Government–Citizen Engagement in the Digital Age[*]

David Fricker

I am grateful for the opportunity to speak today, in Australia's Parliament House, on the topic of government–citizen engagement. In particular, I would like to focus on the role of government information management as a means to improve that relationship between the Commonwealth Government and all Australians and, in this fast-paced, digital age, how we can build the public's trust and confidence in the departments and agencies that implement the policies of the government.

Because it is *information* that is the 'new resource' of the digital age, and as we accumulate more and more data we are creating information assets with enormous potential. This offers tremendous opportunities for government to deploy more advanced and effective services, and in a much more agile and responsive way—and of course it also presents significant risks, for example around privacy and security. But we will not realise the benefits of the digital age nor can we mitigate the risks unless we take information management seriously—by valuing information as a national resource, valuing our government data holdings as a national asset and adjusting our behaviours and policies accordingly.

This is the principal role of the National Archives of Australia—to ensure that the information collected and created by the Commonwealth Government upholds integrity and accountability of government processes and drives innovation and improvement across all the processes of government. Today I would like to outline the changes that we are making to fulfil this role in the digital age.

We are accustomed to having national conversations concerning the management of essential resources—two notable examples are energy and water. We have these conversations because the security and prosperity of the nation depends on the availability of these resources—in particular availability that is predictable, reliable and consistent in quality. Both energy and water are key to every aspect of our lives— basic necessities for health, education, industry and culture. Because of this, we understand that our national prosperity will depend on our ability to manage these resources, finding the right market mechanisms to connect suppliers and consumers, and finding the right regulatory framework to encourage innovation while ensuring interconnectivity and interoperability across the national supply network.

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There is another major resource that needs a similar treatment—Australia's information resources. We are living in the Information Society. Just as we need water and energy, information has become a basic essential for every aspect of our lives from basic individual human rights through to our economic prosperity and even our national security. For example, access to justice, recognition of rights and entitlements, enfranchisement in our democracy, accountability of our public institutions and the elimination of corruption are underpinned by government information that is complete, accurate, authentic and publically accessible.

Our economy is increasingly a digital economy. The 'unicorns' and the 'disruptors' that are most often used to define 21st century corporate success come from the tech sector and have found rich revenue streams through the provision of cheap, ubiquitous online services, connecting consumers and consumables through clever information management.

And information management is key to our national security. Along with land, sea, air and space, cyber is now well established as the fifth domain of warfare—and indeed all those hostile activities short of all-out war such as espionage. At the national level, and within the multilateral mechanisms of the international system, proper stewardship of information has never been more important to preserve national security and maintain trusted relationships with our partners and allies.

Our management of information is also important as a foundation for identity—be it individual identity or our national identity. Mass movement of people, through war, natural disaster or migration is not new—it has been a constant feature of human history. What is new is the globalisation of data, and the fact that geographical dislocation no longer necessarily means cultural dislocation. It is easy for people to live a large proportion of their lives in a cyber bubble, selecting the news, opinions and entertainment that fit their own social values, aligned with their own 'tribe'. Culture was once associated with a locality or a place, and as it moved with people around the world it blended and adapted, perhaps best exemplified in Australia's own experience of multiculturalism. But in today's Information Society, culture, retained as a society's collective memory, is not so strongly tied to a single place. It can be carried by an individual with all the convenience of a mobile phone and a person's 'tribe' may in fact be completely unknown to the city or country in which that person lives. This challenges traditional ideas of what constitutes a person's identity, a nation's identity and social cohesion.

But just as the challenges of the Information Society are unprecedented, so too is our capability to meet those challenges. In fact, the tools and technology at our disposal

are beyond the imagination of even recent times. Let us look at the current conditions that work in our favour.

Information itself has never been more abundant. Thanks to the advent of digital technology and of course the internet, information on every topic is immediately and freely available. We are currently experiencing a phenomenal expansion of the volume of digital information, and this shows no sign of slowing down. The majority of it is in the English language, which of course favours English-speaking nations like Australia.

