**Synopsis**

This paper explores notions of accountability in emerging shared services environments using recordkeeping as a specific example of governance issues to be defined. Records raise issues of responsibility, ownership, custodianship and accessibility for all parties to the accountability arrangement. The paper identifies notions of accountability from the plethora of available literature emerging from governments around the world as they tackle these issues. Following that exploration, models of shared services are explored identifying the accountability and recordkeeping issues raised, using two case studies to illustrate particular aspects of the issues.

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**Notions of accountability**

Accountability is a broad concept with definitions that are not uniformly accepted across all disciplines and organisations. While broad definitions can be agreed upon and generically expressed as being called upon to account for actions to someone, the precise meaning depends on implementation variables within specific contexts which change with time. Thus Mulgan defines accountability as ‘a relationship in which one party, the holder of accountability, has the right to seek information about, to investigate and to scrutinise the actions of another party, the giver of accountability’ and as a ‘situational concept in that it needs to be specified in context: who is accountable to whom and for what’. He further asserts that accountability is always ‘other-directed’ and ‘retrospective, inquiring into actions that have already taken place’ distinct from both responsibility which can be exercised without reference to other persons, and from regulation and control which are forward looking mechanisms of influencing behaviour (Mulgan 2002).

The concept of accountability is at the basis of our system of government. Accountability exists between parliament and the people; between ministers in the Westminster system and parliament; between ministers who have been given responsibility for specific agencies and those agencies; within agencies between layers of the organisation; and increasingly explicitly assigned to individuals through performance agreements and employment contracts. This explanation of accountability stresses its hierarchical and inward focusing nature.

The Canadian Auditor General is working with a newer definition of accountability, less tied to the hierarchical where ‘accountability is a relationship based on obligations to demonstrate, review and take responsibility for performance, both the results achieved in the light of agreed expectations and the means used’ (Barrados 2003).

In 2002, O’Neill in her Reith Lectures spoke about ‘the revolution in accountability’ and a ‘new culture of accountability and audit’ describing ‘an unending stream of new legislation and regulation, memoranda and instructions, guidance and advice’ where ‘new accountability culture aims at ever more perfect administrative control of institutional and professional life’ (O’Neill 2002). In Australia, as elsewhere, the elevation of accountability is notable as a feature of government rhetoric variously embracing a raft of notions including governance, responsibility, sanctions, regulation and control (see also Mulgan 2000).

**Recordkeeping and accountability**

The relationship of recordkeeping and accountability has been well established within the archives and records profession and has been the subject of considerable research and practical work since the 1990s.1 The relationship has been succinctly expressed as ‘it is not enough to make someone accountable for something and to hold them accountable, someone must also be accountable for keeping adequate records so that the “forum” [external scrutiny] can undertake the review and reconstruction which is a necessary ingredient in any accountability process’ (Hurley 2004). This integral connection is common ground for professional recordkeepers in Australia and has led to establishment of some world leading guidance in the area.

Within the Commonwealth, the Auditor General is particularly aware of the integral links between recordkeeping and accountability, noting in relation to one accountability crisis: ‘Poor recordkeeping attracts corruption like flies to a carcass’ (McKemmish 1998). During 2002 and 2003, the Auditor General undertook a series of audits of recordkeeping in Commonwealth agencies, stating:

Recordkeeping is a key component of any organisation’s corporate governance and critical to its accountability and performance. A sound appreciation of recordkeeping assists an organisation to
satisfy its clients’ need and helps it to deal positively with legal and other risks. When linked with information management more broadly, sound recordkeeping can assist organisations’ business performance by: better informing decisions; appropriately exploiting corporate knowledge; supporting collaborative approaches; and not wasting resources, for example by unnecessary searches for information and/or re-doing work (Australian National Audit Office 2003).

