

HUNTER'S HILL COUNCIL

POLICY REGISTER



POLICY NO.	CPIMT5
POLICY TITLE	State Records Retention and Disposal Policy
STATUS	Council
SERVICE	Information Management and Technology
DOCUMENT ID	670967

1. PURPOSE

The purpose of this policy is to:

- ensure a planned, systematic and strategic approach to the retention and disposal of State records
- determine appropriate retention periods and disposal actions
- ensure records are sentenced in accordance with legal requirements, standards, codes and practices issued under the *State Records Act 1998* (the Act).

2. SCOPE

This policy applies to all Council representatives, covers all of Council's State records irrespective of their format or type, and includes records and metadata contained in all Council business systems.

3. DEFINITIONS

Council representative	Councillors, contractors, consultants, volunteers, delegates of the Council and members of Council committees who represent or act on behalf of Hunters Hill Council.
Business Systems	Council's approved software systems which store, process and provide access to the organisation's business information. All approved systems are supported by policies, procedures and delegated authorities for accessing and processing information.
Cloud Computing	Cloud computing is internet-based computing whereby shared resources, software and information are provided to computers and other devices on demand. Cloud computing is a general term for anything that involves delivering hosted services over the Internet.
Destruction	Process of eliminating or deleting a records, beyond any possible reconstruction. The process includes destroying all copies of the record. Destruction of State records needs to be documented.
Disposal	Range of processes associated with implementing records retention, destruction or transfer decisions which are documented in disposition authorities or other instruments. AS ISO 15489.1 2017 Part 1, Clause 3.8
Electronic Document and Records management System (EDRMS)	An automated software application designed to facilitate the creation, management, use, storage and disposal of a range of both physical and digital documents and records. Essentially it manages unstructured records and information. The EDRMS automates business processes such as workflows and approvals and be integrated with other business systems.

Ephemeral	Records of little value that only need to be kept for a limited or short period of time. Records that are ephemeral have no continuing value to the public office and, generally, are only needed for a few hours or a few days.
Full and accurate records	Full and accurate records are sources of detailed information and evidence that can be relied on and used to support current activities. Records regardless of form or structure, should possess the characteristics of authenticity, reliability, integrity and useability to be considered authoritative evidence of business events or transactions and to fully meet the requirements of the business.
Records	Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. <i>State Records Act 1998, section 3</i> Information created, received, and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business. <i>AS ISO 15489.1 2017 Part 1, Clause 3.15</i>
Records Management Program	A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.
State archive	A state record that is appraised as having a continuing value to the Council and in which the State Archives and Records Authority of NSW has control of under the State Records Act 1998
State record	A State record is any record made or received by any person: <ul style="list-style-type: none"> • in the course of exercising official functions in a public office, or • for the purpose of a public office, or • for the use of a public office.

4. INTRODUCTION

The State records retention and disposal policy forms part of Council's Records Management Program.

Records and information are vital assets and need to be retained and disposed of in a way that is secure, timely and in accordance within legislative requirements. This process is performed in accordance with best practice as described in the Australian Standard AS ISO15489 and standards endorsed by the State Records NSW.

4.1 The value of Council's State records

Council's State records fall into one of the following four categories:

- records of permanent (continuing) value known as state archives
- records of temporary value, to be retained for long periods of time known as long term state records
- records of temporary value, to be retained for short periods of time known as short term state records
- records of temporary value that can be immediately destroyed.

4.2 What is disposal and what is destruction?

The terms 'disposal' and 'destruction' are often used interchangeably, but disposal does not always mean destruction.

Disposal includes a range of processes associated with implementing records retention, destruction or transfer. Whereas, destruction is a process that involves deleting or destroying all copies of the record.

4.3 Why dispose of records?

Retention and disposal are important to support the efficient and effective management of government records. Regular and systematic retention and disposal processes will result in reduced:

- cost of records storage
- time and cost associated with searching for and locating records
- risk arising from illegal or unmanaged destruction of records and from keeping records that should be destroyed.

To attempt to keep everything indefinitely, creates number of risks including:

- unsustainable storage costs
- unnecessary ongoing costs to retain information that is authorised for destruction
- slower or ineffective information retrieval times
- no prioritisation and management of high value information
- digital continuity issues.

All records are created for a purpose and the majority of records can be disposed of once that purpose and all legal requirements for their retention have been met.

There are certain types of records, such as sensitive personal information, which the community expects will be disposed of when no longer required for the purpose they were created.

5. ROLES AND RESPONSIBILITIES

Records retention and disposal is a process undertaken exclusively under delegated authority. This delegation forms a fundamental part of Council's Records Management Program.

