

Queensland State Archives

Guideline for the Implementation of Retention and Disposal Schedules

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Executive Summary

This Guideline provides advice on the operational processes involved with implementing an approved Retention and Disposal Schedule. It provides advice for both current and legacy records, outlining how to undertake sentencing, disposal and the documentation of these activities.

Under section 13 of the *Public Records Act 2002*, public authorities must apply to the State Archivist for permission to dispose of public records. This permission is given through authorised Retention and Disposal Schedules, or disposal authorities, and public authorities are responsible for implementing the Schedule and sentencing the public records accordingly.

Public records relating to common administrative functions across government can be sentenced according to the *General Retention and Disposal Schedule for Administrative Records*. Public records relating to a public authority's unique business functions must be sentenced according to an approved Retention and Disposal Schedule for core business records.

In most circumstances, public authorities can implement the Retention and Disposal Schedule without further reference to Queensland State Archives. However, separate approval for the disposal of original paper records after microfilming or digitisation must be sought from the State Archivist.¹ Public authorities should contact Queensland State Archives before implementing a records disposal program if they have been subject to a Machinery-of-Government change or if they have custody of records created before 1950.

The sound implementation of a Retention and Disposal Schedule can lead to a number of benefits for a public authority, including:

- Public records can be disposed of in a routine and organised manner, becoming a systematic business process in the organisation;
- By disposing of records in a timely manner rather than storing temporary records unnecessarily, public authorities are able to make best use of government resources;
- Public records can be managed in accordance with best practice principles outlined in *Information Standard 40: Recordkeeping* and *Information Standard 31: Retention and Disposal of Public Records*; and
- Records of permanent value to the State can be identified and managed appropriately.

There is no requirement that public records be destroyed as soon as their minimum retention periods have expired. Public authorities may retain their records for longer periods of time if there is a business or legal need to do so. For instance, records which are subject, or have been subject to an access application under the *Right to Information Act 2009*, must be retained for an additional period of time. Such requirements should be evaluated before final disposal actions are taken.

¹ Approval to destroy paper originals after digitisation or microfilming can also be given through agency specific Retention and Disposal Schedules, if the prerequisite conditions are met by public authority. For more information, visit the QSA website at <http://www.archives.qld.gov.au/government/ddp.asp>

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1 Introduction

1.1 Scope

This Guideline applies to all public authorities as defined in Schedule 2 of the *Public Records Act 2002*.

1.2 Purpose

This Guideline provides advice to public authorities on the procedures for implementing the requirements of a Retention and Disposal Schedule. It also complements the *Guideline for the Development of Retention and Disposal Schedules* and *Information Standard 31: Retention and Disposal of Public Records*.²

1.3 Authority

The State Archivist has issued this policy in accordance with section 25(1)(f) of the *Public Records Act 2002*.

1.4 Legal and regulatory framework

Under section 13 of the *Public Records Act 2002*, public authorities must apply to the State Archivist for permission to dispose of public records. This permission is usually given through authorised Retention and Disposal Schedules, which set out minimum retention periods for different classes of public records.

Information Standard 31: Retention and Disposal of Public Records requires public authorities to implement disposal processes to ensure the legal, systematic and consistent disposal of public records no longer required for business, accountability or cultural purposes.

1.5 Roles and responsibilities

Public authorities are responsible for the implementation of Retention and Disposal Schedules and the sentencing and disposal of public records. Implementation can take place without further reference to Queensland State Archives, but further advice is available for issues such as Machinery-of-Government changes and the disposal of early records of the State (pre 1950).

Public authorities are also responsible for regularly reviewing their core business Retention and Disposal Schedule to ensure that the Schedule remains aligned with its business, legislative, regulatory, administrative and cultural needs.

² Development Guidelines available from <http://www.archives.qld.gov.au/government/appraisal.asp#guideline> and Information Standard 31 available from <http://www.ggcio.qld.gov.au/ggcio/architectureandstandards/informationstandards/current/Pages/Retention%20and%20Disposal%20of%20Public%20Records.aspx>

2 Sentencing current records

Sentencing is not simply about applying minimum retention periods to records. It is a process that requires consideration of the value of the records in the context of their actual or potential business use, beyond the prescribed retention period. Sentencing should involve at least three stages: assigning, reviewing, and final disposal.³ This section will examine how retention periods are assigned to public records and how to review sentencing decisions (see section 4 for more information about *Final Disposal*).

Also refer to Diagram 1: Implementation for Current Records (page 15), which illustrates the sequence of steps involved in sentencing current records.

