

TAHO

Tasmanian Archive + Heritage Office

State Records Guideline No 2

Retention and Disposal of State Records

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Ross Latham
State Archivist

UNDER REVIEW

I Introduction

All disposal activity, including destruction and transfer of records applies to records in all formats including digital or electronic records (records communicated or maintained by means of electronic equipment).

Agencies must ensure that all records, regardless of format, remain accessible while they are in the custody of the agency.

I.1 Purpose

The *Archives Act 1983* stipulates that no government employee, or any other person, may dispose of records of any type without the written authority of the State Archivist and requires agencies to preserve records until they are dealt with under the Act. This guideline provides further information about the obligations flowing from these requirements.

I.2 Authority

This guideline is issued under the provisions of Section 10A of the *Archives Act 1983*. Guidelines issued by the State Archivist under this Section set standards, policy, and procedures relating to the making and keeping of State records. This section also requires all relevant authorities to take all reasonable steps to comply with these guidelines, and put them into effect.

Keyword	Interpretation
MUST	The item is mandatory.
MUST NOT	Non-use of the item is mandatory.
SHOULD	Valid reasons to deviate from the item may exist in particular circumstances, but the full implications need to be considered before choosing this course.
SHOULD NOT	Valid reasons to implement the item may exist in particular circumstances, but the full implications need to be considered before choosing this course.
RECOMMENDS RECOMMENDED	The item is encouraged or suggested.

'MUST' and 'MUST NOT' statements are highlighted in capitals throughout the Guideline. Agencies deviating from these MUST advise TAHO of the decision to waive particular requirements.

Agencies deviating from a 'SHOULD' or 'SHOULD NOT' statement MUST record:

- the reasons for the deviation,
- an assessment of the residual risk resulting from the deviation,
- the date at which the decision will be reviewed, and
- whether the deviation has management approval.

Agencies deviating from a 'RECOMMENDS' or 'RECOMMENDED' requirement are encouraged to document the reasons for doing so.

2 Records copied into other media

Technology enables records created in one medium or format to be copied or converted to a new medium or format, or migrated from one system to another.

As there are some legal and archival restraints on the destruction of source records after copying, conversion or migration, the destruction of the source records can only proceed if an authorisation issued under Section 20 of the *Archives Act 1983* is obtained. *State Records Guideline No. 8, Digitisation and Disposal of Source Records* details how this authorisation can be obtained.

3 Permanent records

Records are retained permanently if they:

- document the constitutional and legal basis of the Tasmanian Government;
- document the origin, development, organisation, functions, policies and substantive activities of Tasmanian Government agencies including local government authorities;
- document the rights and privileges of private citizens and organisations; or
- document the political, social and economic affairs and the history and development of Tasmania.

Permanent records will usually be transferred to TAHO to be retained as State archives. The *Archives Act 1983* establishes 25 years as the maximum required timeframe for the transfer of permanent records to TAHO unless an extension of time has been approved by the State Archivist. For practical purposes this is taken as meaning 25 years after action is completed.

4 Temporary records

Temporary records can be destroyed following the expiry of retention periods specified in Disposal Schedules or by obtaining a Destruction Authority from the State Archivist. Temporary records can be retained by the agency until they are no longer required for administrative purposes and the authorised retention period has expired, but the provisions of the *Archives Act 1983* regarding their proper care and custody continues to apply while they are still in existence.

5 Disposal authorisation

Authority to dispose of records must be obtained from the State Archivist. This can take the form of either:

- implementing disposal actions identified in Disposal Schedules which have been authorised and issued by the State Archivist, or
- for records which are not covered by a Disposal Schedule, obtaining written authorisation from the State Archivist.

5.1 Records disposal Schedules

A records disposal schedule is a detailed inventory of records created and stored by an agency, listed by record classes identified within the contextual framework of the agency's functions and activities, and identifying the appropriate disposal action. These comprehensive documents are formally authorised by the State Archivist and the destruction periods identified in the schedule can be acted upon without further reference to TAHO. The

prompt and orderly disposal of non-current records is essential to an accountable and efficient records and information system. The most effective way of doing this is to prepare and adopt comprehensive disposal schedules.

TAHO has issued a number of disposal schedules which cover records which are common to more than one agency. The *Disposal Schedule for Common Administrative Functions (DA No. 2157)* authorises the disposal of a range of administrative records which are common to most agencies. The *Disposal Schedule No. DA2200 for Local Government Records* authorises the disposal of records which are common to local government.

A list of current disposal schedules is available on the GISU website. Copies of all schedules can be downloaded from this site.

Agencies must develop disposal schedules for all records created in the process of undertaking their particular agency functions. *State Records Guideline No. 6, Developing a Functional Disposal Schedule* provides information about, and stipulates the process to be followed for, developing a function based records disposal schedule for authorisation by the State Archivist.

Recordkeeping Advice No. 9, Disposal of Scheduled Records details the procedures to be followed for the disposal of scheduled records.

5.2 Unscheduled Records

Agencies that have responsibility for records which have not yet been identified in a current Disposal Schedule may apply for a Destruction Authority from the State Archivist to deal with these unscheduled records. This procedure should only be used in circumstances when the records need to be disposed of as a priority and it is impractical to develop a disposal schedule.