POSITION	RESPONSIBILITY
General Manager	The General Manager has overall accountability for records retention and disposal. The General Manager is accountable for ensuring that Council complies with legislation and standards that affect the records retention and disposal process.
Manager Digital and Customer Information	<p>Manager Digital and Customer Information (MDCI) is the Senior Responsible Officer (SRO), assigned with strategic and managerial responsibility for records and information management. The SRO has delegated accountability to ensure that records retention and disposal is conducted in accordance with this policy.</p> <p>The SRO is responsible for ensuring that records and information management is in place and operating effectively to support business operations.</p> <p>The SRO is responsible for management of records retention and disposal in accordance with the Act and has delegated authority to authorise the disposal of Council information, ensuring that all activities are undertaken appropriately.</p>
Directors / Department Head	Directors (or nominated Managers in the absence of a Director) are responsible for approving disposal of records under General Retention and Disposal Authority for Local Government Records (GA39), once disposal has been authorised by MDCI.
Records Manager and Records Coordinator	The Records Manager and Records Coordinator have delegated authority to physically dispose of Council records once destruction has been authorised.
All other Council Representatives	All Council Representatives must comply with the provisions of this policy and are responsible for ensuring that they do not dispose of any Council records without approval from the SRO.

6. COMPLIANCE REQUIREMENTS AND AUTHORISATIONS

To ensure compliance, decisions made regarding all retention and disposal activities must ensure they:

- are based on analysis of the business needs, organisational accountability and community expectations in which the records were created and maintained
- include records in all formats
- are authorised and undertaken by those with appropriate delegated authority
- are documented and include the nature, date of disposal action, name of the person performing the action and the authorising disposal authority
- are supported by established policies, procedures and business rules
- are routinely implemented and are a regular part of the Records Management Program.

6.1 Unauthorised disposal of records

Records cannot be disposed of earlier than their retention periods. Disposal of Council records is only undertaken by delegated staff, and under no circumstances can Council staff undertake their own disposal of records unless prior authorisation is obtained.

This includes the 'throwing out' of any records in recycling bins located within Council offices or deletion of any metadata and records from within business systems. These are examples of breaches of the disposal provisions under the Act, and as a result can incur penalties for unauthorised disposal.

Section 21(1) of the Act prohibits the disposal of state records except where disposal is authorised. This section of the Act also imposes a penalty for the illegal disposal of State records. All public offices must be able to account for their decisions to destroy records. When records are destroyed, Council must be able to demonstrate that the destruction was permitted by an appropriate officer.

6.2 Authorised disposal of State records

Section 21(2) of the Act established a number of mechanisms for the lawful destruction of State Records. The two most relevant to Council are:

- the disposal of records in accordance with documents known as Disposal Authorities. These are issued by State Archives and Records with the approval of the State Archives and Records Authority Board
- the destruction of records in accordance with what the Act terms normal administrative practice (NAP).

7. RETENTION AND DISPOSAL ACTIVITIES

Retention and disposal actions are implemented to ensure that records are maintained for the suitable duration. Following the conclusion of the retention period, records should be securely and promptly destroyed. If they cannot be destroyed for any reason and are no longer actively in use, they should be transferred to archival storage.

7.1 Capturing State records

Records captured and managed in a recordkeeping system provide value to Council as evidence of business activities. Recordkeeping systems impose controls on records which protect their authenticity and reliability. The first stage of the retention and disposal process is to determine the value of a record at time of capture.

All records captured in Council's EDRMS are assigned a classification. Each classification is linked to an approved disposal authority, allowing for continuing retention or disposal actions to automatically link to the records as they are captured.

7.2 Sentencing State records

Sentencing it is about identifying the appropriate disposal classes within the disposal authority and applying them to the records to ensure that records are retained as long as required, and that the correct disposal decision and action is applied.

Records may have to be re-sentenced if the current disposal authority has been amended, updated or made obsolete. They could also be re-sentenced if there is a need to retain any records longer than their retention periods.

7.3 Retention periods apply to State records

Retention periods are assigned to Council records to ensure they are retained as long as they are required to meet the needs of Council. Records could be retained indefinitely or temporarily over long or short periods of time. These periods are based on the frequency of current and future use and statutory and regulatory provisions that records need to be retained before their final disposal.

Retention periods are also used to indicate the length of time Council records are retained in archival storage.

The retention periods that are set, are minimum periods only and Council may keep records for longer periods if necessary. Council should be aware of the risks associated with keeping records indefinitely.

7.4 Use of retention and disposal authorities

Records are appraised and sentenced by a process involving the design and implementation of general retention and disposal authorities, (GA or GDA); these are based on legislative requirements and provisions. Council is legally required to use General Retention and Disposal Authorities applicable to Local Government Records in accordance with section 21(3) of the Act.