2.1 Before you begin

Approved Retention and Disposal Schedule

Public authorities must have a Retention and Disposal Schedule that is current and has been approved by the State Archivist before they carry out any disposal activities. The *General Retention and Disposal Schedule for Administrative Records* (GRDS)⁴ must be used to sentence general administrative records, such as those relating to asset and human resource management. An agency-specific or sector Retention and Disposal Schedule must be used for core business records of the public authority.

Business Classification Schemes and Thesauri

Public authorities should use a Business Classification Scheme (BCS) and/or functional thesaurus to ensure their current records are classified and captured according to business functions and activities. A BCS is a different tool from the Retention and Disposal Schedule but the two are often closely aligned, helping to link classification to disposal decisions.⁵

Scope

It is important that sentencing becomes a routine and systematic business process. However, there may be times when sentencing can be undertaken as a project, such as when public authorities are dealing with a back-log of unsentenced records or records that need to be re-sentenced. Alternatively, re-sentencing may be done as records become due for disposal (see section 2.8: *Re-sentencing current records*). Public authorities will also need to determine the scope of their sentencing activities in the first instance. For example, any public records held in regional offices or statutory bodies of the public authority will need to be taken into account. Also, the duration of a sentencing project should be considered, as this can impact on staffing arrangements.

Staffing

Sentencing and disposal should be undertaken by trained staff with:

- The ability to assess and understand Retention and Disposal Schedules;
- An understanding of the functions and activities of their organisation, in order to distinguish between core business and administrative records; and

³ *Australian Standard for Records Management AS ISO 15489 Part 1 (9.9) and Part 2 (4.3.9)*

⁴ Available from QSA website: <http://www.archives.qld.gov.au/government/disposal.asp>

⁵ For more information, refer to section 4.3 of *Guideline for Developing a Retention and Disposal Schedule*. Available at the QSA website: <http://www.archives.qld.gov.au/downloads/rdschedule.pdf>

- Knowledge of the extent and type of records to be dealt with.⁶

A sentencing team may consist of full-time, part-time or temporary staff, or contractors. If the public authority decides to employ the services of a contractor or a consultant, it is essential that the project is actively managed by the public authority and the contractors are aware of the public authority's legislative responsibilities in terms of retaining and disposing of public records.

TIP: Contracts for consultants should make it clear that all disposal decisions must be documented in accordance with *Information Standard 31: Retention and Disposal of Public Records*. This will help ensure that the public authority meets its responsibilities under the *Public Records Act 2002* and information about sentencing and disposal decisions will be passed on to staff, after the consultant's contract expires.

2.2 Sentencing basics

When sentencing records, there are some important things to keep in mind:

General

- Ensure that you are using the current version of an approved Retention and Disposal Schedule. This is especially important when using sector or general Schedules which may have been updated. (Check Queensland State Archives' website or contact Queensland State Archives for further advice on the current version of a Schedule.)
- When sentencing files with multiple parts, agencies need to determine as part of their file management practices whether the file parts relate to each other or are stand alone (i.e. earlier parts are not required to understand or provide context for an issue over time).
- Sentencing must occur at the file level of aggregation, not at the document level.

Appropriate record classes

- Where a question arises as to the appropriate class to sentence records under, officers should consult with their Records Manager and the relevant Business Manager in the first instance. Queensland State Archives can be consulted if doubt remains.
- If a file contains records covered by more than one disposal class in a Retention and Disposal Schedule, always sentence the file according to the class with the longest retention period. This will ensure that all records on the file will be retained for as long as they are required.
- In cases where there is an apparent overlap of record classes between the GRDS and an agency-specific or sector Retention and Disposal Schedule, the disposal action identified in the agency or sector Schedule should take precedence.⁷

⁶ State Records Authority of NSW (2001). *Implementing a disposal authority*. Available online at <http://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/guidance/guidelines/guideline-12-implementing-a-retention-and-disposal/guideline-12-implementing-a-retention-and-disposal>

Permanent records

- In some cases, the disposal criteria may be divided between records of *major* or *minor* importance or relating to *historically significant* issues. Where specific criteria have not been provided, consider factors such as:
 - If the issue had a State-wide or whole-of-government impact;
 - If the issue was subject to controversy or media scrutiny; or
 - Whether the records document a rare or unique occurrence in the history of the public authority.
- Also, when sentencing records or files as permanent, it is important to sentence and identify original public records which document the approval of a significant policy or decision, and not sentence as permanent those documents which are copies or reference material.