However this is not necessarily a view intuitively shared by either the public or specific public officials, and the dilemma about the role of recordkeeping in accountability is vividly illustrated in the recent comments of a senior public official brought to account by the Senate Select Committee on a Certain Maritime Incident when asked if the absence of a paper trail was worrying:

For me, no. I am concerned with effectiveness and outcomes. That means I am concerned about paper trails in that there is a quite appropriate requirement for a paper trail in an audit or other sense, but successive governments have made it clear that they want a public service that is able to be flexible and get the job done. That, for me, does not mean producing huge mounds of paper (Weller 2002, p. 88).

The dated view of recordkeeping as a paper trail constraining action is challenged by the professional reality of modern Australian recordkeeping, which stresses the integral nature of doing business and keeping records of the business. In electronic environments recordkeeping becomes paradoxically both easier and more difficult. Computer systems are predicated on transactions and computer transactions are created automatically as a part of the operations of the systems. However the misunderstanding of records and their role in business means these transactions are not routinely captured and managed in ways that ensure their reliability and authenticity over time to enable them to be accessible when required. At present this requires deliberate human intervention or clever systems design to capture those transactions that constitute records of action. If the issues are not actively addressed, this critical component of accountability is not intuitively captured in systems designed on data principles alone, leading to significant vulnerability for all organisations.2

Accountability in a shared services world

A significant rethinking of models for delivery of services both within government and to the public, has been underway worldwide, often, although not exclusively, discussed in conjunction with electronic service delivery and electronic government. Accompanying this is a need to rethink accountability, what it entails and how to accomplish it. Accountability frameworks suitable in a stable bureaucratic environment are not immediately applicable to the more flexible, responsive, innovating and risk taking environment.3 It is in this emerging government environment that new forms of accountability are being developed. Distributed, delegated or shared accountability are being discussed, where ‘the processes and structures for the exercise of power are distributed and the obligations to demonstrate and take responsibility for performance in the areas of policy, program design or program delivery are delegated or shared’ (Fitzpatrick 2000). The aim of establishing different models is to replace strict hierarchical accountability models with those that are more outcome focused and risk tolerant. Where risk taking, organisational learning and experiment are the factors of value, accountability measures and governance structures which privilege pre-defined performance targets aimed at cost reduction are less appropriate hence the search for more appropriate models.
While significant attention is being paid to enabling different models of accountability to foster more innovative relationships across multiple parties involved in service delivery, representatives of the external scrutiny role in the accountability framework also consistently issue warnings, for example, Maria Barrados, the Assistant Auditor General of Canada stresses:

> there should be a sharing of accountability in partnering arrangements: not a diffusion, but a sharing. But unless care is taken, accountability can be diffused ... or deliberately lost ... Shared accountability is not less, but rather more demanding. Shared accountability does not get you off the hook at all (Barradas 2003).

And from New Zealand: ‘The vertical accountability of public servants is compromised to the extent that they are in power-sharing arrangements with players outside the Public Service. The sacrifice of power diminishes both control and accountability’ (Anderson & Dovey 2003).

The requirement for robust accountability frameworks capable of adapting to meet the needs of multiple players is most evident when shared services entail collaborative endeavours involving parties from government, private and/or non-profit organisations. As Mulgan has identified, conduct of accountability is quite distinct between the three sectors:

> In brief, then, the public sector is subject to high overall levels of accountability, the commercial sector to strong accountability for results but less for process while the non profit sector is comparatively unaccountable, relying instead on goodwill and personal commitment (Mulgan 2002).

Many governments, both nationally and internationally, have been actively exploring notions of accountability and the degree to which accountability can effectively be implemented in a shared services world and what might be different. Features stressed in discussion of ‘new’ accountability include:

- the capacity to accept greater risk
- avoidance of interpretation of accountability as a part of the ‘blame’ element
- a more flexible approach to tailoring accountability mechanisms suited to the specific situation, with a variety of measures including greater attention to outcomes, and in some cases process, rather than outputs and throughputs
- an acceptance that not all projects will succeed, but that positive outcomes can be seen in critical examination of activities and that this does not invalidate the need for accountability (Richards 2001; Fitzpatrick 2000; Anderson & Dovey 2003).

