in favour of “public sector bodies” to align with the legislation.</i>
3	One submission advocated for the NSW State Archives Collection (and archives collections of other states and the National Archives of Australia) to be expanded to include private records of families.	<i>Private records of families are not State records. State Records NSW has no influence over what is collected in other jurisdictions.</i>
4	Multiple submissions commented on accessibility and availability of information/archives for use by many stakeholder groups. This includes calls for making born-digital records more publicly accessible, increasing online indexing of records and updating/fixing ‘always’ broken technology in the reading room. One submission called for a review on closed access directions being placed on “records made with taxpayer money”. Another submission was critical of members of the public being charged to access State archives through commercial agencies and called for the cessation of these arrangements.	<i>Out of scope.</i>
5	One submission commented on being able to ensure compliance with legislation and responsibilities.	<i>This falls out of scope of the policy but is work that State Records NSW is actively working to improve.</i>
6	Multiple submissions called for additional funding for the preservation of records and for the State Records NSW [ <i>MHNSW as custodians of the collection</i> ]. This extends to funding of regional repositories.	<i>Out of scope.</i>
7	One submission claimed that the objectives are “meaningless”.	<i>The appraisal objectives in this policy guide retention and disposal authorities (RDAs) and will ultimately shape the development of the State Archives Collection.</i>
8	Multiple submissions were critical of the language used and called for simplified or plain English.	<i>Language will be simplified to make the policy more accessible.</i>

9	One submission claimed that the objectives are far too narrow to reflect the cultural development of NSW.	<i>The examples given are not intended to be comprehensive. A note on this will be included in the policy.</i>
10	One submission suggested including the records of organisations that are NSW government-funded but are not public offices, e.g. NGOs.	<i>Some records of some NGOs may be classified as State records if the NGO is performing functions of the State.</i>
11	One submission called for records relating to the “history of Australia”.	<i>This is a very general comment, but the intention of the policy is to ensure we have a rich documented history of the State of NSW.</i>
12	One submission called for “transformational outcomes”.	<i>Unsure what is meant by this comment.</i>
13	One submission called for creating a distinction between activities of government agencies and activities of individuals.	<i>Disagreed.</i>  <i>In most instances, individuals are acting in their capacity as a public official then taking actions that are recorded in State records.</i>
14	Multiple submissions called for the inclusion of records of churches or other places of worship.	<i>Out of scope.</i>
15	One submission called for education for the general public on the availability and usefulness of the State Archives Collection.	<i>Out of scope.</i>
16	One submission called for born digital records to be planned with an eye to public availability.	<i>Out of scope.</i>
17	One submission called for all State records to be kept “other than routine documents that can reasonably be sourced elsewhere in the future”.	<i>As outlined in the policy, it is not reasonable to keep everything. This comment also misunderstands the fundamental role of an archives in preserving documentary heritage.</i>
18	One submission called for the inclusion of “private records in the public interest”.	<i>Out of scope.</i>
19	One submission called for the inclusion of “human interest records”.	<i>This is too vague to include in an objective and would be open to very subjective and inconsistent interpretation.</i>
20	One submission called for the inclusion of social activities planning and execution, e.g. Vivid	<i>Significant social and cultural events that are run by the Government or public offices are already retained as State archives. This will be included in the policy examples.</i>



21	Multiple submissions mentioned preservation and conservation.	<i>Out of scope.</i>  <i>This relates to the management of the State Archives Collection.</i>
22	One submission commented that “types of activities and associated records” (i.e. examples) should not be included.	<i>Disagreed.</i>  <i>This comment does not align with other comments received. Replacing “types of activities and associated records” with “examples” might make this feel more relevant.</i>
23	One submission called for automated transfer of digital records into the State Archives Collection to improve government accountability.	<i>Out of scope.</i>
24	Multiple submissions called for greater department and agency compliance in preserving and transferring records, and enforcement and monitoring. One submission called for stronger archival controls to monitor all permanent records created to ensure they are managed within approved preservation guidelines.	<i>Out of scope.</i>
25	One submission called for digitisation of all State records on creation.	<i>Out of scope.</i>  <i>State Records NSW supports working digitally wherever possible.</i>
26	One submission called for the discovery of misplaced Lands Department maps from the 1800s.	<i>Out of scope.</i>
27	One submission was critical of using Survey Monkey as a feedback tool, suggesting that it meant the review was trivial.	<i>State Records NSW is committed to the review and used Survey Monkey to ensure that all members of the community could participate in the review process. Submissions were also received through emails and telephone conversation.</i>
28	One submission mentioned that non-text based records are very useful and are “often harder to find than text based sources”.	<i>Noted.</i>
29	One submission questioned why the Archives [MHNSW] is responsible for looking after Government business records, and why Government is responsible for creation and disclosure of its own business records.	<i>Out of scope.</i>
30	One submission stated that the State Archives Collection should contain all documents and not be “secretly weeded to suit current perspectives”.	<i>It is not practical to keep all State records. The purpose of the policy is to provide transparency and guide how State archives are identified.</i>

31	One submission called for the inclusion of a statement around what will not be included in the archives, as well as a policy around selection criteria when sampling is used.	<p><i>The objectives work on an inclusion rather than exception basis, so this is unnecessary.</i></p> <p><i>State Records NSW is moving away from random sampling in retention and disposal authorities.</i></p>
32	One submission commented that there should be strengthening of government engagement with citizens and government responsibilities protecting citizens' rights.	<p><i>Out of scope.</i></p> <p><i>Records related to Government engagement with citizens and Government responsibilities protecting citizens' rights are covered in the objectives of this policy.</i></p>
33	One submission was critical of all the objectives being too focused on retention and not enough on availability, accessibility, etc.	<i>The suggested inclusions are out of scope of the policy.</i>
34	One submission called for more focus on how State Records NSW can influence making records available in electronic format.	<i>Out of scope.</i>
35	One submission called for consideration of how the Archives will be maintained over time, i.e. buildings, people and money.	<i>Out of scope.</i>
36	One submission commented that archives should see themselves as dispensers of information, not just collectors and preservers.	<i>Out of scope.</i>
37	Multiple submissions were critical of the questions, stating that they are "unhelpful".	<i>This will be taken into consideration for future consultation.</i>
38	One submission advocated for maintaining the objectives of the <i>State Records Act 1998</i> .	<i>This policy has been developed with the State Records Act in mind.</i>
39	One submission called for strong cyber security controls preventing information leakage.	<i>Out of scope.</i>
40	Multiple submissions were concerned about the ability to retain State records as government functions are outsourced.	<i>The State Records Act does not apply to private organisations. Outsourced government functions are covered by contractual arrangements and State records are created as part of those arrangements.</i>

