

# Notice of Variation

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## PROS 11/10 Variation 3 Access Standard

(Section 12)

### Access Standard (PROS 11/10)

#### Variation 3

In accordance with section 12 of the *Public Records Act 1973* (as amended), I hereby vary the *Access Standard*, issued as Public Record Office Standard (PROS) 11/10 on 25 November 2011, as follows:

#### Extension of the application of this Standard until 31 December 2019

This Variation shall have effect from its date of issue.



Justine Heazlewood

Director and Keeper of Public Records

Date of issue: 22/02/2019



Public Record Office Victoria  
PROS 11/10  
Version 1.3

PUBLIC RECORD  
OFFICE VICTORIA

# Recordkeeping Standard

## Access

*Version Number: 1.3*

*Issue Date: 25/11/2011*

*Expiry Date: 31/12/2019*

## Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard applying to the records of all government agencies, courts or persons acting judicially in Victoria. This Standard, as varied or amended from time to time, shall have effect for a period of five (5) years from the date of issue unless revoked prior to that date.

A handwritten signature in black ink, appearing to read 'Justine Heazlewood', with a long horizontal flourish extending to the right.

Justine Heazlewood

Keeper of Public Records

Date of Issue: 25 November 2011

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## Copyright Statement

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## Disclaimer

The State of Victoria gives no warranty that the information in this version is correct or complete, error free or contains no omissions. The State of Victoria shall not be liable for any loss howsoever caused whether due to negligence or otherwise arising from the use of this Standard.

## Acknowledgements

The Public Record Office Victoria (PROV) would like to acknowledge the valuable contribution of members of the *Access Advisory Group* during the development of this Standard.

Version	Version Date	Details
1.0	25/11/2011	Released
1.1	17/07/2013	Copyright changed to Creative Commons license
1.2	22/06/2017	Expiration date extended until 31/12/2018
1.3	25/02/2019	Expiration date extended until 31/12/2019

# 1. Introduction

## 1.1. Public Record Office Victoria Standards

Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records ('the Keeper') is responsible for the establishment of Standards for the efficient management of public records and for assisting Victorian government agencies to apply those Standards to records under their control.

Recordkeeping Standards issued by Public Record Office Victoria (PROV) reflect best practice methodology. This includes international Standards issued by the International Organisation for Standardisation (ISO) and Australian Standards (AS) issued by Standards Australia in addition to PROV research into current and future trends.

Heads of government agencies are responsible under section 13b of the *Public Records Act 1973* for carrying out, with the advice and assistance of the Keeper, a programme of efficient management of public records that is in accordance with all Standards issued by the Keeper.

In Victoria, a programme of records management is identified as consisting of the following components:

- A recordkeeping framework;
- Recordkeeping procedures, processes and practices;
- Records management systems and structures;
- People and organisational structures; and
- Resources, including sufficient budget and facilities.

A programme of records management needs to cover all agency records in all formats, media and systems, including business systems.

## 1.2. Purpose

This Standard provides a set of mandatory principles for Victorian government agencies regarding access to public records.

Implementation of this Standard will benefit the agency by enabling access to records to be carried out according to best practice records management. Adopting the principles in this Standard will ensure:

- Access to records and the use of records is considered as part of agency policies;
- Restrictions to records are based on legislation, policy, sound documented criteria and can be justified;
- Permanent records in the custody of PROV are closed under the relevant sections of the Act where appropriate; and
- The integrity of records is assured through the use of appropriate and relevant security measures.

### 1.3. Scope

This Standard covers the high level principles relating to the function and activities of records access. Each principle consists of a statement of best practice followed by an explanation of what is meant by the principle and why the principle is important.

The principles detailed in this Standard provide the foundation for the measurable compliance requirements described in the associated Specification. Agencies must meet all the requirements detailed in the Specification to ensure they comply with the principles articulated in this Standard. Guidelines and Fact Sheets associated with this Standard will assist agencies to implement these requirements.

This Standard and associated Specifications replaces *PROS 97/004 Specification 4 Access to Public Records*.

### 1.4. Definitions

The following terms are the major terms of relevance for this Standard. For a full list of records management and PROV terminology, see the [Master Glossary](#).

**Approved Public Record Office Storage Supplier (APROSS):** A commercial storage facility which has been appointed by the Keeper of Public Records under s. 12 of the *Public Records Act 1973*, following an inspection regarding its suitability for the storage of public records. Records held in an APROSS are deemed to be under the custody of the controlling agency.<sup>1</sup>

**Archival Storage:** Storage provided by an organisation whose purpose is to manage and preserve public records for future use by the public. This includes (but is not limited to) the following:

- Public Record Office Victoria;
- Ballarat Archives Centre;
- Bendigo Regional Archives Centre; and
- Places of Deposit (POD) Repositories.