More specifically, guidance on defining accountability regimes in non-traditional hierarchical arrangements stress a number of conditions which need to be present prior to engagement in collaboration, including a realistic assessment of willingness to collaborate; an understanding of the operating environments and variables of all partners; clear definitions of objectives as well as roles and responsibilities; realistic expectations; and an agreed performance reporting, measuring and evaluation system.4

### Models for shared services

When we turn to the concept of shared services, however, it is clear that there are multiple interpretations of what is meant. Shared services can embrace a number of substantially different models. For the purposes of this paper, shared services have been grouped into the following categories for discussion:
- inter-government (trans-border)
- privatisation and outsourcing
- inter-agency collaboration
- integrated service delivery

**Inter-government (trans-border)**

Agreements to work across governmental boundaries are not new. Commonwealth–State collaboration has been constant, though intermittent, throughout the history of the Commonwealth, commencing with the initial multi colony collaboration which formed the Federation. Examples of Commonwealth–State bodies include the River Murray Commission (predecessor to the Murray–Darling Basin Commission) which commenced in 1917, the Snowy Mountains Hydro Electric Authority from 1949, and various task specific organisations such as the Companies and Securities Law Review Committee (1984–90) or joint Royal Commissions. The mechanisms for establishing such bodies are well established, usually by legislation jointly enacted by the parliaments of the cooperating states and the Commonwealth. These legislative arrangements determine terms of reference and rules of operation, including accountability frameworks.

Since 1992, a more flexible regime of inter-governmental cooperation has been established by the Council of Australian Governments. Over 40 Commonwealth–State Ministerial Councils currently operate under this umbrella. These bodies facilitate consultation and cooperation between governments in specific policy areas and may initiate reforms. Where matters affecting New Zealand are involved, New Zealand is represented on the Councils.

There is clear precedent for operating in this way. Agreements are made where joint action is to be taken, and each participant formally accepts responsibilities for the actions and activities designated by these agreements and validates the arrangement within their own jurisdiction.5

Guidance on the records of inter-governmental agencies has been developed by the Council of Federal, State and Territory Archives, itself a collaborative body with no clear jurisdictional ‘owner’ (Council of Federal, State and Territory Archives 2003). These guidelines are geared mainly to the ultimate disposition and custody of records, rather than establishing the proactive recordkeeping rules applicable to operating inter-governmental agencies. The guidelines are post hoc. However, a general practice rule is that the government supplying the Secretariat to the organisation has formal recordkeeping responsibility. In practice, negotiation on these issues is necessary and the environment for which these guidelines have been produced tends to be retrospective and reactive.

This arrangement is less clear cut with ad hoc bodies that spring up, either under the various Ministerial Councils or through sectoral agreement. The Council of Federal, State and Territory Archives is an example of one such body. More and more ad hoc structures seem to be appearing, often to provide coordination for inter-governmental projects. These projects tend to appear in areas of sensitivity such as environmental management or services to specific community groups. From the outside it appears in some instances as though the allocation of the space and resources is as ad hoc as the bodies themselves, often with a particular governmental representative offering office space and financial accommodations within existing structures as a facilitative mechanism to get things happening quickly. In these instances the accountability frameworks under which the body operates are completely unclear and the potential is that they fall (sometimes intentionally?) outside of the existing accountability frameworks.6
In the words of Dr Peter Shergold, Secretary of the Department of Prime Minister and Cabinet:

Not surprisingly, given the ambiguous boundaries, intergovernmental relations are marked by tensions. Disputes arise over which government has carriage of policy, how it is funded, the manner in which it is implemented and appropriate lines of responsibility and accountability (Shergold 2003). Nonetheless, the basic framework for operations for inter-governmental structures are generally in place and work well. One of the latest initiatives, a joint agency between Australia and New Zealand, illustrates the processes for formation.

