



Information Governance ANZ

National Archives of Australia
Agency Service Centre

10 August 2020

Feedback on Exposure Draft

Information Governance ANZ is pleased make a submission on the exposure draft of the new policy for Australian Government agencies developed by the National Archives of Australia (NAA) – *Building trust in the public record: managing information and data for government and community* (the proposed policy).

Information Governance ANZ is a think-tank to develop and promote data and information governance global best practice. Our members comprise practitioners from a broad range of areas including legal, privacy, eDiscovery, forensic technologists, data, records, archives and governance – the professional backgrounds of the Executive Director, Advisory Board and International Council are available here - <https://www.infogovanz.com/about-us>.

Information Governance ANZ brings together practitioners with a multi-disciplinary approach to develop best practice governance solutions to current and emerging challenges arising from rapid technology changes and changing regulations. Our mission is to:

- Build the knowledge of information governance, best practices, and innovation;
- Ensure professional discipline of information governance is recognised as a key component to managing the exponential rise in data in the information age; and
- Create a community of information governance professionals.

This submission brings together the views of the following members of Information Governance ANZ:

- Christopher Colwell, Advisory Board member
- Carol Feuerriegel, International Council member
- Sonya Sherman, Advisory Board member
- Susan Bennett, Executive Director
- Professor Michael Adams, Advisory Board member

Opening statement

Information Governance ANZ welcomes the contribution made by the NAA to improving the state of recordkeeping and the promotion of good information governance across the Australian public sector and more broadly. The NAA should be congratulated on the model of information governance it has sought to expound and its leadership in this area through its policy *Digital Continuity 2020*.

The NAA's advocacy for good information governance and the position of Chief Information Governance Officer (CIGO), has been acknowledged, supported and cited by the Executive Director and other Advisory Panel Members of Information Governance ANZ in publications and presentations. Information Governance ANZ will continue to support these initiatives as they align with our own values and objectives.

It is against this background that we provide specific feedback on the proposed policy below:

Digital Continuity branding

The proposed policy outlines key information management requirements for Australian Government agencies and will take effect from 1 January 2021. It follows on from the previous policies issued by the NAA, *Digital Transition* (2011) and *Digital Continuity 2020* (2015), which concludes on 31 December 2020.

While information Governance ANZ respects the NAA's desire, in the current post-truth and pandemic environment, to move beyond its current policy setting of digital continuity to a more broad-based community and government focus, *Digital Continuity 2020* is an acknowledged brand that has created momentum across the Australian Government. The proposed policy should continue to build on this work rather than appear separate from it as the current name suggests.

The proposed policy might benefit from a name that better reflects the continuum on which it sits and that reflects the primary thrust of the proposed policy – building digital information management capability. Perhaps *building trust in the public record* might be better suited as an explanatory subtitle of a policy which builds on the 'digital brand'.

Terminology

Information Governance ANZ welcomes the terminology section at the beginning of the document and the use of the term 'information assets' as an encompassing term referring to refers to records, information and data collectively. The proposed policy would benefit from

noting that ‘information assets’ are form agonistic and represent things different stakeholders’ value, potentially for different reasons. This may have a direct impact on the management of the assets during their lifecycle depending on how the value is recognised – for example, at different levels of aggregation an indigenous group may place different value on the entirety of the public records created about them or the extant ‘public record’ regarding that group.

Information Governance ANZ also supports the use of the term ‘information management’ to refer to the collective management of ‘information assets’. However, while records management under the proposed policy is included within information management, we note that from a conceptual and practical level the marginalising of the actual preservation of the public record doesn’t adequately inform the broader discussion around long term and effective preservation of fully digital records that form the entirety of the Australian public record as a national historical treasure.

We also suggest, that by extension, it should be made clearer in the terminology section that the term ‘information governance’ be used to refer to the collective governance of data, records and information given the policy proposes a holistic governance framework for all information assets. The questions of information and data governance and the differences between them have received some attention in the literature and to date various models have not successfully integrated the two in a satisfactory way.