**Closed Access:** Public records (in PROV custody) that have been assessed, approved by the relevant ministers responsible for the agency and the PROV and deemed closed under s9, s10 or s10AA of the *Public Records Act 1973*.

**Custody:** Responsibility for the care of records and archives, usually based on their physical possession, this may include records located at an APROSS. Custody does not necessarily include legal ownership.

**Keeper of Public Records:** The Keeper is the Director of Public Record Office Victoria. The Keeper of Public Records ('the Keeper') is responsible for the establishment of Standards for the efficient management of public records and for assisting agencies to apply those Standards to records under their control.<sup>2</sup>

**Open Access:** Unrestricted access to records that are open for inspection by the public.

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<sup>1</sup> Please note that records to be transferred to, or stored at, the site of the approved commercial facility are governed by mandatory requirements contained in PROV Standards.

<sup>2</sup> *Public Records Act 1973*, ss. 6-7.

**Permanent Records:** A public record which has been appraised by the *Keeper of Public Records* as required to be kept as part of Victoria's State Archives. Permanent records are specified in *Retention & Disposal Authorities* issued by the Keeper.

**Place of Deposit (POD):** A facility or area appointed under s.14 of the *Public Records Act 1973*, to store specified classes of records. A POD may be appointed to hold temporary records which would otherwise be destroyed; or certified by the *Keeper of Public Records* as a *POD Repository* to hold *State Archives* on behalf of PROV. Records held in a POD are deemed to be under the custody and control of the Keeper of Public Records.

**POD Repository:** A facility or area appointed under s.14 of the *Public Records Act 1973* to store *State Archives* on behalf of PROV. Records held in a POD repository are deemed to be under the custody and control of the Keeper of Public Records.

**Public Record:**

- (a) any record made or received by a *public officer* in the course of his duties; and
- (b) any record made or received by a court or person acting judicially in Victoria—  
but does not include—
- (c) a record which is beneficially owned by a person or body other than the Crown or a public office or a person or body referred to in s. 2B [of the *Public Records Act 1973*];  
or
- (d) a prescribed record held for the purpose of preservation by a public office to which it was transferred before the commencement of the *Arts Institutions (Amendment) Act 1994* by a person or body other than the Crown or a public office; or
- (e) a record, other than a prescribed record, held for the purpose of preservation by a public office to which it was transferred, whether before or after the commencement of the *Arts Institutions (Amendment) Act 1994*, by a person or body other than the Crown or a public office.<sup>3</sup>

Public records may be divided into *business records*, *ephemeral records* and *personal records*.

**Restricted Access:** Access to public records within an agency's custody has been limited to a specific and defined group of people. Restricting access can be applied where the restriction is justified based on legislation, court rules, personal privacy, confidentiality, "in confidence" such as cabinet in confidence, commercial requirements and legal professional privilege.

**Retention & Disposal Authorities (RDAs):** Standards issued by the Keeper under section 12 of the *Act* that defines the minimum retention periods and consequent disposal action authorised for classes of records which are described in it. RDAs provide continuing authorisation for the disposal of these classes of records. RDAs may be specific to an agency or applicable to more than one agency.

**State Archives:** Records identified as being of permanent significance to the government and people of Victoria and maintained and controlled by Public Record Office Victoria.

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<sup>3</sup> *Public Records Act 1973*, s. 2.

## 1.5. Related Documents

This Standard must be read and implemented in conjunction with other PROV Standards and associated documentation, including appropriate Retention and Disposal Authorities (RDAs). The Specifications and Guidelines associated with this Standard are detailed below:



Figure 1: Relationship Diagram

## 2. Detail of Standard

### 2.1. Openness

*Principle: Access to records must be open, unless there is a justifiable reason to restrict or close the access.*

The intention of this principle is for records to be treated as open access, unless there is a justifiable reason for a restriction (see section 2.2 below).

The agency's policy (or equivalent) should explicitly state access arrangements.

The obligation for public records held in PROV custody is for them to be open to public inspection, unless specific action is taken to close them under the *Public Records Act 1973 (the Act)*.

The benefits of this principle include:

- Supporting transparency and accountability;
- Encouraging use and re-use of records;
- Aligning access to records with government policy; and
- Enabling the public to access records.

The minimum requirements to comply with this access principle are detailed in Specification 1 and 2 issued under this Standard.

### 2.2. Justifiable Restrictions

*Principle: Any restriction of access to records, or use of records, must meet the agency's documented and endorsed criteria to justify the restriction.*

The intent of this principle is to ensure criteria that justify the limitations of access to records, or the restrictions on the use of records, are explicit, established, published and maintained within an agency's policy or equivalent documentation.