Case files

- Some public authorities will have 'case' files that relate to various functions and/or activities (e.g. 'property files' with all records relating to the same property). Records contained in these files will document different activities and transactions and will have different retention periods. Such files must be retained according to the longest retention period for records on that file. For example, if there are records on the file that require permanent retention, then the *whole* file is required to be kept permanently as Queensland State Archives does not recommend 'weeding' or 'culling' files. Public authorities should review their file management practices to ensure that temporary and permanent records are not filed together.

Metadata

- After a record has been destroyed in accordance with an authorised Retention and Disposal Schedule, it is necessary to maintain some metadata about the record, especially disposal metadata, to demonstrate that accountable processes have been followed. Other metadata can be disposed of in accordance with the GRDS class 4.1.25, which requires secondary control records to be retained until administrative use ceases. In practice, most of this metadata will be retained for the life of the record to which it relates.

2.3 Loading the Schedule into a Recordkeeping System

Many public authorities will want to load their Retention and Disposal Schedule into their electronic records management software or Electronic Document and Records Management System (eDRMS). This is the public authority's responsibility, and they may have to contact their software vendor or ICT unit if they are unfamiliar with the technical requirements of the system.

Most importantly, loading the Retention and Disposal Schedule into an eDRMS can facilitate sentencing at the time of file creation (see section 2.5: *Assigning retention periods*). The system should have the ability to assign the disposal action at the file level, not at the document or file part level. The system should never fully automate the

⁷ This is provided that the Schedule is current and up-to-date. Schedules should be reviewed at least every 5 years (see the Guideline for the Development of Retention and Disposal Schedules for more information).

sentencing process (i.e. automatically delete records within the system without confirmation from an authorised person).

In most cases, loading a Retention and Disposal Schedule (which is published in Word and PDF formats) into a recordkeeping system will involve converting the Schedule into a format suitable for import (such as Excel (.csv)). Alternatively, some recordkeeping systems may require Schedules to be manually entered. It is important to be familiar with the software in use before attempting this process. For example, some software may only be able to hold a single Retention and Disposal Schedule so it would be necessary to merge the agency's Schedule for core-business records with the *General Retention and Disposal Schedule for Administrative Records* (GRDS) before import. If public authorities take this approach, the system must be able to identify which Retention and Disposal Schedule the record is sentenced under by the relevant Queensland Disposal Authority Number (QDAN), version number and record class.

If possible, it would also be useful for the system to hold previous versions of the Retention and Disposal Schedule, to demonstrate that records in the past have been appropriately disposed of.

Depending on the degree of alignment between the file titling conventions in use in the agency, such as a Business Classification Scheme (BCS) or thesaurus, and the approved Retention and Disposal Schedule, it may be necessary to create a mapping between the two products. It may also be necessary to map aspects of the GRDS to the BCS or thesaurus to cover common activities such as policy or contracting-out (see section 2.7: *Sentencing tools for current records* for more information about mapping between a Retention and Disposal Schedule and a BCS).

2.4 When to sentence current records

Ideally, sentencing should be undertaken at the point of file creation. When a new file is created, the retention period prescribed for records that are expected to go onto the file should be assigned to the file in the recordkeeping system. All records then placed on the file inherit its retention period.

By identifying the retention requirements of a file at the point of creation, a public authority is able to plan how it should manage the records over the life of the file (e.g. apply appropriate storage conditions, storage media, determine migration requirements, and assess paper quality, if applicable). Early sentencing can also guide decisions as to how files are set up, enabling disposal to occur in a timely manner (e.g. temporary and permanent records are not filed together).

There are three possible outcomes of assigning the disposal action at file creation:

- The minimum retention period can be assigned and the disposal date calculated;
- The retention period cannot be assigned until some transaction/outcome is known.
- The retention period cannot be assigned until those records are covered by an authorised Retention and Disposal Schedule.

Where a transaction outcome is unknown

In some cases it may not be possible to sentence files on creation as some files may only be sentenced once the outcome of the business transaction has been decided. For example, records of contracts may not be able to be sentenced on creation if the

expiry date of the contract is not known. In this situation, it might be better to assign the disposal action at the end of the active life of the file (i.e. once the file is closed). If the sentence is applied at creation, it will need to be reviewed to ensure the sentence is still appropriate (at the time of final disposal).

Records not covered by an authorised Retention and Disposal Schedule

It may happen that public authorities discover that they create or hold records which are not covered by either their core business Retention and Disposal Schedule or the GRDS. If a class of record cannot be located in a Schedule, please consult with Queensland State Archives. If a gap is identified, it should be considered during future reviews of the Retention and Disposal Schedule. In the meantime, the record cannot be sentenced or disposed of.