**Case: Trans Tasman Therapeutic Products Agency**

This new agency (to commence operation in July 2005) is being established to administer a Joint Scheme to regulate therapeutic products in Australia and New Zealand. The new agency is cross jurisdictional — being a regulatory body in both Australian and New Zealand jurisdictions, intended to replace two previously jurisdictionally separate agencies.

Establishment of this body is the result of five years consultation, discussion and negotiation. The new organisation will exist under legislation enacted in both jurisdictions, although the Australian legislation will provide the legal personality of the agency. This follows a round of formalised agreements using the diplomatic channel of Treaties. The governing arrangements to be implemented are:

- a Ministerial Council, on which the relevant Ministers from Australia and New Zealand are given equal say in oversight of the agency and the operation of the regulatory framework, will be established
- the Ministerial Council will appoint a Board to oversee operation of the agency
- the Ministerial Council will be able to make Rules, where both Ministers agree on all decisions
- the Managing Director will be able to make Orders
- Rules and Orders will have equal applicability in both Australia and New Zealand
- paths for reviewing decisions, using Review Tribunals and the courts, will be identified, with people able to choose the jurisdiction in which to pursue matters.
- decisions of both review bodies will be equally binding in both jurisdictions.

One of the stated principles of the arrangement is ‘no lesser accountability’ (that is, to ensure the agency is no less accountable to ministers, parliaments and other stakeholders than comparable public sector organisations in either Australia or New Zealand). This accountability arrangement clearly identifies that access to official information, in line with the two countries’ freedom of information legislation, will be preserved (Trans Tasman Therapeutic Products Agency 2002). In this instance, there is a distinction to be made between the arrangements for Commonwealth–State bodies described above, for this is an agency that is intended to be truly cross-jurisdictional, equally valid in both independent sovereign jurisdictions.

Recordkeeping issues are being addressed before the agency is established, with input sought by the National Archives of Australia (and presumably the Archives New Zealand) on the recordkeeping rules to be applied. In fact there is considerable coherence between the recordkeeping principles adopted in both the jurisdictions, however the degree of regulation, the implementation of standard methodologies and the specific rules that apply are different. A decision needs to be made on which jurisdiction’s rules will prevail. The case should not arise, for example, that a citizen of New Zealand would, in New Zealand, use the rules of the jurisdiction to access information that a citizen within Australia making the same request would be denied under Australian law. Yet the converse is true, the citizens of either jurisdiction will not
wish to be presented with forms and procedures belonging to a different jurisdiction. Similarly, in an agency which is equally ‘owned’ by both jurisdictions, which regulatory body owns or is responsible for its records? This will be resolved through friendly negotiation, but it is likely that the rules of one jurisdiction will be privileged. But it is not quite as straightforward as a statement of ‘no lesser accountability’ implies.

In terms of providing a model for the newer electronic integrated service delivery initiatives, this model with its formal agreements and long planning phase will not suit the immediacy of the requirements. However, the long planning lead time does allow the accountability issues, including recordkeeping, to be clearly identified and addressed before the agency opens for business.

**Privatisation and outsourcing**

During the 1990s all governments, but specifically those of Victoria, South Australia and the Commonwealth, actively engaged in a program of outsourcing government functions to private providers. Various arrangements were put in place including establishment of government business enterprises, effectively privatising previous government bodies, and sale of parts of government agencies. The debate over this strategy raged fast and furious during the 1990s with accountability being one of the critical factors at issue, as allegations about using such mechanism as a deliberate tactic to avoid accountability were aired. A series of crises, such as the failure of the gas supply in Victoria, and issues to do with infrastructure maintenance and the cryptosporidium outbreak in Sydney’s water supply, focused attention on the accountabilities of privatised providers in these domains. Each of these accountability crises required records to enable external scrutiny to take place.