41	One submission commented that local council historical records are not being effectively archived.	<i>Out of scope.</i>  <i>Records of local government that are required as State archives are required to be managed in accordance with the State Records Act and related standards.</i>
42	One submission called for recognition that local office copies of records are often more informative than head office files.	<i>Noted.</i>
43	One submission called for the permanent retention of all records as required under the Archives Act.	<i>NSW is covered by the State Records Act, which permits destruction of most records with approval.</i>
44	One submission noted that the policy would benefit from an underpinning of respect and cultural sensitivity, specifically in relation to Aboriginal and Torres Strait Islander persons.	<i>A comment on the impact of archives on Aboriginal and Torres Strait Islanders has been incorporated into the consultation draft policy.</i>
45	One submission called for the simplification of the transfer process to MHNSW.	<i>Out of scope.</i>
46	One submission recognised the value of the objectives but noted that their application may go awry during implementation, given the interpretation at multiple levels, i.e. into RDAs and then application of the RDAs.	<i>Once approved, the updated policy will be promoted within State Records NSW and to records management contacts in public offices to mitigate this risk.</i>
47	One submission noted that the policy has stood up remarkably well over the past 20 years.	<i>Noted.</i>
48	One submission noted that in the past, government departments were the key stakeholders but there has since been a shift to users as important stakeholders. The submission therefore questioned what work was being done to identify stakeholders and meet their needs.	<i>State Records NSW consulted with MHNSW to identify Collection stakeholders, and encouraged wider distribution of the feedback survey to ensure the policy reflects the views of a broad range of stakeholders.</i>
49	One submission suggested including a statement around only retaining the best source of information when duplication exists between public offices.	<i>This has been incorporated into the consultation draft policy in a limited form. Some determinations of this nature could only be made upon transfer to the State Archives Collection.</i>
50	One submission suggested including acknowledgement of other collecting institutions that hold complementary and at times duplicate collections, e.g. government publications.	<i>State Records NSW has a legislated responsibility to identify State archives for inclusion in the State Archives Collection. The collections of other institutions may help to improve accessibility but do not satisfy requirements of the State Records Act.</i>

51	One submission suggested retaining a physical copy of all born digital material.	<i>State Records NSW supports digital recordkeeping as the NSW Government implements increasingly digital business processes. Physical and digital records hold the same evidentiary value.</i>
52	One submission commented that the policy “looks more like navel-gazing for lawyers and managers than a serious strategic plan for the benefit of the NSW public and future generations”.	<i>Noted.</i>
53	One submission contained praise of State Archives staff [now MHNSW] who have presented webinars on the use of the collection.	<i>This feedback will be shared with MHNSW.</i>
54	One submission noted a discrepancy in submission deadlines.	<i>This was unintentional. Apologies for any confusion.</i>
55	One submission called for the right of reply for care leavers with records in the State Archives Collection.	<i>Out of scope.</i>  <i>This is already being trialled by MHNSW.</i>
56	Multiple submissions commented on the importance of archives.	<i>Noted.</i>
57	One submission queried whether ‘Building the Archives’ referred to a new building.	<i>The draft consultation policy name has been amended to ‘Building the Archives: A policy on the identification of State archives’ to avoid confusion</i>
58	One submission called for the retention of as many and different types of records as possible.	<i>The meaning of this comment is unclear.</i>
59	One submission questioned how electronic records are being kept in perpetuity.	<i>State Records NSW provides guidance and advice on digital recordkeeping.</i>  <i>MHNSW is actively working on strategies and processes for digital preservation.</i>
60	One submission noted that the current State Archives Collection is based on physical and electronic records but may need to consider how to handle AI and society participation through virtual reality.	<i>This may require future consideration but will not be addressed in this policy.</i>
61	One submission commented that “minimum retention periods should be reviewed to increase permanent beyond 100 years”.	<i>A determination of ‘Required as State archives’ means permanent retention and is therefore not limited to 100 years. There are some records that are not identified as State archives that have lengthy minimum retention periods.</i>

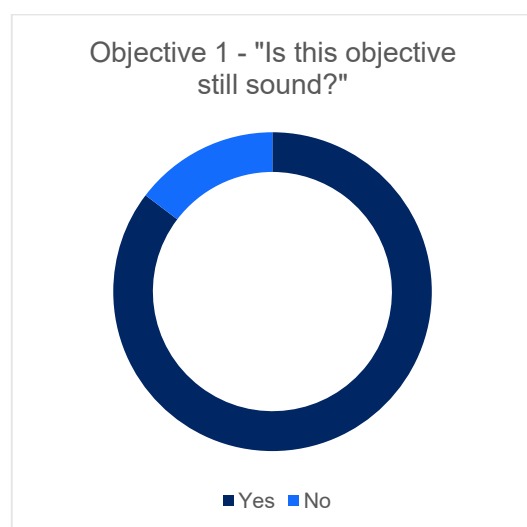
62	One submission was critical of not identifying archaeologists in the list of user perspectives in the survey, and therefore questioned the understanding of collection users.	<i>The listing was not designed to be comprehensive but can be amended if used in the future to include archaeologists.</i>
63	One submission commented that the appraisal process needs to be clearer for born digital records.	<i>Appraisal is usually format agnostic. Information on this is available on the State Records NSW website.</i>
64	One submission praised the policy for fostering a culture of transparency and accountability.	<i>Noted with thanks.</i>
65	Multiple submissions called for explicit recognition of Aboriginal and Torres Strait Islander people in the policy, rather than implying inclusion under “communities”.	<i>First Nations people have been explicitly acknowledged in the consultation draft policy.</i>
66	One submission pointed to the <i>Tandanya-Adelaide Declaration</i> and called for recognition of Aboriginal people’s right to inform retention decisions.	<p><i>This is currently not addressed in the policy and would be better addressed in a policy on appraisal and disposal, which will be a different policy going forward.</i></p> <p><i>In practice, consultation around RDAs does involve Aboriginal-led organisations when relating to records that specifically or significantly impact First Nations peoples.</i></p>
67	One submission called for increased Aboriginal employment in the Archives.	<i>Out of scope.</i>