2.5 Assigning retention periods

To assign the correct retention period to a record, the following steps should be followed:

1. Determine the function and activity the record documents. This should be straightforward if the file was titled/ classified according to a Business Classification Scheme or functional thesaurus. (In some cases, files may document more than one function or activity.)
2. Determine which Retention and Disposal Schedule applies to the record – the *General Retention and Disposal Schedule for Administrative Records* or an agency-specific or sector Schedule for core-business records.
3. Identify the corresponding disposal class(es) in the appropriate Retention and Disposal Schedule. Enter this into the recordkeeping system and label the file. If more than one class applies, use the one with the longest retention period.
4. From the disposal action in the class, identify the trigger event and calculate a date when the record may be eligible for disposal.
5. If the trigger event has already occurred and the minimum retention period has passed, check that the records are not required for any further business, legal or historical purposes before implementing the disposal action (see section 2.9: *Reviewing* for more information).
6. If the trigger event has not occurred, set a review date for the future.

TIP: The QDAN, version and record class number should be documented during the sentencing process, as this will greatly facilitate final disposal. Disposal should be documented in a disposal log, control records or in the public authority's recordkeeping system.

See section 4.5: *Documentation of disposal actions*, for further information

2.6 Sentencing records in business systems

Records in databases and business systems must also be included in any implementation project. Ideally, the entries and applicable records in these systems would have been identified at some point in the appraisal process and the development of the Retention and Disposal Schedule. (See the Public Records Brief: *Identifying a Public Record in the Electronic Environment* for more information).⁸

As many business systems do not have the required functionality for disposal, close liaison with administrators of these systems may be needed to set disposal triggers and to apply retention periods in these systems. Alternatively, application programming interface (API) technology may be used to move records from the corporate system to an eDRMS where disposal can be managed.

2.7 Sentencing tools for current records

Mapping between the Business Classification Scheme and the Retention and Disposal Schedule

A tool that maps the terms between a Business Classification Scheme (BCS) and a Retention and Disposal Schedule can facilitate sentencing activities and carrying out disposal actions. A BCS is a hierarchical representation of a public authority's functions, activities and transactions that can be used for file titling purposes. It also provides a framework for recordkeeping tools such as a Retention and Disposal Schedule, which usually reflects the hierarchical structure of the BCS.

A mapping tool can be used as a point of reference when sentencing files, as it will map the BCS terms used for titling to the appropriate disposal class in the Retention and Disposal Schedule. By using this tool, public authorities can reduce the likelihood of an incorrect retention period being assigned to a file, and can facilitate sentencing on creation. It should not be used, however, to automate the sentencing of records.

How to map

Developing a mapping tool requires identifying what functions and activity terms in the BCS correspond with those used in the Retention and Disposal Schedule, and then listing the possible disposal classes from the Schedule. Some public authorities choose to use a BCS that combines common administrative terms with core-business or unique function terms. In this instance, the BCS will need to be mapped to two Schedules – the agency-specific or sector Schedule and the GRDS. It may also be useful to map unique business terms to the GRDS, since the GRDS has extensive coverage over generic records (such as contracts, policies, committee papers, etc).

For example, the GRDS uses function and activity terms based on *Keyword AAA*.⁹ If agencies use *Keyword AAA* to classify and title their administrative records, the corresponding disposal class will be easier to identify.

⁸ Available from QSA's website at

http://www.archives.qld.gov.au/publications/PublicRecordsBriefs/identifying_pub_record_e_environ_200503.pdf

⁹ Thesaurus for General Administrative Terms: <http://www.archives.qld.gov.au/government/guidelines.asp>

Keyword	Activity	GRDS (QDAN 249 v2.1)
PERSONNEL	DISCIPLINE	3.4.13, 3.4.14, 3.4.15, 3.4.16

Table 1: Example of a mapping between BCS terms and the GRDS

If the classification term maps to several disposal classes, as in the example above, these possible classes should be included to ensure that records are retained for the correct and/or longest retention period. Where possible, the third classification level can be used and this will reduce the number of likely classes.

Things to consider

When mapping between a BCS and a Retention and Disposal Schedule, a few important factors should be kept in mind:

- Any one disposal class in the Retention and Disposal Schedule could map to more than one activity term in the BCS. Because of this, the mapping tool is best treated as a point of reference to the most probable record classes.
- The disposal class identified when mapping is initially undertaken may change over time. A current Retention and Disposal Schedule should always be consulted to determine the final sentencing requirements.
- Public authorities will need to stipulate in their eDRMS that manual management is required for classification strings mapped to records classes with multiple disposal actions. As many recordkeeping software applications will not allow you to assign more than one disposal action to a file, the longest retention period will need to be applied.

