

TAHO

Tasmanian Archive + Heritage Office

State Records Guideline No 16

Managing Inter-agency Transfer of Personnel Records

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Information Security Classification

This document has been security classified using the Tasmanian Government Information Security classification standard as PUBLIC and will be managed according to the requirements of the Tasmanian Government Information Security Policy.

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Ross Latham
State Archivist

I Purpose

This guideline is to provide information about, and stipulate the process for, the transfer of personnel records in the custody of State or local government organisations which need to be transferred from one agency to another when employees move between agencies in their employment.

It is intended to provide a legal framework for the transferral process of personnel records and to ensure that, within this process, full records of the service, rights, and entitlements of all employees are retained for the lengths of time specified in relevant records retention and disposal schedules.

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 Establishment of procedure

The Records Manager (or equivalent), in consultation with the Human Resource section (or equivalent) of the agency should create an authorised procedure for the appropriate management of the inter-agency transfer of personnel records.

This process may operate and be mutually beneficial where an employee leaves one agency and is employed directly in another agency, or where there is a break in service between the two employments but it is convenient for the second agency to have some of the previous employment records.

The procedure needs to contain the following elements:

- Provision for the Human Resource section (or equivalent) to contact the Records Manager (or equivalent) at the time the employee lodges their resignation and when it is known that the employee is to be employed in another agency. Otherwise, this can occur upon request from the new employing agency at a later date.
- Provision for the Records Manager (or equivalent) of both agencies to coordinate the Human Resource section (or equivalent) of their respective agencies to arrange for the timely, proper and secure transfer of the employee's personnel records that are required by the succeeding agency.
- Provision for the ongoing maintenance by the original agency of the employee's personnel records that are not required by the succeeding agency, according to the appropriate classes for personnel records in the Records Retention and Disposal Schedule for Common Administrative Functions (DA No 2157).
- A requirement that detailed references are kept in the agency's records control systems of all records sent to and received from other agencies.
- Provision for agencies to have access to records of any transactions relating to employees that were created while they were employed in any agency.

3 Authorisation

A formal authorisation for the transfer of custody of personnel records in accordance with these procedures has been issued by the State Archivist under section 20 of the *Archives Act 1983*. This authorisation (DA No. 2330) is included as Appendix A of this Guideline.

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

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

transfer of custody - involves transferring the duty of care and responsibility for the ongoing management and preservation of records from one custodian to another.

Further Advice

For more detailed advice please contact:

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Appendix A

Tasmanian Archives and Heritage Office Transfer of Custody DA No. 2330

Under the provisions of Section 20(2)(b) of the *Archives Act 1983* approval is given to:

- Government Departments, State authorities, and local authorities

to transfer custody of the records specified below subject to any conditions specified below.

Description of Records:

Personnel records which need to be transferred from one agency to another when employees move between agencies in their employment.

Conditions:

Agencies should create and adhere to a procedure for the appropriate management of the inter-agency transfer of personnel records that is established in accordance with the principles described in State Records Guideline No. 16.

IRoss Latham
State Archivist

11 June 2009

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