## Objective 1

To identify and preserve records providing evidence of the source of authority, foundation and machinery of the NSW Government and public sector bodies.

To meet this objective, we will identify those State records that document the establishment, structure and functions of the Government and public sector bodies and that establish the nature and extent of their jurisdictions, obligations, responsibilities and powers. The types of activities and associated records likely to meet this objective include those relating to:

- the passing and promulgation of legislation
- formal instruments or authorities establishing the functions, jurisdictions, boundaries and operations of all levels of government within the State, its offices and any changes thereto
- legal delegations to perform duties and functions of State
- judgements or rulings determining the extent of jurisdictions and powers, and agreements between governments



Responses – “Is this objective still sound?”	Statistics	
Yes	85.34%	99
No	14.66%	17
<b>Total</b>	<b>100.00%</b>	<b>116</b>
<i>Question skipped</i>		61
Total number of survey respondents		177

## Objective 1 – Suggested changes or other “types of activities and associated records”

	Issue	Response
1	One submission suggested that legislation “is already archived” and only appeals to a small percentage of Collection users.	<i>Legislation is retained permanently as a State archive and has value in documenting social values, structures, etc.</i>
2	One submission noted that “the business of government is not captured only in its foundational instruments”. The submission called for broader capture of the practice of government.	<i>Noted.</i>
3	Two submissions were critical that the objective didn’t mention people.	<i>Noted.</i>
4	One submission noted that records of courts and Parliament are already retained.	<i>Records of Courts and Parliament are retained in accordance with their relevant retention and disposal authorities, which are issued by State Records NSW.</i>
5	Multiple submissions commented on how limited this objective is, most appearing to not be aware of the content of the remaining objectives.	<i>Noted.</i>
6	One submission questioned how this objective differs from current practice.	<i>This objective is reflected in current practice. The review is to ensure that the objectives are still fit for purpose.</i>
7	Multiple submissions called for the addition of correspondence of key office holders and responses to public enquiries.	<i>Not all correspondence of key office holders has archival value, but certain categories are retained permanently as State archives.</i>
8	One submission called for the inclusion of history/research/background to the foundation of legislation or machinery of government changes. Another submission called for inclusion of a broader scope of records relating to machinery of government changes.	<i>Examples related to machinery of government changes and legislation have been included in the consultation draft policy.</i>
9	One submission called for the inclusion of agreements, partnerships, etc. between levels of government or interstate bodies re functional responsibilities that cross jurisdictional boundaries.	<i>This has been included in the examples of the consultation draft policy.</i>
10	One submission called for the inclusion of examples that are relevant to local government, e.g. <ul style="list-style-type: none"> <li>records of local government areas and boundaries</li> <li>records of Council dismissal/administration or suspension</li> </ul>	<i>Local government examples have been included.</i>

11	A few submissions called for examples from a wider range of organisations.	<i>Examples from different types of public offices have been included.</i>
12	One submission called for the inclusion of records that provide further social and cultural context to the already identified records.	<i>Noted.</i>
13	One submission called for the inclusion of significant agreements between governments and providers.	<i>These records are already identified as State archives.</i>
14	One submission suggested extending the final dot point to include "..., government departments and public offices/agencies". Other submissions echoed this sentiment.	<i>The intention of this comment has been reflected in the consultation draft policy.</i>
15	One submission suggested including vital records assessments.	<i>This does not fit with this objective.</i>
16	One submission stated the need for "centralised capture of machinery of government changes and publication of such information to support understanding of changes to agencies through time."	<i>Out of scope.</i>
17	One submission called for State Records NSW to provide guidance to agencies around documenting machinery of government changes, and the impacts of the changes.	<i>Out of scope.</i>  <i>This comment was out of scope of the policy, but State Records NSW does publish guidance on recordkeeping during administrative change on the website.</i>



## Objective 2

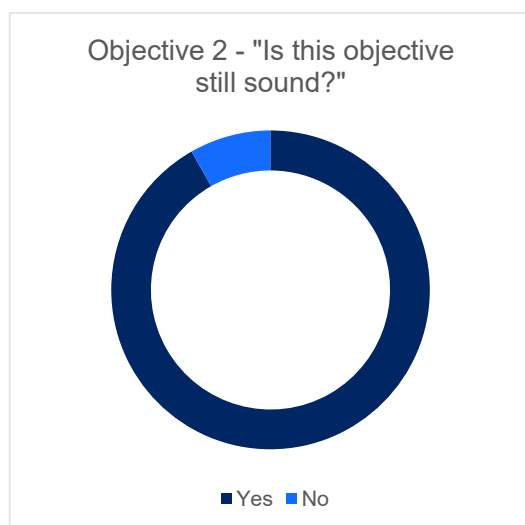
To identify and preserve records providing evidence of the deliberations, decisions and actions of the NSW Government and public sector bodies relating to key functions and programs and significant issues faced in governing the State of NSW.