Recordkeeping Advice No. 10, Disposal of Unscheduled Records details the procedures to be followed to obtain authorisation for the disposal of unscheduled records.

6 Transfer of records to TAHO

The Archives Act 1983 stipulates that relevant authorities must transfer State records 25 years after their creation to TAHO. For practical purposes this is taken as meaning 25 years after action is completed. The exception to this is if records have been authorized for destruction or a written exemption has been obtained from the State Archivist. The State Archivist may also impose conditions in respect of the management of, and the provision of access to, the State records that are the subject of an exemption.

All records identified as having 'PERMANENT' status in an authorised disposal schedule should be transferred to TAHO 25 years after action is completed.

Where permanent value records are maintained in an electronic format, the issues of system changes and media and file format obsolescence, and the continued linkage of recordkeeping metadata with individual records needs to be managed by the agency to ensure these records remain accessible over time.

The TAHO and the Inter Agency Policy and Projects Unit of the Department of Premier and Cabinet are working to identify appropriate strategies and techniques for the long term preservation of electronic records. In the meantime agencies should develop and implement their own strategies for refreshing and migrating media formats, migrating file formats, and managing recordkeeping metadata.

7 Access to State records transferred to TAHO

Under section 15 of the *Archives Act 1983* records will become publicly accessible when transferred to TAHO unless any access restrictions are notified at the time of transfer. When transferring scheduled records to TAHO, agencies need to make an access recommendation, if restriction is required, on the *Application to Dispose of State Records*. This recommendation will be recorded on the completed *Transfer and Access Agreement* which will be returned to the Agency for approval once the records have been processed by TAHO.

State Records Guideline No. 4, Agency Determination of Access Restrictions provides advice on the types of information or matters contained in records which may be considered when determining whether access should be restricted.

8 Transfer and access agreement

When records are transferred to TAHO two copies of the *Transfer and Access Agreement* which contains a detailed list of the records transferred, and TAHO reference numbers, will be issued to the transferring agency. The agency is required to verify any recommended access restrictions on the agreement and return one copy signed by the relevant authority to TAHO. The *Transfer and Access Agreement* signed by the relevant authority and the State Archivist is the official form of receipt acknowledging transfer of the records listed to the custody of the State Archivist. The relevant authority may delegate this responsibility to another officer. If this responsibility is delegated, a copy of the formal delegation instrument must be sent to the State Archivist.

9 Destruction of records

The destruction method chosen for records authorised for destruction in an authorised disposal schedule or in a destruction authority issued by the State Archivist, should be appropriate to the medium in which the record exists. It is the responsibility of the agency to ensure that the identified records are actually destroyed and that this process is confidential and secure. For further information please refer to *State Records Guideline No.21 – Approved destruction methods for State records*.

10 Definitions

agency - is used in this guideline to refer to all agencies, authorities, statutory offices, departments, councils and other organisations that are subject to, and defined in, the *Archives Act 1983*.

disposal - involves either the destruction of records; their transfer to TAHO for retention as part of the State archives; their transfer to another custodian; or some other process approved by the State Archivist which removes them from the custody of their creator or current keeper.

record - is a document or an object that is, or has been, made or kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event person, circumstance, or thing. A document includes any printed or written material and an object includes a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan, or model or painting or other pictorial or graphic work.

relevant authority - means the Secretary or head of a Government department or agency, or the person directly responsible to the Minister concerned for the administration and direction of that department, service, or body. It means, in relation to a State authority or a local authority that is incorporated, that authority; or in relation to a State authority or a local authority that is unincorporated, the secretary, clerk, or other principal executive officer of that authority.

scheduled records - records that are described in an authorised disposal schedule.

State archive - any State record or any other record which is for the time being deposited and preserved at the TAHO.

State records - records of State government agencies/departments, State authorities, or local authorities. These public bodies are defined in Section 3 of the *Archives Act 1983*.

unscheduled records - records that are not described in an authorised Disposal Schedule

Further Advice

For more detailed advice, please contact:

Government Information Strategy Unit
Tasmanian Archive and Heritage Office
91 Murray Street
HOBART TASMANIA 7000
Telephone: 03 6165 5581
Email: gisu@education.tas.gov.au

UNDER REVIEW

Compliance Checklist

1	A disposal schedule covering all records created by the agency has been developed and authorised by the State Archivist	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	The procedure for the disposal of unscheduled records is only used in circumstances when the records need to be disposed of as a priority and it is impractical to develop a disposal schedule.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3	Permanent records are transferred to TAHO 25 years after action is completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4	An exemption has been obtained from the State Archivist to retain permanent records more than 25 years after action is completed in the agency.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5	The management of permanent records ensures they remain accessible over time.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6	Temporary records retained by the agency after the authorised retention period has expired, are managed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7	The destruction of source records after copying, conversion or migration, is authorised by the State Archivist.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8	Access restrictions set out in a transfer and access agreement are verified and signed by the relevant authority or formal delegate	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9	The destruction method chosen for records authorised for destruction is appropriate to the medium in which the record exists and is confidential and secure	<input type="checkbox"/> Yes	<input type="checkbox"/> No