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Records

The legislative framework

The Archives Act

The primary piece of legislation that governs the PWSS's record keeping procedures is the *Archives Act 1983* (Cth) ('the Archives Act'). Records produced and held by the PWSS are Commonwealth records within the meaning of the Archives Act.

What kinds of records does the PWSS produce and hold?

The PWSS produces and holds the following kinds of records:

- Records of interactions over the phone or in face to face interviews with clients of the PWSS.
- Text message, email or written correspondence with clients, including employers.
- Records related to workplace reviews undertaken by independent reviewers on behalf of the PWSS.
- Any other documents provided to the PWSS by clients or other parties in relation to a complaint.
- Communications between PWSS officers, and with the Parliamentary Service Commissioner or other agencies.
- Corporate/internal documents including policies and procedures.

Where are these records stored?

The PWSS keeps these records on its Customer Management System and internal file sharing drive. Access to both systems is limited to PWSS officers.

The PWSS may also hold records in Microsoft Outlook or on a PWSS mobile phone if communications are received through these channels.

If correspondence relating to a client is received via email or text message to a PWSS mobile phone, this information will be saved electronically and uploaded to the relevant client record in the CMS.

What does this mean for my personal information?

Under the Archives Act the PWSS can only destroy or dispose of a record where legally authorised or in accordance with the PWSS's Normal Administrative Practice. The Archives Act also prohibits the transfer of custody or ownership of Commonwealth records. This means the PWSS is not able to delete information from your record – however, the PWSS can correct your record if requested to do so.

The Archives Act makes provision for certain significant Commonwealth records to be retained and transferred to the National Archives. The National Archives may make certain records publicly accessible when they enter the open access period – generally for records that are over 20 years old. However, the National Archives will not release these records automatically when they enter the open access period.

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Most commonly records are released in the open access period following an access application, rather than on a proactive basis. In considering the application the National Archives considers whether any of the exemptions set out in section 33 of the Archives Act apply. The nature of these exemptions **make it unlikely that records held by the PWSS containing your personal information would be released in the open access period**. A record is exempt from access under the Act where on various grounds including where it contains:

- information or matter the disclosure of which under the Act would constitute a breach of confidence (s 33(1)(d)). Parliamentary Workplace Support Service (PWSS) | Records factsheet 2
- information or matter the disclosure of which under the Act would, or could reasonably be expected to, disclose, or enable a person to ascertain, the existence or identity of a confidential source of information in relation to the enforcement or administration of the law or endanger the life or physical safety of any person (s 33(1)(e)).
- information or matter the disclosure of which under the Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person) (s 33(1)(g)).

Records subject to legal professional privilege are also exempt where disclosure would be contrary to the public interest (s 33(2)).

A decision to withhold records from access under s 40 is subject to both internal and external review mechanisms under the Archives Act.

The PWSS collects and manages personal information in line with the Privacy Act and the Australian Privacy Principles. For further information about the collection and handling of personal information you should refer to the PWSS's [Privacy Policy](#).

The FOI Act

The PWSS is not subject to the *Freedom of Information Act 1982* (Cth). The PWSS is not required to release information under freedom of information laws. You may be able to request access to personal information about yourself from the PWSS. For more information, please refer to the PWSS' [Administrative Access Policy](#).