To meet this objective we will seek to ensure the identification of State records that provide evidence of key decisions and activities influencing the administration of government and governance of the people of NSW. This will include records documenting the background to, basis for, and outcomes of those decisions and activities.

The significance of functions, programs, issues and associated decisions and actions will be assessed in relation to how critical they are, or were, in the administration of the Government and their influence or impact on the people of NSW.

The types of activities and associated records likely to meet this objective include those relating to:

- the formulation and determination of policy across the whole of government
- the formulation, determination and implementation of high level policy and strategic management decisions across sectors and within public sector bodies
- the monitoring, analysis and review of policy affecting key government functions
- major reforms of the State's political and administrative structures and institutions, and
- the development, implementation and review of legislation.



Responses – “Is this objective still sound?”	Statistics	
Yes	91.75%	89
No	8.25%	8
<b>Total</b>	<b>100.00%</b>	<b>116</b>
<i>Question skipped</i>		80
Total number of survey respondents		177

## Objective 2 – Suggested changes or other “types of activities and associated records”

	Issue	Response
1	Multiple submissions commented that Objectives 1 and 2 are too similar, e.g. “major reforms of the State’s political and administrative structures and institutions” (Objective 2) could be interpreted as part of the “machinery of the NSW Government” (as described in Objective 1), and legislation is also covered in both objectives.	<i>Objectives 1 and 2 have been combined in the consultation draft policy.</i>
2	One submission was critical of the limited terminology of “governing the state of NSW”. They submission felt that this excluded other public offices.	<i>Examples will be used to ensure different types of public offices are represented.</i>
3	One submission commented that phrases such as “key decisions and activities” are vague and require further clarification.	<i>Noted.</i>
4	One submission highlighted that “how critical they are” is subjective.	<i>Noted.</i>
5	One submission commented that, while the objective is sound, the wording and examples exemplify retention by exemption, i.e. significant, key, high-level, major, etc., which may miss the impact of these policies and decisions on local communities or marginalised voices. The submission suggests including wording that encompasses public reaction, sensitivity and social impact.	<i>A new objective has been included in the consultation draft policy to address significant impact on individuals. Impact has also been included in the examples for new Objective 1.</i>
6	One submission called for the personal records of all decision-makers or policy-makers involved.	<i>Out of scope.</i>  <i>These records are not State records.</i>
7	One submission commented that the review date for the types of records in this objective need to be as short as possible.	<i>Noted.</i>  <i>The consultation draft policy now has a review period to ensure the policy remains relevant.</i>
8	One submission suggested extending the objective to include “records created through dialogue and/or comparisons with other jurisdictions” rather than only those produced within NSW.	<i>Out of scope.</i>

9	One submission called for the extension of “major reforms” to also include “minor reforms”, e.g. closing a motor registry in country town NSW.	<p><i>“Minor reforms” would include too many records with no long-term value.</i></p> <p><i>The inclusion of new Objective 3 will ensure records with significant impact on their community are retained.</i></p>
10	<p>One submission suggested the addition of:</p> <ul style="list-style-type: none"> <li>• The administration, proceedings, and reporting of investigations into corruption or maladministration of public resources or responsibilities</li> <li>• The formulation, determination and implementation of policy and directives within public sector bodies relating to matters of state or national significance, such as natural disasters or pandemic situations (e.g. COVID response and handling policies, policies / directives relating to changes to service delivery and personnel management as a result of natural disasters)</li> <li>• Change of government, formation of Cabinet, appointment, and resignation of portfolio ministers</li> <li>• Privatisation proposals and programs</li> </ul>	<p><i>These suggestions have been included in the consultation draft policy.</i></p>

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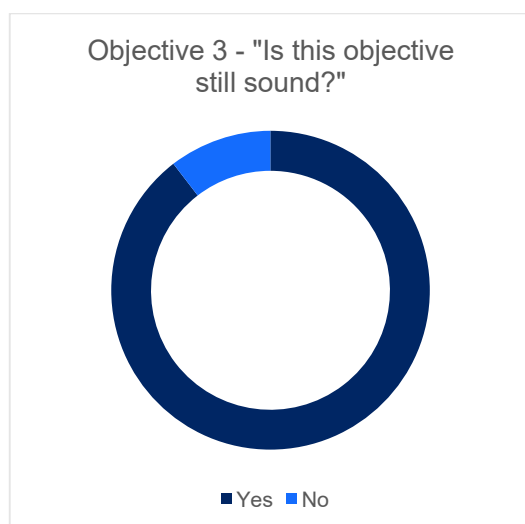
## Objective 3

To identify and preserve records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups essential for ongoing functions of the State.

To meet this objective we will identify those State records that are essential for the establishment and protection of fundamental rights and entitlements of individuals and groups within the community and the ongoing administration of the State. This will include records establishing the existence of individuals and groups, their right to participate in the affairs of the State and make claim to entitlements and protection provided by the State.

The types of activities and associated records likely to meet this objective include those relating to:

- the registration of births, deaths and marriages
- the administration of land title and real property, and
- the administration of probate.



Responses – “Is this objective still sound?”		Statistics	
Yes		89.58%	86
No		10.42%	10
Total		100.00%	96
Question skipped			81
Total number of survey respondents			177

