



NSW Data & Information Custodianship Policy

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1. PURPOSE

The NSW Data & Information Custodianship Policy defines a set of principles for the management and maintenance of the State's core data and information assets. These principles align with national and international best practice, and industry standards and practices.

This policy directs the development, implementation and management of data and information custodianship roles and responsibilities, and the formal arrangements that create those roles and responsibilities, for the NSW public sector. In most circumstances this policy will not impose additional responsibilities, but will instead formalise current approaches.

Implementation of this policy and adherence to its principles will facilitate compliance with the NSW Information Management Framework and the NSW Foundation Spatial Data Framework, which together provide a coherent set of agreed policies, standards and guidelines.

2. INTRODUCTION

2.1 Information Management Framework

A key initiative of the [NSW Government ICT Strategy](#) is the development of an Information Management Framework (the IM Framework) to support the way government administers and uses data and information.

The Framework is a coherent set of standards, policies, guidelines and procedures which are implemented either manually or, where possible, automated through technology. This will allow data and information to be managed in a secure, structured and consistent manner.

It will ensure that data and information can be appropriately shared or re-used by agencies, individual public sector staff, the community or industry for better services, improved performance management and a more productive public sector.

2.2 Data and information custodianship

NSW Government data and information represent a considerable resource for government, the community and the private sector. They also represent a significant investment and responsibility on the part of the State.

A clear understanding and acceptance of custodianship roles and responsibilities can help maximise benefits and minimise costs associated with information management for agencies, and lead to greater efficiency along data supply and value chains.

This policy has been developed through a consultative, collaborative process, and its implementation will benefit from ongoing close cooperation and knowledge sharing amongst stakeholders and public sector agencies.

Implementing the policy will build awareness of current NSW data and information assets among current and future users, enabling use of these assets to their full potential.

Some data and information have broad business relevance for many areas of State business operations. However, the focus of this policy is on data and information that have *core value* for the State, such as data and information identified by agencies as best aligned to service delivery outcomes. This policy can help facilitate appropriate identification, accessibility and use of these core value data and information assets.

This policy also underpins components of the NSW Government's e-government reform agenda, which is outlined in the *NSW 2021: State Plan*¹ and the *NSW Government ICT Strategy*.²

2.3 Terms

Table 1 in section 5 sets out roles and responsibilities of key parties under this policy.

A glossary is included at **Appendix A**, which incorporates definitions of 'custodian', 'data' and 'information'. In the context of this policy, 'data' is usually taken to imply 'information' as well.

A 'custodian' would normally be an agency, body, or designated role. A custodian is not ordinarily an individual, although custodianship roles, responsibilities and accountabilities may be delegated to an individual. The custodian will hold overall accountability and responsibility for the dataset.

2.4 What is data custodianship?

Custodianship involves formally assigning rights and responsibilities for data and information assets, including capture and management on behalf of the NSW Government.

Clarity around custodianship helps reduce unnecessary effort in the acquisition, maintenance and distribution of data and information. It also facilitates homogenisation and harmonisation of the data as a specific output, aimed at meeting the needs of government and the community.

Custodianship is not synonymous with ownership – all data captured by a Government agency forms part of the State's corporate information resource, but may not be owned by

¹ See <http://www.2021.nsw.gov.au/>

² See <http://www.services.nsw.gov.au/ict/>

the NSW Government. Under principles of custodianship, individual agencies are appointed to manage that data on behalf of the State.

Custodianship recognises the principles of copyright accruing to the Crown by the functions of individual agencies in some circumstances, but in so doing seeks to introduce efficiencies into information asset management.

This policy describes a range of roles and responsibilities which are allocated to an information asset that other agencies might use. Accountability and reliability of information are two of the major benefits that flow from allocation of roles and responsibilities.

This policy also recognises the budget constraints agencies face with respect to their agreed roles, and it aims to help reduce overall information management costs for agencies by encouraging best practice custodianship arrangements.

In most organisations custodianship arrangements are an acknowledgement and formalisation of the existing data and information management practices that are necessary to sustain quality business information.

