September 2018

Regulatory Programme
Be supported

6

Introduction

Archives New Zealand is developing a work programme focused on raising information management (IM) capability across the public sector and ensuring our regulatory approach is fit for purpose in an increasingly digital environment. The scope of the programme extends to both public offices and local authorities, i.e. the public sector. It's part of a larger work programme to implement our long-term strategy, **Archives 2057**.

We regulate the vast volumes of information the public sector creates about its work and the people it serves. We're here to make sure information is created and managed well, so that it supports transparency and accountability, the shift to digital government, and the cultural heritage aspect of our role. We enable the public to use recorded evidence as the basis for a check on the power of government.

We're now sharing our work with stakeholders to get their thoughts on what we're planning. Although the programme is underpinned by our own regulatory goals, we've chosen to shape it around what we think our regulatory partners need from us. Those needs are represented by four themes (see below).

This will be a multi-year programme, and for some activities we'll need to develop our capability or secure funding first. We'll use the feedback we receive to help with prioritising what activities we undertake and when.

UNDERSTAND
IM

SET UP
IM

Regulatory
Programme

BE
SUPPORTED

MAKE IM
HAPPEN

What we'd like to know

Questions

- How will the activities we're planning make a difference for you and/or your organisations?
- What implementation challenges do you anticipate?
- What activities have we overlooked?
- What activities should we focus on first and why?
- What activities are not worth doing and why?

How to provide feedback

Visit our **online discussion forum** to learn more about the programme and provide feedback. Our staff will be present on the forum to answer questions and guide discussion. The online discussion will run **until 12 October 2018** (5pm). Alternatively, you can send comments to **rkconsultation@dia.govt.nz**

Be supported
Working together to improve performance

We've identified **four** focus areas for supporting organisations with their IM.

Relationship management

Relationship management is an important component of successful regulation. It's about working with organisations to make it easier for them to engage with our requirements and meet them, as well as raising our profile with key all-of-government roles to make sure work is linked-up. At the same time, we have regulatory objectives to meet, so we expect that sometimes organisations will be unhappy with the actions we take in the interests of the people who benefit from our regulation.

At the moment, we do relationship management on several fronts that can involve working with different people at different levels in the same organisation. They aren't always fully-informed of the other relationships that exist, and the information we gather from these interactions isn't always connected into a complete picture of the organisation.

We want to develop an approach that provides a better experience for regulated organisations, but also makes clear the boundaries of the relationship, building on our Regulatory Statement. Following on from that, we'll look at whether a new relationship management model is needed and how to link up all the information we hold about our interactions with an organisation, so that when we do engage all parties are well-informed.

Activities

- Develop relationship management approach

- Design and implement new relationship management model

- Implement technology to facilitate relationship management

Complementary activities

We expect that the work we've started to redevelop our online channels will increase our options for how we and organisations interact with one another.

We want to do more to influence senior decision-makers and relationship management will be a big component. For more information, see the *Understand IM* theme.

"Fit-for-digital" tools

Many of the approaches that we're all used to taking with paper-based information aren't as efficient or effective for digital information. The large volumes of digital information being created by organisations call for tools that provide smart solutions for practicing IM. The technology available is constantly evolving and we see a future where IM practitioners spend more time training technology to do IM tasks for them.

Currently, we don't actively research or share findings about emerging tools, apart from some guidance on tools for digital transfer. The Chief Archivist has a leadership role in public sector IM and we think this extends to maintaining and building awareness of tools that can help IM practitioners with the full spectrum of IM. We don't expect to endorse specific tools, but rather focus on environmental scanning, testing and reporting. We also don't expect to always be the ones leading research. We'll take what opportunities we can to work alongside our peers in New Zealand and other jurisdictions with similar interests, such as the Australasian Digital Recordkeeping Initiative (ADRI).

In particular, we want to explore tools that simplify or automate the processes associated with applying disposal decisions to digital information (i.e. sentencing). We're interested in analytical tools that can help organisations search, structure, de-duplicate and identify older digital information. We also want to research preservation and access options for new forms of digital information that are beginning to accumulate. We want get ahead of the technology challenges facing IM, so that we can provide topical advice to IM practitioners.

Activities

- Develop digital IM research plan

- Test and report on tools for digital IM

Complementary activities

We want to implement a new relationship management model that will enable us to collaborate more with organisations to help them implement tools for digital IM. For more information, see the *Relationship management* focus area.

Monitoring and reporting

When it's done right, monitoring and reporting can both support organisations to improve their IM and enable us to fulfil our legal obligations. Previously, we've done monitoring through annual surveys and audits of public offices. Our past efforts haven't delivered a comprehensive view of IM performance and progress over time, or informed our education offerings, follow-up and enforcement as well as they could. We want to move to a framework that uses all of our monitoring and reporting tools in a unified and complementary way, and covers all the organisations we regulate.