When determining restriction criteria consider business needs, relevant legislation and recordkeeping risks. This ensures that criteria appropriately address the environment within which the agency operates. Considered and documented criteria enable the justification for restrictions to be consistently articulated and applied. Documenting the process for determining and applying restriction criteria enable consistent practice when combined with appropriate communication and training activities. Regular review of access provisions and restrictions minimises the risk of inappropriate access restrictions where circumstances have changed.

The benefits of managing justifiable restrictions include:

- Providing justification, clarity and authority for all restrictions;
- Ensuring records are only accessed and used for authorised purposes;
- Consistent application of restrictions are supported by communication and training activities;
- Assist in minimising the risk of inadequate recordkeeping; and
- Supports sharing of records within the agency.

The minimum requirements to comply with this access principle are detailed in *Specification 1 Access to Records in Agency Custody* issued under this Standard.

### 2.3. Closure of Records in the Custody of PROV

*Principle: Closure of records in the custody of the Keeper must be in accordance with the Public Records Act 1973.*

The intention of this principle is to define the closure arrangements that may be applicable to records when they are to be transferred into PROV custody. Not all records transferred into PROV custody will require closure arrangements to be made.

Closure arrangements are defined by the Act. All records transferred to PROV are available for public inspection, unless the following occurs:

- Agreement is reached;
- An application is made recommending closure under a specific section of the Act; and
- The Minister responsible for the function within the agency and the Minister responsible for PROV approve the closure of the records.

Records may be withheld from public access under Sections 9, 10 and 10AA of the Act. All closure arrangements should be negotiated between the agency responsible for the records and the PROV prior to the transfer of the records. Records may only be closed once the responsible Ministers have agreed to the closure conditions and arrangements.

The benefits of managing the closure of public records in the custody of the PROV include:

- Managing risk including minimising litigation and inappropriate release;
- Protecting individual's privacy; and
- Ensuring the preservation of the records of Victoria.

The minimum requirements to comply with this access principle are detailed in *Access Specification 2: Access to Records in PROV Custody* issued under this Standard.

Please note that closure of records under sections 9, 10 or 10AA of the Act does not preclude the public from gaining access under freedom of information (FOI) legislation. In accordance with section 15 (1) of the *Freedom of Information Act 1982* the transferring agency is responsible for access decisions regarding FOI requests.

## 2.4. Use of Records

*Principle: Public records must only be used for authorised purposes; taking into account all relevant legislation, access, copyright or licensing conditions.*

The intent of this principle is to ensure that records are used in ways that are consistent with access provisions and restrictions. This occurs by taking the following into account when setting directives for use of records within the agency's policy (or equivalent):

- All relevant legislation is taken into account;
- Any limitations or restrictions are applied during record creation or at any point in the record lifecycle; and
- Copyright and licensing conditions are considered and put to use where required.

Use of records in the custody of the Keeper is governed by the Act:

- Section 7 states 'The Keeper of Public Records shall be responsible for:
  - (a) The preservation and security of public records under his (her) control;
  - (b) The logical and orderly classification of such records and the publication of lists indexes and other guides facilitating their use;
  - (c) The duplication and reproduction of public records for official and other purposes ; and
  - (d) The authentication of copies and extracts from public records required as evidence in legal proceedings or other purposes.'
- Section 11(1) states:
  - 'Subject to this act, the Keeper of the Public Record shall cause reasonable facilities to be available to the public for inspection and obtaining copies of public records under his (her) control.'

Effective management of the use of records is essential for ensuring the integrity, reliability and accessibility of the records.

The benefits of managing the use of records include:

- Clearly defining the appropriate use of public records;
- Ensuring the accountability of use;
- Demonstrating transparency of the activities related to use of records; and
- Compliance with access, licensing and copyright conditions.

The minimum requirements to comply with this access principle are detailed in *Specification 1 Access to Records in Agency Custody* issued under this Standard.

## 2.5. Security

*Principle: The security of public records must be assured, preventing unauthorised access, alteration, destruction or release of records.*

The intent of this principle is to ensure that public records remain secure when being accessed or used so that information privacy obligations can be met and the integrity of the records can be protected. This may be achieved through implementation of systems, policies and processes designed to minimise security risks and meet obligations.

Obligations of the agency regarding record security include records:

- Held within the agency;
- In the custody of the agency that are held by service providers; and
- Temporarily retrieved by the agency from PROV custody or when closed digital records are accessed from PROV by the agency.

The benefits of secure recordkeeping include:

- Providing accurate and reliable records that facilitate business activities;
- Supporting business activities by providing reliable and authoritative evidence;
- Actively preventing unauthorised access to records, the alteration of original records, the illegal destruction of records and unauthorised release of records; and
- Ensuring the security, integrity and authenticity of records.

