



## Disposal

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## Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard applying to all public records in Victoria. This Standard and its associated Specifications are mandatory for all Victorian government agencies. This Standard, as varied or amended from time to time, shall have effect for a period of five (5) years from the date of issue unless revoked prior to that date.

A handwritten signature in black ink, appearing to read 'Justine Heazlewood', written in a cursive style.

Justine Heazlewood

Keeper of Public Records

Date of Issue: 9 August 2010

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## Acknowledgements

The Public Record Office Victoria would like to acknowledge the valuable contribution of members of the *Disposal Advisory Group* during the development of this Standard.

Version	Version Date	Details
1.0	9/08/2010	Released
1.1	17/07/2013	Copyright changed to Creative Commons license

# 1. Introduction

## 1.1. Public Record Office Victoria Standards

Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records ('the Keeper') is responsible for the establishment of Standards for the efficient management of public records and for assisting Victorian government agencies to apply those Standards to records under their control.

Recordkeeping Standards issued by PROV reflect best practice methodology. This includes international Standards issued by the International Organisation for Standardisation (ISO) and Australian Standards (AS) issued by Standards Australia in addition to PROV research into current and future trends.

Heads of government agencies are responsible under section 13b of the *Public Records Act 1973* for carrying out, with the advice and assistance of the Keeper, a programme of efficient management of public records that is in accordance with all Standards issued by the Keeper.

In Victoria, a programme of records management is identified as consisting of the following components:

- A recordkeeping framework;
- Recordkeeping procedures, processes and practices;
- Records management systems and structures;
- People and organisational structures; and
- Resources, including sufficient budget and facilities.

A programme of records management needs to cover all agency records in all formats, media and systems, including business systems.

## 1.2. Purpose

This Standard provides a set of mandatory principles for Victorian government agencies regarding the disposal of public records.

Disposal is defined as 'the range of processes associated with implementing records retention, deletion, destruction or transfer decisions which are documented in disposition authorities or other instruments'<sup>1</sup> The lawful disposal of records is an essential and critical component of any records management program.

Public records may be disposed of by the agency in two ways, by authorised destruction or through an authorised custody transfer. Destruction can be authorised through Normal Administrative Practice (NAP), Retention & Disposal Authorities (RDAs), or Single Instance Disposal Authorities (SIDAs). Custody transfers can be authorised through RDAs or by the

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<sup>1</sup> Standards Australia, *AS ISO 15489.1 Australian standard on records management*, pt 1, Standards Australia, Sydney, 2002, s. 3.9.

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Keeper. The custody of records may be transferred to PROV (for State Archives), to an approved Place of Deposit (PoD), to other government agencies (due to machinery of government changes) or by sale to private organisations.

The implementation of this Standard will benefit the agency by enabling the disposal of records to be carried out lawfully yet efficiently, and ensures the retention of those records of importance to the State in perpetuity.

### 1.3. Scope

This Standard applies to all public records defined by section 2 of the *Act*, that is, those records created or received by a public sector employee in the course of their duties or by a court or person acting judicially in Victoria. It applies to all government agencies as defined in section 2 of the *Act*. Refer to the Definitions section below for detailed definitions of terms used within this Standard.

The principles detailed in this Standard provide the foundation for the measurable compliance requirements described in the associated Specifications. In addition, Guidelines associated with this Standard and its Specifications will assist agencies to comply with the requirements of the appropriate Specifications.

The transfer of record custody between government agencies (such as through machinery of government changes) is addressed in the *Operations Management Standard*. The transfer of records to Approved Public Record Office Storage Suppliers (APROSS) for inactive storage is addressed in the *Storage Standard*.

This Standard replaces Public Record Office Standard (PROS 97/003) *Destruction of Public Records* and parts of Public Record Office Standard (PROS 97/004), *Transfer and Storage of Public Records*.

### 1.4. Definitions

The following terms are the major terms of relevance for this Standard. For a full list of records management and PROV terminology, see the *Master Glossary*.