While the results of the privatisation initiatives have largely become a fait accompli, the issues of selling off of public assets is still a high ranking one on the political agenda (viz Telstra) with attention on the rights and services to the citizen refocusing the agenda squarely into the citizen-centric model more apparent in today’s integrated electronic service delivery mode. In terms of recordkeeping, the ownership and transfer of records to the privatised entities were critical to the conduct of the entities and the documentation and proof of the ongoing rights and responsibilities of the organisations and citizens they served. Treating records as an invisible part of the ‘assets’ in such sales was revealed as an unsatisfactory model. Options for records in such instances included transfer of custody, as opposed to ownership, where the extant records reverted to the Commonwealth at the end of their usefulness to the new organisation. Alternative arrangements such as copying, access arrangements and temporary transfer were devised (National Archives of Australia 2001).

Outsourcing is the ongoing identification of services that can be delivered on behalf of government by another body — most often a private commercial entity. Such arrangements are not without a considerable body of precedent, usually from the infrastructure construction area where such public–private interactions have been common for a number of years. However, outsourcing of services is a phenomenon which dates from the 1990s. Australian government at federal and state level now has considerable experience with these arrangements, and through the experience of early controversial outsourcing deals such as the Integraph contract in Victoria and the active oversight of Auditor Generals, a significant body of practical experience has developed about sourcing, specifying, managing and monitoring such arrangements. Essentially such arrangements come down to a commercial agreement established by contract. The contractual nature of the arrangement establishes a clear principal–agent relationship and places the government in the position as the principal.
While not without some continuing debate, the discussion on contracting out of services seems to be less emotive with the weight of practical experience in devising appropriate contracts. Debate continues to rage over areas where delivery of critical services are delivered to members of the public on behalf of government. In particular, areas such as detention centre management have demonstrated that, even when contractually the obligation for accountability may rest with the private provider, there is a public expectation that the relevant minister will accept responsibility where controversy over levels of service and appropriate delivery of service are raised, paradoxically maintaining an accountability relationship where no direct link is contractually provided (Mulgan 2002).

Where direct service is being delivered to the public, private providers have often been required to establish complaints mechanisms to manage redress by the public, and the ability of citizens to gain access to their records has been assisted in the extension of the Privacy Act to the private sector. Anecdotally the Australian community has always been concerned about privacy, confirmed in 2001 by research commissioned by the Australian Privacy Commissioner (Roy Morgan Research 2001). In relation to the rights to information, there is little doubt that the private sector is less accountable than the public sector. The use of the commercial-in-confidence tag to restrict wider accessibility to information has been one of the areas brought to public attention by Auditors General. These initiatives have tested the private sector, challenging their traditional accountability models.

In recordkeeping, significant attention was provided to the outsourcing issues in a pre-emptive manner, with influential guidelines developed to help agencies define appropriate measures to protect public interest in both records that already exist and those that are created during the course of an outsourcing arrangement. Again, one of the critical pieces of advice was that lumping records issues under consideration of generic assets would fail to identify the complexity of the issues that would require resolution (National Archives of Australia 1998).

**Inter-agency collaboration**

Inter-agency or cross-agency collaborative projects are becoming more frequent with increased impetus to better service delivery to the public. The Commonwealth Auditor General identifies two major projects within the Commonwealth as the Australians Working Together Policy Development and the Family and Community Services/Centrelink Business Partnership Agreement. In all jurisdictions, explorations of such linked-up, sectoral services are being explored, for example in the development of the Justice Sector Information Sharing Project within New South Wales. Many such initiatives are being explored, and many are underscoring the problems of incompatible technology infrastructures leading to significant attention within many jurisdictions on achieving appropriate technology interoperability frameworks as a precondition to enabling better joint service delivery initiatives.

