

Legislative Council Panel on Constitutional Affairs

Management of Government Records

Purpose

This paper briefs Members on the management of government records.

The Existing Regime

2. Records are valuable resources of the Government to support evidence-based decision-making, meet operational and regulatory requirements. The Government fully recognises the importance of records management in enhancing openness, accountability, efficiency and effectiveness, and is committed to identifying and preserving government records having archival value. While Hong Kong has not implemented an archives law at present, the essential principles of records management adopted internationally have been implemented in Hong Kong through a comprehensive administrative framework underpinned by a set of mandatory records management requirements. These principles include designation of obligations and responsibilities of government agencies; promulgation of recordkeeping standards and requirements covering the whole life cycle of records management from creation and collection, classification, scheduling and final disposal of records, to records transfer; and public access to archival records. The following paragraphs explain the existing regime in detail.

Obligations and responsibilities

3. Responsibilities for proper management of government records are shared between the Government Records Service (“GRS”), which is the central records management service agency of the Government, and bureaux and departments (“B/Ds”) that create and collect records. Established under the Administration Wing of the Chief Secretary for

Administration's Office, GRS is responsible for formulating and monitoring government records management policy and requirements, reviewing records management practices of B/Ds, preserving government archives and providing off-site records centre services.

4. B/Ds are required to institute and implement a comprehensive records management programme in accordance with the Government's policy and requirements, taking their unique operational and records management needs into account. The programme aims to provide proper handling of government records through establishing control for the creation, organisation, maintenance and disposal of records. The head of B/D assumes the overall responsibility of its records management. A directorate officer is designated to oversee the matter to ensure that its records management programme is supported by the corporate policy with allocation of appropriate priority and resources. To assist the head of B/D in the establishment and implementation of the departmental records management programme, a Departmental Records Manager ("DRM"), who is normally the Departmental Secretary or an officer not below the rank of Senior Executive Officer ("SEO") or equivalent, is appointed to take up the responsibility. As records management is a joint effort, all officers in a B/D should cooperate with their DRM in complying with the procedures and requirements set out in the departmental records management programme.

Recordkeeping requirements

5. It is the Government's policy and requirements that the records management programme in each B/D should apply to the entire life cycle of a record from its creation to final disposal. These requirements are summarised in paragraphs 6 to 20 below.

(a) Creation and collection

6. The Government has promulgated guidelines on creation and collection of records to assist B/Ds to enhance their records management practices. The principles are that records should be created and collected

to meet B/Ds' operational, policy, legal and financial purposes; and document accurately and adequately government functions, policies, procedures, decisions and transactions to serve as reliable evidence; and that the creation and collection of records should be adequate but not excessive.

7. As a systematic approach to records creation and collection, B/Ds have developed business rules to document decisions as to what records are to be kept by B/Ds, covering all their business functions and activities. These business rules, which incorporate records creation and collection as part of daily operation and hence minimise the risk of inadequate creation and collection of records, are promulgated by B/Ds in a way that can be used by their staff in their daily work. Currently, over 30,000 sets of business rules have been established in all B/Ds. To cope with changing circumstances, B/Ds will review their business rules at least once every two years.

8. Apart from paper records, B/Ds keep e-mails created or received in the course of official business as records to serve as evidence of such business. For those B/Ds which have yet to implement an electronic recordkeeping system ("ERKS") for keeping electronic records, they are required to print and file e-mail correspondence in paper-based files for record purposes.

(b) Records inventory

9. An accurate inventory of records is a prerequisite for good records management because it facilitates efficient control and retrieval of records and provides basic information to support records management activities e.g. establishing disposal schedules. Accordingly, all B/Ds are required to prepare and maintain an accurate inventory of records which should at least include file title, file reference number, date opened and date closed, and storage location. Such records inventory should be regularly updated to cater for changes.

(c) Classification

10. To facilitate a wide range of records management activities, including identification, capturing and retrieval of records, security and access control, B/Ds are required to organise records systematically according to a records classification scheme¹. They are required to seek approval from their respective DRMs for adoption of new classification schemes.

11. There are two categories of records in the Government, namely administrative records² and programme records³. Given the generic nature of administrative records, GRS has promulgated a standard classification scheme providing standard primary subject terms on administrative activities. B/Ds are required to adopt the standard classification scheme for all administrative records. As regards the programme records, B/Ds should follow the procedures set out by GRS to develop their own classification scheme. To ensure that each scheme remains effective to cope with changes over time and to identify scope for improvement, B/Ds are required to review the records classification schemes every two to three years.