### Objective 3 – Suggested changes or other “types of activities and associated records”

	Issue	Response
1	One submission queried whether the examples provided match the objective, e.g. probate is not essential for the functioning of the state.	<i>This Objective has been reworded in the consultation draft policy.</i>
2	One submission queried how administration of land title and real property records could be included when they are now controlled by private contractors.	<i>These records are still covered by the State Records Act.</i>
3	One submission critiqued the narrowness of the objective, stating “government business is much wider than hatches, matches & dispatches”.	<i>This is only one of five objectives.</i>
4	One submission said that the objective sounds very “top-level” and institutionally oriented.	<i>Language has been updated in the consultation draft policy to better recognise individuals involved.</i>
5	One submission queried the relationship between State Records NSW and Births, Deaths and Marriages.	<i>The NSW Registry of Births, Deaths and Marriages is a public office under the State Records Act.</i>
6	One submission requested the inclusion of shipping records.	<i>This does not fit within this objective. Registers related to shipping are kept as State archives under FA409 1.5.1.</i>
7	One submission commented that without a bill of rights, the term “rights” in the objective is not clear. The submission also questioned whether the examples fitted the objective without the inclusion of other kinds of records.	<i>The NSW Government does recognise rights of individuals.</i>
8	Multiple submissions called for the inclusion of: <ul style="list-style-type: none"> <li>• civil partnerships/relationships</li> <li>• adoption records</li> <li>• divorce records</li> <li>• emancipation records</li> </ul>	<i>Divorce is a Commonwealth function and therefore not included. The remaining suggestions have been included in the examples of the consultation draft policy.</i>
9	One submission called for the inclusion of education records.	<i>School admission registers have been included as an example in the consultation draft policy.</i>
10	One submission called for the inclusion of: <ul style="list-style-type: none"> <li>• Rights of other diverse groups</li> <li>• Protection rights for children and other vulnerable individuals</li> <li>• Individual group weight of numbers will at times cause some changes</li> </ul>	<i>This comment is a bit ambiguous but should be addressed to renumbered Objective 2 and new Objective 3 in the consultation draft policy.</i>

11	One submission commented that there are significant gaps in the examples provided, e.g. justice and health records.	<i>The examples are not intended to be comprehensive but have been expanded.</i>
12	Multiple submissions called for the inclusion of examples of records of indigenous people and communities that relate to the protection of their rights and entitlements, including indigenous heritage and title, and other rights (e.g. in relation to land, water, cultural heritage). Some submissions suggested that these could be included in their own objective.	<i>Examples related to the rights of Indigenous peoples have been included within reshaped objectives to avoid duplication in the document.</i>
13	One submission called for the inclusion of: <ul style="list-style-type: none"> <li>• Geographical naming</li> <li>• Licensing</li> <li>• Hospital records</li> </ul>	<i>These suggestions are too vague to include as examples.</i>
14	One submission called for the inclusion of records related to incorporated associations, charities, other non-for-profits, partnerships, etc. that relate to the objective.	<i>Out of scope.</i>
15	One submission suggested including trade and professional qualifications as records that allow a citizen to carry out the functions of the State like medicine, education, law, transport, infrastructure, etc.	<i>Some records related to trade and professional qualifications are identified as State archives but not all.</i>
16	Multiple submissions suggested the inclusion of records related to the administration of justice. One submission suggested that records related to crimes and the legal system need to be retained to ensure there is an accurate record of individuals and groups that have been denied rights.	<i>Some examples related to criminal cases and the legal system have been included in the consultation draft policy.</i>
17	One submission called for the inclusion of immigration, noting that immigration was a State function until 1927.	<i>These are important records but are already in the State Archives Collection and are no longer being created in the NSW jurisdiction so do not make sense to include as an example in the policy.</i>
18	One submission questioned whether probate records are covered by retention requirements for courts.	<i>Probate records are identified as State archives and are included in the examples.</i>
19	One submission called for the permanent retention of the records of State wards.	<i>Records of State wards are already identified as State archives and are included in the examples.</i>

20	<p>One submission suggested the retention of:</p> <ul style="list-style-type: none"> <li>• Phone books</li> <li>• Employment records</li> </ul> <p>Although the submission noted that phone books are becoming less valuable because mobile phones are not being captured.</p>	<p><i>Phone books are not State records. Some employment records from NSW public sector organisations are kept as State archives.</i></p>
21	<p>One submission called for access to federal records to support people who have migrated to NSW from other nations, esp. refugees.</p>	<p><i>Out of scope.</i></p>
22	<p>Multiple submissions called for the inclusion of electoral rolls.</p>	<p><i>NSW electoral rolls are not identified as State archives because they are received by the Australian Electoral Commission.</i></p>
23	<p>One submission questioned where company and community group records fit.</p>	<p><i>Out of scope.</i></p>
24	<p>One submission called for the inclusion of records of historically significant public employees.</p>	<p><i>Service files of some employees are required as State archives. This has not been included in the examples.</i></p>
25	<p>One submission called for the inclusion of strata records.</p>	<p><i>Out of scope.</i></p>
26	<p>One submission called for the inclusion of the right of individuals to access government information and the right to privacy.</p>	<p><i>Out of scope.</i></p>
27	<p>One submission noted that many of the records covered by this objective will involve records with a lot of personal information that needs to be managed appropriately.</p>	<p><i>Out of scope.</i></p> <p><i>Access to State records is covered by access directions, PPIPA and HRIPA to ensure their protection.</i></p>

28	<p>One submission suggested including the following:</p> <ul style="list-style-type: none"> <li>• The administration of government activities that remove or involuntarily restrict individual agency, regulate, or mandate state-based control or additional surveillance of individual lives. Examples include children in out-of-home care (i.e. registers relating to individuals placed in out-of-home care), individuals subject to detention in prisons or other forms of detention (i.e. registers relating to convictions and persons placed into detention), individuals deemed unable to administer their affairs (i.e. under public trustee administration), individuals in aged care, individuals detained in mental health institutions, individuals identified for specific surveillance (examples historically include Aboriginal and Torres Strait Islander people, current examples include migrants or returned citizens on restricted visas)</li> <li>• The administration of land title (inclusive of Aboriginal land rights) and real property</li> <li>• The administration of industrial relations (i.e. major industrial relations matters, such as enterprise bargaining / strikes at a government service level, such as transport, healthcare, and education worker strikes)</li> </ul>	<p><i>Many of the examples included here are already identified as State archives. More of these examples have been included in the consultation draft policy.</i></p>
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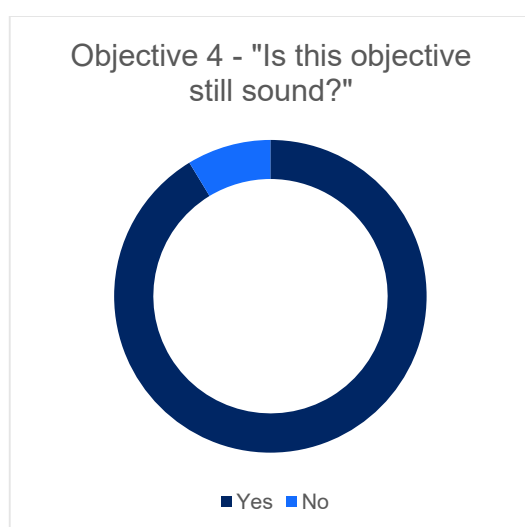
## Objective 4

To identify and preserve records substantially contributing to the knowledge and understanding of the society and communities of NSW.