The disposal authorities authorise the disposal of functional and other common administrative records, created and maintained in any format, by NSW Councils and they apply to all records wholly created after 1920. Records created before 1920 are required to be retained as State archives.

The following General Retention and Disposal authorities apply to Council and are used in conjunction with each other to undertake the retention and disposal process.

General Retention and Disposal Authority for:

- Local Government Records (GA39) – (primary authority)
- Original or source records that have been copied (GA45) – (primary authority)
- Video / visual surveillance records (GDA8)
- Audio visual programs and recordings (GDA11)
- Transferring records out of NSW for storage with or maintenance by service providers based outside of the State (GA35)
- Source Records that have been Migrated (GA48)
- Administrative records (GA28)
- Normal Administrative Practice Guidelines (NAP).

The disposal authorities should also be used in conjunction with any other legislation that may affect or impact the operation of the Act.

8. DESTRUCTION OF STATE RECORDS

Depending on the type, age and format of a state record, there are different rules and methods that must be followed.

8.1 State Records that cannot be Destroyed

At the time of any disposal, Council must not destroy records that are:

- required as evidence in current or pending legal action,
- the subject of a current or pending access request or application, such as under the Government Information (Public Access) Act (GIPA Act), or privacy request, or
- the subject of any other statutory access request.

Other records that can never be destroyed include:

- originals of paper records required as State archives received or created prior to 1 January 1980
- any record retained in digital form only within an EDRMS identified as being required as a State archive
- records that are the subject of government policy or directive
- original artworks, original proclamations, charters, testimonials and intergovernmental agreements or treaties
- a special legislative requirement for records to be retained in their original format (for display).

8.2 Destruction of Physical State Records

Physical records (paper files from the legacy recordkeeping system) are disposed of using the GA39 Disposal Authority. Once these files are appraised and sentenced they are then culled from the EDRMS and disposed of in a confidential and secure manner on the premises of the NSW State Archives and Records Authority.

The destruction of paper records is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains available in the EDRMS.

Destruction must be authorised by Manager Digital and Customer Information and the Department Head or General Manager.

8.3 Disposal of Original or Source Paper Records That Have Been Copied (Digitised)

Original hard copy records that have been digitised (paper records stored in day boxes) can be disposed of in accordance with the GA45 Disposal Authority.

These records are retained for 3 months and have quality control checks applied at the time of scanning, capture and prior to disposal.

The disposal of paper records is irreversible and cannot be reconstituted or reconstructed, however the digital record for each is available and becomes the official record in the EDRMS.

Disposal must be authorised by Manager Digital and Customer.

8.4 Disposal of Original Paper Records Through Digitisation Projects

Digitisation projects involve the back scanning or retrospective scanning of legacy records held in hardcopy (physical files) that may be indexed within an EDRMS but do not have a digital image. Digitisation involves scanning records to digital format, uploading and capturing the metadata and images of the records into the EDRMS and disposal of the original hardcopy record.

The disposal of paper records is irreversible and cannot be reconstituted or reconstructed, however the digital record for each is available and becomes the official record in the EDRMS.

When undertaking records digitisation projects:

- permission is given for the destruction of original State records after digitising or copying:
 - paper records created or received after 1 January 1980 that are identified in the GA39 as 'Required as State archives'
 - records created at any time that are not required as State archives.
- permission is not given for the destruction of original State records after digitising or copying.
 - paper records created or received prior to 1 January 1980 that are identified in the GA39 as 'Required as State archives'
 - Records listed as State Records that cannot be Destroyed, as above in this table.

8.5 Destruction of Digital State Records

Digital records are disposed of using the GA39 disposal authority. Digital records are linked directly to this authority. Disposal triggers are assigned to records at capture and are triggered when the minimum retention periods have lapsed, once appraised for disposal, records are then purged from the system.

Destruction of digital records is authorised using GA39 and is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains in the system along with the evidential metadata containing details of the destruction process.

Destruction must be authorised by Manager Digital and Customer Information and the Department Head or General Manager.

8.6 Purging State Records

Purging of digital records is their final destruction process and occurs within systems only for the following reasons:

- records identified as having a temporary value that can be immediately destroyed
- records identified of a confidential personal nature where there is no requirement to keep them
- records contained in business systems that are duplicated in the EDRMS
- records that were created in error but not distributed
- records contained in business systems that are of short- term value and are not captured in the EDRMS, and where their retention periods have lapsed
- records contained in the EDRMS where retention periods have lapsed and are triggered for disposal action.

The purging of digital records is irreversible and cannot be reconstituted or reconstructed, only the metadata of the records remains in the system along with the evidential metadata containing details of the destruction process.