In terms of recordkeeping, where the agencies collaborating fall within one jurisdiction, the rules are quite clear cut and all are expected to meet the same levels of compliance with guidance and standards. Even where third parties are established to oversee the project, they still fall within the one jurisdiction and thus the applicable recordkeeping and other regulatory rules are clearly known. Responsibility must be allocated however, for the administration of records within such projects and this depends on the mechanism adopted for governance. In large formal systems, such as the justice sector initiatives in New South Wales, formal cross-agency memoranda of understanding are adopted, outlining commitment to collaborate and nominating specific individual agency responsibilities. The Family and Community Services/Centrelink Business Partnership Agreement project specifically addresses the issues of privacy,
freedom of information and related matters (including cross-agency access to records) within the memorandum of understanding. Again, it is clear that the governance arrangements and the degree of formality invested in such arrangements is dependent upon the risks and financial commitments involved in the projects. In many cases, a lead agency is nominated to coordinate and manage the collaboration, thus making it the defacto owner of the initiative.

A second set of shared services are commonly identified within this category. These are the cross agency cooperation to share the administration and management of common functions, such as human resource management, or information technology support. Such collaborations are formally documented and are accompanied by service agreements. They are usually entered into for fixed periods of time, and are aimed at cost reduction and increased efficiency. Issues arise, however, as to whether to maintain the records of individual agencies separately, or to integrate the records. Integration tends to make for more cost efficiencies in day-to-day operation, but in situations where the arrangement is terminated, or the organisations are restructured (a common occurrence in Australian public life) increasingly costly problems are being encountered in how to extract and reallocate records to follow the new structural/functional responsibilities. An eye on the longer term is required to establish the operating parameters of these issues, as the responsibility and ownership issues for the records which document the rights and responsibilities of a specific agency can be unwittingly compromised.

Integrated service delivery

Beyond the previously described models for shared services, electronic government initiatives are currently at the exploratory stages of introducing services to the public that transcend individual agency boundaries and in many cases seek to integrate services from all three layers of government. The private sector is also involved in these initiatives with various roles as partner and, in some cases, service deliverer. Examples of existing collaborative projects are available, but often these involve integrated portals or front ends to information resource discovery (for example, Business Entry Point, EdNA or HealthInsite). Such projects were the first to reach fruition owing to the relative ease of constructing information portals. Independence of the individual contributors for the information continues to be upheld. Cross jurisdictional adoption of information resource discovery metadata (Australian Government Locator Service) accompanied by deployment of specifically designed metadata harvesting tools has meant relatively non-intrusive involvement from participating agencies.

Once the model moves beyond provision of information and moves to providing transactions and actual service delivery across organisational and jurisdictional boundaries, the complexity of some of the underlying issues is revealed as significant and requiring considerable attention to resolve. The intent of such projects is to experiment with different ways and methods of delivering services. In circumstances such as these, lead agency or principal/agent contractual arrangements are not suitable. Descriptions of such projects tend to stress alliances and partnership. The tendency is to be deliberately flexible so as not to stifle innovative outcomes. However, the fear is that accountability and guidance arrangements will be too loose and as inappropriate or problematic as those of the early learning-curve of outsourcing contracts. Certainly issues of recordkeeping as a part of accountability are not, at this stage, anywhere on the agenda.

Such projects challenge traditional lines of responsibility, highlighting problems with non-compatible organisational cultures, different priorities, different assessments of effectiveness respective to...
specific organisational goals, financing, commitment and sustainability. The barriers to cooperation are often high and in these circumstances specific incentive to participate in collaborative projects is needed. The Trials of Innovative Government Electronic Regional Services (TIGERS) project within the National Officer for the Information Economy is one such specifically funded incubation site.

The TIGERS project has now concluded and issues of sustainability of the projects established have been temporarily resolved by formally allocating ownership of the initiatives with specific agencies in a variety of jurisdictions. One of the issues raised in the final project report was that of intellectual property (Croger 2003). A number of issues were subsumed within that category, one of which is the issue that the new services themselves create new products and (depending on their nature) new records. When action is taken on the new products, who is responsible? Who owns the records? As John Lalor of the National Officer for the Information Economy Online Access Strategies program acknowledged, this is a ‘thorny issue’.