To meet this objective we will identify State records which will substantially contribute to the existing body of knowledge or understanding of aspects of the history, society, culture or people of NSW. This will include records relating to events, persons, places and social, environmental or cultural phenomena of significance to the broader community and the State of NSW.

The types of activities and associated records likely to meet this objective include those relating to:

- the planning and management of major infrastructure or development projects and the State's economic resources
- the planning, management and staging of significant cultural events and celebrations
- the identification, development and management of sites of conservation, cultural or heritage significance, and
- the works and activities of individuals or organisations who have significantly contributed to society.



Responses – “Is this objective still sound?”	Statistics	
Yes	91.30%	84
No	8.70%	8
<b>Total</b>	<b>100.00%</b>	<b>92</b>
<i>Question skipped</i>		85
Total number of survey respondents		177

#### Objective 4 – Suggested changes or other “types of activities and associated records”

	Issue	Response
1	One submission commented that the objective is broad, but they are supportive of it.	<i>Noted.</i>
2	Multiple submissions called for the retention of records of all individuals and families, which are relevant to the State, not just those of ‘celebrities’. One submission warned that only retaining records of people who have significantly contributed, will mean only retaining the records of the middle classes.	<i>This is difficult to achieve without retaining unreasonable quantities of records.</i>  <i>Private records of individuals and families are out of scope of this policy.</i>
3	One submission commented that the phrasing of the objective covers material which has traditionally been sent to libraries, not archives. The respondent warned that the objective description is so broad that it may result in arbitrary selections of ‘representative’ material.	<i>This objective only applies to State records. Other material which also contributes to knowledge and understanding of society and communities is often collected by libraries or other archives.</i>
4	One submission called for specific clarity over how the histories of marginalised communities and groups are retained, e.g. cultural events and celebrations of First Nations people not run or supported by the State.	<i>This policy only applies to State records, so records of cultural events and celebrations that are not State run or supported are not included.</i>
5	One submission noted that terms like ‘major’ and ‘significant’ may require further clarification/definition.	<i>Where possible, words like ‘major’ and ‘significant’ have been removed from the consultation draft policy.</i>
6	One submission called for the inclusion of records of all heritage listed sites, including records of tenants, maintenance, etc.	<i>Some records of heritage listed sites are identified as State archives and included in the examples of the consultation draft policy.</i>
7	One submission commented that the survey question is structured so that “one would need to be a member of the former LNP government staff”.	<i>Noted.</i>
8	One submission called for the inclusion of records related to the identification, development and management of objects of conservation, cultural or heritage significance.	<i>This has been included as an example for Objective 4 of the consultation draft policy.</i>
9	One submission questioned who determines the works and activities of individuals or organisations who have significantly contributed to society.	<i>This would be primarily identified by public offices and key stakeholders.</i>
10	One submission called for clarification about whether the major events outside of the public sector domain will be captured, and if so, how?	<i>Out of scope.</i>

11	One submission commented that this is a really important objective.	<i>Noted.</i>
12	One submission called for the inclusion of 'and groups' to the last activity.	<i>'Groups' have been included in the consultation draft policy.</i>
13	One submission requested the inclusion of things that: <ul style="list-style-type: none"> <li>• have intrinsic or aesthetic qualities and provide historical narratives to the NSW community</li> <li>• illustrate innovation in NSW society</li> </ul>	<i>This has been incorporated in part into the consultation draft policy.</i>
14	One submission noted that archival records availability may reinforce significance.	<i>Noted.</i>
15	One submission is critical of this objective focusing on the exceptional and significant because it runs the risk of losing the voices of marginalised and quieter communities.	<i>The language of the Objective has been altered to address this concern.</i>
16	Multiple submissions called for the inclusion of examples of records that are relevant to local government.	<i>Examples that are relevant to different types of public offices have been included in the consultation draft policy.</i>
17	One submission suggested including records relating to education and science.	<i>This has been included in the consultation draft policy.</i>
18	One submission suggested that the objective should be broken up into smaller components to allow all important parts to be identified.	<i>This Objective will be re-worked to improve clarity.</i>
19	One submission called for the inclusion of examples from each element of the objective, i.e. events, persons, places and social, environmental or cultural phenomena of significance.	<i>This suggestion has been incorporated into the consultation draft policy.</i>
20	One submission called for examples from multiple types of public offices.	<i>Examples that are relevant to different types of public offices have been included in the consultation draft policy.</i>
21	One submission called for the inclusion of State government awards to individuals and by government agencies.	<i>Not all State government awards to individuals and government agencies are identified as State archives.</i>
22	One submission commented that the scope provided is sufficiently general.	<i>Noted.</i>
23	One submission commented that they would like to see greater focus on records that document the social and cultural aspects for researchers, historians, and genealogists.	<i>Noted.</i>