The NAA is ideally placed, by expanding its own already developed and tested information governance model, to create an integrated model that brings together the two disciplines in an integrated and complementary fashion, especially if it were to develop the model further in concert with other lead agencies across the Commonwealth such as those mentioned in Appendix B of the exposure draft and in particular the Office of the National Data Commissioner.

The proposed policy statement

Information governance is defined as:

the activities and technologies that organisations employ to maximise the value of information while minimising the associated risks and costs¹

The key statements and measures of success within the proposed policy align with the principles of good information governance, however the relationship between the proposed policy, the Information Management Standard and the *Archives Act 1983* (the Archives Act)

¹ Information Governance Initiative <https://iginitiative.com/>

is unclear. While they are all consistent with one another, they are a direct duplication or restatement of the same principles or requirements in many instances. In particular we refer to principles 1, 5, 6, 7 & 8 of the Information Management Standard and Sections 24 & 27 of the Archives Act.

If these relationships were made explicit this duplication and restatement would be unnecessary and would allow the policy to focus on what is clearly its intent – a strategic positioning and focus on improving certain areas of information management capability across government.

Relationship between data, information and records management

The proposed policy would also be enhanced by the inclusion of a positioning statement to articulate the relationship between data, records and information to enable a practitioner to integrate the two different practice groups (data and information management) under the banner of 'information management'. As the proposed policy currently reads it is difficult to 'right place' for the different audiences of 'skilled information management professionals' (page 9).

A positioning statement would make the policy more readily consumable, more immediately relevant and applicable to both areas of practice. The proposed policy could then build out the cross-disciplinary context by articulating the link between data and information management practices back to the requirement for long term preservation of a 'complete and accurate public record' the remit of archives and records management and the NAA.

Information Governance ANZ notes in the proposed policy use of the term 'records management' has consciously been avoided throughout. This should be given further consideration, since it omits to acknowledge that a significant proportion of unstructured information (the traditional form of public records) is now captured in cloud-based collaboration platforms used by public agencies. Platforms such as Microsoft Office 365 (M365), while presenting a user experience of an 'integrated information management system', is in practice, a disparate set of dispersed applications which could be located anywhere in the world. The actual data flow that comprise the 'business record' of events and decisions is also disparate and dispersed across a global platform - potentially across multiple geographic and physical locations (different data centres *in-country*) and also potentially different jurisdictions (different applications of the platform being located in different countries – Australia, Singapore and soon New Zealand).

What then constitutes the ‘full and accurate public record’ and how is it to be preserved? For example, what does a robust transfer standard and process for ‘complete, accurate and authoritative digital public records’ from a dispersed global cloud platform like M365 look like and how is it practically achieved by public sector agencies? These are the questions records practitioners and information governance decision makers are grappling with now and clear guidance from NAA informed by best practice drawn from across the wider sector and information governance industry groups will assist public agencies.

In the emerging digital workplace, such an articulation of the intrinsic link between data, information and records in an important policy needs to be set out. The policy glosses over these fundamental tensions almost as if it is assumed that those being asked to align with and implement the policy (information managers in government agencies) already have a deep multi-disciplinary and contextual understanding of the practical intersections of data, information and records management. Information Governance ANZ considers this to be a dangerous assumption evidenced by the diversity of data AND information AND records governance and management frameworks available and the marked lack of success to date in enabling cohesive multi-disciplinary preservation of the public record.

Actions for policy implementation

Information Governance ANZ notes the fragmented regulatory landscape for Australian Government data and information, with multiple Acts, policies, tools and guidelines administered by various authorities – each facing limited resources. Agencies are challenged to keep up to date with all the compliance and reporting requirements; to prioritise them for action and identify relevant guidance for implementation. We recognise the value of the Data Interoperability Maturity Model to help agencies visualise and navigate this complex information governance environment and believe the flexible approach to implementation adopted by the NAA is a positive step. This allows for agencies at different stages of maturity and with different models of governance to implement the policy outcomes in a way that works for that agency setting and culture.

