

Archives and Records Management Policy of the Legislative Council

1. Policy Statement

1.1 It is the policy of The Legislative Council Commission (“the Commission”) to recognize that records are vital information assets which give evidence of decisions and actions, facilitate on-going business operation, provide for organizational transparency and accountability, and support archival functions and services.

1.2 To ensure proper recordkeeping, enhance operational efficiency and effectiveness and preserve archival records for continuous access and use, the Commission provides the necessary policy framework, resources and supporting structure to improve records management practices, information access and preservation of archival records according to institutional mission and goal, and in compliance with regulatory requirements.

2. Scope

This policy applies to all permanent and temporary staff of the Legislative Council.

3. Application

This policy covers all records of the Legislative Council regardless of their content, format, storage media and security classification that are created, received or acquired by the Legislative Council but excludes private papers and records of Legislators.

4. Authority

This policy has been developed in consultation with the staff of the Legislative Council Secretariat (“the Secretariat”) and endorsed by the Commission on 28 September 2011.

5. Purpose

5.1 The purpose of this policy is to ensure that adequate, accurate, reliable and usable records of Legislative Council in the course of its business are created, captured, managed, stored, accessed to and disposed of properly with

those of enduring value be preserved as archival records for continuous access to meet operational needs, legal requirements, accountability and public interest.

5.2 This policy provides for the functions, duties and power of the Legislative Council Archives in the management of the records of the Legislative Council; selection and processing of archival records for preservation and continuous access; and promotion of public awareness, understanding and use of the archival records under its care. Responsibilities of Heads of Divisions and staff of the Secretariat, and their working relationship with the Legislative Council Archives are specified to facilitate implementation of this policy.

6. Definitions

6.1 For the purpose of this policy, the following definitions are used:

Appraisal: the process of determining which records have enduring evidential, informational and/or historical value for permanent preservation as archives and which records could be disposed of by destruction or other means.

Archives (Archival records): the records appraised by archivists of possessing enduring value and should be permanently preserved. It also means the organization responsible for performing archival functions and services.

Classification: systematic identification and arrangement of records based on their business activities, content and security requirement and according to logically structured conventions, methods and procedural rules.

Classification Scheme: an approved hierarchical list of terms to be used in the classification of papers, correspondence and other recorded information that are to be kept as records.

Disposal: the range of processes relating to the decision and implementation of retention, destruction, transfer or technology migration of or relating to the records.

Inactive records: those records rarely or no longer required for action or reference.

Legislative Council: this includes the Legislative Council and its committees and subcommittees, The Legislative Council Commission and the Legislative Council Secretariat unless otherwise specified.

Metadata: data describing context, content and structure of records and their management through time.

Records: means recorded information regardless of the form or medium created,

received or acquired during official business by any organization or individual that serve as evidence of the business transactions and activities and are kept for reference and other official purposes.

Records Retention and Disposal Schedule: a set of authorized instructions allocated to a class or a group of records that determines the length of time for which the records should be retained for operational, fiscal or legal purposes and their eventual disposal by destruction or transfer to the archives, etc.

Recordkeeping: the making, capturing and maintaining of complete, adequate, usable and reliable evidence of business functions and transactions in the form of recorded information as and when needed.

Records management: planning, directing, controlling, reviewing, training and other managerial activities involved with respect to the creation, classification, indexing, distribution, handling, use, tracking, storage, retrieval, protection and disposal of records to achieve adequate and proper documentation of policies, decisions and transactions as well as efficient and cost-effective operation.

Records system: any information system whether manual or electronic that captures, classifies, manages and provides for access, use, storage, maintenance and disposal of records through time.

Transfer: means sending archival records from one office to the custody of the Legislative Council Archives for preservation and access.

7. Roles and Responsibilities of the Legislative Council Archives

7.1 The Legislative Council Archives headed by the Chief Archivist ensures proper management of all records of or acquired by the Legislative Council regardless of their nature, content, physical format or security grading. It appraises and nominates records of enduring value as archives. It is also responsible for description and preservation of archives for access and use by Members and their staff, staff of the Secretariat and the general public in compliance with institutional policy and prevailing laws of Hong Kong; as well as promoting public awareness, understanding and use of archival records for educational and other lawful purposes.