**Appraisal:** The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept to meet business needs, the requirements of organisational accountability and community expectations.<sup>2</sup>

**Clients:** A person or organisation served by or utilising the services of the agency.

**Destruction:** The process of eliminating or deleting records, beyond any possible reconstruction.<sup>3</sup>

**Disposal:** A range of processes associated with implementing appraisal decisions which are documented in disposal authorities or other instruments. These include the retention, destruction or deletion of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, the transfer of ownership or the transfer of custody of records, e.g. to Public Record Office Victoria.<sup>4</sup>

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<sup>2</sup> J Bettington et al. eds, *Keeping archives*, 3rd edn, Australian Society of Archivists, Canberra, 2008, pp11- 28.

<sup>3</sup> AS ISO 15489:1, s. 3.8.

<sup>4</sup> AS ISO 15489:1, s. 3.9.

**Disposal Authority / Authorisation:** See *Retention & Disposal Authority; Single Instance Disposal Authority*.

**Function:** Functions represent the major responsibilities that are managed by an agency to fulfil its goals. Functions are high level aggregates of the agency's activities.

**Government Agency:** A government agency is any department, agency or office of the Government of Victoria. It includes local government authorities, government schools, state funded hospitals and state owned utilities such as water authorities. It is derived from 'public office' in s. 2 of the *Act*, defined as:

- any department branch or office of the Government of Victoria;
- any public statutory body corporate or unincorporate;
- a State owned enterprise within the meaning of the *State Owned Enterprises Act 1992*;
- any municipal council; and
- any other local governing body corporate or unincorporated.

**Keeper of Public Records:** The Keeper is the Director of Public Record Office Victoria. The Keeper of Public Records ('the Keeper') is responsible for the establishment of Standards for the efficient management of public records and for assisting agencies to apply those Standards to records under their control.

**Machinery of Government:** The allocation or reallocation of government functions between government agencies.

**Normal Administrative Practice (NAP):** The destruction of some public records is permitted under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative or duplicate nature created, acquired or collected by public sector employees during the course of their duties.

**Public Office:** See *Government Agency*.

**Public Officer:** see *Public Sector Employee*.

**Public Record:** Public record is defined under s. 2 of the *Act* and means:

- (a) any record made or received by a *public officer* in the course of his duties; and
- (b) any record made or received by a court or person acting judicially in Victoria—  
but does not include—
- (c) a record which is beneficially owned by a person or body other than the Crown or a public office or a person or body referred to in s. 2B; or
- (d) a prescribed record held for the purpose of preservation by a public office to which it was transferred before the commencement of the *Arts Institutions (Amendment) Act 1994* by a person or body other than the Crown or a public office; or
- (e) a record, other than a prescribed record, held for the purpose of preservation by a public office to which it was transferred, whether before or after the commencement of the *Arts Institutions (Amendment) Act 1994*, by a person or body other than the Crown or a public office (the *Act*).

**Public Sector Employee:** Any person employed in a *government agency* or who performs work over which an agency has, or should have, direct control and for which an agency has direct liability. It is derived from 'public officer' in s. 2 of the *Public Records Act 1973*.

**Retention & Disposal Authorities (RDAs):** Standards issued by the Keeper under section 12 of the *Act* that defines the minimum retention periods and consequent disposal action authorised for classes of records which are described in it. RDAs provide continuing authorisation for the disposal of these classes of records. RDAs may be specific to an agency or applicable to more than one agency.

**Sentencing:** Sentencing is the process of identifying and classifying records according to a retention and disposal authority, recording/registering the appropriate disposal decision and action for the records, and applying the disposal actions specified in the retention and disposal authority.<sup>5</sup>

**Single Instance Disposal Authority (SIDA):** A formal instrument issued by the Keeper in accordance with this Standard that authorises the retention period and consequent disposal action for the records which are described in it. Unlike an RDA, a SIDA does not authorise continuing disposal of the classes of records that have been appraised within it.

**Stakeholder:** 'Those people or entities who may affect, be affected by, or perceive themselves to be affected by, a decision or activity.'<sup>6</sup> Stakeholders may be internal and / or external. Key stakeholders are those identified after analysis as being central to the decision or activity concerned.