It is important to note that the rate at which information volume is expanding is outstripped by the rate at which the world's computational power is increasing. The costs of information storage and access continue to diminish—and in many cases costs are being taken on by industry, providing online information services to government and citizens at no cost, deriving revenue through other means such as advertising.

Citizens are now more tech savvy and better equipped than ever, with a high penetration of internet into Australian households. In 2015, according to the Australian Bureau of Statistics, 86 per cent of Australian households had internet access, and 97 per cent of households with kids under 15 years were connected.[1] Not only are the majority of households connected to the internet, but as technology improves people have increasingly more powerful computers and personal devices at their disposal. This all sounds very promising—an abundance of information, freely flowing across the nation on ever faster networks, via cheap or free services, in more engaging and even entertaining formats. This sounds like a free market at work, on a very positive trajectory. So where is the urgency for government to act?

Let me use a water analogy again. The internet and the communications technology that supports it are like plumbing is to water. The networks, storage arrays and processors are the pipes, reservoirs, faucets, filters and fittings that carry information like water to where it is needed. But we know that even with state of the art plumbing, we will live or die based on the quality of the water we are using—be it for irrigation, washing or drinking. And in these times we are also reminded that it is when we are surrounded by flood waters that we must exercise the most caution about the water we use.

And so it is for information. Even though it is abundant and free, it is not necessarily fit for every purpose. To make the most of it we need to be able to rely on its

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[1] 'Household use of information technology, Australia, 2014–15', Australian Bureau of Statistics website, www.abs.gov.au/ausstats/abs@.nsf/mf/8146.0.

authenticity, completeness, accuracy, currency, availability and usability. And as I have said, in order to build trust in public institutions and ensure that Australians are receiving the very best public services, government needs to act to guarantee reliable availability of government information.

There are also some notable international developments that add weight to this call to action. On 25 September 2015, the United Nations gave the world its Sustainable Development Goals (SDGs), comprising a set of 17 goals to 'end poverty, protect the planet, and ensure prosperity for all as part of a new sustainable development agenda'.[2] Each of the 17 goals has a set of targets to be achieved by 2030. They build on the success and momentum of the Millennium Development Goals (MDGs), but while the MDGs were intended only for developing countries, the SDGs are universal and apply to all countries as a call to action to achieve economic growth, social inclusion and protection for the natural environment.

Not surprisingly, government's responsibility to manage information features strongly. Citizens' access to reliable information is a core component of the SDGs, in particular to Goal 16 which embraces targets to 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'.[3]

Goal 16 targets are underpinned by the adoption of laws, policies and systems that ensure the preservation and long-term accessibility of government information— specifically information that is the essential evidence of government activity. Targets are set to:

- substantially reduce corruption and bribery in all their forms
- develop effective, accountable and transparent institutions at all levels
- provide legal identity for all, including birth registration
- ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.[4]

As a further commitment to an open and inclusive society, the Australian Government has joined the Open Government Partnership.[5]

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[2] Sustainable Development Goals, United Nations website, www.un.org/sustainabledevelopment/ sustainable-development-goals.

[3] Sustainable Development Goal 16, United Nations website, www.sustainabledevelopment. un.org/sdg16.

[4] Goal 16 targets, United Nations website, www.un.org/sustainabledevelopment/peace-justice.

[5] 'Australia's first Open Government National Action Plan 2016-18', Department of Prime Minister and Cabinet, www.ogpau.pmc.gov.au/australias-first-open-government-national-action-plan-2016-18.

The Open Government Partnership is an international initiative established in 2011 that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance. Australia is now one of 70 countries participating in the initiative and, in December 2016, the Australian Government released *Australia's first Open Government National Action Plan*. The plan was the result of a major coordinated effort by government and civil society, including community groups, the business sector and academia. The National Action Plan commits Australia to an agenda for the next two years to strengthen the transparency and accountability of government and to build citizens' trust in Australia's governance and its institutions.

