

Professional Historians Association (NSW & ACT) - Questions on notice

1. What is lacking in the State Records Act? Are there areas we should be looking at that you think are not properly addressed?

Timely and complete transfer of Government records

The current application of the *State Records Act* to the Governor, to members of parliament and the courts is cursory. The Premier and Ministers wield significant power in their direction of government departments and agencies, yet their decisions and papers are rarely captured under the State Records Act 1998. There is no real transparency around the relationship between Ministers and Government Departments and public offices. The opportunity for archivists to take custody of the papers of Ministers is entirely dependent upon cooperation and agreement of the Department of Premier and Cabinet, and the window for custody transfer is very slim. Similarly, the Governor and the courts are exempt from many parts of the Act.

Currently, records more than 25 years old are presumed under the Act to be no longer in official use unless a direction is made that the records are still in use. The timeframe should be abolished and departments and agencies should transfer the custody of records to SARA immediately that they are no longer in use. There should also be strong audit requirements around the transfer of records and the appropriate statutory power enshrined for SARA to nominate and request records for transfer.

Public access to records

The PHA is supportive overall of the proposed change in the Act to make records accessible to the public after 20 years (rather than 30) and a default access direction of open.

The review of the Act does need to closely look at how access decisions are made and the right of appeal. Currently there is no process for the public to question or appeal access decisions and SARA is unable to overturn access decisions once they are made. This limitation should be addressed.

Section 60 of the Act addresses the mode of public access. The ability for the public to inspect records is inhibited by the reading room's location in Kingswood. Public inspection of the records is still the most common form of access, since item level cataloguing and digitisation of paper-based records cover just a small fraction of all records held in the archive. Requests for copies cannot usually be made without first inspecting the records, as users need to confirm if the records are what is required. The catalogue does not currently give enough detail. The Act should ensure that access is made easy to everyone, including people from remote locations and people with disabilities.

Digital record keeping and the digital archive

SARA is sadly deficient in their authority and ability to manage the records of the state into the future. The *State Records Act* needs to be strengthened to ensure that born-digital records will be accessible in the future. Government information and records need to be approached as a valuable asset.

The *State Records Act 1998* defines records as ‘any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process’. However, it is silent on the need to store or digitise audiovisual materials, collecting website and social media content, appropriate digital record keeping and digital archiving. The mandate to protect film stock, audio files and digital records is implied. But SARA’s role in capturing and keeping digital records, including secure digital archiving and sustainable migration of file formats, should be made explicit. This is much more important than any exhibition mandate. The new State Records Act should specifically address born-digital records and the digital archive, including preservation and public access.

There are currently only three staff who deal with the issues of current record keeping and future proofing our digital records. (Many have the impression that SARA is well-staffed. It should be noted that more than half of the staff on the books do not deal with the archives or government record keeping at all, but service the GRR storage facility.) SARA needs to have the authority and the staff to be able to work closely with public offices while the records are being created to ensure that the longevity of the records are addressed and migration strategies for digital records are in place. More staff are required to do this vital work.

Data needs to be coordinated across public offices and there needs to be coordination about how these records are collected, managed and migrated to keep up with technology to ensure ongoing accessibility. This needs ongoing work prior to any transfer of custody. There is a lot of work required for born-digital records. Identifying records, migrating records to new formats, and analysis are all required prior to custody transfer of digital records.

The PHA is concerned that SARA has not invested enough in the digital archive. They are only in a holding pattern - able to accept a small proportion of records in the TRIM content management system. With every passing year, historians and the public are losing access to the records of the future as born-digital records linger without any platform migration strategies. To the best of our knowledge, there is no policy in place to capture government services and records reliant on databases, let alone algorithmic or artificial intelligence processes such as chatbots.

In her work as a historian, Dr Lisa Murray (PHA Chair) has already experienced the loss of born-digital records, which has meant that historical questions and analysis were unable to be addressed. She has given a TEDxSydney talk on this issue back in 2013 and we refer the Committee to this short talk to further understand the challenges we all face with born-digital records.

<https://tedxsydney.com/talk/future-proofing-our-digital-future/>