

Non-Government Service Provider

BASIC RECORDKEEPING GUIDE

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1. PURPOSE

This guide supports Non-Government Organisation Service Providers (Service Providers) to appropriately manage records that relate to children who are clients of the Department of Child Safety (the department) and for managing or checking the appropriateness of current recordkeeping practices.

This guide has been developed for Service Providers in receipt of grant funding or Individual Placement funding from, or licensed by, the department.

Service Providers should consider the information provided in this guide as reference material and interpret these guidelines in the context of their own environment when developing specific recordkeeping processes.

2. BACKGROUND

It is in the interest of former and current clients of the department that their records be secure and accessible throughout the course of their life.

Service Providers with a service agreement to deliver services to clients of the department must manage the records of departmental clients according to Clause 20: Recordkeeping, of the Service Agreement, (refer to Appendix A for Clause 20: Recordkeeping).

Records managed by or on behalf of the department are corporate public records that should be kept in accordance with the following:

Public Records Act 2002

Child Protection Act 1999

Child Protection Regulation 2003

Evidence Act 1997

Freedom of Information Act 1992

Information Standard 18: Information Security

Information Standard 40: Recordkeeping

Information Standard 41: Managing Technology-Dependent Records

Records Management Services or the Community Service Team in the relevant zonal office of the Department of Child Safety, should be contacted for information on recordkeeping.

3. SCOPE

This document provides guidance to Service Providers for handling, creating, closing and sending client files to the department. Instruction is also provided on how to communicate with the department.

4. RECORDS

Records are the evidence of the transactions or activities of a Service Provider when providing services to clients of the department.

4.1 LEGISLATION

Public Records according to the *Public Records Act 2002* are,

(s6) A public record is (a) a record made for use by, or a purpose of, a public authority, other than a Minister, (b); a record received or kept by a public authority, other than a Minister, in the exercise of its statutory, administrative or other public responsibility or for a related purpose.

4.2 HARD COPY RECORDS

Hard copy records include paper hand written notes, memos, phone messages, emails, photographs, medical records, reports and registers. Records should be legible, dated, and contain references to the client.

4.3 ELECTRONIC RECORDS

The department will eventually move towards an electronic environment for recordkeeping. The department cannot currently accept electronic records as it does not have a suitable recordkeeping system to receive the information. Therefore, all records held in electronic form should be printed out and attached to the relevant client's file before sending to the department.

5. CREATING A NEW FILE

Physical files should be created for each client or family. Files should be maintained in archive quality folders with no metallic objects such as pins or paper clips. Contact Records Management Services to discuss the standards or alternatively refer to the Queensland State Archives web site, <http://www.archives.qld.gov.au>.

File covers should display the following:

- Client's full name (e.g. SMITH John)
- Date of birth (e.g. 18/04/1998)
- File part number (e.g. Part 2 of 2)
- Service Provider name
- File creation and closure dates (e.g. Created 01/03/2005 Closed 22/05/2008).

A new consecutive file part should be created when a file becomes full or unusable due to the volume of contents. Include the file cover details on the new file part cover.

Bulky records such as life diaries and video tapes should be labelled with the client's full name and date of birth. These items may be placed in a standard archive box (refer Appendix B). They should be stored in a secure location. Contact the department for more information or alternatively refer to the Queensland State Archives website: <http://www.archives.qld.gov.au>.

6. SECURITY AND ACCESS

It is a breach of the *Child Protection Act 1999* Confidentiality Provisions to disclose information provided by the department to any other party, other than as allowed by legislative exceptions e.g. (s187(3) and s188(3)). To prevent unlawful access, all records including files or unattached documents which contain information that may identify clients of the department should not be left unattended in any work environments (including in-trays). Information should be locked away when not in use and before leaving work for the day. Unauthorised persons should not be allowed to enter a secure storage area housing client related records.

Access to information is for those staff approved to do so for legitimate business purposes only. Information is to be treated in the strictest of confidence and is not to be divulged unless for legitimate business purposes. Departmental officers should have access to records if needed.

Client related records should not be transported out of the office. If this is considered necessary the records should be housed securely for example in a locked brief case and kept in the boot of a car when not in use.

Client related records that have been returned to the department may be accessed by clients and their families through the department's Freedom of Information provisions. Client records may be subject to FOI requests at any time. (See section 13)

7. STORAGE OF CLIENT RELATED FILES

Records should be stored in regularly maintained locations, with pest management programs in place, regular cleaning and kept free from water, dampness and mould. They should be stored in appropriate climatic conditions including, air purity and ventilation, away from direct sunlight, heat, and fire with adequate lighting.