And here again, the agenda grabs the opportunities of the digital age and the possibilities of records and information management to accomplish its goals. The National Action Plan aims to achieve open data and digital transformation and to work with the research, not-for-profit and private sectors to identify and release high-value data assets—this is government treating its data as public data to make sure it is out there as fuel for the digital economy and a resource for the Information Society. The plan also includes targets to engage with the public and improve privacy and risk management capability across government, again to build trust around data sharing and release—that is, responsible sharing of information recognising that government has an obligation to be open to public scrutiny, but every citizen has the right to privacy. All of these targets are set for the responsible release of government information as public data while protecting personal privacy.

There are other targets around ensuring access to government information and calling on the Archives and others to ramp up our efforts to make sure that government data belongs to the people and is out there for the people. The final one in the Open Government Partnership is about integrity in the public sector—again, building trust in public institutions. That means strengthening Australia's ability to prevent, detect and respond to corruption in the public sector through ensuring transparency in government procurement. This comes back to government information being preserved and protected through records management and proper stewardship of government information to support the scrutiny and accountability of government institutions.

I will also briefly mention the related initiatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO). In 2011, UNESCO adopted the *Universal Declaration on Archives*, which provides all UNESCO member states with a powerful, succinct statement of the relevance of archives in our modern Information Society. The declaration emphasises the key role of archives in ensuring administrative transparency and democratic accountability, and describes the role of

archives in supporting democracy and human rights, and preserving collective social memory.[6]

In 2015, UNESCO adopted the *Recommendation concerning the preservation of, and access to, documentary heritage including in digital form.*[7] The recommendation specifically addresses the importance of archives to human rights and responds to the increased urgency for government action to protect human rights in the digital age. The recommendation reminds all member states of the fundamental importance of documentary heritage, not as an historic curiosity but as a foundation for good governance.

So, what are we doing at the Archives?

Under the *Archives Act 1983*, the National Archives of Australia is the lead agency for setting information management obligations and standards for Commonwealth Government entities. Our mission is clear—ensure that the essential records of government are being kept and ensure that they remain accessible and reusable into the future. And, of course, to deliver this mission with strategies that are suited to the digital age.

And so, in October 2015 we launched our centrepiece policy—*Digital Continuity 2020.*[8] This unified approach to the creation and management of government data will introduce efficiencies across all of the operations of government, but the most important dividend will be the relationship between citizen and government. The long-term availability and accessibility of government records will connect every Australian with our nation's history and a share in our national identity. It empowers every individual to hold our democratically elected government to account and ensures that the actions of public officials are open to the scrutiny of the public they serve.

The emphasis is on 'continuity'. It is one thing to introduce a digital technology into a government to citizen transaction—across government we are constantly doing this, spending around six billion dollars each year on ICT. However, each piece of digital technology is temporary, and will most likely be obsolete within 5 to 10 years. The long-term value of the investment is not the hardware. The longer term dividends

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[6]   'Universal declaration on archives', International Council on Archives website, www.ica.org/en/ universal-declaration-archives.

[7]   `Safeguarding the memory of the world—UNESCO recommendation concerning the preservation of, access to, documentary heritage in the digital era', UNESCO website, www.en.unesco.org/ programme/mow/recommendation-documentary-heritage.

[8]   'Digital continuity 2020 policy', National Archives of Australia (NAA) website, www.naa.gov.au /information-management/digital-transition-and-digital-continuity/digital-continuity 2020/index.aspx.

will come from the data captured or created by the technology, and the extent to which it can be used and re-used into the future for any number of purposes that create public value. In today's most successful business models 'data is king' and it will be our capacity to access and use data that will enable the significant transformations of the future.

Our Digital Continuity policy advances strong governance frameworks to ensure that information is properly valued and managed accordingly. Our aim is to recognise information governance as an essential part of corporate governance. In the same way that government entities manage finances, human capital and other assets, the information created and held by government entities will come under proper management.

Information assets will not be neglected or lost in uncontrolled environments, but instead each dataset will be managed with respect to its sensitivity, security, ownership and long term re-use. Importantly, this will see the value of government information appreciate over time, carried complete and intact from one generation of technology to the next.

