



# Government information regulatory regimes: a challenge for information literacy in organisations



Maureen Henninger and Christopher Colwell  
University of Technology Sydney



# government regulatory regimes

- complexity of the environment
- government agenda, including open government
- rules of the game
  - legislation vs policy vs guidelines
  - how things are done in particular workplaces
  - different contexts and interpretations
  - different domain experts



# legislation and regulation

- Archives Act
- Privacy Act
- Freedom of information Act (FOI)
- Public Service Act
  - Machinery of Government (MoG) guidelines



# agencies involved

- Lead agency – National Archives of Australia (NAA)
  - Digital Continuity 2020
  - Digital information and records management capability matrix (digitally literate Australian Public Service employee)
- Digital Transformation Agency (DTA)
  - whole-of-government IT and digital service delivery
- Office of the Information Commissioner (OAIC)
  - privacy, FOI and government information policy functions



# the digitally literate APS employee

## National Archives capability matrix

Capabilities	Australian Public Service levels 5-6	Executive Level 1-2
<b>General principles</b>	understands information as asset	understands information as asset
<b>Legislative &amp; government environment</b>	whole of government and legislative basis	whole of government and legislative basis
<b>Information governance &amp; risk management</b>	understands risk management	applies risk management policies
<b>Agency environment</b>	applies agency policies, procedures and systems	guides agency policies, procedures and systems
<b>Destruction of information</b>	understands what can be destroyed under agency policy	understands what requires formal authorisation and what can be destroyed as part of normal work



# research question

Is it possible that a set of capabilities written from the perspective of one set of rules can truly reflect the complexity of the regulatory environment?

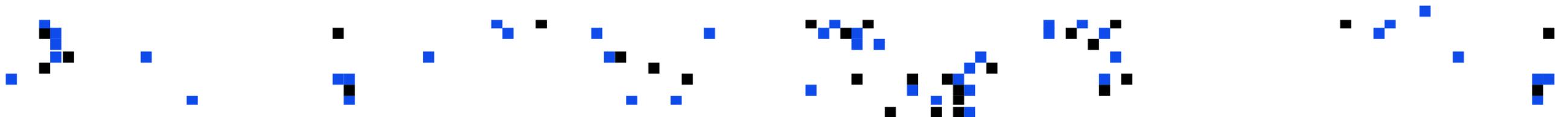
What is the baseline level of capability for staff in the Australian Public Service?

Are the aspirational set of capabilities set out in the matrix achievable, or indeed should they be?



# agencies

- two medium-sized (500-1000 staff)
- one large agency (5000 staff)
  - agencies (at Commonwealth level)
    - 2 inner government portfolio agencies
    - 1 “autonomous” agency
- 3 different government portfolios
  - commerce, communications & the law



# who were interviewed

- all staff
  - human resources legal professionals
  - legal professionals
  - marketing & communications professionals
  - business advisors
  - finance professionals
- ICT professionals
- information & records management professionals



# general principles

- staff articulated principles for keeping records from an individual, professional, agency and whole of government perspective
- reasons for keeping records differed depending on agency context but included accountability, business benefit, efficiency, risk management and cultural perspectives

*“For the Australian Government it’s risk mitigation. It’s FOI. It’s corporate memory. It’s learning what works and what doesn’t.. those are the reasons. But it’s also legal, as well. And it’s also – I think there’s a personal responsibility which does get drilled into you ... that’s why we’ve got a code of conduct.”*

*Digital marketing specialist - Agency 1*

*“More broadly I would say that it does enable society to investigate and to inquire into particular public organisations.. And the only way that you can really show them would be to have a record of some sort.”*

*Chartered Accountant – Agency 3*



# legislative awareness

- awareness generally of the major laws, but also more specifically in relation to the specific function they performed
  - legal professionals were across the legal requirements across a range of legislation
  - information management professionals had broad awareness across the range of policy and legislative requirements

*“The Archives Act is number one .. the Public Service Act governs the engagement, the employment and termination of public service employees .. the Fair Work Act as well and any of the human rights related, discrimination legislation. .. also the Work Health And Safety Act and the Safety, Rehabilitation and Compensation Act. ..the Long Service Leave Act and the Superannuation Act, <laughs>. Is that enough? .. and privacy. How could I forget .. Privacy and what else? Freedom of information Act and also for us, the Public Interest Disclosures Act. .. Don’t ask me to list anymore.”*

*HR professional – Agency 3*



# information governance and risk management

- some understanding that recordkeeping related to risk management and agency reputation
- risk-based decision-making in documenting issues – the significance of transactions generally warranted the level of recordkeeping

*Managing risk to cover yourself really <laughs>. Typical public service thinking. Put it in writing to cover yourself...*

*Legal professional - Agency 1*

*It would depend on the significance of the material, the significance of the context, the potential need for proof of a situation to aid memory of what has happened. There are obligations from the agency's point of view as to what should be kept, to maintain the continuity of history of what's happened and for an element of proof of what's going on.*

*Business Manager - Agency 2*



# agency environment

- awareness of the agency policy at a high level
- more detailed knowledge of the procedures in relation to own areas
- protective security policy had limited application in two agencies and “liberally” in the third
- authority of agency records was not questioned in the same way as external sources

*I know it's extensive. I know that we have a level of policies and procedures and protocols around information retention and how it's dealt with down in the content services area but I wouldn't say it was particularly detailed. If I have an instance where I have to go and participate in it or we have a practice, that's when I become involved.*

*Business Manager – Agency 2*



# destruction of information

- generally understanding of the life-cycle and retention – with some understanding of the formal authorisation process
- agency/cultural/individual value associated with longer term retention and some understanding that some records are permanent or ‘archives’

*“In relation to how we retain records and the duration of time we retain them and the format which we retain them and .. I’m aware that we go through a process of the destruction of files and I’m given file lists and asked to confirm whether we can destroy them or keep them”*

*HR Professional – Agency 1*

*“The National Archives, their tagline is, ‘The nation’s memory’. Significant records need to go to archives, I think it’s how I would consider it. So there’s some decision making about what significant records need to go to archives.”*

*Communications professional - Agency 3*



# understandings

- staff demonstrated general understanding across the capability areas
- generally good understanding of legislation across their particular workplace/context/domain – no need to understand all
- domain specialists
  - legal professionals understanding on issue by issue basis
  - information professionals understanding across most legislative and policy



# conclusions

- digitally literate APS employee - aspirational and potentially achievable?
- BUT
  - limitations of seeing information literacy as simply a set of capabilities
- limitations of theory outside of context
  - nuances in rules
  - tensions in contexts
  - tensions in interpretations
  - matrix speaks big but of necessity focusses on small



Thank  
you

