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# State Records NSW

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Agency Information Guide

December 2023



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## Introduction

The State Records Authority NSW (State Records NSW) is the NSW Government's records management authority.

Our core aim is to support transparent and accountable government by ensuring that government records are properly created, managed and made accessible to the public.

Our objective is to support effective and efficient recordkeeping by setting standards, promoting good practice, monitoring recordkeeping practice and compliance, and providing guidance, advice and resources.

The *Government Information (Public Access) Act 2009* (GIPA Act) provides members of the public with a right of access to government information.

This Agency Information Guide (AIG) is published in accordance with section 20 of the GIPA Act and is designed to promote currency of information and accessibility.

This AIG provides a general description of:

- State Records NSW's structure and functions;
- The kinds of information held by State Records NSW;
- How to access information held by State Records NSW;
- How State Records NSW engages with the public and its stakeholders; and
- The public's rights, agency responsibilities, and the role of the Information Commissioner under the GIPA Act.

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## About

On 31 December 2022, State Records NSW and Museums of History NSW (MHNSW) were established. Both MHNSW and State Records NSW jointly administer the *State Records Act 1998*.

While State Records NSW is a legal continuation of the former State Archives and Records Authority NSW (SARA), most of the functions of SARA are now being undertaken by Museums of History NSW (MHNSW).

### Functions under the *State Records Act 1998*

State Records NSW is responsible for the administration of parts 1-3 and part 7 of the *State Records Act 1998* (*the Act*). Parts 2 and 3 of the Act relate to the records management responsibilities of public offices and the protection of State records.

The functions and powers of State Records NSW are established in the *State Records Act 1998*.

Section 66 of the Act states:

(1) *The Authority has the following functions—*

- a) to oversee record-keeping by public offices of the State, including by determining standards and providing advice,*
- b) to identify State records that have enduring value and should be retained as State archives,*
- c) other functions conferred on it by this Act or another Act or law.*

(2) *The Authority has power to do all things that are supplemental or incidental to the exercise of the Authority's functions.*

(3) *The Authority has power to charge and receive fees for a service provided by the Authority under this Act.*

This table provides a breakdown of the shared responsibility for administration of the Act:

State Records Act	Administered by:
Part 1 (Preliminary)	State Records NSW
Part 2 Records management responsibilities of public offices	State Records NSW
Part 3 Protection of State records	State Records NSW
Part 4 Museums of History NSW entitled to control of State records not currently in use	Museums of History NSW
Part 5 Recovery of estrays and other State records	Museums of History NSW
Part 6 Public access to records	Museums of History NSW
Part 7 The Authority and the Board	State Records NSW

The *State Records Act 1988* can be found [here](#).

The *Museums of History NSW Act 2022* can be found [here](#)

## Structure

Administrative Arrangements (Administrative Changes—Miscellaneous) Order (No. 10) 2022 (Administration Arrangements), published on 16 December 2022 establish State Records Authority NSW (State Records NSW) and Museums of History NSW (MHNSW) as a Public Service Agency (Staff Agency).

This means that MHNSW and State Records NSW remain two separate statutory bodies, but have a common Head of Agency, the Chief Executive Officer MHNSW, for purposes relating to the *Government Sector Employment Act 2013*. The Executive Director, State Records NSW, is the Head of Agency for all other purposes, including under the *Government Sector Finance Act* and *State Records Act 1998*.

MHNSW provides shared service arrangements to State Records NSW in areas including finance, human resources, procurement and information and communications technology. Staff at MHNSW also manage access applications received under the *Government Information (Public Access) Act 2009* on behalf of State Records NSW.

Both organisations report to the Minister for the Arts and forms part of the Arts cluster within the Department of Enterprise, Investment and Trade (DEIT). The AIG of the Department of Enterprise, Investment and Trade is available [here](#).