8. MAINTAINING CLIENT RELATED FILES

All records created or received relating to a client, including hard copies of electronic documents such as emails, should be placed on the appropriate file as close to the time of creation as possible. The department will not accept loose paperwork when returning records.

Records in the possession of NGOs may be required to be produced for, or on behalf, of the department for subpoenas or other external scrutiny.

Records should:

- be attached to the file in chronological order
- relate to the client or their family as indicated on the file cover
- contain the full history of activities
- be accurate
- be returned to their file immediately after use
- be fastened securely
- be photocopied when created on thermal paper and the photocopy placed on the file.

A register should be created indicating all client related files held by the Service Provider. It should be kept up to date. The following metadata is required to be included in the register:

- Client's full name
- Date of birth

- File Part number
- Service Provider's name
- File creation and closure dates
- Sex of the child (refer *Child Protection Regulation 2000*, section 4 (2)(a)).

This register should be printed out and provided to the Department on cessation of business.

9. CLOSING CLIENT FILES

Client records must be maintained by the department for 120 years from the client's date of birth as per the Department of Child Safety, Retention and Disposal Schedule (QDAN 637 v1).

When activity for or on behalf of a client has ceased, or the service agreement is concluding, files should be closed and transferred to Records Management Services as soon as possible.

Archive boxes and logistical costs of sending closed client files will be covered by Records Management Services.

10. TRANSPORTING CLIENT FILES EXTERNALLY FROM A PROVIDER

All records that are to be transported externally from a Service Provider should be transported ensuring that the security of the records is maintained. Transport records:

- by department approved courier where possible or as a last resort use Australia Post's Registered Mail
- in an archive box or registered mail satchel that does not identify the client.

Contact Records Management Services or the Zonal Community Support Team at least four weeks prior to sending files.

11. DESTROYING RECORDS

It is an offence under the *Public Records Act 2002* to destroy individual records or whole files without authority provided under a suitable disposal authority. It is a requirement of Privacy Principles and the *Freedom of Information Act 1992* to keep records.

Records that may be destroyed by shredder or placed in an approved destruction bin include

- draft documents
- photocopies of original documents already held on a file; ensure that there are no annotations on the copy
- MS Word and other documents held electronically may only be deleted once a physical copy is placed on the file.

Records that may not be destroyed until their retention period has elapsed include

- original documents relating to clients
- any records that have been submitted to Freedom of Information
- registers.

Magnetic storage media (such as tape reels, floppy disks and hard disks) containing agency information is to be destroyed by erasure (not merely deleted or overwritten) prior to:

- return to a vendor for trade-in

- servicing
- disposal.

Client related records stored on magnetic storage media should be deleted and the storage media re-formatted by a reputable company before reuse.

12. CESSATION OF PROVISION OF SERVICE BY PROVIDER

The Service Provider must return all records pertaining to clients of the department on cessation of provision of service to clients of the department in accordance with Service Agreement Clause 20: Recordkeeping. A record includes physical copies of all records, files and registers that hold information which may lead to the identification of a client of the department including:

- client related files
- registers of client related files
- registers of clients
- administrative records that may contain information identifying clients of the department.

13. FREEDOM OF INFORMATION REQUESTS

Service Providers are not subject to Freedom of Information requests however the Department of Child Safety is subject to Freedom of Information and must be able to access all client related files.

In accordance with the *Freedom of Information Act 1992*:

- once closed Service Provider client records have been sent to the department, Service Providers have the legal right to request these records at any time.
- clients have the legal right to request records before and after they have been sent to the department at any time. Service Providers must refer clients directly to the department for Freedom of Information Requests.

Freedom of information requests may include:

- an application for access to documents held by the department; and
- an application to amend documents relating to your own personal affairs.

To request closed Service Provider client files that have been sent to the department, Service Providers and clients may submit a Freedom of Information Application Form. Contact the Freedom of Information Branch for more information.

14. FILE DUPLICATION

Service Providers may retain copies of client files before they are sent to the department, although this is at the expense of the Service Provider.

15. PRIVACY

The community expects that the department will respect and protect the privacy of personal information which includes client information held by Service Providers.

The department has produced a number of privacy fact sheets to assist non-government organisations to understand their privacy obligations.

