



January 2018

Statutory out-of-home care Designated Agency Recordkeeping - Frequently Asked Questions (FAQs)

Q1) What information is available for designated agencies to plan for the transfer and retrieval of records for children and young people who were in statutory out-of-home care to FACS?

FACS has produced a suite of information sheets for designated agencies to guide the record keeping procedures related to paper and digital records involving children and young people in statutory out-of-home care (OOHC). These include:

- No: 1 - Statutory out-of-home care Designated Agency Recordkeeping Information Sheet,
- No: 2 - Statutory out-of-home care Designated Agency Paper Records Transfer to FACS Information Sheet,
- No: 3 - Statutory out-of-home care Designated Agency Digital Records Transfer to FACS Information Sheet,
- No: 4 - Statutory out-of-home care Designated Agency Digital Systems Recordkeeping Information Sheet, and,
- No: 5 - Statutory out-of-home care Designated Agency Recordkeeping - Frequently Asked Questions.

Q2) What records does this FAQ relate to?

Records referred to in this FAQs sheet relate to documents and information that capture the development, context, history and identity of a child or young person in statutory OOHC, or which provide evidence of the services and activities carried out by the organisation. Records are created, received or maintained in physical form (paper) or electronically (digital).

Q3) Does a Statutory OOHC designated agency need to send paper and digital records to FACS?

Yes. Section 170 of the *Children and Young Persons (Care and Protection) Act 1998* requires a designated agency to deliver to FACS (on behalf of the Secretary) those records (paper or digital) it held seven years after ceasing to be responsible for the placement of a child or young person in OOHC or when it ceases to be a funded or designated agency.

It is acknowledged that a designated agency can have a mix of paper and digital records for a child or young person in statutory OOHC that agencies will need to consider as part of these provisions under the Act.

Further information can be found in the Information Sheets mentioned above.



Q4) How does a Statutory OOHC designated agency transfer the client paper and digital records to FACS?

A designated agency should contact FACS to arrange for the transfer of paper and digital records for children and young people in statutory OOHC. There are a number of steps involved in the process and initial contact should be with the agency's FACS Contract Manager to clarify these steps. The designated agency needs to identify the:

- paper and digital records for transfer to FACS under section 170
- measures being taken to transfer the records to FACS.
- proposed timeframe for the delivery of the records

i. Steps to transfer client paper records to FACS

- Records need to be categorised and packed in appropriate archive boxes for safe and secure transfer to FACS.
- Include a file listing with the archive boxes identifying contents of each box.

ii. Steps to transfer client digital records to FACS

- The designated agency needs to identify their client recordkeeping systems and the support required to transfer the digital records (including metadata) in a migratable form to ensure ongoing access to the records.
- The designated agency should discuss with FACS about the migration schedule and security measures to safely transfer the digital records.

Q5) We have many closed paper and digital records in storage for children and young people in statutory care where they left placement over seven years ago, can we send them to FACS as well?

Yes, any records that relate to a child or young person in statutory OOHC must be transferred to FACS for ongoing management.

To assist planning measures with FACS it is recommended that designated agencies assess the volume of records for transfer (in light of the advice provided in Question 3).

Designated agencies should discuss with FACS the quantities of closed records identified for transfer and the schedule for delivery for all the records. In some circumstances it may be appropriate for these records to be transferred in multiple schedules owing to the resource issues at delivery.



Q6) What costs are involved in the transfer of paper and digital records for children and young people in statutory OOHC to FACS?

It is acknowledged that there are costs associated with the transfer of paper and digital records to FACS for children and young people in statutory OOHC for ongoing storage by FACS or the Government Records Repository (GRR).

It is expected that designated agencies and FACS will work together to identify the most cost effective way to securely transfer paper and digital records for children and young people in statutory OOHC. This is particularly relevant for digital records where the process for transfer is an emerging challenge for both government and non-government agencies.

i. Costs related to the transfer of paper records to FACS

- FACS uses the GRR to store children and young people's paper records on an ongoing basis. The GRR uses best practice measures to store records in line with approved storage standards.
- Designated agencies will be required to meet the costs relating to the transfer of the paper records delivered to FACS. Paper records should be provided to FACS in approved archive boxes (which are available from GRR at \$25 per pack of 20 standard archiving boxes).
- The designated agency will need to discuss with FACS the arrangements for delivery of the paper records (courier, agency delivery or through identified arrangements)
- For further details refer to '*Statutory Out-of-home care Designated Agency Paper Records Transfer Information Sheet No: 2*'

ii. Costs related to the transfer of digital records to FACS

- Designated agencies will be required to meet the costs associated with extraction and delivery of digital records to FACS.
- FACS will meet the costs related to the receipt, secure transfer and ongoing storage of information provided by designated agencies.
- The designated agency will need to review the format and delivery of the digital records to be transferred to FACS.