2.5 Benefits of assigned data custodianship

Developing custodianship policy, and assigning formal custodianship roles and responsibilities, can deliver value by:

- Ensuring there is a nominated, accountable and authoritative single source of truth for all NSW Government data and information assets;
- Lessening confusion regarding accuracy of data relevant to users' needs, and giving users confidence that data within Government is accurate to specified levels or standards, identifiable and accessible;
- Reducing risks associated with use of temporally constrained and/or decayed NSW Government data and information assets;
- Aligning the limited resources available and removing duplication of effort in the collection and maintenance of data, increasing productive efficiency;
- Providing clarity of roles in the data supply and value chains, and providing a recognised point of contact for the distribution, transfer and sharing of data;
- Facilitating the collection of data;
- Promoting and facilitating access to core data and information assets, and encouraging widespread and effective use;
- Simplifying the processes by which NSW Government can make use of core data and information assets; and
- Coupled with licensing frameworks, enabling the effective production, maintenance and dissemination of data works.

2.6 Governance

Data governance policy in NSW is co-ordinated by the Department of Finance and Services (DFS), with support from cluster representatives. The Data & Information Custodianship Policy forms an important part of a broader NSW Information Management Framework.

3. SCOPE

This policy applies to the management and maintenance of core data and information assets within all NSW Government Departments, Statutory Bodies and Shared Service Providers and related entities of departments/divisions.

This policy is recommended for adoption by NSW:

- State-owned corporations (SOCs);
- Public trading entities (PTEs);
- Entities fully funded by the NSW Government; and
- Local Government Authorities.

In accordance with *Premier's Memorandum M1999-19 Applicability of Memoranda and Circulars to State Owned Corporations*, this policy does not apply to State Owned Corporations – although it is recommended for adoption.

4. POLICY PRINCIPLES

4.1 NSW Government

Custodian agencies act as the custodian of the data and information assets and products held in their care. Intellectual property does not always reside with the custodian. Where it belongs to a third party, intellectual property rights are governed by appropriate contractual arrangements and the *Copyright Act 1968* (Cth).

The custodianship role and its associated responsibilities belong to the government agency which acts on behalf of the State of NSW. Roles and responsibilities are also managed in accordance with *NSW Intellectual Property Management Framework for the NSW Public Sector*³ and relevant legislation, including the *Copyright Act 1968* (Cth).⁴

4.2 Use of standards

Custodians, in consultation with users, are responsible for conforming to appropriate standards.

³ See http://www.dpc.nsw.gov.au/data/assets/pdf_file/0004/1012/Intellectual_Property_05.pdf

⁴ See part VII for Crown Copyright provisions.

Custodians should seek input from users to assist in defining appropriate standards for data and information in their custody. These include standards for the access, collection, maintenance, classification, description, accuracy, quality, currency, format and structure of the data. Custodians should set standards according to agency business needs and within appropriate frameworks, State, National and International.

Custodians are responsible for ensuring data and information adheres to quality standards and specifications where applicable, in particular, those standards issued by State Records NSW. Custodians also have an obligation to maintain their understanding of current applicable standards, and comply with ongoing developments in standards and best practice.

Common data standards discussed in this policy govern the organisation and control of the structure, design, storage, movement and security of information, by supporting the interoperability of information systems.

Data standards relating to this policy are in addition and complementary to those developed by the NSW State Statistical Council, which relate to the methodology adopted to support the measurement of data quality in relation to *NSW 2021* performance reporting.

4.3 Management of metadata

Custodians will identify, record and publish metadata for all datasets allocated to custodians.

Any transfers of datasets will be accompanied by current metadata, and metadata will be made freely available at no additional cost with the provision of the dataset.

The metadata will conform to relevant policies, industry guidelines and published standards, and will be appropriately stored and maintained.

4.4 Limitation of liability

Custodians should seek to protect the State from any liability that might arise from the use of a State-owned data asset.