24	One submission called for discussion and potentially public consultation on “we” in “we will identify State records”.	<i>The identification of State archives is a legislated function of State Records NSW. State Records NSW consult with affected public offices and other key stakeholders when developing and reviewing retention and disposal authorities.</i>
25	One submission called for the inclusion of any details of organisations’ activities.	<i>This is too vague to implement.</i>
26	One submission called for the inclusion of records relating to emerging culture or society of NSW.	<i>Emerging culture is covered by this Objective.</i>
27	One submission called for the retention of records relating to things not kept, e.g. demolished buildings and defunded organisations.	<i>This is too vague to implement.</i>
28	One submission queried responsibility of capturing records of joint ventures, e.g. UCI cycling event 2022.	<i>Public offices are responsible for capturing the records created or received by that public office. A joint venture, such as the UCI cycling event 2022, would be reflected in the records of multiple agencies.</i>
29	One submission suggested retention of all records relating to change.	<i>This is too vague to implement.</i>
30	One submission called for the inclusion of data that encompasses the groupings applied under the Global Data Barometer.	<i>Retention of data and datasets is included in other objectives.</i>
31	One submission called for the inclusion of records relating to potential infrastructure that could be regarded as high economic risks and cyber security threats.	<i>This is too vague to include as an example.</i>
32	One submission suggested that it would be good to consider records outside of the public service in this area, e.g. organisations and entities that have a significant impact on society.	<i>Out of scope. These would not be State records.</i>
33	One submission suggested the inclusion of:  collaboration or consultation with individuals, organisations and community groups resulting in significant changes to government policy, programs, and service delivery	<i>Agreed.</i>
34	One submission called for the provision of additional resources for public offices, especially local government, to support sentencing of records relating to this objective in response to anecdotal confusion about what is deemed a significant cultural event or celebration, and whether items listed under local heritage registers should be included in this category.	<i>Noted.  This is out of scope of the policy itself, but is helpful feedback that can feed into education around the policy once amended.</i>

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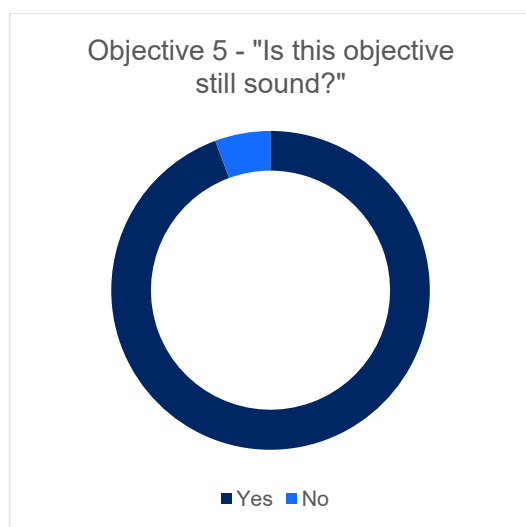
## Objective 5

To identify and preserve records that contribute to the protection and well being of the community or provide substantial evidence of the condition of the State, its people and the environment and the impact of government activities on them.

To meet this objective we will identify those State records containing information essential for or contributing to the protection, physical well being or social benefit of both current and future generations. This will include records documenting the impact of government activities on the environment, the community and individuals within the community or the nature of people's interaction with government or their environment.

The types of activities and records likely to meet this objective include those relating to:

- significant collections and analyses of data to assist effective planning and decision-making in relation to issues affecting the community, resource management, the environment or the provision of essential services
- representations and appeals against the decisions and actions of government or the legislature, and
- individual case management where it is evident that the government functions and programs had far-reaching impact or influence on the lives of individuals within the community, the environment or the development of the State and its resources.



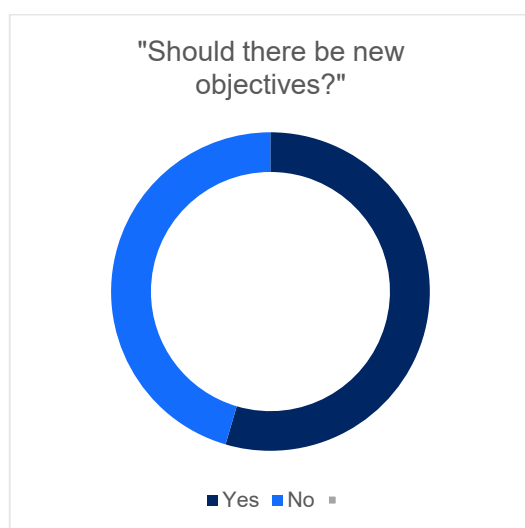
Responses – “Is this objective still sound?”		Statistics	
Yes		94.38%	84
No		5.62%	5
<b>Total</b>		<b>100.00%</b>	<b>89</b>
<i>Question skipped</i>			88
Total number of survey respondents			177

## Objective 5 – Suggested changes or other “types of activities and associated records”

	Issue	Response
1	One submission commented favourably on the objective but queried the distinction between vital records and State archives.	<i>‘Vital records’ in NSW public offices are often State archives, but not necessarily since their value may diminish over time. This policy does not relate to vital records.</i>
2	One submission suggested the inclusion of technology changes that could have a significant impact in the future, e.g. AI.	<i>This falls under the scope of amended Objective 1 and new Objective 3.</i>
3	One submission requested review and validation of the phrase, “we will identify”.	<i>This is explained in the broader context of the policy.</i>
4	One submission called for the inclusion of local government examples, e.g. zoning records, land use and planning records, heritage property records, environmental management programs, etc.	<i>Agreed.</i>
5	One submission called for the extension of the objective to include records relating to climate change and extinctions, e.g. <ul style="list-style-type: none"> <li>• inclusion of records documenting biodiversity</li> <li>• inclusion of climate change</li> <li>• inclusion of environmental and wildlife conservation</li> </ul>	<i>These records have been included in the consultation draft policy.</i>
6	One submission found the examples too vague.	<i>The examples have been updated in the consultation draft policy.</i>
7	One submission suggested the inclusion of social welfare records.	<i>Out of scope.</i>  <i>Social welfare is a Commonwealth function.</i>
8	One submission commented that they would like to see greater focus on records that document the social and cultural aspects for researchers, historians and genealogists.	<i>Noted.</i>
9	One submission commented that the terms “essential for” and “contributing to” are open to interpretation and may require further guidance.	<i>This Objective has been clarified with examples to provide further guidance.</i>
10	One submission noted a great lack of documentation of post-contact Aboriginal history. The submission also raised concern that the independence of Land Councils would result in further lack of archival recording of this “second legislative dispossession”.	<i>The records of Land Councils are State records, and a portion will be identified as archives.</i>