Q7) How does a Statutory OOHC designated agency retrieve paper and digital records from FACS?

Records that have been transferred to FACS can be retrieved following a request and completion of the FACS Records Retrieval form. When completing the form the agency must identify the reason for the request (e.g. aftercare support) along with the client related information.

The designated agency needs to:

- identify the paper and digital records for retrieval from FACS under section 170.
- discuss with FACS the timeframe for the delivery of the records
- identify the measures to deliver the retrieved records

i. Steps to retrieve paper records from FACS

- As paper records are maintained by the GRR the general timeframe for retrieval and delivery to the designated agency is approximately two weeks. Express delivery arrangements can also be negotiated with FACS to expedite the process.
- It is FACS practice to provide designated agencies with a scanned version of the retrieved paper records from the GRR. The paper records are then returned to the GRR for storage.

ii. Steps to retrieve digital records from FACS

- It is often the case that designated agencies will securely retain a copy of digital records transferred to FACS and therefore it is less likely that retrieval of a copy digital record is required. Where a copy of the record is required please contact FACS to discuss the arrangements.

Q8) What costs are involved in the retrieval of paper and digital records for children and young people previously in statutory OOHC from FACS?

When seeking to retrieve records or files, agencies should identify the purpose for the retrieval (e.g. administrative, aftercare, subpoena). There are no costs to retrieve files:

- as part of aftercare support for a person who was previously in statutory OOHC.
- for a subpoena that relates to legal actions involving the person who was previously in statutory OOHC.

Costs relating to the retrieval of client paper and digital records for other purposes (e.g. administrative purposes) will be determined by the number or volume of records to be retrieved from FACS.

For further details refer to ‘Statutory Out-of-home care Designated Agency Paper Records Transfer Information Sheet No: 2’.



Q9) What should a designated agency do with closed carer files?

As part of the NSW Office of the Children’s Guardian (OCG) Carers Register, designated agencies can share information under Chapter 16A in relation to the assessment and authorisation of carers. Agencies need to retain carer files for this purpose rather than returning closed carer files to FACS.

Only agencies that cease to be a designated agency are required to transfer their paper and digital records related to carers to FACS for ongoing management. The following steps should be considered:

- Designated agencies that cease operation are to transfer their closed carer files to FACS.
- Closed carer files with designated agencies providing ongoing services must remain with the agency. This will ensure designated agencies can exchange information with other agencies about carers who cease to be authorised as part of the process of the NSW Office of the Children’s Guardian Carers Register.
- More details about this issue can found the NSW Office of the Children’s Guardian website - <http://www.kidsguardian.nsw.gov.au>.

Q10) What does a designated agency do with closed child and young person’s records that are not related to statutory OOHC?

A designated agency needs to identify those closed records that relate to the care and protection of children and young people in NSW. Agencies will need to contact FACS to discuss the identified records and the appropriate steps that need to be taken to manage these records.

Agencies should be aware that specific records must be kept for all Aboriginal and Torres Strait Islander children and young people (irrespective of parental responsibility changes) who enter out-of-home care for any period of time.

Q11) How long are client paper and digital records kept by FACS?

FACS retains paper and digital records permanently for children and young people previously in statutory OOHC. These records are classified as State archives and therefore need to kept on an ongoing basis (in keeping with *FACS Functional Retention and Disposal Authority: FA318 Reference: 4.1.1 lodged with State Archives & Records Authority of NSW*).



Q12) Who can I contact in FACS to discuss further recordkeeping matters?

For further information about the record transfer or retrieval process or to discuss the management of designated agency client records, please contact your FACS Contract Manager.

For technical and logistical support for recordkeeping matters please contact:

FACS Staff Support Centre

Ph: (02) 9377 6000

Email - NGORecordsManagement@facs.nsw.gov.au

Q13) Are there any other resources related to recordkeeping?

Below are links to key records resources to assist designated agencies with recordkeeping and record management issues.

- [Children and Young Persons \(Care and Protection\) Act 1998](#)
- [Children and Young Persons \(Care and Protection\) Regulation 2012](#)
- [NSW State Records recordkeeping advice](#)
- [Office of the Children's Guardian \(OCG\)](#)
- [Charter of rights for children and young people in out-of-home care in New South Wales](#)
- [Ombudsman NSW – Child Protection Keeping Records fact sheet](#)
- [NSW Government Information Classification, Labelling and Handling Guidelines July 2015](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Health Records and Information Privacy Act 2002](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [State Records Act 1998](#)
- [Privacy Act 1988 \(Commonwealth\)](#)