Custodians and other prescribed roles should seek to protect the State from liability arising from the use of NSW data assets. The dissemination and use of information should be considered against the relevant legislation, the NSW Government open data policy and any directions of the Information and Privacy Commission. Release of datasets creates liability which, where appropriate, can be managed through:

- Appropriate licensing agreements;
- Appropriate metadata statements;
- Disclaimers; and

- Terms & Conditions of Use.

4.5 Appropriate data collection

Collection or conversion of data can only be justified in terms of the agency functions or government requirements.

Custodians, in consultation with users, are not expected to collect or convert data for which they have no government requirements to do so. These requirements will generally reflect either the agency's statutory responsibilities or Government priorities. If other parties require additional data or information, they may:

- Contribute the required resources to the collection or conversion of the data on behalf of the custodian;
- Contribute to a funding submission by the custodian for the collection or conversion of the required data and information; or
- Collect or convert it themselves, to the standards identified by the custodians, and integrate the data and information with the custodian's data free of charge.

4.6 Management of data or information

Custodians must prepare and implement plans for data management, including collection, conversion and maintenance.

Maintenance and revision of data or information is the responsibility of the custodian.

To preserve consistency and integrity, each dataset should be updated with approval from the custodian, and users should be informed of any data updates. Custodians must maintain plans for data management collection, conversion and maintenance in conformity with their statutory obligations and the needs of users. This does not imply that all users' needs can or should be met; the custodian should liaise with users and other affected parties when making any significant changes to datasets or information management practices.

The custodian should publish the methodology used to determine priorities for data management collection and preservation consistent with its budget constraints. The custodian is also responsible for negotiating the terms and conditions under which other agencies collect and maintain data on its behalf.

Custodians should amend faulty data and where appropriate notify affected parties. This will be consistent within the constraints of their existing budget allocations and existing regulatory frameworks.

Custodians should:

- **Consult** key stakeholders prior to developing or defining collection and maintenance programs. Custodians should understand and accommodate users' need for information;
- **Inform** key stakeholders of data collection and maintenance plans and their progress;
- **Avoid duplication** of capture by ensuring that data to be captured is not already held in the format required;
- **Ensure** appropriate storage, maintenance, security and archival procedures for the information in their custody; and
- **Correct** faulty data brought to their attention and, where it is appropriate or necessary, notify affected parties.

As part of the obligation to manage data and information, custodians will contribute to compliance with the *NSW Digital Information Security Policy*.⁵ This policy requires that agencies meet confidentiality, integrity, availability, compliance and assurance objectives with regard to the management of information.

4.7 Storage and archiving

The custodian is responsible for adequate and appropriate storage of the data.

Custodians of data and information must comply with the *State Records Act 1998* (NSW), which requires custodial agencies to establish and maintain a records management plan, and ensure appropriate records storage, maintenance, security and archiving of their custodial datasets.

This will include issues such as provision for secure copies of the master dataset, while allowing appropriate access to the data, e.g. outside or through the firewall.

Where appropriate custodians remain responsible for the management of data and information even after active data collection and/or revision is complete.

4.8 Access to data or information

Agency custodianship processes, arrangements and guidelines should be designed to facilitate access, irrespective of what form it takes.

Custodians are responsible for facilitating appropriate access arrangements for the data and information, for example, between government and business, and government and the public.

⁵ See http://www.dpc.nsw.gov.au/announcements/ministerial_memoranda/2012/m2012-15_digital_information_security_policy

If a custodian delegates responsibility for providing its data and information to another party, or for producing a value-added service or a data product, a formal agreement should be drawn up between the custodian and the other party.

At a minimum, the other party must provide the custodian with a copy of the data free of charge, according to an agreed transfer standard, and according to the custodian's standards. The custodian will subsequently assume responsibility for the maintenance of this data or information.

4.9 Authoritative source

The custodian acts as the authoritative source, single source of truth and preferred supplier for data and information in its care.

In acting as the authoritative source, the custodial agency may become the preferred supplier of this data. This approach lessens users' confusion and overcomes the accuracy and reliability problems that may arise where: identical information is held separately by several agencies; several agencies contribute data to a common database; or where data provided by different agencies is combined.