Merged thesaurus

A merged thesaurus is designed to incorporate general administrative terms with terms relating to the unique functions of a public authority. Terms in the merged thesaurus can be used for file titling purposes and can be linked to the disposal classes in a Retention and Disposal Schedule at the activity or transaction level (depending on the number of titling levels enforced by the recordkeeping system and/or agency procedures).

Merged Retention and Disposal Schedule

Public authorities may choose to merge their Retention and Disposal Schedules (e.g. the GRDS and an agency-specific or sector Retention and Disposal Schedule) in order to facilitate sentencing. When using a merged Retention and Disposal Schedule, extra care must be taken to ensure that an incorrect sentence is not assigned to a record.

A merged Retention and Disposal Schedule should only ever be used as a reference tool, as the authority to dispose of public records is only granted through approved Retention and Disposal Schedules. As such, the disposal documentation must quote the correct QDAN, version number and record class reference number (see section 4.5 for more information on Disposal Documentation).

2.8 Re-sentencing current records

Re-sentencing of current records will generally be required if:

- The records have been sentenced under an approved Retention and Disposal Schedule; and
- The records have not been disposed of; and
- The Retention and Disposal Schedule under which they have been sentenced has been superseded by a later version or a new Schedule, or;
- Circumstances have changed and the record falls into a new disposal class (e.g. file is requested under Right to Information, or an issue goes from minor to major significance).

When to re-sentence

As soon as a new Retention and Disposal Schedule has been approved by the State Archivist, the public authority must stop using previous versions of the Disposal Schedule to sentence and dispose of its public records. A record destroyed under the authority of a revoked or superseded Schedule may constitute unlawful disposal under the provisions of the *Public Records Act 2002*.

All superseded Retention and Disposal Schedules need to be removed from circulation to avoid incorrect sentencing and unlawful disposal. This includes paper versions of superseded Retention and Disposal Schedules as well as electronic versions available on an agency's intranet. However, a master copy needs to be retained by the agency as a record of previously approved retention periods, in accordance with the GRDS.

How to map changes

Once a new Retention and Disposal Schedule has been approved, the public authority should analyse the changes between the old and new Schedules. This can be done by mapping and documenting changes in retention periods, reference numbers and the inclusion or deletion of record classes. Changes to the GRDS and the Local Government Sector Disposal Schedule, developed by Queensland State Archives, will be mapped and available for use by public authorities on the Queensland State Archives website.¹⁰

Increased retention periods

Once the changes have been mapped, the public authority should focus on those records where the retention period has been increased to ensure that they are not unlawfully destroyed. Steps should be taken to identify the affected records and retain them for the extended retention period.

Particular care should be taken with records where the retention period has increased from temporary to permanent status as these records cannot be destroyed. The agency can apply to transfer permanent records to Queensland State Archives if business use of the records has ceased.¹¹

¹⁰ For example, see the *Summary of Changes between Version 2 and 2.1* for the GRDS at http://www.archives.qld.gov.au/downloads/ExecutiveSummary2_1.pdf

¹¹ Refer to QSA's *Guidelines on Disposal and Transfer of Public Records* at <http://www.archives.qld.gov.au/downloads/GuideTransferDisposalPublicRecords.pdf>

Decreased retention periods

In cases where the retention period has decreased, the agency can opt to dispose of the records immediately if the new retention period has been met, or retain them for the original retention period if this is more cost effective or there is a business need to retain the records. In either case, records documenting the disposal must refer to the current Retention and Disposal Schedule under which the records are sentenced and disposed.

Unchanged retention periods

In cases where the retention period is unchanged, the records should be retained in accordance with the relevant retention period. However, records documenting the disposal action (e.g. the recordkeeping system or destruction log) must refer to the current Retention and Disposal Schedule under which the records are sentenced and disposed.

Updating the recordkeeping system or control records

When new sentences have been applied to the records, the recordkeeping system or control records of the agency should be updated. This may be as simple as rewriting the new QDAN, version, reference number, retention period, and disposal date on the front of the file or updating the relevant fields in an electronic recordkeeping system (e.g. eDRMS). Care should be taken to ensure that disposal metadata about previously destroyed records is retained.

2.9 Reviewing

After records have been sentenced, and the initial retention period has expired or is nearing expiration, it is important that the files are assessed, collectively and individually, for any on-going business or legal use.