(d) Custody and security

12. B/Ds should put in place appropriate arrangements to ensure the safe custody of their records. Records should be stored in appropriate environment and facilities to be protected from unauthorised access, use, disclosure, removal, alienation, deterioration, loss, destruction, dirt, insects, rodents, smoke, chemical exhausts, etc. Besides, B/Ds are required to report any loss or unauthorised destruction of records to GRS immediately. The DRM of the B/D will investigate, implement improvement measures

¹ A records classification scheme is a plan for logical arrangement of records according to one or more of the following: business functions, activities and contents of the records.

² Administrative records are records created or received during the course of day-to-day administrative activities that deal with finance, accommodation, procurement and supply, establishment, personnel and other general administrative activities.

³ Programme records are records created or received by a B/D whilst carrying out the primary functions, activities or mission for which the B/D was established.

and consider taking disciplinary action or other administrative action against the staff concerned. Upon receiving the DRM's report which should be submitted within three months, GRS will consider the B/D's findings and actions and provide advice as appropriate.

(e) Vital records protection

13. Vital records are records containing information essential to the continued and effective operation of a B/D during and after an emergency or disaster. B/Ds should identify and protect their vital records by way of duplication or off-site storage to ensure uninterrupted operation of major business functions. A vital records protection programme should be established by all B/Ds in accordance with the guidelines provided by GRS.

(f) Scheduling and disposal

14. To ensure systematic planning and orderly implementation of records disposal after records have been kept the right length of time to meet the purposes they are created and in compliance with legal or statutory requirements, B/Ds are required to establish disposal schedules⁴ to cover all their records. Records disposal refers to the variety of ways and actions taken on records when the records become time-expired according to the disposal schedules. Common disposal actions include transfer of records to GRS for appraisal of their archival value, permanent retention by GRS as archival records, immediate destruction, migrating the content of records to a different storage medium such as microform or electronic format, etc. B/Ds must obtain the prior agreement of the GRS Director before they destroy any government records.

15. The requirements for disposing of administrative records are different from those for programme records. For administrative records, GRS has developed the General Administrative Records Disposal Schedules ("GARDS") setting out the retention periods and the disposal actions of records in different subject groups. For example, policy-related

⁴ A disposal schedule is a systematic listing or description of an organisation's records which indicates the arrangements to be made for their custody, retention and final disposition.

administrative records appraised by GRS as having enduring value will be preserved as archival records whereas day-to-day administrative records pertaining to procurement or recruitment matters will be destroyed after the prescribed retention periods up to 13 years. B/Ds should adopt the GARDS and obtain GRS' approval for disposal of administrative records.

16. For programme records, B/Ds should, in consultation with the GRS, develop their own records disposal schedule having regard to the administrative, operational, fiscal and legal requirements and archival values of the records. GRS will consider the draft disposal schedule submitted by B/Ds and discuss with B/Ds before finalising it. With the approval of GRS, the finalised disposal schedules should be signed by an officer not below the rank of SEO or equivalent in the B/D concerned. Records scheduling should be conducted to establish disposal schedules within two years of creation of new series of programme records. Besides, all disposal schedules should be reviewed at least once every five years by B/Ds to determine whether amendments are required. In this connection, GRS has issued a set of guidelines and checklists to facilitate B/Ds' review of their disposal schedules.

17. B/Ds should dispose of time-expired records at least once every two years. In the interests of proper internal control, disposal of records, including destruction of records, should be considered and endorsed in writing by an officer not below the rank of SEO or equivalent. All requests for destruction of records should be processed in accordance with the requirements set out in the corresponding disposal schedules approved by GRS. The decision as to whether records are of archival value or potential archival value has been made when the relevant disposal schedules were drawn up. For time-expired records having no archival value, the GRS Director's agreement would be required prior to their physical destruction. To enhance transparency and public understanding, GRS has launched a central platform on its website for B/Ds to publish their annual records destruction information. The figures of records appraised, transferred to GRS for permanent preservation and approved for destruction in the past three years from 2014 to 2016 are summarised as follows -

Year	Records appraised		Records transferred to GRS for permanent preservation		Records approved for destruction ⁵	
	No. ('000)	Linear metre	No. ('000)	Linear metre	No. ('000)	Linear metre
2014	1 106	9 143	46	596	92 197	89 277
2015	159	4 037	29	782	104 900	61 418
2016	107	3 384	45	620	102 784	56 633

Note: The quantities of time-expired records destroyed and/or transferred to GRS fluctuate over the years depending on the nature of business of individual B/Ds as well as the numbers of records to be disposed of or appraised by GRS in a year.