Accountability of government is underpinned by a records regime that upholds the rules of evidence. A chain of evidence is easily broken if entities fragment their records across various paper-based and digital systems. As part of Digital Continuity, government entities will transition to entirely digital work processes, meaning complete records will be kept of business processes including authorisations and approvals. End-to-end digital processes, operating in an information governance framework, will also ensure that records are enriched by metadata and assured by comprehensive and secure audit trails. Agencies will also have interoperable information, ready to move between successive generations of software and hardware, and seamlessly shifting through machinery of government changes. No more information obsolescence!

The data we create today has to be usable 50 years from now. I think all of us have had the experience where we have found a document on a disk, a USB, an old zip drive or perhaps a wedding video on VHS cassette. We are all accustomed to finding stuff we have created not that long ago that is inaccessible to us now because technology has moved on and we have lost the capacity to review it and to read it. To protect against this loss we have to achieve interoperability across time. Our Digital Continuity policy is ensuring that government data created today will be interoperable into the future so that those as yet unimagined purposes and benefits will be achieved.

It is important to note that most government data can be made publicly available very quickly, but we do not do that recklessly. Sensitivities arising from personal privacy, confidentiality or national security must be properly managed. We do not want Edward Snowdens in Australia. Reckless, irresponsible treatment of information undermines the prosperity of this nation and causes people real harm. However, over time sensitivity diminishes. Over time everything will be made public, and I mean everything—for example, the personal, private census information that we collect that is guaranteed by law not to be released for 99 years. So it may be 100 years or more before some records are released, but every piece of information we have will one day be made publicly available. If that were not the case we would not bother preserving it, we would not waste money keeping it. Public value is not created by preservation—public value is created by access to information.

Our Digital Continuity policy provides for data and metadata standards that will enable stronger intellectual management of records, including fast-tracking information into the public domain to uphold transparency and fuel the digital economy. The policy also recognises the need for certified information professionals across agencies and across government. This network of professionals will work to maintain adequate standards of information stewardship across the Commonwealth.

To get us started on this journey to 2020, the Archives has developed a minimum metadata set, a Business System Assessment Framework and a range of training products as part of a suite of tools and guidance that will assist agencies in meeting the policy requirements.

Launch of the Information Management Standard

And I am very pleased to be able to use this occasion today to launch the latest addition to our suite of products and resources to continue this journey—the *Information Management Standard—Australian Government.*[9]

The Information Management Standard is simple, principles-based and practical. It identifies eight principles, each with a small set of recommended actions that together set a firm foundation for all government entities to plan, conduct and monitor their information management practices. Its simple and practical approach is in keeping with the current direction of reducing red tape. It does not impose a new workload or new responsibilities. Instead, it brings clarity and simplicity to what otherwise might be a complex challenge for an agency dealing with its own digital

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[9]   'Information management standard', NAA website, www.naa.gov.au/information-management/ information-management-standard/im-standard-document.aspx.

transformation. The standard is available for download or reference at our website: www.naa.gov.au.

Conclusion

A lot has been said lately about the changing nature of democracy and the public's dissatisfaction with the traditional institutions of government. All of us in the public sector have to work hard to win back the trust and confidence of the people we serve, and this means delivering policies and programs that are responsive, inclusive and open. It requires us to be agile, to move quickly from one idea to the next, in step with the norms and expectations of our Information Society.

And the foundation upon which we can achieve this is digital continuity—a framework that ensures government data that is authentic, accurate, complete and available for use but protected from abuse. Most importantly we need reliable government records that are reusable now and in the future. Our *Digital Continuity 2020* policy and the *Information Management Standard* are designed to produce government datasets that are national assets, adding value to the government–citizen relationship, creating value for Australia's *national* digital economy and enriching our Information Society.

Question — There are two points I would like to raise. The first is this—you mentioned, unfortunately, that only 10 per cent of the information is going to be kept. In the digital age I think this is very strange. I left the public service 13 years ago and I remember that junior staff would come in, with really no idea what the department was doing, and get rid of information that we later found we could have used.