The disposal actions set in a Retention and Disposal Schedule describe the minimum retention periods for the records and the event (disposal trigger) which signals the start of the retention period. One common disposal trigger is 'last action' and therefore an important part of the sentencing process is determining if the 'last action' has occurred. The Records Manager will need to consult with the responsible business area to ensure all actions (such as approvals, appeals, follow-up inspections, audits, etc.) have been completed.

What is 'last action'?

'Last action' is the last action that occurred as part of the business transaction that is documented in the records on the file. It is not the last time the file was accessed or referred to.

Is 'last movement' the same as 'last action'?

- No – the calculation of the date of last action is not affected by date the file was last moved.
- However, if the minimum retention period based on last action has been reached and the file is still frequently being accessed, you may need to consult with the file borrowers (especially if they are from your legal or RTI areas) to determine if there is an ongoing business need to retain the file.

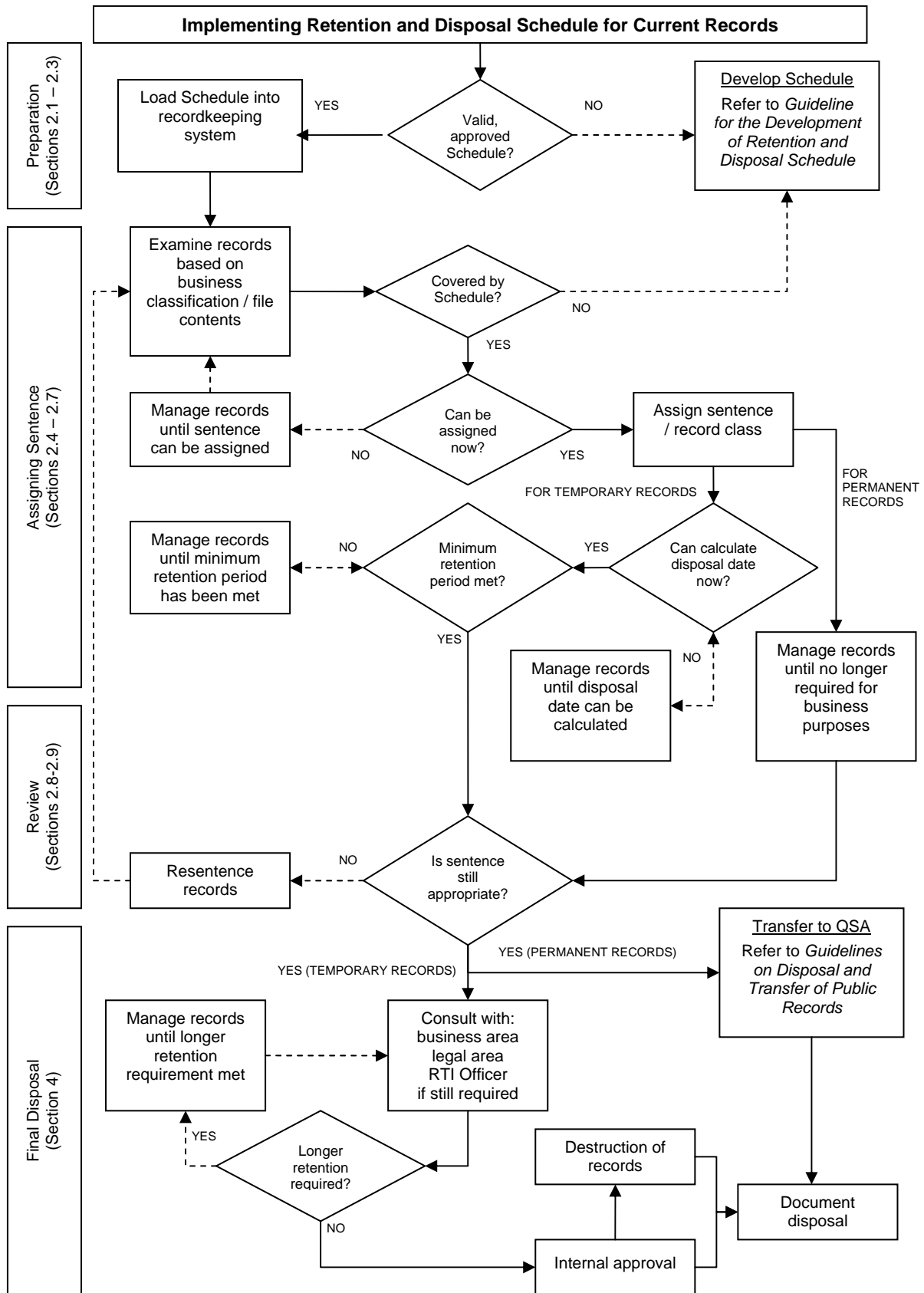
How to determine 'last action'

- Paper-based files: If your files are arranged chronologically then the date of the record on the top of the file will be the date of the last action.
- Electronic files within an eDRMS or business system: The date of last action will be the date of the most recently registered record on that file.