Purging can be only be conducted by Records Coordinator, Records Manager, IT Business Partner or Manager Digital and Customer Information and can be completed without a destruction authorisation form.

8.7 Destruction of State Records Under the Provisions of Normal Administrative Practice

Records can also be disposed of in accordance with section 22 of the State Records Act, Normal Administrative Practice (NAP). The provisions of NAP provide for limited legal disposal of State records without specific reference or authorisation.

The inclusion of NAP provisions in the Act is intended to enable public offices to carry out a number of everyday, common sense procedures and practices.

NAP applies to records irrespective of format including electronic records. Where NAP guidelines indicate that a record may be destroyed, then the record can be destroyed without reference to a disposal authority, these do not need to go through any formal appraisal and disposal process.

These records are ephemeral, facilitative or duplicate in nature (and are not of continuing value to the organisation) may not need to be placed within recordkeeping systems and may be required for only a few hours or days. The destruction of these types of records is acceptable as a part of normal administrative practice for a public office.

Council representatives should seek guidance from the Digital and Customer Information department prior to undertaking any records disposal.

A destruction authorisation form is not required for NAP.

8.8 Destruction of State Records from Council Business Systems

Disposal of records and metadata can also include the retention, transfer, deletion or destruction of records in or from recordkeeping systems or business systems, this usually occurs during migrations or the transmission of records between recordkeeping and business systems.

Council's business systems contain records, and as a result all retention and disposal activities outlined in this policy apply to these systems. Where there are authorised disposal guidelines developed by the Digital and Customer Information department for business system processes and records, all disposal activities must be carried out in accordance with these guidelines.

8.9 Disposal of State Records Through Migration Projects

Migration involves a set of organised tasks designed to periodically transfer records from one hardware or software configuration to another, or from one generation of technology to another during new systems implementation, while maintaining the records' authenticity, integrity, reliability and useability.

The General Retention and Disposal Authority for Source Records that have been Migrated, GA48 is used in conjunction with the GA39 to dispose of State records which have been used as the input or source records for migration operations and projects. This authority is required because the process of migrating records yields two versions of the same record. The original record, known as the source record, continues to exist after a new version of it has been created by the migration process.

It applies only to source records where it is the intention that the new migrated copy of the source record will be kept as the official record of business. It also applies equally to metadata of the records. It is important that migration is performed on all aspects of a record – namely for digital records, the record object and the metadata that supports it. Migration also can be performed on metadata only, when the metadata that is used to manage hardcopy records is moved from one system to another.

9. DOCUMENTING THE RETENTION AND DISPOSAL PROCESS

Formal documentation of the retention and disposal processes applied to records is required to ensure accountability and evidence of the process. Formal documentation consists of:

- request forms for the appraisal, storage, retention and /or destruction of Council records
- all decisions concerning the activities in relation to the retention and disposal process including, recommendations, approvals and authorisations
- destruction documentation that identifies consignment lists of the records that have been destroyed, when, how and where they are destroyed and under what disposal authority
- a destruction authority certificate issued for records that are disposed of as a proof of destruction.

Documentation is not required for purging or documents disposed of under NAP.

10. MONITORING, REPORTING AND EVALUATION

Council is required to ensure that compliance in the disposal of records is regularly assessed, reviewed and monitored. Regular monitoring and evaluation of compliance with the retention and disposal process and associated practices is undertaken by the Manager Digital and Customer Information.

Compliance is monitored by:

- ensuring that any amendments or new versions of disposal authorities are implemented
- reviewing appraisal analysis and decisions to determine they are approved and current
- checking to ensure records are retained or destroyed in accordance with authorised retention periods
- ensuring records are linked to correct disposal classes at capture in the EDRMS
- inspecting the documentation and evidence of records destroyed to determine that disposal actions are authorised and meet approved standards.

State Records NSW also monitor compliance and have the authority to conduct an assessment of all recordkeeping processes and Council's Records Management Program.

11. RELATED POLICIES/PROCEDURES

- Records Management Policy and Program
- State Archives Management Plan
- Code of Conduct

12. POLICY AUTHORITY

Council.

13. GETTING HELP

For further information regarding this policy please contact Manager Digital and Customer Information.

14. REVIEW

This policy to be reviewed every two (2) years or in accordance with legislative changes.

15. ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 23 October 2023

RESOLUTION NO: 217/23

16. VERSION CONTROL TABLE

DATE	VERSION	RES. NO.	KEY CHANGES	AUTHOR
7 November 2022	1.0	9.2 (Executive)	New policy	Jade Reed, Manager Digital and Customer Information
23 October 2023	2.0	217/23	Minor amendments	Jade Reed, Manager Digital and Customer Information