By virtue of its maintenance and standard-setting roles, the custodian should have more up-to-date data than other agencies. It will therefore be in the best position to advise users on the source, currency and completeness of data in its care.

4.10 Accountability for data and information quality

The custodian is accountable for the integrity of the data and information in its care.

A custodian may delegate some or all of its responsibilities for the information in its care. However, the custodian cannot delegate its accountability for the integrity, quality, and currency, accuracy and accessibility of that information.

5. ROLES AND RESPONSIBILITIES

As a result of the increasing demand for government information and services, the public sector faces new opportunities and challenges in relation to managing a wide range of information and services in an efficient, effective and timely manner, for an increasingly demanding and technologically sophisticated client base.³

Implementing this policy can help agencies take advantage of opportunities and overcome challenges, by improving data governance arrangements, and subsequently in line with other Government policies on access and use of information.

The custodianship model outlined in this policy is based on defined roles and responsibilities, as described in **Table 1**. Individuals and/or organisations may provide one or

³ NSW Land & Property Information, Information, Communication & Technology Division, *Spatial Information Market Place: Architecture Roadmap*, 2011.

more functions based on different roles and responsibilities. Specific definitions, including for *custodian*, are provided at **Appendix A**.

These roles and responsibilities should be managed in accordance with the NSW Intellectual Property Management Framework for the NSW Public Sector and relevant legislation, including s84 of the *Copyright Act 1968* (Cth), and the *Privacy and Personal Information Protection Act 1998* (NSW).

Table 1. Custodianship roles and responsibilities.

ROLE	RESPONSIBILITIES
Custodian	<ul style="list-style-type: none"> • Hold overall accountability and responsibility for the dataset. • Will manage and aim to control any risks associated with the dataset. • Maintain the validity of datasets. • Manage and maintain data, including metadata, to ensure that discovery mechanisms function. • Ensure that with access to the data, the metadata is also available, and that it is discoverable, accessible and current. • Ensure that datasets conform to appropriate agreed standards. • Develop and regularly review the conditions and processes under which individual datasets are made available, for example by licences or proactive release. • Establish, monitor and maintain standards relevant to pricing and access to data. • Manage storage, maintenance, security and archival procedures. • Cultivate community awareness. • Provide advice on the proper use and interpretation of the data. • Nominate a single point of contact for customer enquiries in relation to the dataset • Ensure that all legal, regulatory and policy requirements are met in relation to the management of the specified dataset or information asset • Determine the conditions for appropriate use, sharing and distribution of the specified dataset or information asset.

<p>Distributor</p>	<ul style="list-style-type: none"> • Provide delivery of infrastructure and services. • Seek approval for access to and use of data from the custodian or producers. • Maintain a register of clients and all data that is transferred to clients. • Distribute data to clients in an agreed format, media and in accordance with agreed timelines. • Ensure that data licences and contracts are completed prior to data being distributed. • May value-add to data and on-sell it to others as per the agreement with the custodian.
<p>Producer</p>	<ul style="list-style-type: none"> • Build, collect, contribute to and maintain data for the custodian. • Build metadata. • Maintain and implement agreed standards when developing and maintaining data as per custodial requirements. • Fix reported errors. • Liaise with custodians on the appropriateness of data standards. • Ensure data security.
<p>User</p>	<ul style="list-style-type: none"> • Acknowledge the source of data and abide by any copyright requirements when using data from the custodian. • Advise custodians of any errors or omissions in data they receive. • Advise custodians of future, or changing, data requirements. • Comply with terms and conditions of licence agreements and any requirements for payment for provision of data. Data must not be released to a third party unless protected by an agreement that stipulates the criteria for release and is authorised by the licence agreement.
<p>Aggregator</p>	<ul style="list-style-type: none"> • Aggregate, maintain and provide data. • Maintain the validity of the dataset created or provided.