The minimum requirements to comply with this access principle are detailed in *Specification 1 Access to Records in Agency Custody* issued under this Standard.

### 3. References

Archives Office of Tasmania (AOT) 2005, *Agency Determination of Access Restrictions. Guideline No.4*, AOT, Hobart, Tasmania, viewed 20 May 2011, <[http://www.archives.tas.gov.au/legislative/staterecords/guidelines\\_list/guideline\\_04](http://www.archives.tas.gov.au/legislative/staterecords/guidelines_list/guideline_04)>.

Archives New Zealand (ANZ) 2005, *Making access decisions under the Public Records Act. Guidelines for all Public Offices*, ANZ, Wellington, New Zealand, viewed 20 May 2011, <[http://archives.govt.nz/sites/default/files/a6\\_2.pdf](http://archives.govt.nz/sites/default/files/a6_2.pdf)>.

Department of Defence Intelligence and Security (DDIS) 2010, *Australian Government Information Security Manual*, DDIS, Kingston, ACT, viewed 30 March 2011, <<http://www.dsd.gov.au/infosec/ism/index.htm>>.

Economic Development and Infrastructure Committee (EDIC) 2009, *Inquiry into Improving Access to Victorian Public Sector Information and Data*, EDIC, Melbourne, Victoria, viewed 30 March 2011, <[http://www.parliament.vic.gov.au/images/stories/committees/edic/access\\_to\\_PSI/EDIC\\_ACCESS\\_TO\\_PSI\\_REPORT\\_2009.pdf](http://www.parliament.vic.gov.au/images/stories/committees/edic/access_to_PSI/EDIC_ACCESS_TO_PSI_REPORT_2009.pdf)>.

Northern Territory Archives Service (NTAS) 2007, *Public Access to Government Archives in the Custody of the NT Archives Service*, NTAS, Darwin, NT, viewed 20 May 2011, <<http://www.nt.gov.au/nreta/ntas/records/archive/pdf/access.pdf>>.

Office of the Australian Information Commissioner (OAIC) 2011, *Information Policy Principles on Open Public Sector Information*, OAIC, Canberra, ACT, viewed 1 June 2011, <[http://www.oaic.gov.au/publications/agency\\_resources/principles\\_on\\_psi\\_short.pdf](http://www.oaic.gov.au/publications/agency_resources/principles_on_psi_short.pdf)>.

Public Record Office Victoria (PROV) 1998, *Access to Public Records – PROS97/004 Specification 4*, PROV, Melbourne, Victoria.

Queensland State Archives (QSA) 2009, *Information Access and Use*, QSA, Brisbane, Queensland, viewed 20 May 2011, <<http://www.qgcio.qld.gov.au/qgcio/architectureandstandards/informationstandards/current/Pages/InformationAccessandUse.aspx>>.

State Records Authority New South Wales (SRANSW) 2005, *Access Regulations*, SRANSW, Sydney, NSW, viewed 20 May 2011, <<http://www.records.nsw.gov.au/recordkeeping/topics/access-regulation/access-regulation>>.

State Records Authority New South Wales (SRANSW) 2004, *Procedures for Making Access Directions*, SRANSW, Sydney, NSW, viewed 20 May 2011, <<http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/procedures/making-access-directions/making-access-directions>>.

## Legislation

*Copyright Act 1968* (Vic)

*Evidence Act 2008* (Vic)

*Freedom of Information Act 1982* (Vic)

*Health Records Act 2001* (Vic)

*Information Privacy Act 2000* (Vic)

*Public Records Act 1973* (Vic)

All current Victorian legislation is available at <http://www.legislation.vic.gov.au>

## Standards

Archives New Zealand (ANZ) 2006, *Access Standard*, ANZ, Wellington, New Zealand, viewed 20 May 2011, <[http://archives.govt.nz/sites/default/files/s4\\_0.pdf](http://archives.govt.nz/sites/default/files/s4_0.pdf)>.

Public Record Office Victoria (PROV) 1998, *Transfer and Storage of Public Records – PROS 97/004 Standard*, PROV, Melbourne, Victoria.

Standards Australia 2002, *AS ISO 15489 Australian standard on records management*, Standards Australia, Sydney, NSW.

State Records Commission Western Australia (SRCWA) 2002, *Restricted Access Archives – SRC Standard 4*, SRCWA, Perth, WA, viewed 20 May 2011, <<http://www.sro.wa.gov.au/pdfs/src-standard4.pdf>>.

## Other Resources

For more information about Access, please contact:

Government Services  
Public Record Office Victoria  
Ph: (03) 9348 5600  
Fax: (03) 9348 5656  
Email: [agency.queries@prov.vic.gov.au](mailto:agency.queries@prov.vic.gov.au)  
Web: [www.prov.vic.gov.au](http://www.prov.vic.gov.au)