



Recordkeeping Clause

Contractors responsibility for managing records of outsourced activities.

Definitions

Record means any document within the meaning of the Evidence Act 2008 (Vic), including:

- a) anything on which there is writing; or
- b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or
- c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
- d) a map, plan, drawing or photograph.

Recordkeeping means creating and maintaining complete, accurate and reliable evidence of activities and decisions in the form of recorded information. Recordkeeping involves the design and management of processes and systems to capture full and accurate evidence of an organisation's activities.

Council means Rural City of Wangaratta

Outsourced Organisation means Contractor providing services, products or programs for or on behalf of Council.

Ownership and Custody

Council retains legal ownership of all records of the services provided by the Outsourced Organisation under Council's Specification.

Upon termination or completion of the Contract, the beneficial ownership of all records of the services provided by the outsourced organisation as detailed in Council's Specification, will be transferred to the Rural City of Wangaratta.

Records Creation

The outsourced organisation must create and maintain records that fully document the operation and delivery of the Contract.

Record Format

The outsourced organisation must ensure that records of the Contract are maintained in a format that is expected to survive for the required life of the record and be easily migrated to Council's systems. The formats must comply with PROS 19/05 S3 Long Term Sustainable Formats Specification.

Record Metadata

The outsourced organisation must ensure that sufficient metadata is created and maintained to allow records of the Contract to be identified, managed and used for current and future purposes. The metadata required must comply with PROS 19/05 S2 Minimum Metadata Requirements Specification.

Systems & Storage

The outsourced organisation must ensure that records of the Contract are kept in a stable, secure, maintained environment and protected from damage or degradation or unauthorised access and release. PROV Storage Specifications must be met.

Access and Use

The Council retains the right to access any records of the outsourced organisation relevant to the delivery of the Contract.

The outsourced organisation must ensure that records can be identified and provided to the Council immediately.

The outsourced organisation must ensure that access to records is appropriately controlled and must comply with the *Privacy and Data Protection Act 2014 (Vic)*, *Freedom of Information Act 1982*, *Health Records Act 2001* and *Evidence Act 2008*.

Third parties cannot be given access to public records without written agreement from Council.

The outsourced organisation may not use the information contained in the records for purposes other than delivering the services specified in the Contract, unless otherwise allowed in the Contract or authorised by Council.

Disposal

The outsourced organisation must only dispose of a record in accordance with Standards issued under the *Public Records Act 1973* and in accordance with any instructions provided by Council. This includes ensuring that records which are of permanent value are identified and returned to Council.

Contract Completion, Expiry or Termination

Upon completion, expiry or termination of the contract, the outsourced organisation will transfer all records created and maintained for the Contract to Council in the agreed format and manner which will allow the records to be quickly and easily retrieved, reviewed and utilised by Council.

If the outsourced organisation fails to provide all public records to Council within the requested timeframe and in the format and with the metadata required, penalties for breach of contract will apply.

Once Council has confirmed the records have been successfully transferred to them, the outsourced organisation must delete the records from their system(s).