These information sheets are intended as a reference to privacy legislation for non-government organisations. They offer succinct discussion and general explanation on a range of privacy issues. However, they do not cover all circumstances faced by the diverse range of organisations in the non-government sector.

The information sheets are advisory only and do not represent legal advice. If any advice of a legal nature is required, independent legal advice must be sought and the content of these information sheets cannot be relied upon. The above information can be accessed from the departmental website: <http://www.childsafety.qld.gov.au/privacy/ngos/>.

Contracts and agreements are held with non-government organisations who deliver approved services in accordance with the core legislation.

For more information on privacy contact the department's Privacy Contact Officer.

APPENDIX A SERVICE AGREEMENT, CLAUSE 20 RECORDKEEPING

20 Recordkeeping

20.1 Your records and files

- (a) You must store all records and files regarding the provision of the Services in secure storage.
- (b) You must maintain an individual file for each Service User.
- (c) Where the file or record relates to a Service User who is known to the State pursuant of the administration of the *Child Protection Act 1999*, you must:
 - (i) allow officers or employees of the Department access to the file; and
 - (ii) provide the file or record to the Department in the event that:
 - (a) You cease to provide the Services;
 - (b) The Service User to whom the file or record relates is no longer subject to the *Child Protection Act 1999*; and
 - (c) The Service User to whom the file or record relates turns eighteen years of age.
- (d) Where the Department requires You to give the Department these files, You:
 - (i) must give to the Department the original files; and
 - (ii) may only keep copies of original files for recordkeeping purposes.
- (e) You must comply with all directions given to You by the Department regarding the storage and destruction of any files (including copies of files) created during the performance of this Agreement.

20.2 Material of the Department

- (a) You must ensure that any material of the Department given to You is used, copied, supplied or reproduced only for the purposes of providing the Services.
- (b) On the expiration or termination of this Agreement, You must return to the Department all material of the Department (including all files and records) that the Department requires You to return.

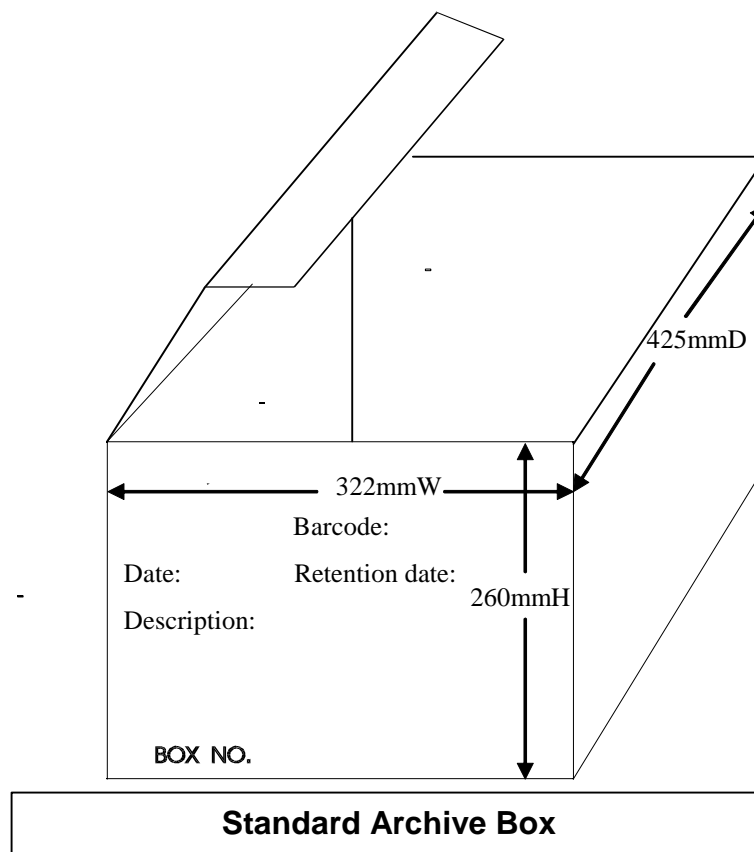
20.3 Survival

This clause 20 survives the expiration or termination of this Agreement.

(Version 5, November 2007)

APPENDIX B STANDARD ARCHIVE BOX DIAGRAM

A standard archive box is a box of standard dimensions used by Australian archival institutions: 322mmW x 425mmD x 260mmH.



Queensland State Archives. <http://www.archives.qld.gov.au/default.asp>