The second point I want to raise is this—you talked about the information that government holds, but there is an enormous number of NGOs out there that play an important role—non-commercial NGOs, the commercial ones can look after themselves. What is going to happen in terms of keeping the information that is going to be just as important to understand this society 100 years hence?

David Fricker — Two excellent questions. On the first question, I said 10 per cent is kept, but that is not a target. We do not start with the premise that we are only going to keep 10 per cent. We start our records authorities with an appraisal of what a government does and, through a process of analysis and cooperation with each government entity, we go through the various functions that are performed in that

agency. Based on that we identify the class of records that must be kept forever and the class of records that should be kept for, say, 10 years or until no longer necessary and then they can be disposed of. As I said, we want to preserve the essential evidence of what government did and our client is the future. So we need to anticipate what will be required in the future. So thank you for asking this question. We do not start with a target of 10 per cent. It may be 18 per cent.

You are quite right about the digital transformation by the way. Before the introduction of things like photocopiers and facsimile machines only a fairly small amount of records were created in the first place. Once the photocopier became commonplace in offices suddenly there was a tripling of the volume of records kept because of technology, because it was easy to create. Digital technology is similar. We are creating a greater volume of information. Even 10 per cent of the records that are created in the public service now are probably about 10 times more than what was created in the pre-digital era.

We aim—and we are very serious about this—to keep the essential evidence of government actions and decisions in order to uphold the accountability and integrity of government and also for the national memory. As said, it may well be 18 per cent as we explore this further. The other thing I would say on that is that not every agency is equal. Probably about 100 per cent of the Bureau of Meteorology's records are kept forever. It can change depending on the nature of the business of the agency.

On the other matter about NGOs, this is also a really vitally important topic that the National Archives is dealing with at the moment. The trend of government business is for government to do less and to outsource more, so public services are being contracted out more and more. We are accustomed to state governments performing functions funded by the Commonwealth. That is fine. State governments have their own public records offices and they keep their records. But what about NGOs? A recent example is the Royal Commission into Institutional Responses to Child Sexual Abuse. These were services provided by independent, private institutions, but really at the government's bidding. These institutions were providing a national service. As that royal commission searches for records of what happened, searches for the evidence, we are finding the records kept by those institutions are very uneven.

We are taking measures at the Archives, including in our *Information Management Standard*, to make sure that even if a Commonwealth Government service is outsourced, the private enterprise that is being contracted to do it carries an obligation of recordkeeping. They carry obligations of accountability so ultimately the Commonwealth Government can be held accountable for what they did with taxpayers' money in the name of the citizens of this country.

It is also the case that the business of government is being done quite often on third-party platforms. We have seen in the newspaper lately reports about cabinet ministers using WhatsApp and other third-party systems to communicate with one another. These are not Australian systems. They do not even exist in Australia's jurisdiction. They are American software companies or they are in overseas jurisdictions. Again, we are saying these are still records and they need to be kept. Even when you are using Gmail or WhatsApp or other platforms, if you are a public official doing the business of the government you are accountable and those records must be kept. I use social media, I use Twitter but I keep those tweets as a record of the statements I have made. That is the example we are setting.

Those are two very good, topical issues. They do both apply to the digital age. This general trend of pushing the delivery of public services to NGOs is something we are very mindful of. That is included in our information standard—making sure the right records are kept in the first place. Thank you for that.

Question — Your talk was very much about the principles and I am sure we would all agree with them 100 per cent. As a user of data, I want to raise with you three practical issues.

First of all, I cannot accept that government is simply executive government and administrative departments. But when I tried to find the opposition's response to a major report from the mid-1980s, I could find no evidence anywhere of the opposition's response to what was an important report on a matter of public policy. So there is a gap in major statements from Her Majesty's Loyal Opposition, if I might put it like that. I don't mean the day-to-day rubbish—I mean the major policy statements.