**State Archives:** Records identified as being of permanent significance to the government and people of Victoria and maintained and controlled by Public Record Office Victoria.

**Transfer (Custody):** Change of custody, ownership and/or responsibility for records.<sup>7</sup>

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<sup>5</sup> State Records Authority of New South Wales, *Guideline 12: Implementing a disposal authority*, State Government of NSW, Sydney, 2004.

<sup>6</sup> Standards Australia, *AS 8000 Good governance principles*, Standards Australia, Sydney, 2003, p. 9.

<sup>7</sup> AS ISO 15489:1, s. 3.20.

## 1.5. Related Documents

The Specifications and Guidelines directly associated with this Standard are detailed below. Other PROV Standards and Specifications, including Retention & Disposal Authorities (RDAs), will also affect how this Standard is implemented in particular agencies.

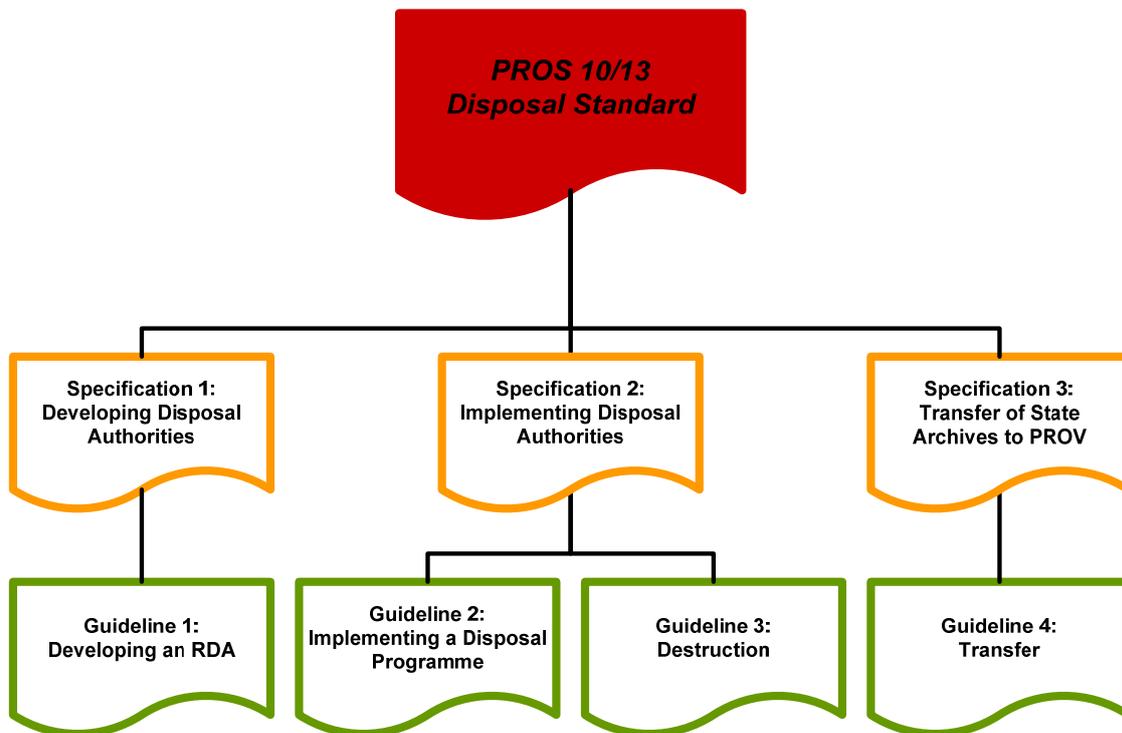


Figure 1: Relationship Diagram

## 2. Detail of Standard

### 2.1. Legality

*Principle: Disposal of public records must be conducted in a lawful manner.*

The intent of this principle is to ensure that agencies are aware that it is unlawful to remove, sell, damage or destroy public records without the authority of the Keeper (s. 19(1) of the *Act*). Penalties can be applied if public records are unlawfully disposed of. The disposal of public records undertaken in accordance with Standards established under s. 12 of the *Act* is lawful (see Authorisation).