11	One submission called for the inclusion of records of the agricultural sector, e.g. management of water resources, management of commercial livestock herds, etc.	<i>Not all agricultural records are State records, but this has been included in part.</i>
12	One submission was critical that the objective did not clearly express Government functions.	<i>This Objective will be clarified.</i>
13	One submission commented that ephemera associated with official events, decisions, organisations, etc. is a valuable resource.	<i>Not all ephemera are State records, nor will they all be State archives.</i>
14	One submission called for the inclusion of: <ul style="list-style-type: none"> <li>• contracts involving procurement of technologies that apply artificial intelligence or machine enhanced decision making</li> <li>• information regarding where and how these technologies are deployed by government</li> <li>• data that encompasses the groupings applied under the Global Data Barometer</li> </ul>	<i>These suggestions have been incorporated in part under various objectives.</i>
15	Multiple submissions were critical of the term 'significant' because it can lead to subjective and non-transparent interpretation. The author suggested including specific examples whenever such a term is used to indicate intention.	<i>Agreed. The term "significant" has been removed in most instances in the policy to reduce subjectivity.</i>
16	One submission called for the broadening of scope to include retention of political party records, especially significant donations.	<i>Out of scope. These are not State records.</i>

## Identified gaps



Responses – “Should there be new objectives?”		Statistics	
Yes		54.55%	12
No		45.45%	10
<b>Total</b>		<b>100.00%</b>	<b>22</b>
<i>Question skipped</i>			155
Total number of survey respondents			177

	Issue	Response
1	Multiple submissions commented that the existing objectives were sufficient. One submission did suggest that they should be mutually exclusive though.	<i>Objectives 1 and 2 will be combined.</i>
2	Multiple submissions called for the creation of an objective related to Indigenous rights. One submission suggested that this proposed objective might be broadened to include other communities, e.g. refugees, LGBTIQA, etc.	<i>Creating a separate objective specifically related to the records of First Nations peoples would create a lot of duplication. Instead, a comment on the records of Aboriginal people and vulnerable people has been included in the consultation draft policy.</i>
3	One submission called for the creation of an objective to cover personal and private archives from individuals and families that have relevance to NSW.	<i>Out of scope.</i>



4	One submission called for the creation of an objective to cover evidence of responses to major threats, issues or challenges facing NSW.	<i>This has been included within an existing objective of the consultation draft policy.</i>
5	One submission suggested the inclusion of a 'catch all' objective to cover any other records as deemed necessary. This recognises that society and technology will change in the next 5 to 10 years.	<i>This is too vague to implement and undermines the aim of providing transparency through this policy.</i>  <i>The policy now has a review date to ensure it remains in line with social and technological changes.</i>
6	Multiple submissions called for the inclusion of an objective around the retention of financial records, especially in relation to high-level events and matters.	<i>Some financial records are already included when relating to the management of significant events, infrastructure, etc. Not all financial records have long-term value.</i>
7	One submission called for the creation of an objective which covers recording everyday life in the State, beyond just people, building or sites of significance.	<i>This is now addressed in new Objective 3.</i>
8	One submission called for the creation of an objective which covers technology and/or AI, or addresses records that are significant to future technology development and/or advancement of existing technologies.	<i>Some elements of this proposed objective have been incorporated in existing objectives.</i>

**“Are there any records that should be retained but currently aren’t?”**

	<b>Issue</b>	<b>Response</b>
1	One submission commented that this question is difficult because the consultation is about principles rather than specific record sets.	<i>Noted.</i>
2	One submission suggested any records that name details of mass numbers of citizens, e.g. driver's licence.	<i>Records of the registrations of births and deaths are already identified as State archives.</i>
3	One submission called for the retention of original parish maps of Lands Department.	<i>These records are already retained as State archives.</i>
4	One submission called for the retention of all personnel files of all State employees. Another submission called for the retention of personnel file relating to 'significant' individuals.	<i>The retention of summary records of public sector employees has been included.</i>

5	<p>One submission called for the permanent retention of:</p> <ul style="list-style-type: none"> <li>• records of State wards</li> <li>• convict records</li> <li>• records on industrial schools, orphanages, children's homes, missions, foster care agencies</li> </ul>	<p><i>State records related to the suggestions are already identified as State archives.</i></p> <p><i>Records of private and church-run missions that existed before the State Records Act are out of scope.</i></p>
6	One submission called for the retention of Land Council records.	<i>Significant records of the Land Council are already identified as State archives.</i>
7	One submission called for the retention of juvenile justice and welfare records.	<i>This suggestion is too broad to implement, but some records related to juvenile justice and welfare are identified as State archives.</i>
8	One submission called for the retention of vehicle registration records and school records.	<p><i>Records related to vehicle registrations generally have little long-term value.</i></p> <p><i>School admission registers are already identified as State archives.</i></p>
9	One submission called for the retention of records related to architecture of important buildings and streetscapes/neighbourhoods.	<i>Agreed.</i>
10	One submission called for the retention of records of building occupancy, not just ownership.	<i>These records do not hold long-term value and in many cases, the Government does not hold these records.</i>
11	One submission called for the retention of records related to mental health issues in individuals, as a resource for future generations to track genetic predispositions.	<i>Records related to held by specialist genetic units documenting the diagnosis of patients with genetic or inherited disorders are currently required to be retained indefinitely.</i>
12	One submission called for the retention of records related to the COVID-19 pandemic management at the highest level of government.	<i>These records would be captured under existing objectives.</i>