While I appreciate your comments about interoperability, and you are standing there with your records looking into the future, there are currently major issues about interoperability. When an Australian citizen ended up in a refugee camp some years ago we discovered that the Department of Immigration had a large number of different systems, from memory about 17, and none of them talked to each other. The current crisis on overpayments in Centrelink is because of incompatible systems that don't talk to each other. So if we cannot get interoperability right on a day-to-day basis, how does that challenge you preserving a record that people can use effectively?

My third question is about the quality of data. Here I will use the example of trade treaties. The government is currently commencing negotiations with the European Union. It announced it had an achievement. There is a single page on the minister's

website. There was nothing on the DFAT website some weeks later. You have to go to the European Union to find any data. When they did the national interest analysis of the Trans-Pacific Partnership Agreement it was a self-congratulatory, very short thing that totally failed in comparison to what the New Zealand government did. If the government will not give you quality data, what hope is there of preserving a record? I know your hands are tied a bit on this, but there are other institutions in society and some effort has to be made to improve the quality when the government cannot or will not.

David Fricker — Again, three good questions. If I can go to Her Majesty's Opposition first of all—my hands are not tied on the other two, but perhaps they are a little bit tied with Her Majesty's Opposition because the legislation is quite clear. The Archives Act applies to the records of the executive, not the parliament, for very deliberate reasons—it follows the separation of powers. We are about preserving the records of the executive. The parliament has particular exceptions, which includes the opposition naturally, as does the judiciary. That can affect the way in which records fall subject to our policies and the way in which they are transferred to us. But I will say that both the parliament and the courts do opt in. So they do use the Archives as a means to preserve records on a voluntary basis. It all begins with what is guaranteed under the legislation and what is not. A cabinet minister is also a member of parliament. Their party-political work, their work with their local electorates is considered private to them and is not covered by the Archives Act. There will be, when we talk about the machinations of parliament, a legal discussion because of the way the law is written.

On interoperability and the immigration example you mentioned—this is precisely what we are doing with our Digital Continuity policy. Cornelia Rau and the scandal that you referred to, the Palmer Review that came after that and the ANAO reports subsequent to that—I am not picking out Immigration, there are many departments that have been shown to have these problems—all point to the need to establish stronger records management practices. Prior to the creation of the record, you need the systems and the policies in place to guarantee that the right records are being kept and made interoperable across systems. Those sorts of examples are precisely the incidents and events our Digital Continuity policy is responding to.

We are making progress. Big departments like Immigration, as you mentioned, but also other major departments, do have legacy systems, systems that are quite old and have been around for quite some time. But they are all working hard, using the resources that we produce—the data, metadata and information management standards—to make sure that they absorb these principles. As they redevelop, improve and enhance their systems, they are building in this compatibility across their systems.

More importantly, not only are they compatible across Centrelink or Immigration, they are compatible with the rest of the Commonwealth. This is why it why the policy is *Digital Continuity 2020*, because I know, we all know, that you cannot do this straight away. It takes years to do this. But I am much more satisfied knowing that we are moving forward over the next several years than knowing that we are going nowhere, that these problems are not being solved. Your point is perfectly valid, but these are the things that are driving us to make this change. Everybody is seized, from secretaries and ministers down, with the importance of getting this work done.

With the quality of data, our hands are not really tied. It is a matter of professional pride. Government officials, all of us, need to take pride in the records we create. At the end of the day, after I retire, after I am long gone, what is the value that I have left behind? Okay, the services that I have provided, these magnificent lectures I have delivered and the uplifting experience I have given all of you, are wonderful outcomes, but they are temporary. You will forget about me quite soon. My long-term residual value is really the information I have left behind, the records I have created, the corporate knowledge that has been accumulated. So it is a matter of professional pride for every Commonwealth public servant to create good records. This is embodied in the Archives' *Information Management Standard*—it is embodied in all the training products we produce, in all of the programs we run and indeed in the programs that the Public Service Commission run. It is part of the public service code of conduct. It is part of the public service professional standards.