We're already developing our monitoring framework. Read more about the design and components in the spotlight section below. Next, we want to develop our follow-up and enforcement approach, so that organisations understand what steps we'll take if they aren't performing as well as they should be. We know from our previous audit work that many IM practitioners want us to follow-up more firmly on poor performance, so that they can get better traction for IM with senior decision-makers. Follow-up and enforcement may occur out of our monitoring work, but will also result from reports of non-compliance or occur to give organisations a push towards meeting requirements that aren't a top priority for senior decision-makers, like transferring and classifying access at 25 years.

We also want to look at how we can use reporting to heighten awareness of both poor and good practice. We're already required to publish an annual report to our Minister, but we think there's more we could do, from making specific recommendations to organisations and publishing individual audit reports to publishing case studies that provide models for good practice.

Activities

- Implement new monitoring framework, including follow-up approach

- Develop enforcement approach

- Develop communications and reporting strategy

Complementary activities

We want to encourage use of information asset registers (IAR). They'll be a valuable source of data for monitoring and will help to minimise the number of things we have to ask organisations about, because they'll already be captured in the IAR. For more information, see the *Understand IM* theme.

We're also looking at mandating disposal implementation plans as a condition for receiving disposal authorisation. To be effective, the plans will need to be monitored. For more information, see the *Make IM happen* theme.

Spotlight: Developing our monitoring framework

We're developing a monitoring framework that integrates all our monitoring tools and creates a strong, persistent knowledge base for reporting on performance and informing our regulatory activities.

Design of framework

The framework consists of three key components: what we want to know, how we find it out, and what we do with it (see below). Its delivery will be underpinned by the *Relationship management* focus area.

The second component improves on our earlier monitoring efforts by using all of our monitoring tools, rather than focusing on just one at a time. This means that we can monitor all the organisations we regulate and maintain a comprehensive view of IM performance over time, as well as doing point-in-time monitoring, like audit. By incorporating secondary data sources, such as our archives management system, it also minimises the number of things we have to ask organisations about directly. Where we can, we'll seek to collaborate with other leaders and regulators that do information-related monitoring, like the Government Chief Privacy Officer.

The third component fills a gap in our previous framework by making best use of the information we collect to drive improvements in both organisations and our own regulation.

1. What we want to know

- Public sector performance against IM requirements
- Overarching picture of public sector IM, including challenges and opportunities

2. How we find it out

- Surveys
- Audit
- Inspection
- Executive Sponsors
- Information asset registers
- Archives management system
- Relationship management

3. What we do with it

- Recommendations to individual organisations
- Annual report to Minister
- Audit reports
- Case studies
- Feed into follow-up and enforcement
- Feed into how we regulate
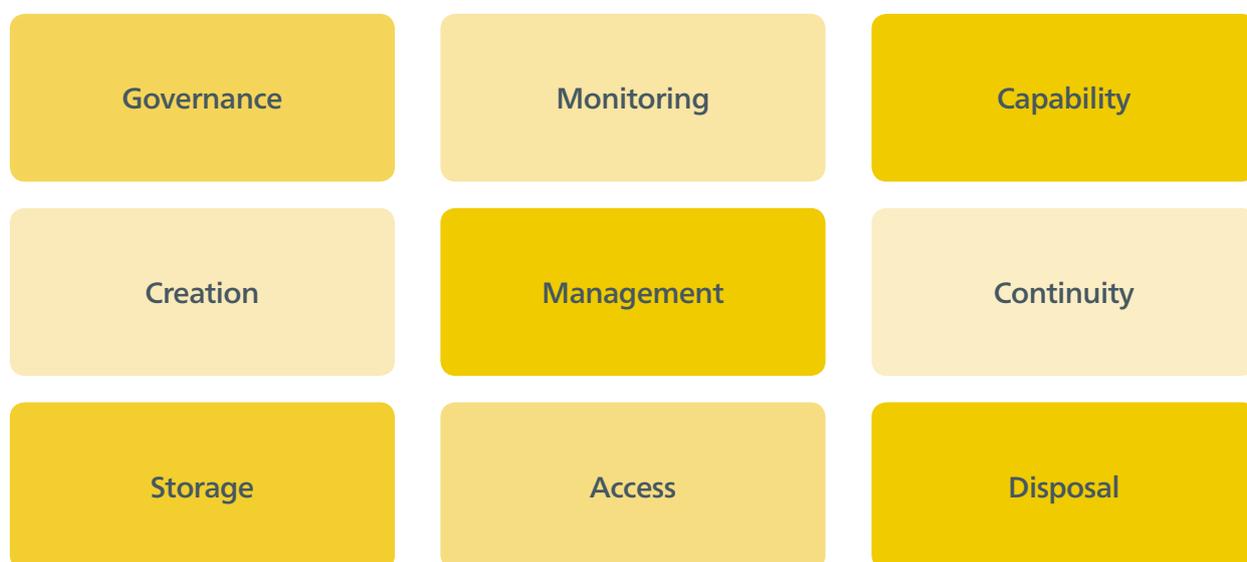- Feed into education offerings

Feedback on the first audit programme has given us a good idea of what IM practitioners want to get out of our monitoring. This has informed our planning for robust recommendations and follow-ups as outputs of monitoring. Where possible, we also intend to design our monitoring tools so that IM practitioners can also use them for self-monitoring.

