

# Approval to destroy records

## Records Management

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## 1 Purpose

When this form is completed and signed, the signer, as representative of the program area which is the business owner of the records described in it, confirms that the records may be destroyed under the provisions of the *Public Records Act 1973*. The signed form constitutes approval for their destruction.

This form also allows an appropriate senior manager to require that the records be temporarily retained beyond the usual period, provided that they meet the conditions specified in Section 3.

## 2 Advice to business owners

The records described in Section 2.2, and in the itemised list attached, have been reviewed and identified as being eligible for destruction in accordance with the *Public Records Act 1973*.

The business unit responsible for the records must:

- Read through Section 2.2 and the attached itemised list of records recommended for destruction
- Complete Section 3, with the advice of Legal, Freedom of Information, and other relevant units if required
- Complete and sign Section 4.1 to approve destruction, and/or
- If you need to retain records, complete Section 4.2
- Return a completed and signed copy of this form **within 10 business days** of the date it was submitted.

**If advice to the contrary is not received (see Section 4.2), the records below will be securely and irreversibly destroyed after this period.**



### 3 Records retention to meet legal or business requirements

All boxes in this section must be checked before the form is accepted as valid by Records Management, even if all responses are 'No'.

It is the responsibility of the manager completing the section to contact the Legal, Freedom of Information and other relevant units to ensure that no legal action or Freedom of Information requests are pending.

Indicate whether the group of records proposed for destruction need to be retained because:

They are the subject of an external request for information, now <u>or in the foreseeable future</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
They are the subject of a formal request, inquiry or investigation, under the		
• Freedom of Information Act 1982	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Ombudsman Act 1973	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Privacy and Data Protection Act 2014	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• Protected Disclosure Act 2012	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Note:</b> heavy legal penalties may apply if records are required to meet inquiries or proceedings under these or other statutes are destroyed.		
Subject to a complaint outside the jurisdiction of the above Acts of Parliament	<input type="checkbox"/> Yes	<input type="checkbox"/> No
May be evidence in a current or anticipated legal proceeding	<input type="checkbox"/> Yes	<input type="checkbox"/> No
They require retention for exceptional business reasons	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If 'Yes', please provide a short description:		

## 4 Approval for destruction

<b>4.1 Approval to destroy records</b>	
<p>I approve the destruction of the records described above and in the attached inventory, in accordance with the Public Records Act 1973 and the relevant Retention and Disposal Authority. I certify that the documents are not subject to any enquiries or investigations, FOI applications, complaints or legal proceedings (including subpoenas) of any kind.</p> <p><i>Note: any copies, backups or duplicates of records approved for destruction which may still be held by the business owner should also be destroyed. This includes both hardcopy and electronic records</i></p>	
Name	
Position	
Program / Unit	
Branch / Region	
Date (dd/mm/yyyy)	
Signature	<i>If signed by a manager outside business area, please explain circumstances.</i>

The records described in the Section 2 and on the attached itemised list may need to be kept even though they are time-expired. The exact reasons for this will be described in Section 3 above.

In such a case, the appropriate manager must complete and sign Section 4.2 below. A separate itemised inventory of the records to be retained must be prepared and attached to this form.

<b>4.2 Requirement to retain time-expired records</b>	
<p>I request the retention of the records listed in the attached inventory, for the reasons cited in the section 'Records retention to meet legal or business requirements'.</p>	
Name	
Position	
Program / Unit	
Branch / Division	
Date (dd/mm/yyyy)	
Signature	<i>If signed by a manager outside business area (e.g. an Executive Director) please explain circumstances.</i>

## 5 Review of decision to retain

If all or some of the records are not approved for destruction immediately, this decision will be reviewed at least every 12 months. Any decision to continue to retain the records must be justified as shown in Section 5.1 below, e.g. there is an ongoing commission of inquiry or a pending / current court case.

5.1 Review			
Date reviewed (dd/mm/yyyy)	Name and position of reviewing manager	Reason for ongoing retention	Estimated time period for further retention

When the justification for further retention has lapsed, the business manager must complete Section 5.2 below to authorise the destruction of the records.

5.2 Authorisation to destroy after further retention	
<p><b>If records have been retained for legal or business reasons, and it is agreed that they can be destroyed after one or more reviews, the authorisation for destruction should be recorded here (not in Section 4.1).</b></p>	
Name	
Position	
Program / Unit	
Branch / Region	
Date (dd/mm/yyyy)	
Signature	<i>If signed by a manager outside business area (e.g. an Executive Director) please explain circumstances.</i>