

Public Record Office Victoria

Recordkeeping Policy

Artificial Intelligence Technologies and Recordkeeping

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1. Application

The Keeper of Public Records has approved a recordkeeping policy regarding artificial intelligence technologies and recordkeeping. This policy applies to all public offices, including work conducted by others on behalf of a public office.

This policy is a companion to the *Approval Processes Policy*,¹ which covers decisions and actions relating to an approval process including those conducted by machine learning and related technologies. Public offices should apply its terms in line with the *PROV Value and Risk Policy*² and the PROV Recordkeeping Standards³ to relevant recordkeeping decisions and practices.

2. Policy

It is Public Record Office Victoria's (PROV) position that:

1. Technologies used in the creation, capture and management of records / data are to be documented to the fullest extent practical, along with the processes used to create, capture, and manage them.⁴
 - a) Documentation is to address the following:
 - i. what technology / software / application was used for what processes and functions, how they were used, why they were used, and what types of records are produced as a result.
 - ii. what records / data the AI technology / software / application can access, use, and infer and whether it is sourced from government held records / data only or includes other sources.
 - iii. what records / data the AI technology / software / application is not to access or use and why (for example, due to confidentiality, personal privacy, security, and so on).
 - iv. risks associated with using the AI technology / application / software, such as those associated with using proprietary or open-source models, intellectual property, or confidential information, that may limit its use, the level of documentation possible, or cause harm.⁵
 - b) The level of detail required should be determined in accordance with *PROS 19/05 Create, Capture and Control Standard* and associated specifications,⁶ and the *Value and Risk Policy*.⁷

¹ *PROV Recordkeeping Policy: Approval Processes*, available via PROV's website: <https://prov.vic.gov.au/recordkeeping-government/document-library/approvalprocessespolicy-approval-processes-policy>

² *PROV Recordkeeping Policy: A value and risk-based approach to records management*, available via PROV's website <https://prov.vic.gov.au/recordkeeping-government/document-library/value-risk-policy>

³ <https://prov.vic.gov.au/recordkeeping-government/standards-framework>

⁴ For system and process requirements, see *PROS 19/04 Operational Management Standard*: <https://prov.vic.gov.au/recordkeeping-government/standards-framework>

⁵ A risk-based approach is recommended in the *Safe and Responsible AI in Australia Interim Report* put out by the Department of Industry, Science and Resources: <https://consult.industry.gov.au/supporting-responsible-ai>

⁶ <https://prov.vic.gov.au/recordkeeping-government/standards-framework>

⁷ The *Value and Risk Policy* was developed in recognition of the need for Victorian public sector agencies to prioritise actions due to resource and other constraints when implementing the mandatory Standards issued by the Keeper of Public Records. It is accessible via the PROV website here: <https://prov.vic.gov.au/recordkeeping-government/document-library/value-risk-policy>

- c) Where possible, documentation captured must be able to address⁸ questions relating to:
 - i. bias in algorithms and data sets used
 - ii. intellectual property (including copyright)
 - iii. the possibility of incorrect content through use of the technology, such as AI ‘hallucinations’.
2. Content created by or through the use of artificial intelligence technologies / software / applications are public records and must be captured, managed, and disposed of in accordance with the recordkeeping standards issued by the Keeper of Public Records⁹.
3. Ultimate responsibility for the creation and management of full and accurate records (including content created by or through the use of artificial intelligence technologies) lies with the head of the public office in accordance with the *Public Records Act 1973*.
4. Processes to check and confirm the accuracy of records / data generated by or through the use of AI technologies must be in place and overseen by an appropriately skilled human being with relevant authority and documented line of responsibility.
5. Disposal of public records, including those generated by or through the use of AI technologies, must be overseen by a human being with relevant skills, knowledge, authority, and documented line of responsibility.
 - a) automated disposal actions should be undertaken in line with the *PROV Approval Processes Policy*.¹⁰
 - b) all disposal actions are to be undertaken in line with the relevant retention and disposal authority.¹¹

3. Background

PROV developed this policy to address the complexity of managing records / data created by or through the use of artificial intelligence technologies. This includes the production of full and accurate records / data, as well as the appropriate management of those records / data in accordance with PROV’s recordkeeping standards. The policy was designed to address transparency and accountability concerns in relation to AI implementation and use and to enable explainable AI use.

The ability to provide an understandable explanation behind business actions, decisions, and other activities is centred in discussions about trustworthy AI technologies. Documenting processes and technologies used, including how they were used and the kinds of checks and balances to prevent harm and correct misinformation, are an essential component of being able to provide an understandable explanation. Documentation includes situations where the criteria for making decisions are determined by AI technologies.

The documentation required to meet the policy is not designed to be daunting. Clauses within the policy (such as 1a(1), 1a(iv), and 1b) provide public offices with the means to tailor documentation to the context within which the AI technologies are being implemented and used and the level of risk involved (such as potential harm caused). For the head of the public office to meet their requirements under the *Public Records Act 1973*, full and accurate records of business must be created, kept, and appropriately managed. This policy provides directives in relation to AI technologies to aid public offices in meeting their obligations under the *Public Records Act*.

General guidance in relation to recordkeeping and AI technologies can be found via the *AI and Recordkeeping Topic Page*.¹² The Topic Page covers the kinds of records that may be needed to document AI technologies / software / applications and their use, and includes links to a range of tools that can help with documenting AI technologies.

⁸ The term ‘address’ refers to the process of research, course of action determined, and justification for that action. This includes the identification of situations where full documentation cannot be obtained, level of accepted risk, and mitigations put in place to minimise potential bias, breach and incorrect content or use.

⁹ The recordkeeping standards are located here: <https://prov.vic.gov.au/recordkeeping-government/standards-framework>

¹⁰ *PROV Recordkeeping Policy: Approval Processes*, available via PROV’s website: <https://prov.vic.gov.au/recordkeeping-government/document-library/approvalprocessespolicy-approval-processes-policy>

¹¹ Retention and disposal authorities are located here: <https://prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept>

¹² <https://prov.vic.gov.au/recordkeeping-government/a-z-topics/AI>

Please refer to the *Approval Processes Policy*¹³ and associated Guideline¹⁴ when using AI technologies / software / applications in relation to an approval process.

4. Appendix

Approval Processes Policy, PROV (<https://prov.vic.gov.au/recordkeeping-government/document-library/approvalprocessespolicy-approval-processes-policy>)

Approval Processes Guideline, PROV (<https://prov.vic.gov.au/recordkeeping-government/document-library/approval-processes-policy-approval-processes-guideline>)

Artificial Intelligence Topic Page (<https://prov.vic.gov.au/recordkeeping-government/a-z-topics/AI>)

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¹³ <https://prov.vic.gov.au/recordkeeping-government/document-library/approvalprocessespolicy-approval-processes-policy>

¹⁴ <https://prov.vic.gov.au/recordkeeping-government/document-library/approval-processes-policy-approval-processes-guideline>