

## Checklist: How to Identify Recordkeeping Requirements in Legislation

| Key phrases in legislation  | The requirement is  |
|---|---|
| 'Must be in writing'  | ... a record must be created  |
| 'Give written notice'   | ... information must be supplied as a record that can be captured         |
| 'Provide further information'   | ... further information must be supplied as a record that can be captured |
| 'Kept in electronic form'   | ... necessary format of record  |
| 'Supporting documents'  | ... background information must be provided                               |
| 'There shall be a register of licences'   | ...that the register is a record and must be captured                     |
| 'The form must include the applicant's name and date of birth'  | ...that specific information must be captured                             |
| 'Applications must be lodged using an official form'  | ...that the record must be created in a specific format                   |
| 'The Registrar must keep all approved applications for a period of seven years from...'               | ...that the record must be kept for a certain amount of time              |
| 'The Registrar must destroy all unsuccessful applications one year after the date of their lodgement' | ...that the record must be destroyed after a certain amount of time       |
| 'The register must be open for inspection by the public'  | ...that access must be provided to the record                             |
| 'Applications must be stored in such a way as to keep their contents private'                         | ...that access to the record is restricted                                |

|   |         |        |          |         |         |           |             |      |
|---|---------|--------|----------|---------|---------|-----------|-------------|------|
| These words may indicate a recordkeeping requirement: |         |        |          |         |         |           |             |      |
| Agenda  | Copy    | Files  | Document | Bill    | Record  | Signature | Application | Plan |
| Report  | Minutes | Papers | Register | Permit  | Notice  | Endorsed  | Information | Note |
| Instructions  | Writing | Books  | Evidence | Licence | Receipt | Return    | Log         | Form |

**Example:** an internal procedure for investigating complaints about an employee might require your agency to check if there have been any other complaints about that employee in the past. Even though there is no mention of this in legislation, there would be a business need to keep a record of past complaints. The hidden requirement here is to create records that document complaints made about employees for future business use.

## Identify Types of Recordkeeping Requirements

You also need to recognise different types of recordkeeping requirements so that you can plan how to satisfy them. The following table shows a range of types of recordkeeping requirements and examples of each.

| Type of recordkeeping requirement   | Example  |
|---|--|
| Creation of a record  | 'A receipt must be recorded.'  |
| Capture and maintenance of a record   | 'Submissions received by the agency must be registered'<br><br>'A record of the conversation must be kept'<br><br>'Appeals must be commenced within 30 days of the receipt of the decision'<br><br>'An application for review must be made within the review period' |
| Retention and Disposal of a record (could be expressed in a number of ways shown below) |  |
| - in terms of the record's retention for a set period                                   | 'Leave records must be kept for at least 6 years'<br><br>'The record must be kept for the lifetime of the child'   |
| - in terms of the record's retention for an extended period                             | 'These records should be retained permanently'<br><br>'The records must be retained as State archives'   |
| - in terms of the record's destruction  | 'The records of the check must be destroyed within X months'<br><br>'Details of applicants contained within the register must be removed once the application has been decided.'   |

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|                                     |  |
|-------------------------------------|--|
| Access to a record                  | 'Licensees should not be given access to the records of other licensees.'            |
| The form a record should take       | 'A cash book should be created'<br>'A register must be kept'                         |
| The content a record should contain | 'The Register must contain details of the person's name, current address, interests' |
| The quality of the record           | 'Details in the register should be accurate and authenticated by a senior officer'   |

## Recommended Reading

Template: Documenting Recordkeeping Requirements

Advice 36 Legislative Mapping for Information Managers

## Further Advice

For more detailed advice, please contact:

Government Information Strategy Unit  
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## Acknowledgements

- How to find recordkeeping requirements Queensland State Archives
- Strategies for documenting government business: The DIRKS Manual, State Records Authority of New South Wales, Sydney, Australia 2003

## Information Security Classification

This document has been security classified using the Tasmanian Government Information Security classification standard as PUBLIC and will be managed according to the requirements of the Tasmanian Government Information Security Policy.

### Document Development History

#### Build Status

| Version | Date           | Author           | Reason          | Sections |
|---------|----------------|------------------|-----------------|----------|
| 1.0     | September 2015 | Allegra Huxtable | Initial Release | All      |

#### Amendments in this Release

| Section Title | Section Number | Amendment Summary                           |
|---------------|----------------|---|
|               |                | This is the first release of this document. |

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