Agencies must ensure they comply with the requirements of the *Act* as well as any other governing legislation that may impact upon records disposal such as the *Crimes (Document Destruction) Act 2006* and the *Freedom of Information Act 1982*.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

### 2.2. Informed Decision Making

*Principle: Disposal actions must be based on an informed decision making process.*

The intent of this principle is to ensure that authorised disposal actions are determined through the informed decision making process of appraisal. Appraisal is the process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations.<sup>8</sup>

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

### 2.3. Justification

*Principle: Disposal actions and retention periods for public records must be justifiable.*

The intent of this principle is to ensure that appraisal recommendations are documented and submitted to PROV for consideration before a disposal action and retention period is authorised by the Keeper. It is essential that the rationale for disposal actions and retention periods are well informed, and expressed clearly and concisely so that they are able to withstand any scrutiny.

The agency needs to be able to provide evidence of when and why any records destruction, deletion or other forms of disposal actions have occurred to demonstrate compliance with disposal authorisations. This demonstrates transparency in records disposal activities undertaken by agencies.

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<sup>8</sup> J Bettington et al. eds, *Keeping archives*, 3rd edn, Australian Society of Archivists, Canberra, 2008. pp11-28.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

## 2.4. Accountability

*Principle: The head of the agency is accountable for the disposal of public records for which they are responsible and must ensure that any disposal is conducted in accordance with the Public Records Act 1973.*

The intent of this principle is to ensure that agencies are aware that the head of the agency, under s. 13 of the *Act*, is responsible and accountable for:

- carrying out a program of records management in accordance with Standards established under s. 12 of the *Act* (s13 (b));
- ensuring that the records management program with regards to disposal is carried out in accordance with this Standard; and
- taking all action necessary for the recovery of any public records unlawfully removed from the agency (s. 13 (c)).

The head of the agency therefore has overall responsibility for the records disposal actions that occur within their agency.

The agency requires disposal authorisation for all of its public records, regardless of the format or systems in which they are maintained. This includes:

- records relating to current functions undertaken by the agency, including functions of predecessor agencies;
- records relating to functions and activities formerly carried out by the agency, or predecessor agencies, where these records are still in existence; and
- records of outsourced activities.

All decisions relating to the implementation of authorised disposal actions upon records must be approved and overseen by public sector employees with the appropriate delegations.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

Requirements for the strategic management of records are located in the *Strategic Management Standard*.

## 2.5. Authorisation

*Principle: Disposal of public records must be authorised by the Keeper of Public Records.*

The intent of this principle is to ensure that public records are not destroyed, removed from the custody of the Victorian government or otherwise disposed of unless authorised by the Keeper. The Keeper provides authorisation through the issue of Standards established under s. 12 of the *Act*.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

### 2.5.1. Normal Administrative Practice

Normal Administrative Practice (NAP) is a mechanism approved by the Keeper that enables public sector employees to destroy some records in the course of their normal duties. The following material may be destroyed at any time under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations;
- drafts not intended for retention as part of the agency's records, the content of which has been reproduced and incorporated in the agency's recordkeeping system; and
- extra copies of documents and published material kept solely for reference.

### 2.5.2. Retention & Disposal Authorities

Retention & Disposal Authorities (RDAs) are issued as Standards under s. 12 of the *Act* authorising the disposal of public records. RDAs set out how long different classes of public records need to be retained for before they can be disposed. Some RDAs are specific to the agency, while others are more general and may be applicable to all agencies or a sub-set.

*Disposal Specification 1: Developing Disposal Authorities* provides requirements for the development of RDAs.

### 2.5.3. Single Instance Disposal Authorities

Single Instance Disposal Authorities (SIDAs) may be issued by the Keeper as Standards under s. 12 of the *Act* to authorise the disposal of records that do not form part of an ongoing function of the agency. SIDAs only authorise the disposal action and retention period of the specific records that are described within it. Unlike RDAs, they do not provide continuing disposal authorisation.