Criteria for measuring performance

So far, we've focused on developing the criteria for measuring performance against IM requirements. These are based on the requirements set out in the Public Records Act 2005 and in any regulatory instruments issued under the Act, like the Information and records management standard 2016. The criteria have been arranged into nine categories that represent the full range of IM practice (see below).

As we've developed the criteria we've tried to future-proof them against change, so that we can measure organisations consistently over time. We've also made sure that they capture the requirements for all the organisations we regulate. We'll be testing them with organisations once they've been built into our final selection of monitoring tools.

Governance	Monitoring	Capability
Creation	Management	Continuity
Storage	Access	Disposal

Monitoring tools

We've identified which tools we'll use to find out what we want to know, but we haven't finalised exactly how they'll be used and how often. Our primary concern is balancing effort and expense, for both us and organisations, against the type of insights we all need over time. For example, audit and inspection are important for demonstrating performance, and we have a legal requirement to audit, but they're also resource-heavy and audit doesn't lend itself to collection of longitudinal data.

The audit component of the framework will commence in 2020/21. At the moment, we're considering theme- or risk-based auditing. Theme-based audits would operate a bit like the performance audits conducted by the Office of the Auditor-General, with the theme changing from year-to-year. This would allow us to be more responsive to current challenges and opportunities occurring in public sector IM. Risk-based auditing would mean that some organisations get audited more frequently than others, based on their IM risk profile. Initially, we'd need to use the data we collect through other monitoring tools to build up risk profiles.

Besides audit, we'll use other monitoring tools that enable more frequent monitoring and support a comprehensive view of IM performance and progress over time. One option is to mandate regular reporting through our standard. Another is "direction to report", which can be used in a variety of ways, from running surveys or self-assessments to requesting specific documentation from organisations to demonstrate performance.[1]

Next steps

We'll make final decisions on how to implement our monitoring tools, build our questions into them and design the necessary processes to wrap around them. We expect to engage more with organisations to test prototypes in the coming months.

1. As per s31 of the Public Records Act 2005

Driving digital transition

In other jurisdictions, national and federal archives have started setting policies to limit the creation of paper-based information. The National Archives of Australia has taken the position that any information created digitally after 2015 will only be accepted for transfer in digital form.[2] The federal archival authority in the United States of America has gone a step further: after 2022 it will only accept transfers in digital form.[3] The idea is that by setting a date, organisations will be motivated to speed up their shift away from paper-based processes.

We're still determining whether setting such a policy is an effective means of meeting our goals. On the one hand, fully digital public sector information is critical for enabling next generation access and usability, as well as digital government services. On the other, the majority of public sector organisations are already on the journey to entirely digital work processes. There's also no evidence that digital information will be better managed just because it's digital. We want to avoid directing organisations' attention too much towards digitising paper-based information, at the expense of putting good digital IM in place.

Work to develop the Regulatory Programme has shown that an emphasis on better digital work processes, information and IM is clearly needed. For now, we want to further explore the effectiveness of a policy change on the format of transfers, and learn more about the experiences in other jurisdictions.

Activities

- Develop position on mandating digital transition

Complementary activities

All the activities in the Regulatory Programme are aimed at building capabilities, tools and regulations that drive the transition towards fully digital information and IM.

2. National Archives of Australia (Digital Transition Policy)

3. National Archives and Records Administration (2018-2022 Strategic Plan at p.12)

What does this mean for me?

Senior decision-makers

- I may be expected to invest in eliminating paper-based processes.

Staff in public sector

- I may have to stop creating paper-based information.

IM practitioners

- I'll have a knowledgeable point of contact for all my enquiries.
- I'll hear more from Archives New Zealand about what tools are out there that can help me do my job.
- I'll know what monitoring activities my agency is expected to participate in.
- I'll know how my organisation measures up against IM requirements.
- I'll know what will happen if my organisation isn't performing as well as it should be.
- My organisation may have to stop creating paper-based information.

People outside the public sector

- I'll hear more about how well public sector organisations are doing at meeting Archives New Zealand's requirements.
- I'll trust that the public sector is practicing accountable IM.
- I'll see Archives New Zealand using its leadership role and regulatory tools effectively.