We note in particular the role of the Department of Finance (Finance) in setting requirements and running the procurement processes for agencies seeking new recordkeeping systems, via the Digital Records Transformation Initiative and the role of the Digital Transformation Agency (DTA) setting the technology agenda underpinning these new systems. The policy should explicitly address the alignment and interaction of these activities – each of which impacts an agency’s ability to implement the others, and their overall information governance capability.

One way to illustrate this in a very practical sense, would be a collaborative case study with Finance and the DTA – potentially also the Office of the Australian Information Commissioner and National Data Commissioner. The agencies could identify one agency or one particular system and work together to take it through the entire range of requirements, to demonstrate what needs to be done, how it can be done, and to test the fitness of the policies to support information governance in the real business environment. Before and after measures can be used to indicate the resources required for implementation and the business benefits achieved. Choosing a project that is already approved and funded will minimise the resource impact on the NAA and other agencies and will also offer an opportunity for staff professional development and building partnerships with stakeholders (see also further case study suggestions below).

We note however that mandatory obligation for transfer is a mutual obligation on both the part of the Australian Government agencies and the NAA. It is our experience that one of the major reason agencies don't transfer records is not because they can't, but because the relevant archival authority cannot accept them in either their physical or digital form. We strongly doubt that NAA has the capacity to accept all the records designated as Retain as National Archives (RNA) and so this places an unreasonable burden on the NAA as well as agencies and sets the proposed policy up for failure before it begins.

Information Governance ANZ suggest that it may be better to consider introducing a mandatory requirement for agencies to have 100 percent disposal coverage and resourcing and supporting that initiative. This would then give the NAA a view of all potential RNA records across the Australian Government and, together with intelligence gleaned from the annual Check-up reporting, would allow the NAA to take a more strategic and targeted view of the records that it takes into its custody in priority order.

We also observe that agencies who are well resourced can maintain their own records and so these agencies present much less of risk to the records themselves. A more flexible approach should be adopted by the NAA that should include less cumbersome and more timely distributed custody arrangements between the agencies and the NAA. It is our experience that this process at present can take years without any satisfactory resolution. The ultimate goal should be the preservation of, and access to, public records regardless of their physical location.

It is also noted that the Australian National Audit Office has already issued findings and recommendations in relation to the implementation of *Digital Continuity 2020* and its successor

policies. Observations highlighted in this report include the preparation of a risk management plan for the successful implementation, developing an appropriate stakeholder and engagement strategy to ensure targets are clearly identified and agencies appropriately consulted. It is assumed that because the NAA agreed with these recommendations these actions will or have been taken. Information Governance ANZ considers both of these vital to the success of the proposed policy and its implementation.

Information Governance ANZ thinks it would also be helpful for the NAA to carry out a post-implementation review of the past 2 policies – to identify successes and lessons learned, acknowledging the performance audit report of the Auditor General and making clear how the new policy addresses the lessons learned for a more successful implementation. Where agencies have met the targets of DC2020, the NAA could also publish case studies and best practice examples that highlight how it can be done and the benefits for both the agency and its customers.

Proposed guidance

The list of proposed guidance is extensive and *Digital Continuity 2020* also had a similarly ambitious guidance agenda. While much of this guidance to support *Digital Continuity 2020* was of good quality and very comprehensive, this guidance was not always forthcoming in time for the implementation timelines set out in the policy or in time to meet the current needs of agencies. Much of the guidance to support the proposed policy e.g. decommissioning guidelines (given the focus of some aspects of the policy on legacy systems) is required now not in two to three years' time.