We can control the quality of data. Through our archives records authorities we can insist, by law, that certain records are kept and retained. How soon they are made publicly available, again is a product of that particular agency and the propensity for those people to make data available. I do not mind saying we public servants, in my view, have a tendency towards secrecy and not towards public accessibility. I think that is wrong. I think that is something we have to keep changing. The way we are going to change that culture away from secrecy and towards public accountability is by making public servants confident that the information they are making public is not betraying national secrets, not accidently revealing private information. If a public servant knows that their information governance is strong, if they know that these records have been made the right way, that this data set is what it says it is, that they are part of a governance framework, they can confidently release data. That is the way we manage the risk of inadvertent release of sensitive information.

This is all part of building a culture across the public service which is pro disclosure and relieves this feeling that we all must be terribly secret and FOI is our enemy. We have to get over that. We have to stop whinging about FOI legislation. We have to work with it, because our value as public servants is the public data that we create, the

services that we create, the information we produce. So it is very important to me and it is very important to the way we construct these policies and guidelines. As I said, we want to make the easiest thing to do the right thing to do. We are making it easier for people to create information that is ready for release, or information that is clearly sensitive and must be protected. All of this comes from good governance, which creates good practice.

Question — I would appreciate you saying a little bit more about how your office goes about deciding which records are kept and which are destroyed. I would like to ask that question by reference to one example where I thought some files dealing with a major public policy issue should have been kept. Late last year I was asked to do an oral history interview by a university on some major reforms relating to the Federal Court of Australia. To refresh my memory I tried to get the files out of Archives. The files would have included records of negotiations with the Chief Justice of the Federal Court, submissions to the Attorney-General, policy analysis of the relationship between the executive and the judiciary—major public policy issues in my view. I was very surprised to find, after checking with both the Archives and the department, that those files had not been kept. I don't expect you to be familiar with the particular files, but can you say a little bit more about why some important public policy files are not kept?

David Fricker — Very briefly, records on policy formulation, policy that becomes law—that is enacted and directs the behaviour of government and public servants— should be kept. The records authorities that we produce, as I said earlier, analyse the activities of government agencies and determine those classes of records that are to be retained as national archives preserved in perpetuity. Unfortunately, I am not aware of that particular case, but you are right that these documents are important to demonstrate Australia's system of democracy. These documents are important to illustrate why laws have been passed in the way they have. They are important to preserve the rights and entitlements of individuals such that in the future, if people are entitled to a pension or land or whatever it might be, the information is there. They can also be of historical importance regarding a particular episode in Australia's history. They might not meet those criteria but it is important for that. Now we are also looking at economic value—datasets which should be preserved for the long-term economic value that they produce.

I would say, based on the description you gave during your question, the class of documents that includes briefs to the minister or policy advice that eventuates in legislation being passed or debated would ordinarily be kept. I would not say that mistakes never happen. One thing in this information standard is an emphasis on creating records in the first place. Historically, Archives have come in towards the end

of the process and gone in to look at the records which have already been created and are held by an agency. By then, if the records were not made in the first place or have not been well looked after, you are playing catch up.

With our Digital Continuity policy and with all of our advance policies, we are trying to get ahead of the curve. We talk about precreation of a record to make sure that the governance and the policies are right and that people are trained. Part of our Digital Continuity policy is to improve the professional standards of records management in each agency. We are stipulating that every agency has to have a chief information governance officer. Again, it is cutting red tape. You do not have to employ a new person. You do not have to build a new office. This can be a responsibility that somebody you already employ can assume. We have chief financial officers and chief legal counsels for this very reason that you raise—every agency head, every secretary, needs someone they can turn to who is expert, is qualified, is professional and can provide reliable advice to ensure they have upheld their information management obligations. These are the changes that we are trying to effect so that at the beginning of that process, from the moment those records are created, it is understood that this is valuable, this must be kept, and it has to be kept in a chain of evidence so that all of the auditing and authenticity is maintained. I am not saying mistakes were not made in the past. Of course they were. But everything we are doing today is aimed at bringing that together through better governance, better policies and better resources.