Things to consider

- Particular care should be taken with any public records which may be required for, or were the subject of, legal action; or which deal with the financial, legal or proprietary rights of the State or another party. This includes records that have been the subject of a Right to Information (RTI) enquiry (see section 4.2: *Records likely to be required in legal proceedings*).
- Check that the Retention and Disposal Schedule that was used to sentence the records is still *current*. If the Schedule has been superseded by a newer version or a completely new Schedule, or it has been revoked, the records may need to be re-sentenced.
- Files will need to be examined to ascertain if any extra records have been added since the sentence was first assigned. This will always be the case if the files are sentenced on creation.
- The retention period will need to be reviewed before final disposal if certain circumstances have changed. For example, in the case of personnel files, the retention status changes if a temporary employee is promoted to a permanent position, or if an employee is promoted to a Senior Executive position.
- Many eDRMS systems use a 'date of last action' disposal trigger where file movement is considered as a 'last action', thus extending the trigger every time the file is accessed. As mentioned above, 'last action' is not when the file was last accessed or borrowed. Public authorities should consult with their software vendor to ascertain if their eDRMS has other trigger options, such as 'date file closed', to ensure the correct disposal action is applied to their records.
- In addition to this, Right to Information requests or legal actions should not affect the 'last action' date of a record. However, RTI requests attract a blanket five year additional retention period and records required in legal proceedings must be retained until all appeals are completed (if this was not already factored into the original disposal decision).

Diagram 1: Implementation for Current Records - Flowchart



3 Sentencing legacy records

Legacy records are existing accumulations of older records, created by an agency in the past or sometimes inherited from another agency during a transfer of functions. Many public authorities may have a back-log of legacy records in their possession which will need to be sentenced either for disposal or further retention.

This section outlines the extra steps involved when sentencing *paper* legacy records, and the preparation required before sentencing can take place.

Refer to Diagram 2: Implementation for Legacy Records (page 19) for an overview of the steps involved with sentencing legacy records.

3.1 Before you begin

Scope of sentencing activities

The scope of activities for sentencing legacy records should be determined before sentencing takes place. Consideration will need to be given to the timing and duration of such a project, as adequate resources and qualified staff will need to be available. If an agency is dealing with a large back-log of legacy records, it might choose to either break sentencing activities into smaller, more manageable projects that run at regular intervals or undertake sentencing on a continual basis until the back-log is cleared.

Any records held in regional offices and by statutory bodies of the public authority should be taken into account as they may also have an accumulation of legacy records in their possession. The public authority may choose to sentence the legacy records in their central office first and then in a regional office later, depending on their business needs and the level of inter-dependence between the central office and regional office files.

Resources

Public authorities will need to consider the staffing arrangements for their legacy records project, and a suitable work area with appropriate resources should be made available for sentencing activities. The main considerations include:

- Adequate supply of archival boxes (Type 1 for permanent records)¹²;
- Locality of work area and office environment (e.g. lighting, ventilation, etc);
- Suitable desk or shelf space to be used as a processing area;
- Dedicated area for records pending destruction or transfer to Queensland State Archives; and¹³
- Qualified staff with the ability to assess and understand Retention and Disposal Schedules, and a knowledge of the functions and activities of the organisation.

Work plan

A work plan should be developed to gain approval for the project. This should:

- Identify the relevant stakeholders whose commitment to the project is required;
- Explain the purpose and scope of the project;
- Specify who will be responsible for specific tasks;

¹² Refer to QSA's *Guidelines on Disposal and Transfer of Public Records* (<http://www.archives.qld.gov.au/downloads/GuideTransferDisposalPublicRecords.pdf>) for suppliers of Type 1 boxes

¹³ Records Management Association of Australasia (2003). *General records retention and disposal handbook*.

