

TAHO

Tasmanian Archive + Heritage Office

State Records Guideline No 12

Short-term Retrieval of State Archives

Table of Contents

1	Purpose.....	3
	1.1 Authority.....	3
2	Record Retrieval.....	4
3	Agency responsibilities.....	4
4	Definitions.....	4
	Further Advice.....	5

Information Security Classification

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Ross Latham
State Archivist

I Purpose

Section 19 of the *Archives Act 1983* provides for the short-term return of records that are held as State archives and are less than 25 years old to the appropriate transferring agency. Conditions apply to the return of records more than 25 years old. This guideline is to provide information about the entitlements and responsibilities of agencies under this section.

I.1 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 Record Retrieval

Section 19 of the *Archives Act 1983* provides a right for the relevant authority to:

- retrieve records that they transferred to the Tasmanian Heritage and Archives Office (TAHO), or
- retrieve records that were transferred to TAHO by an authority they have functionally succeeded.

However, this is a limited right and, if a record is more than 25 years old, it does not apply except so far as necessary for the proper conduct of the business of the agency concerned. Proper conduct of the business is taken to mean the activities involved in performing the function for which the agency exists and was established. This would not normally be taken to mean historical research or similar work which could be referred to the Reference Services Branch of TAHO.

Most records will be available to the public after 25 years from the making of the record and the intent of this provision is to minimise the time that records on open access are not accessible to the public because they have been returned to an agency. Agencies should therefore clarify the purpose of the request as TAHO may wish to assess this in the context of this section of the Act and the overall legislative requirement to preserve State archives and make them available.

State records less than 25 years old may be retrieved by agencies from TAHO for any purpose as they are still within the period beyond which their transfer would have been mandatory.

3 Agency responsibilities

Agencies can request the short-term retrieval of records from TAHO by following the procedures set out in *Recordkeeping Advice No. 11, Short-term Retrieval of State Records*.

Agencies are responsible for the security, care, and prompt return of records retrieved from TAHO and should ensure that adequate records management procedures are adopted to fulfil this responsibility.

There is a prohibition in Section 21 of the *Archives Act 1983* against altering or adding to a record that is more than 25 years old without approval from the State Archivist.

Records should be returned to TAHO as soon as possible, but no later than 30 days from the date of retrieval. If an extension is required TAHO Collections staff should be contacted.

4 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.

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.

State archive – is a State record or any other record which is for the time being deposited and preserved in the State Archives.

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.

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