(g) Appraisal

18. GRS appraises government records to determine which records possess archival value and should be permanently retained or otherwise could be destroyed. In line with international best practice, records appraisal is an important process for ascertaining the archival value of government records and GRS places much emphasis on this task. The Archivist grade officers adopt a set of appraisal guidelines based on the experience of and standards adopted by other overseas jurisdictions. Records likely to be selected as permanent archives should possess one of the following qualities:

- (i) document or reflect the organisation, functions and activities of the Government's agencies;

⁵ The routine records approved for destruction, mainly of programme nature, include the large number of arrival and departure cards, computer printouts of tax-related systems, various types of trade-related documents and cargo manifests, public files of companies registered under Companies Ordinance, revenue-related administrative records such as copies of counterfoils of receipts issued, tickets and permits, request forms for laboratory tests, records relating to application for cremation permit, records relating to certificate of fire service installations and equipment, patient case files and treatment records cards, records relating to applications for vehicle registration and licence, records relating to enrolment of recreation and sports programme, and various general and departmental forms.

- (ii) document the formation process, implementation and outcome of significant policies, decisions, legislation and actions of the Government;
- (iii) document the impact of the decisions, policies and programmes of the Government upon the physical environment, community, organisations and individuals;
- (iv) document the interaction between the public and the Government as well as between the physical environment and the Government;
- (v) document the legal rights and obligations of individuals, groups, organisations and the Government; or
- (vi) contain significant or unique information or aged documents that can enrich the understanding about the history, physical environment, society, culture, economy and people of Hong Kong.

19. For time-expired administrative records having potential archival value as set out in GARDS, B/Ds should refer them to GRS for appraisal. For programme records, GRS will appraise their archival value when reviewing the draft disposal schedules drawn up by B/Ds (see para.16). Those assessed to have potential archival value would be appraised again by GRS to determine their final disposition when they become time-expired. To complement B/Ds' disposal schedules and to remind B/Ds to close their files in a timely manner, GRS would call for all government records reaching 30 years old for appraisal to determine whether or not they possess archival value for permanent retention. Only those records confirmed to be of no archival value will be approved by the GRS Director for destruction.

(h) Transfer

20. B/Ds are required to transfer time-expired records appraised as having archival value to GRS for permanent retention according to GARDS and disposal schedules. This is to ensure that archival records

are stored in a suitable environment which preserves their perpetuity and caters for eventual access by members of the public. B/Ds have been reminded of the importance of minimising deferral of transfer of time-expired records having archival value / potential archival value to GRS. If there are valid reasons to defer the transfer of time-expired records to GRS for retention or appraisal by more than two years, B/Ds should set them out in writing for agreement by a directorate officer in the B/D concerned at the level of deputy secretary / deputy head of department. Besides, GRS should be consulted in advance. Between the period from March 2014 and end of 2017, 102 deferral requests were received, among which only 11 had been approved as they were found well justified. An example of a valid reason for deferral of transfer is that the records contain information about some unresolved matters which might have financial or legal implications.

Public access

21. Access to archival records is managed through the Public Records (Access) Rules 1996. In general, public access will be allowed to archival records which have been in existence for not less than 30 years or the contents of which have at any time been published or wholly disclosed to the public. The GRS Director may, in his discretion and in accordance with general instructions given to him by the Chief Secretary for Administration (“CS”), permit any person to inspect closed records held in GRS. In exercising his discretion, the GRS Director will have regard to:

- (i) the view of the originating or transferring agencies of the records in question as to the suitability of any information or matter contained therein being rendered accessible to the public;
- (ii) any statutory or administrative requirements related to the protection of personal data; and
- (iii) the provisions of the Code on Access to Information.