## State Records NSW Board

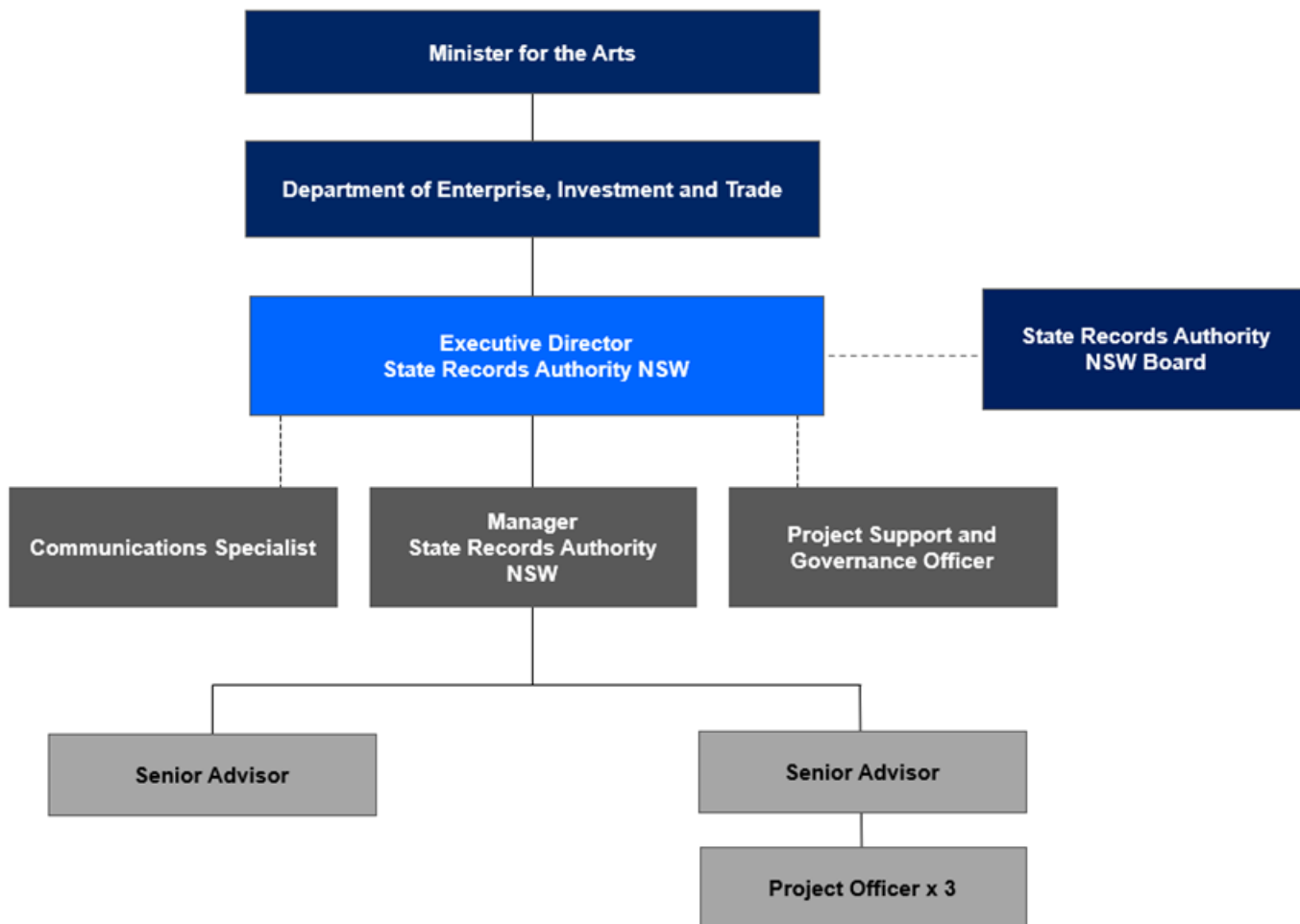
The State Records NSW Board is responsible for determining the strategic plans and policies of State Records NSW, approving standards and codes of best practice and protection measures for State records.

Under Section 70 of the *State Records Act 1998* the Board has the following functions—

- (a) the function of determining the policies and strategic plans of the Authority;
- (b) the function of granting approvals for the purposes of [sections 13](#) (Standards and codes of best practice for records management) and [section 21](#) (Protection measures).

## State Records NSW Organisational Chart

The organisational structure as at 30 June 2023 is set out below.



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## Information held by State Records NSW

State Records NSW holds a range of information including:

- **Regulatory Framework for the State Records Act 1998**
  - This Framework describes the approach and how the powers in the Act are used to support regulatory activities.
- **Policies, Standards and Codes of Practice**

A key component of the framework for records management in NSW Government are the 'rules' that are established for records management. State Records NSW has a key role in approving and reviewing standards and codes of best practice for all aspects of records management in NSW public offices, under section 13(1) of the Act.
- **Retention and Disposal Authorities**
- **Monitoring and compliance reports:**
  - *State of recordkeeping in the NSW public sector report*
- Correspondence and reporting with NSW public offices
- Listing of public offices under the *State Records Act 1998*
- Correspondence and reporting with the public
- Correspondence and reporting with other jurisdictions
- Information resources for the community and public sector

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## How to Access State Records NSW Information

There are a number of avenues through which members of the public can access State Records NSW corporate information as outlined below:

### Open access information

State Records NSW publishes a range of open access information free of charge in compliance with section 18 of the GIPA Act, including:

- This Agency Information Guide;
- [Policy documents](#);
- Disclosure Log of Formal Access Applications;
- Register of Government Contracts;
- Record of the open access information (if any) that the agency does not make publicly available on the basis of an overriding public interest against disclosure;
- Other government information as may be prescribed by the regulations as open access information;
- Information about the agency contained in any document tabled in Parliament by or on behalf of the agency.
- Annual Reports

### Proactive release of information

State Records NSW will proactively release other information free of charge. The program for proactive release is reviewed at least every 12 months. Information provided under proactive release may include:

- Our [service charter](#)
- Results of [recordkeeping monitoring exercises and other reports](#)
- [For the Record Newsletter](#)
- [Records Retention and Disposal Authorities](#)
- [Privacy Management Plan](#)
- [State Records NSW Corporate Plan 2023 -2024](#)
- [Regulatory Framework](#)
- [State Records NSW Financial Sub-Delegations](#)
- [State Records NSW GIPA Delegations](#)

## Informal release of information

If the information you seek has not been published, we may be able to release it to you on an informal basis. Our colleagues at MHNSW manage access to information applications on behalf of State Records NSW. Contact [governance@staterecords.nsw.gov.au](mailto:governance@staterecords.nsw.gov.au) to make a request for informal release.

You will be provided with a decision about your informal request as soon as possible. If we are not able to make a decision within 20 business days, we will contact you to let you know when you can expect one.

Under the GIPA Act, government agencies are not required to grant an informal access request. State Records NSW reserves the right to require you to lodge a formal access application.

## Formal release of information

If the information you are seeking is not available on our website and cannot otherwise be provided on request, then you have a right to apply formally for access to specific information under part 4 of the GIPA Act. Formal requests for release of information will involve a payment fee of \$30.00 as prescribed by section 41 of the GIPA Act. Please see our [Access to Information](#) webpage for further information as to the process and requirements.

## Information precluded from open access

Certain information held by State Records NSW is unable to be released under open access due to various binding legislation, such as:

- Overriding public interest against disclosure of the information per section 14 (schedule 1) of the GIPA Act;
- Unauthorised disclosure of cabinet documents, under Cabinet confidentiality;
- Personal records under the GIPA Act and *Privacy and Personal Information Protection Act 1998*;
- Medical records bound by the GIPA Act and *Health Records and Information Privacy Act 2002*;
- Controls on publishing per the *Copyright Act 1968* and *Government Advertising Act 2011*;
- Complaint handling processes and documentation bound by various protecting legislations such as *Public Interest Disclosures Act 2022*; and
- Workplace surveillance per *Workplace Surveillance Act 2005*.

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## How State Records NSW engages with the public and its stakeholders

Our primary stakeholders are the NSW Government and public offices, who we serve by overseeing recordkeeping in NSW public offices. MHNSW is a key stakeholder for our work in the identification of State archives. Engagement with MHNSW is met with principles recognising mutual benefit, openness and trust. This includes a joint approach to stakeholders through communication and workshops.

State Records NSW will increase public trust in the quality and care of government records and information by:

- assisting public offices and promoting exemplars of best practice/excellence through the distribution of information about good records management and recordkeeping practices
- encouraging public offices to adopt best practice and industry recognised standards
- monitoring, endorsing and promoting industry best practice standards
- incorporating industry standards and best practice into guidance, advice and resources available to public offices
- highlighting areas of high risk in common practice that threaten trust and confidence in government information, and
- incorporating reporting on compliance in our Annual Report.

We also serve the interests of the community in the oversighting of recordkeeping and by setting minimum retention periods for State records to ensure that information is available in line with business and legal requirements, and community expectations, including the identification of some records for permanent retention as State archives.

### Public Participation

State Records NSW recognises the importance of public involvement in the development of policy and service delivery. 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. Further outreach and communications extended through MHNSW via their website, newsletters and the notice board at Reading Room, Western Sydney Records Centre. For more information, please see [Report on initial consultation for Building the Archives Review](#), published on the State Records NSW website.

### Engagement and service

State Records NSW is committed to being a best practice regulator that is transparent in its operations and accountable to NSW Government and the people of NSW. To raise awareness and understanding, we organise and participate in in-person and online forums, online publications, education programs, surveys, monitoring activities and other events.

#### For the Record (newsletter)

This newsletter provides updates and advice to recordkeeping professionals within NSW public offices. The newsletters are available from the State Records NSW [website](#) and are an ongoing resource for public offices.