	<ul style="list-style-type: none"> • Ensure that datasets conform to agreed standards and liaise with custodians on data standard requirements. • Nominate a single point of contact for customer enquiries in relation to the dataset. • Provide advice on the proper use and interpretation of the data. • Regularly review the conditions and processes under which individual datasets are made available. • Ensure the resolution of errors in the data.
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6. CUSTODIANSHIP GOVERNANCE

6.1 Rights of custodians

The custodian has the right to establish access conditions for the datasets in its care, including open access licences, formal agreements between custodians and value adding agencies, and royalty and revenue sharing arrangements. The custodian also has oversight in relation to feedback on data and information quality, copyright and intellectual property aspects.

The custodian will also consider appropriate datasets and public sector information which may be of use to stakeholder groups, developers or members of the community, and consider whether these datasets can be proactively released in keeping with good open data practice.

Any release of data will be in compliance with the *Government Information (Public Access) Act 2009*, *Privacy and Personal Information Protection Act 1998* (NSW) and where relevant health privacy principles.

6.2 Criteria for selecting a custodian

The criteria for selecting a custodian (in no priority order) are as follows:

- Has sole statutory responsibility for the capture and maintenance of the data/information;
- Has the greatest operational need for the data/information;
- Is the first to record changes to the data/information;
- Is the most competent to capture and/or maintain the data/information;

- Is in the best economic position to justify the collection of the data/information at source;
- Requires the highest integrity and accuracy of the data/information; and/or
- Is able to meet the responsibilities of custodianship.

In agreeing to become a custodian, an agency needs to take into account the roles and responsibilities of being a custodian, and whether it is appropriate for the agency to take on these responsibilities. If it cannot meet these requirements, or finds that meeting these requirements constrains its operations, the agency should consider relinquishing its custodianship to another agency.

6.3 Transfer of custodianship

In the interests of maintaining completeness in the information holdings within NSW, the party relinquishing its custodianship has the responsibility of working with another agency to take on the role of custodian.

A custodial agency wishing to relinquish its custodial responsibilities for a nominated dataset needs agreement by all relevant parties involved, including the other agency that is prepared to assume custodianship duties. Documentation, licences, records and databases may need amendment to reflect the new custodial arrangements. All parties affected by the changes should be notified, and any issues relating to data and information management – including any transfer of funding – will need to be addressed at an agency level.

7. EVALUATION AND MONITORING

Custodians are required to conduct, monitor and manage custodianship compliance in accordance with the agreed principles outlined herein. Custodial agencies are encouraged to develop internal business processes to manage and monitor their custodianship processes to determine the use and effectiveness of their datasets.

This policy does not cover implementation. However, implementation will be planned as part of the NSW Information Management Framework, and will encompass both actions and a timeframe for achieving the policy objectives.

8. STANDARDS AND BEST PRACTICE

Standards already exist with respect to data custodianship, and these should be applied as appropriate in the NSW public sector context. This policy should also be read in conjunction with relevant guidance on the NSW Information Management Framework and the wider policy context.

The policy aligns with accepted best practice standards, including:

- *Australian Standard ISO 15489 – Records management*
- *Australian Standard ISO 23081 Records Management Processes – Metadata for Records*
- *ISO 16175 Principles and Functional Requirements for Records in Electronic Office Environments*
- *NSW Intellectual Property Management Framework for the NSW Public Sector Guidelines*
- *Standard on Digital Recordkeeping, Standard on Full and Accurate Records, Standard on Managing a Records Management Program, and all related standards issued by State Records NSW*

9. LEGISLATION

Legislative instruments relating to this policy include:

- *State Records Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW) (GIPA)*
- *Civil Liability Act 2002 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Copyright Act 1968 (Cth)*

10. REVIEW

This policy is subject to review at least every 2 years, or as appropriate.

