Format of records for public access

The purpose of this Advice is to explain the reasons for, and methods of meeting the requirements of section 29 of the Territory Records Act 2002.

Format of records

Section 29 of the Territory Records Act 2002 enables a person to request access to a record, to which they are allowed access, in a format of their choice. For example, if the record is a sound recording, or in shorthand or other encoded material, access may be requested through a written transcript of the words.

It is not mandatory for agencies to provide access in the format requested. Agencies may refuse to give access in the requested format because it is not practicable, because the agency does not have, and cannot readily obtain, equipment necessary to give access that way or would be unreasonable because of the cost to the agency in giving access that way. Access in a requested format may also be refused, or granted with conditions, to ensure the safe custody and proper preservation of the record.

Agencies should include processes and policies for providing access to their records in their Records Management Programs.

Criteria for digitisation for access

Agencies may choose to digitise existing paper records to provide easier access, either for the public or for agency staff. There are a number of factors that should be considered when making a decision whether or not to digitise records. These include:

1. The benefit to be gained by digitisation. For example, will the cost of digitisation outweigh the costs of continuing access to paper originals?
2. Status as a Territory Archive. The Territory Records Office does not currently authorise the destruction of original records that are Territory Archives, and this may affect the value to the agency in digitising the record.
3. Condition, characteristics and suitability of the original record. Some formats may be difficult or expensive to digitise.
4. The obsolescence of the format of the original record. If the record’s format is in danger of becoming obsolete, digitisation might be a high priority.
5. The availability of playback or viewing equipment suited to the format of the original record. If playback equipment is difficult to acquire or maintain digitisation can help to continue access to the records.
6. The record is in a record series that is going to be digitised. Digitising individual records may not be as efficient as undertaking a large scale digitisation of records; and
7. The level of demand. Digitisation may not be cost effective if the record is likely to be used only once.
Once material has been digitised, the source record may, under certain circumstance be disposed of. The *Territory Records Disposal Schedule – Source Records* sets out the circumstances in which original records can be destroyed after they have been digitised.

**Intellectual property, copyright and privacy**

When digitising for access, for example, publishing images of maps or photos to a website, be aware of any copyright or intellectual property implications. Ensure that the item can legally be placed in the public domain. Records and other materials created by the ACT Government are generally able to be copied and published by ACT Government agencies. There may, however, be exceptions, such as where images were purchased for use in certain circumstances by non-government providers.

Contact: [copyright@act.gov.au](mailto:copyright@act.gov.au) for further information on ACT Government copyright.