7.2 In performing the above tasks, the Legislative Council Archives develops an archives and records management programme for the Legislative Council and issues records related policies, standards, guidelines, and mandatory requirements and procedures according to international standards and best practices. It provides related advice, assistance, training and services to staff of the Secretariat to assist programme implementation.

7.3 The Legislative Council Archives reviews implementation of the archives and records management programme and monitors compliance of mandatory requirements and procedures by conducting record surveys, inspection and audit of the Divisions of the Secretariat. Cases of non compliance entailing possible serious consequences will be reported to the Secretary General via Heads of Divisions.

8. Responsibilities of Heads of Divisions

8.1 Heads of Divisions are responsible for the application of this Archives and Records Management Policy in their area of responsibility so that there will be proper control of the quality and quantity of records from the moment the records are created or received to their final disposal.

8.2 A Head of Division should nominate one or more Records Officer as required by the size or the number of functional units in the Division for liaising with the Legislative Council Archives to ensure compliance with this policy and implementation of the related standards, guidance and procedures issued by the Legislative Council Archives.

9. Responsibilities of Staff

9.1 Information technology system administrators are responsible for involving the Legislative Council Archives in the creation of new databases and/or development of automated records systems to determine the recordkeeping rules and tools that need to be accommodated.

9.2 All staff of the Secretariat should make themselves understand the requirements of this policy and ensure that in their daily work, they create and manage records in accordance with the standards, guidelines and procedures laid down in this policy.

10. The Policy and Related Standards, Guidelines and Procedures

All records created or received by the Legislative Council in the course of official business of Legislative Council shall be the property of the Commission and be managed according to this policy in association with relevant standards, guidelines and procedures issued by the Legislative Council Archives that are endorsed by the Secretary General.

11. An Integrated Approach

11.1 Under this policy, the Legislative Council Archives will take an integrated approach in instituting and implementing an archives and records management programme including without limiting to the proper classification, handling and storage of records, disposal arrangements, management of electronic records and monitoring of the archives and records programme.

11.2 This approach will integrate the selection, nomination and preservation of archives with active records management under centralized policies, standards, guidelines, and mandatory requirements and procedures covering the entire life cycle of records that are sufficient to ensure consistent application but permit flexible and practical implementation to meet operational needs.

12. Active Records Management

12.1 Each Division of the Secretariat must have in place an adequate recordkeeping system for documenting its business activities and provide for convenient information retrieval. This must take into account the operational, legislative, financial and regulatory environment in which the Legislative Council operates, the records standards, guidance and procedures issued by the Legislative Council Archives and compliance with this Archives and Records Management Policy.

12.2 Records created for a business activity must be complete, accurate and captured into the recordkeeping system to ensure their authenticity, integrity, reliability as well as their accessibility and usability at all times throughout their life cycle.

12.3 Records of sensitive nature or submitted in confidence should be classified into Restricted, Confidential, Secret or Top Secret as appropriate to help identify their requirements for special handling, authorized access and secure storage. Authorized officers should declassify those records no longer required to be security graded as soon as possible or at least every 4 years.

12.4 Each record shall be assigned a unique reference number arranged under a consistent and logical classification scheme for easy retrieval and systematic disposal according to the records retention and disposal schedules drawn up by the respective Division and the Legislative Council Archives if available.

12.5 Electronic systems holding records must retain adequate metadata to ensure the integrity of records and the accessibility of the information recorded as long as required. In the short run, all official records created electronically should be printed and filed until such time that a viable electronic recordkeeping system is installed.

12.6 Maintenance of electronic records may involve migration of data. Migration must be authorized by the Chief Archivist and must produce authentic, complete, accessible and useable records. If data loss is unavoidable, what and where data loss will occur must be documented in detail.

12.7 The recordkeeping system, whether manual or electronic, must include rules for classification, titling, security grading, and retention and disposal requirements to facilitate retrieval, handling, maintenance and disposal. These requirements should be included at the design stage of any such systems.

12.8 The location and movement of records shall be controlled and updated to ensure that the records can be easily traced and retrieved as needed. An auditable trail of record movement should be prepared and updated regularly. The audit trail should include at least information on who has retrieved the respective record, if there is any addition or change made to the record and the dates of record retrieval and return.