So who does own, or who is responsible for, these new ‘products’? The HealthConnect initiative is a complex project involving private individuals and organisations, state and regional health services and the Australian Government. The project is still in its planning stages but it illustrates the significant and knotty recordkeeping issues that arise in these environments.

**Case: HealthConnect**

The HealthConnect project proposes introduction of a shared electronic health record. What is submitted to the HealthConnect system and what can be accessed is subject to individual patient consent on an opt-in basis. The summary record will be sourced from independent systems maintained by practitioners in the clinical medical and allied health service delivery arenas. The summary record is created using agreed metadata fields describing the specific event. Summaries are lodged into the HealthConnect system, at this stage envisaged as a set of physically decentralised nodes accessible through a centralised access mechanism. Health providers then access the relevant health information on a patient according to a number of variables, for example, only those summary records relating to the aspect of the patient’s presentation problem, filtered by a set of predefined parameters which retrieve and combine the multiple existing summary records into an aggregated view.

From this brief description some of the issues of concern can be derived. The source record from which individual event summaries are produced, remains the individual record within the clinical treating environment. These systems remain independent and are owned by the relevant authority, organisation or individual. The summary is not intended to replace the independent and more comprehensive local record as the responsible record of individual treatment or consultation. Thus at this level, the ownership and responsibility for the source information is unchanged and resides with the originating system.

However, the summary is a new record. It is sourced from information within independent providers’ systems, however it is not the same as the original record. Mechanisms are being built into the system to ensure there is some validation, by the submitting health professional, of the information extracted from the source record. Similarly the aggregated view of the individual summary records presented to the enquiring clinician at the point of health service delivery is again a new record. This is the record perhaps of most critical concern because it is this one that provides the information within the HealthConnect system to decision-making health professionals.

The HealthConnect business architecture is complex and envisages multiple options for the administration and management of the decentralised nodes or repositories of shared records, encompassing existing state or regional collaborative electronic health repositories, as well as future options for private
management of such nodes. The technical mechanisms for ensuring access controls and for delivering the tailored views and reports are to be developed by the HealthConnect organisation itself. Similarly, the project envisages establishment of specialised boards — an Access Authority to oversee and monitor access permissions and rules; and a Clinical Authority to establish and monitor the nature of information submitted to the HealthConnect repositories. Additionally, governance of HealthConnect will be managed by a HealthConnect board, proposed to be established by legislation.

Implications from issues of ownership and responsibility for the summaries are unclear. Where will the liability reside in the case of clinical decisions being made on the information supplied by the system? For individual clinicians the issues are about whether the information in the summary and the view presented to them is complete and reliable. The information is at least two levels removed from the originating system where initial responsibility lies (that is, there is a summary record and a synthesised presentation of the ‘relevant’ summaries).

The HealthConnect summary records are intended to be longitudinal records — that is, accumulating from all clinical events over the lifetime of the individual. Already the technical architecture has acknowledged that multiple versions of the metadata templates driving the extraction and storage of data will need to be managed. However, the anticipated longevity of the electronic records will require active and continuous management to achieve the stated aim. Ensuring the long-term existence and accessibility to electronic data is no simple matter and the subject of a number of international research projects. This is not an issue that can be sanguinely ignored but must be actively planned and implemented. Within the HealthConnect public documents there is some acknowledgement of this issue, but from a recordkeeping viewpoint the understanding of the complexity of the issue is superficial at best.