*Disposal Specification 1: Developing Disposal Authorities* provides requirements for the development of SIDAs.

## 2.6. Planning

*Principle: Disposal of public records must be planned, regular and integrated into the agency's records management program.*

The intent of this principle is to ensure that records disposal programs are an integrated part of the agency's overall records management program to enable the disposal of public records to be carried out in a planned and systematic way. Disposal must be an ongoing, routine records management activity of the agency.

Disposal activities must be incorporated into the agency's business planning to enable the effective and efficient use of resources such as record storage facilities, equipment and staff.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

*Disposal Specification 2: Implementing Disposal Authorities* provides requirements for planning a records disposal program.

## 2.7. Timeliness

*Principle: Disposal arrangements must provide for the timely disposal of public records.*

The intent of this principle is to ensure that the disposal of public records is carried out in a timely manner whereby:

- records are sentenced for disposal as soon as it is possible and practical, ensuring that records are appropriately managed and retained for as long as they are required;
- records identified by a disposal authority as Permanent, to be retained as State Archives, are transferred to PROV's custody once the agency's administrative use for the record ceases; and
- records identified as temporary by a disposal authority are destroyed once they are time expired in accordance with the requirements of the disposal authority.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

## 2.8. Security

*Principle: Destruction or transfer of public records in accordance with a disposal authority must be undertaken using a secure method to ensure the content of the records is not released inadvertently.*

The intent of this principle is to ensure that the authorised destruction of public records is undertaken using secure methods so that records are destroyed beyond any possible reconstruction. Agencies must ensure that the authorised transfer of public records to the custody of PROV or another agency is undertaken using secure methods to ensure that records are not damaged, destroyed, lost or stolen. This applies to all public records, irrespective of format. Agencies that do not adhere to this requirement may be subject to penalties under the Act.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

*Disposal Specification 3: Transfer of State Archives to PROV* provides requirements for the secure transfer of public records to the Public Record Office.

## 2.9. Accuracy

*Principle: Development and maintenance of disposal authorities, and their interpretation and implementation must be accurate.*

The intent of this principle is to ensure that disposal authorities are kept up to date and accurately reflect disposal requirements to ensure their ongoing effectiveness. Agencies must advise PROV if they believe there is a need to vary an existing disposal authority. PROV will assess whether a variation to an existing disposal authority is warranted. Reasons for variations being carried out may include machinery of government changes or changes in legislative or business requirements. Agencies should be aware that there are other reasons that may lead to the variation of a disposal authority and ensure that they monitor factors that may alter the retention period of the records in their custody.

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Monitoring of the implementation of disposal authorities and carrying out records disposal must occur to ensure it has been accurately undertaken by agencies. If inaccuracy or irregularities are detected, measures must be put in place to ensure compliance with the *Act*.

The minimum requirements to comply with this disposal principle are detailed in the Specifications issued under this Standard.

### 3. References

Bettington, J, Eberhard, K, Loo, R & Smith, C eds 2008, *Keeping archives*, 3rd edn, Australian Society of Archivists, Canberra.

State Records Authority of New South Wales 2007, *Standard 9: Standard on the appraisal and disposal of state records*, State Government of NSW, Sydney.

State Records Authority of New South Wales 2004, *Guideline 12: Implementing a disposal authority*, State Government of NSW, Sydney.

State Records Authority of New South Wales 2003, *Guideline 3: Destruction of records: A practical guide*, State Government of NSW, Sydney.

#### Legislation

*Public Records Act 1973* (Vic)

*Crimes (Document Destruction) Act 2006* (Vic)

*Freedom of Information Act 1982* (Vic)

All current Victorian legislation is available at <http://www.legislation.vic.gov.au>

#### Standards

Standards Australia 2002, *AS ISO 15489.1 Australian standard on records management*, pt 1, Standards Australia, Sydney.

Standards Australia 2002, *AS ISO 15489.2 Australian standard on records management*, pt 2, Standards Australia, Sydney.

#### Other Resources

For more information about the disposal of public records, please contact:

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