22. To provide better service to the public, GRS has institutionalised the appeal channel on access to records by enabling the public to appeal to the Director of Administration (“D of Adm”) against GRS’ decision, and to lodge a complaint with The Ombudsman if they are concerned about any maladministration in the handling of their requests. No appeals or complaints have been received since the launch of the appeal channel in August 2015. The figures of public access to archival records in the past three years from 2014 to 2016 are summarised as follows -

Year	Nature of Request ^{Note}	Nos. of Request	Access Granted in Full	Access Granted in Part	Access Denied	Withdrawn by Applicant
2014	Open records	1,880	1,880 (100%)	N/A	N/A	0 (0%)
	Closed records	52	25 (48.08%)	27 (51.92%)	0 (0%)	0 (0%)
2015	Open records	2,080	2,080 (100%)	N/A	N/A	0 (0%)
	Closed records	44	26 (59.09%)	16 (36.37%)	1 (2.27%)	1 (2.27%)
2016	Open records	2,301	2,301 (100%)	N/A	N/A	0 (0%)
	Closed records	74	31 (41.89%)	40 (54.05%)	0 (0%)	3 (4.06%)
	Total	6,431	6,343 (98.63%)	83 (1.29%)	1 (0.02%)	4 (0.06%)

Note: In general, under the Public Records (Access) Rules 1996, open records are records in existence for not less than 30 years and closed records are records in existence for less than 30 years.

Compliance and enforcement

(a) Monitoring of compliance

23. In the interests of continuous improvement and compliance monitoring, a two-pronged approach is implemented to review B/Ds’ records management practices. This approach comprises self-assessment conducted by B/Ds and departmental records management reviews conducted by GRS. Our desktop research has showed that in Australia

and the UK, the self-assessment approach is also deployed to monitor compliance of government agencies. Australia conducts an annual self-assessment survey, namely Check-up Digital, to gauge their digital information management maturity while the UK develops the Information Management Assessment programme for authorities to self-assess the effectiveness of their approach to information and records management.

24. As part of implementing a proper records management programme, B/Ds are required to review their records management practices regularly to ensure that their records management programme is functioning effectively. To assist B/Ds in this task, GRS coordinates B/Ds' self-assessment of their records management on a regular basis according to the records management life cycle, so that the entire spectrum of records management issues ranging from records creation to disposal of records is covered. Through such self-assessments, B/Ds will be able to assess their compliance with the records management requirements and adoption of good practices as promulgated by the Government.

25. To complement the self-assessments explained above, GRS also conducts in-depth departmental records management reviews for individual B/Ds. The objectives of these reviews are to assess departmental management's awareness of, commitment to and involvement in practising good records management, to evaluate B/Ds' compliance with the mandatory records management requirements and adoption of good records management practices, and to identify improvement areas as well as good practices. These reviews also help to consolidate the insight for making service-wide recommendations where applicable. During the review exercise, GRS will conduct departmental visits and examine the departmental records management programme of the B/D concerned through review of documentation on records management, examination of recordkeeping systems, surveys and visits, interviews and focus group discussions. At the end of the departmental records management review, the D of Adm will convey the GRS' findings and recommendations to the head of the B/D concerned who is required to submit half-yearly progress reports to GRS accounting for the progress of implementation of the recommendations. Such review findings and recommendations as well as

the implementation plan to be adopted by the concerned B/Ds will be submitted to the CS for any further steer if needed. Since October 2012, a total of nine departmental records management reviews have been completed and three are in progress.

(b) Enforcement and sanctions

26. Besides monitoring compliance, the current regime also imposes binding obligations on government servants to comply with the records management requirements promulgated by the Government. In particular, B/Ds are required to establish disposal schedules for all government records, transfer records having archival value to GRS for permanent retention, and dispose of records with no archival value with the prior agreement of the GRS Director. Disciplinary action will be taken against a government servant in the event of non-compliance with the mandatory records management requirements and/or dereliction of records management duties. Depending on the circumstances and seriousness of the non-compliance, punishment ranging from verbal or written warnings, reprimand, severe reprimand, demotion, compulsory retirement to dismissal may be imposed. From 2014 to 2016, B/Ds have instituted disciplinary actions against 14 staff who were involved in ten cases concerning loss or unauthorised destruction of records.