HealthConnect is in development phase and there are many challenging issues involved in implementing the system. These issues include managing electronic patient consent, consistent identification of individuals, authentication and deployment of complex technical architectures. Issues of ownership and responsibility for the records within the system must also be acknowledged and addressed. The issues are thorny, and are acknowledged by the HealthConnect project documents, however the very complexity of the issues has led to postponement of seriously addressing them. So the concept of data custodianship has been proposed as the role of the distributed HealthConnect nodes. This is a neutral role, initially proposed by NSW Health who suggested that ‘ownership of data is an outdated concept’ and by adopting this, the project seeks to deliberately limit responsibilities (HealthConnect Program Office 2003). Some of this is, of course, a problem of politics rather than a specific system problem. It is expedient to duck such issues. However, as discussed, the issues are too critical to be dismissed. Issues of liability for information have been raised constantly through the project development to date, and the issue has been referred to external legal advice. The irony is that a shared electronic health record system fails to meet recordkeeping requirements to keep records. This is a critical, make or break, issue.12

Conclusion

Accountability is a critical concept to all shared service delivery models. This is underlined in a recent New Zealand study on accountability which provocatively asked whether accountability arrangements really matter, ‘we believe that the unequivocal answer to the question posed above is ‘heck, yes” (Anderson & Dovey 2003). New models of accountability are seeking to provide the flexibility, yet robustness, required in the shared services environment. Recordkeeping has a critical role in the ability
to deliver appropriate accountability. Recordkeeping is not an outdated paper form of burdensome compliance but a critical aspect of the operation and long-term viability of electronic services. Yet it is often invisible in the mechanisms used to establish governance requirements. Those mechanisms that have lengthy planning cycles will reach a consideration of recordkeeping issues in time, but the timeframes for such projects may preclude their use in more dynamic, flexible models required for responsive electronic service delivery. Proactive advice in establishing groundrules for recordkeeping in outsourcing projects proved invaluable to the slew of enquiries by accountability bodies during the initial rocky phases of the outsourcing trend in the 1990s. New integrated electronic shared services are dependent on information and communication technology systems. Similar collaborative, proactive projects need to be devised to pay explicit attention to recordkeeping in the governance frameworks of all shared services. Innovative ways of building recordkeeping functional requirements into any the software systems delivering shared services are required to safeguard short-term vulnerabilities, protect all parties and serve the Australian public.

References


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Notes

1 Much of this literature is from Australia, for example McKemmish & Upward 1993; A simple shared Goal — Accountability through Recordkeeping Special Issue of Archives and Manuscripts vol. 21 no. 1, May 1993 and other papers cited here.


3 These words resound through the literature on new ways of delivering government services.


5 See for example, ‘Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances’ May 2002, which designates the Commonwealth body, the Australian Maritime Safety Authority, as the administrative entity responsible for administering the national plan and in Appendixes to the Agreement clearly sets out specific responsibilities, in which recordkeeping is implicit <http://www.amsa.gov.au/me/natplan/interplan.htm>.

6 This point has been reinforced recently by the Federal Privacy Commissioner, Malcolm Crompton, who states ‘The evidence to date suggests that more attention has sometimes been given to the establishment of these bodies and associated working arrangements than to ensuring that corresponding transparency and accountability arrangements are in place ... This trend poses major challenges for all regulators operating in this environment.’ ‘Light Touch’ or ‘Soft Touch’ — Reflections of a Regulator Implementing a New Privacy Regime’ March 2004, http://www.privacy.gov.au/news/speeches/sp2_04.pdf


8 In his introduction, Federal Privacy Commissioner, Malcolm Crompton, states ‘Overall, respondents to the OFPC [Office of the Federal Privacy Commissioner] research, while exhibiting a low level of knowledge and understanding in relation to privacy, show a high and increasing level of interest in their own privacy’.


10 See for example, the Memorandum of Understanding in Relation to a New South Wales Criminal Justice System at <http://www.comp.mq.edu.au/~mike/ictctr/CJSmou3.doc>.


12 These issues have been directly submitted to the HealthConnect project, but with little acknowledgement. See Livia Iacovino and Barbara Reed, with Robert Meredith and Bernadette McSherry ‘HealthConnect Program Office, HealthConnect Systems Architecture Project, Phase 2 Systems Architecture Development. Submission to HealthConnect Program Office’ December 2003.