Information Governance ANZ notes that many of the products are focused on traditional records management concepts even though they are badged as 'information management'. While this guidance is necessary the NAA needs to consider how it will engage with audiences and technologies outside the traditional records and Electronic Document & Records Managements Systems domain and where trends and needs for agency adoption generally override consideration of traditional information management functional requirements. New technologies such as artificial intelligence (AI) also should figure in the NAA's thinking and guidance and there is definitely a role for the NAA to playing in guiding and leading the use of AI in areas such as disposal.

In this environment, and given the resource constraints of the NAA itself, the NAA needs to rethink the notion that it needs to develop and issue all of this guidance itself. It would be more efficient, for example, to draw on the resources of all agencies and acknowledge or accredit

best-practice examples from agencies themselves, or to accredit products or models developed by other professional associations and organisations. These could be best practice under the Archives Act in the same way that the ISO 15489 is accredited as a code of best practice for recordkeeping.

The NAA should also consider partnering with agencies such as the DTA, to be on the 'front foot' of emerging trends and technologies being pushed out across government, rather than play catch up after the event. As more and more agencies push to the cloud, particularly in light of the pandemic, the NAA could, for example, work with DTA and Microsoft to issue a configuration guide for a 'records compliant' implementation of Microsoft Office 365 (M365) for Australian Government agencies. The guidance should specify any risks agencies should consider with regard to personal or other sensitive information and records of long term or high value, recommending a range of strategies to mitigate this risk across an agency's information ecosystem. This could be similar to the 'configuration guides' have been developed for IT and security professionals and endorsed by the Australian Signals Directorate and the Australian Cyber Security Centre on how to configure your Azure AD to a PROTECTED level. This would ensure that all Australian Government agencies have a base-level configuration that meets minimum recordkeeping standards.

Developing 'configuration guides' for cloud platforms like M365 is a tangible way that NAA can ensure the connection between data management, information management and records management is made explicit for practitioners. Such guides would mean that public sector agencies can adopt common standards and configurations to consistently meet the public record compliance obligations defined by NAA. This would set a baseline standard for records compliance in M365 configuration, which would reduce risk and also lead to significant cost efficiency across the public sector, because individual agencies will not be needlessly investing in multiple divergent approaches promoted by different consulting firms seeking to exploit this gap in the information governance approach. It would support integration and interoperability with other systems that support government business processes.

Given the focus of the third element of the proposed policy, reducing areas of information management inefficiency and risk, Information Governance ANZ would also like to see the development of guidance and case studies that support a truly risk-based approach to recordkeeping. The obligations contained in policy and the subsequent guidance focus too heavily on systems-based approaches, rather than cultural or practical ones.

Conclusion

Information Governance ANZ was pleased to be invited to make a submission on the exposure draft of *Building trust in the public record: managing information and data for government and community*. A summary of our key recommendations are contained below:

- Consider continuing the 'digital brand' so the proposed policy appears a clear extension of its predecessors and in particular *Digital Continuity 2020*.
- Include a statement on the key intersection points between data management, information management and records management to help the reader to contextualise what is contained in the proposed policy. These intersection points include the mechanisms for interoperability such as ontology development, common language and metadata and potentially the design and training of artificial intelligence agents for auto-classification of content among others.
- Partner with key agencies to produce case studies and configuration guides that provide a holistic and complete perspective of all information and technology-related requirements, this a very real way the NAA can provide practical and real-world guidance to Australian Government agencies.
- Consider articulating more clearly the relationship between the Information Management Standard, the proposed policy and the Archives Act so that there is less duplication of requirements which might allow the proposed policy to focus more strategically on a capability building agenda, rather than a compliance one.
- Consider implementing the mandatory requirement for 100 percent disposal coverage to enable a strategic view of all RNA records across the Commonwealth to be assembled.
- Conduct and publish a post-implementation review of the previous two policies and how the current policy agenda has incorporated the lessons learned and the Auditor-General's recommendations.

If you wish to clarify any of our comments or feedback please contact us on the numbers below or via email at susan.bennett@infogovanz.com or phone 02 8226 8546.