12.9 Storage accommodation for records should be clean, tidy and secure, meet regulatory requirements for fire safety and prevent damage to the records. Equipment used must be safe for people and records, and allow maximum accessibility to records commensurate with their frequency of use. Classified records should be stored under lock when not in use and never be left unattended.

12.10 Staff must not alter, mutilate, damage, destroy or remove any official document, file or recorded information in any format that is kept or intended to be kept as an official record of the Legislative Council.

13. Inactive Records Management: Records Disposal

13.1 Records shall be retained for as long as they are required to support business requirements and legal obligations. At the end, the records will either be destroyed or transferred to the Legislative Council Archives if they are appraised by the Chief Archivist to have enduring value.

13.2 Rarely used records or those not used for official purpose but are still required for retention should be sent to the Chief Archivist for inactive storage.

13.3 No records shall be destroyed without consulting the Chief Archivist. Records should be disposed of according to the time and action prescribed by their respective records retention and disposal schedules developed by Divisions with guidance of and approval by the Legislative Council Archives. Records or samples of records that are proposed for disposal should be sent timely to the Chief Archivist as and when required for appraisal and/or the drawing up of records disposal and retention schedules.

13.4 Inactive electronic records may either be retained on servers or offline (on CD ROMs, DVDs, magnetic disks or other removable media). Records of short term value will be disposed of at suitable intervals according to the respective records retention and disposal schedule. Records of archival value should be transferred to the Legislative Council Archives for preservation in the formats and media required by the Chief Archivist.

13.5 The Legislative Council Archives shall have in place systems for managing appraisal and recording the disposal decisions taken. Disposal decisions must take into account the values of the records, the risks to the business associated with destruction or delay in appraisal, the volume and nature of records, the time taken to appraise records.

13.6 Records selected by the Chief Archivist as archives must be transferred to the Legislative Council Archives for permanent preservation. Records that are not selected and have reached the end of their administrative life should be destroyed in a secure manner.

13.7 Classified archival records should be reviewed for declassification by the records transferring Division before they are transferred to the Legislative Council Archives. Those remain classified after transfer will be reviewed for declassification by the transferring Division (or its successor in function) and the Legislative Council Archives.

13.8 A destruction log should be maintained by Divisions to record the destruction of records, showing their reference number, description, date and the authority for their destruction. If a record due for destruction is required for audit, investigation or any information request by law, destruction must be postponed until the matter is closed and all actions of complaint, appeal or claims have been completed and settled.

14. Archives Administration

14.1 The Legislative Council Archives shall develop and maintain policies about what records will be selected for permanent preservation and how the archival records shall be accessed.

14.2 The Chief Archivist shall determine which records have sufficient historical or other enduring value to warrant their continuous preservation as the archives of the Legislative Council. The Chief Archivist may consult experts from the relevant fields in ascertaining the archival values of any record and report to the Secretary General.

14.3 Records nominated as archives must be timely transferred in the form required by the Chief Archivist for preservation to the Legislative Council Archives or to a suitable place assigned by the Chief Archivist and approved by the Secretary General. The time for transfer should be specified in the records retention disposal schedules or if there is none, it should be specified by the Chief Archivist in written form.

14.4 The Chief Archivist develops and implements an archival access policy with approval of the Commission. The archival access policy should determine what records and when such records will be made available to staff of the Secretariat, Members and their Assistants and the general public subject to institutional requirements in meeting transparency, accountability, promotion of research and studies and in compliance with the laws of Hong Kong.

15. Monitoring

The Legislative Council Archives may review the recordkeeping system and practices of Divisions from time to time in compliance with this policy and other mandatory records management requirements and procedures, and give advice to improve the management of records. In cases of a serious violation or a serious risk is posed to official business because of improper records practice, the Chief Archivist shall report the matter to Secretary General via the Heads of Divisions.

16. Standards, Guidelines and Procedures

To ensure effective and consistent implementation of the archives and records management programme, this policy shall be supported by standards, guidelines and procedures to be issued by the Legislative Council Archives.

17. Review

The Policy will be reviewed at least once every three years. The next review will be conducted in 2014.

18. Enquiry

All enquiries relating to this policy should be addressed to the Chief Archivist of the Legislative Council Archives.