11. CONTACT

For further information, please contact:

Director, Information
Strategic Policy
Department of Finance & Services
(02) 9372 7785

APPENDIX A – GLOSSARY

TERM	DEFINITION
Agency	Any department, instrumentality, statutory authority, commission or such organisations established by or under legislation and/or subject to government financial and accountability legislation.
Aggregator	Any <i>Agency</i> involved in compiling and maintaining <i>Data</i> from multiple sources for production into a seamless <i>Dataset</i> .
Core Value	Best aligned to NSW Government strategic objectives; or central for the progression and development of the State; or required for frequent use and re-use across Government in support of various functions and services.
Custodian	<p>The <i>Agency</i>, body or position designated with the <i>Custody</i> of a specified <i>Dataset</i> or <i>Information</i> asset. The custodian is primarily responsible for:</p> <ul style="list-style-type: none"> • the development, management, care and maintenance of a specified <i>Dataset</i> or <i>Information</i> asset; • ensuring that all legal, regulatory and policy requirements are met in relation to the management of the specified <i>Dataset</i> or <i>Information</i> asset; and • determining the conditions for appropriate use, sharing and distribution of the specified <i>Dataset</i> or <i>Information</i> asset.
Custodianship	The state of being assigned with <i>Custody</i> of a specified <i>Dataset</i> or <i>Information</i> asset. The responsibilities associated with being a designated <i>Custodian</i> .
Custodianship Record	A document outlining the profile of a dataset (for example: description, relationship to other datasets, access and licensing conditions) and identifying the assigned <i>Custodian</i> for the dataset.
Custody	The possession, control of and/or responsibility for a specified <i>Dataset</i> or <i>Information</i> asset – regardless of its physical or virtual location.

Data	<p>The representation of facts, concepts or instructions in a formalised (consistent and agreed) manner suitable for communication, interpretation or processing by human or automatic means.</p> <p>Typically comprised of numbers, words or images. The format and presentation of data may vary with the context in which it is used.</p> <p>Data is not <i>Information</i> until it is utilised in a particular context for a particular purpose. (Office of the Australian Information Commissioner (OAIC), 2013)</p> <p><i>Data</i> is typically considered to be conceptually at the lowest level of abstraction.</p>
Dataset	<p>An identifiable collection of <i>Data</i>.</p> <p>Most commonly a dataset corresponds to the contents of a single database table, or a single statistical data matrix. The term can also be used to refer to the data in a collection of closely related tables.</p> <p>A dataset may comprise a smaller grouping (or subset) of data which, though limited by some constraint or feature type, is located physically within a larger dataset.</p>
Distributor	<p>A third party who supplies or disseminates <i>Data</i> or <i>Information</i> on behalf of the <i>Custodian</i>, or who adds value to <i>Data</i> or <i>Information</i> and on-sells it to others.</p>
Information	<p>Any collection of <i>Data</i> that is processed, analysed, interpreted, classified or communicated in order to serve a useful purpose, present fact(s) or represent knowledge in any medium or form.</p> <p>This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form. (Office of the Australian Information Commissioner (OAIC), 2013)</p> <p><i>Information</i> is typically considered to be at a higher level of abstraction than <i>Data</i>.</p>
ISO	<p>International Organization for Standardization.</p>
Maintenance	<p>A process that ensures that the <i>Data</i> or <i>Information</i> conforms to a specification.</p>

<p>Metadata</p>	<p>Data that defines or describes the content, quality, format or structure of a <i>Dataset</i> or <i>Information</i> asset; data that defines or describes the system, location and context in which the dataset or information was produced, collected, processed or stored.</p> <p>Metadata allows <i>Datasets</i> or <i>Information</i> assets to be found, understood, controlled and managed.</p>
<p>Producer</p>	<p>An individual or business enterprise that generates <i>Data</i> or <i>Information</i> products or services for sale. A producer may create and maintain <i>Data</i> on behalf of the <i>Custodian</i>.</p> <p>In the context of this policy, producers include contributors, which may be an individual, group or organisation that offers additional <i>Data</i> to the <i>Custodian</i>.</p>
<p>User</p>	<p>End consumer of a <i>Data</i> or <i>Information</i> resource; those who use <i>Data</i> or <i>Information</i> for reference, or as input to solve problems and/or make decisions.</p>

Document Control

Document history

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