Training

27. To support B/Ds' effective management of government records and application of related guidelines and procedures, GRS plans, develops and organises regular training courses for different levels of records management personnel and general records users. These courses include regular classroom training, topical or in-house seminars, briefings and workshops covering the principles and requirements on records management such as filing practices, records creation and collection, records classification and records disposal, management of archival records, etc. Separately, GRS is developing a new online training platform for government officers to gain ready access to a broad range of records management information and tips anywhere and anytime. Statistics on

records management training provided to government officers from 2014 to 2016 are as follows -

Year	Number of training events (including training courses and topical seminars)	Number of staff participated
2014	102	4 690
2015	90	3 744
2016	86	4 144

Note: The numbers of training events and staff participated were higher in 2014. This owed to GRS organising 16 additional thematic seminars/workshops to equip B/Ds with the knowledge and skills to establish business rules for their records by end of 2015. A total of 1,669 staff participated.

New Initiatives

28. As reported at the meeting of the Panel on Constitutional Affairs held on 16 October 2017, the Government will continue to enhance the records management work. To meet the challenges brought by the paradigm shift due to the widespread use of digital information technologies for conducting business in the Government, GRS will take the new records management initiatives as highlighted in paragraphs 29 to 33 below.

(a) Review B/Ds' records retention and disposal schedules

29. As a best practice widely agreed by overseas archival institutions, appraisal for electronic records which have the characteristics of rapid obsolescence should be conducted through a macro and functional approach as early as the records are created so as to better plan for their future preservation. To keep pace with international best practice and to cope with the substantial growth in electronic records, GRS is embarking on a full-scale review of B/Ds' disposal schedules. The outcome of the review will facilitate the early and timely transfer of records with archival

values, particularly those in electronic form, from B/Ds to GRS for proper preservation.

(b) Promote electronic records management in B/Ds

30. GRS will continue to promote electronic records management (“ERM”) and encourage B/Ds to implement ERKS in order to enhance their management of electronic records. To date, 11 B/Ds have implemented or are implementing ERKS⁶. In 2018, GRS will, in collaboration with the Office of the Government Chief Information Officer and Efficiency Unit, embark on a review of six B/Ds’ newly implemented ERKS. The results will enable informed decisions to be made on the long-term strategy for the full extension of ERKS across the Government.

(c) Set up a digital archive for the long-term preservation of electronic records

31. Since more and more records created and collected in the course of business nowadays are in electronic form, it is imperative for GRS to set up a digital archive for the long-term preservation of time-expired electronic records transferred from B/Ds to ensure their authenticity, integrity, reliability and usability over time. In view of the magnitude and complexity of the technical issues involved in preserving electronic records in different file formats and storage media, GRS will keep abreast of the advancement in information technology and development of international best practice with a view to working out the implementation plan.

(d) Review the three-year records management training plan

32. Arising from increasing complexity of records management work, in particular the extensive use of various electronic means to conduct business, GRS is reviewing the three-year training plan for the period from 2018 to 2020. The review aims to formulate the strategy for providing

⁶ They are the Efficiency Unit, GRS, Communications and Creative Industries Branch of the Commerce and Economic Development Bureau, Rating and Valuation Department, Drainage Services Department, Intellectual Property Department, Office of the Government Chief Information Officer, Administration Wing, Civil Engineering and Development Department, Architectural Services Department and Marine Department.

effective and adequate training opportunities for government officers so as to equip them to meet new challenges and requirements in the digital era.

(e) Develop a new Integrated Information Access System for archival records

33. GRS manages about 1.4 million of the archival holdings through the Integrated Information Access System (“IIAS”) developed in 2004. IIAS also provides an interface for members of the public to search for the archival holdings online. Owing to obsolescence of its hardware and software, IIAS cannot support many archives management processes and search functions. To streamline the archives management workflow and provide enhanced online functions to the public, GRS is developing a new system to replace the existing IIAS. Tentatively, the new system is planned to be launched by late 2018/early 2019.

Conclusion

34. As explained above, the essential principles of records management adopted internationally have been implemented in Hong Kong through a comprehensive administrative framework underpinned by a set of mandatory records management requirements. The Chief Executive has stated in her 2017 Policy Address that she holds a positive view towards the enactment of archives legislations. Currently, the Law Reform Commission (“LRC”) is studying the existing records management system and the relevant experience of other jurisdictions, and will conduct extensive consultation on its proposals. The Government will follow up on this subject after receiving the report from the LRC.

35. Members are invited to note the content of this paper.

Administration Wing
Chief Secretary for Administration’s Office
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