#### Public Office Satisfaction Survey

State Records NSW runs an annual survey to assess levels of satisfaction and use of services. Respondents are given an opportunity to provide suggestions and feedback. Example of survey respondents range from Universities, Local Health Districts, Local Government Councils, Departments, Agencies or Authorities.



## Public Sector Advisory Committee

The Public Sector Advisory Committee is operated jointly with MHNSW to support the implementation of the *State Records Act*. Membership of the Committee is representative of the jurisdiction.

The Committee supports the work of State Records NSW by:

- advising on initiatives relating to improving recordkeeping compliance within public offices
- providing feedback to improve State Records NSW's existing and planned services
- collaborating with State Records NSW to identify and mitigate emerging areas of information risk in the NSW public sector and
- sharing experiences and insights on records and information management in the NSW public sector.

## Records Managers Forum

State Records NSW engages with public offices via online and face-to-face events. The Records Managers Forum provide participants with information about legislative changes, including new programs and new requirements.

## Guidance and advice

State Records NSW provides guidance and resources on a range of records management topics via its website. Guidance and resources assist public offices in implementing the requirements of the *State Records Act 1998*, the records management standards and the code of best practice.

## Feedback, queries and complaints (general)

State Records NSW welcomes any feedback, queries and complaints from all members of the public. These play an important role in the development of policy to enhance our service delivery. Various contact points can be found on the [Contact Us](#) webpage.

## Recordkeeping enquiries and complaints

State Records NSW continues to receive and respond to enquiries from public officials, members of the public and other organisations about government recordkeeping in NSW.

While the *State Records Act 1998* provides no specific complaint-handling provisions or powers, each year State Records NSW handles a small number of complaints concerning recordkeeping in public offices. State Records NSW's Policy on managing complaints about recordkeeping in public offices guides staff in the handling of complaints, including their risk-based triage, assessment and response. The policy and complaint handling process ensures that State Records NSW accepts only those complaints aligned with its regulatory objectives.

## Social media

State Records NSW proactively engages in official social media platforms to promote and provide access to public programs, talks, and publications. State Records NSW's social media channels are linked below and will continue to be used for promoting and offering more channels for enquiries and feedback:



## State Records NSW website

State Records NSW's website provides access to comprehensive information regarding the organisation.

## Open Data

State Records NSW supports the NSW Government's Open Data Policy, available [here](#).

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# The public's rights, agency responsibilities, and the role of the Information Commissioner under the GIPA Act.

State Records NSW recognises that members of the public have a legally enforceable right to access most government information and can expect this access to be open and freely available unless there is an overriding public interest consideration against disclosure of the information.

State Records NSW upholds its responsibilities under the GIPA Act and will continue its role in providing and promoting access to information, supporting participation and contributing to Open Government.

State Records NSW's self-assessment to ensure compliance with the GIPA Act is all in recognition of the Role of the Information Commissioner, per sections 17 and 22 of the GIPA Act, stating the following:

Section 17 - The Information Commissioner has the following functions in connection with the operation of this Act:

- a) to promote public awareness and understanding of this Act and to promote the object of this Act,
- b) to provide information, advice, assistance and training to agencies and the public on any matters relevant to this Act,
- c) to assist agencies in connection with the exercise of their functions under this Act, including by providing services to assist with the lodgement, handling and processing of access applications,
- d) to issue guidelines and other publications for the assistance of agencies in connection with their functions under this Act,
- e) to issue guidelines and other publications for the assistance of the public in connection with their rights under this Act (including rights of review),
- f) to review decisions of agencies pursuant to Part 5,
- g) to monitor, audit and report on the exercise by agencies of their functions under, and compliance with, this Act,
- h) to make reports and provide recommendations to the Minister about proposals for legislative and administrative changes to further the object of this Act.

In addition to establishing this Agency Information Guide (AIG) State Records NSW will ensure to notify the Information Commissioner before amendment to, or release of our AIG, in accordance with the specified Role of the Information Commissioner, outlined in section 22 of the GIPA Act.

This AIG has been established in accordance with sections 20 and 21 of the GIPA Act.

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## Revision History

Version	Date issued	Notes	By
1.0	December 2023	New Agency Information Guide for State Records NSW.	Content and control – Governance State Records NSW Approval – Executive Director

## Review Date

State Records NSW will review this guide at intervals of not more than 12 months. The next review date will take place in November 2024. Updates will be made as necessary.

State Records NSW recognises the role of the Information Commissioner and in accordance with section 22 of the GIPA Act, State Records NSW will:

- *notify the Information Commissioner before adopting or amending an agency information guide and must, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed agency information guide or amendment.*

## Contact

[governance@staterecords.nsw.gov.au](mailto:governance@staterecords.nsw.gov.au)