- Outline the order in which the work will be carried out;
- Agree on resources required to complete the project;
- State which groups of legacy records will be sentenced, and if any key collections are out of scope;
- Indicate a timetable for examining the records, consulting with action officers and preparing documentation;
- Decide on project start and completion dates;
- Seek internal approval for records archiving and disposal activities; and
- Consider outsourcing arrangements for completion for the project.¹⁴

Preparation

There are three key steps involved with preparing legacy records for sentencing:

1. Any Workplace Health and Safety risks should be assessed before sentencing begins. Contact the agency's Workplace Health and Safety Officer if the records could pose a health risk (e.g. if they contain mould, etc).
2. The full extent of the records to be dealt with must be known. Locate the control records, such as registers and indexes, and then conduct a full file audit.
3. Contact Queensland State Archives for further advice if:
 - The records were created prior to 1950;
 - You are unsure of which agency created the records;
 - The records are not covered by a current Retention and Disposal Schedule;
 - The records are the responsibility of another public authority.

3.2 Assigning retention periods

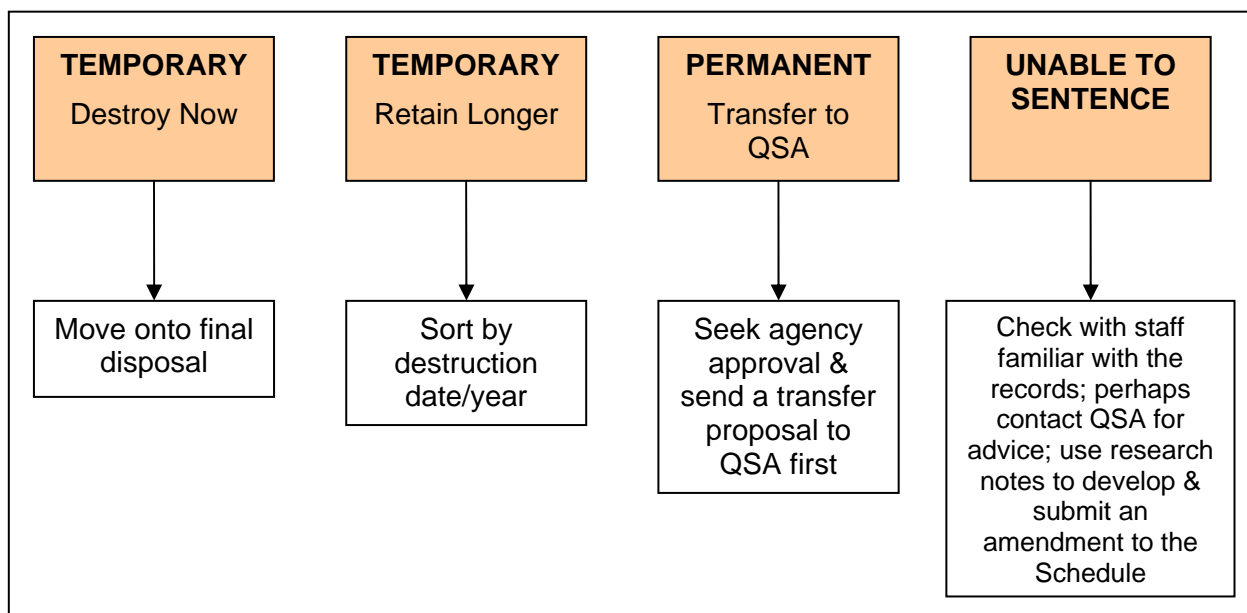
To assign the correct retention period to a *paper* legacy record, the following steps should be followed:

1. Many legacy files will be grouped and organised according to subject, such as case/client files or general correspondence files. Examine the file to determine what function/s and activities the records document. (It is possible that some legacy files could cover several functions and activities).
2. Determine which Retention and Disposal Schedule applies to the record, such as the GRDS or an agency-specific or sector Schedule for core-business records.
3. Sort and group the records according to the relevant Retention and Disposal Schedule (i.e. administrative separated from core-business records).
4. Identify the corresponding disposal class or classes in the appropriate Retention and Disposal Schedule.
5. From the disposal action in the class, identify the trigger event and calculate a date when the records may be eligible for disposal. If the file contains records with differing retention periods, it must be retained for the longest retention period for records on that file.
6. If the trigger event has already occurred and the required retention period has passed, check that the records are not required for any further business, legal or

¹⁴ Records Management Association of Australasia (2003). *General records retention and disposal handbook*.

historical purposes before implementing the disposal action (see section 2.9: *Reviewing*).

7. If the trigger event has not occurred, set a review date for the future.
8. Once the sentence has been assigned, the paper records should then be sorted and boxed according to the following groups. The boxes should be labelled with information such as box number and the due date for destruction (if applicable)¹⁵.



9. Information documenting the QDAN, version and record class number should be recorded in a destruction log, recordkeeping system or in any control records before final disposal takes place. (See section 4.5: *Documentation of disposal actions*, for further information).

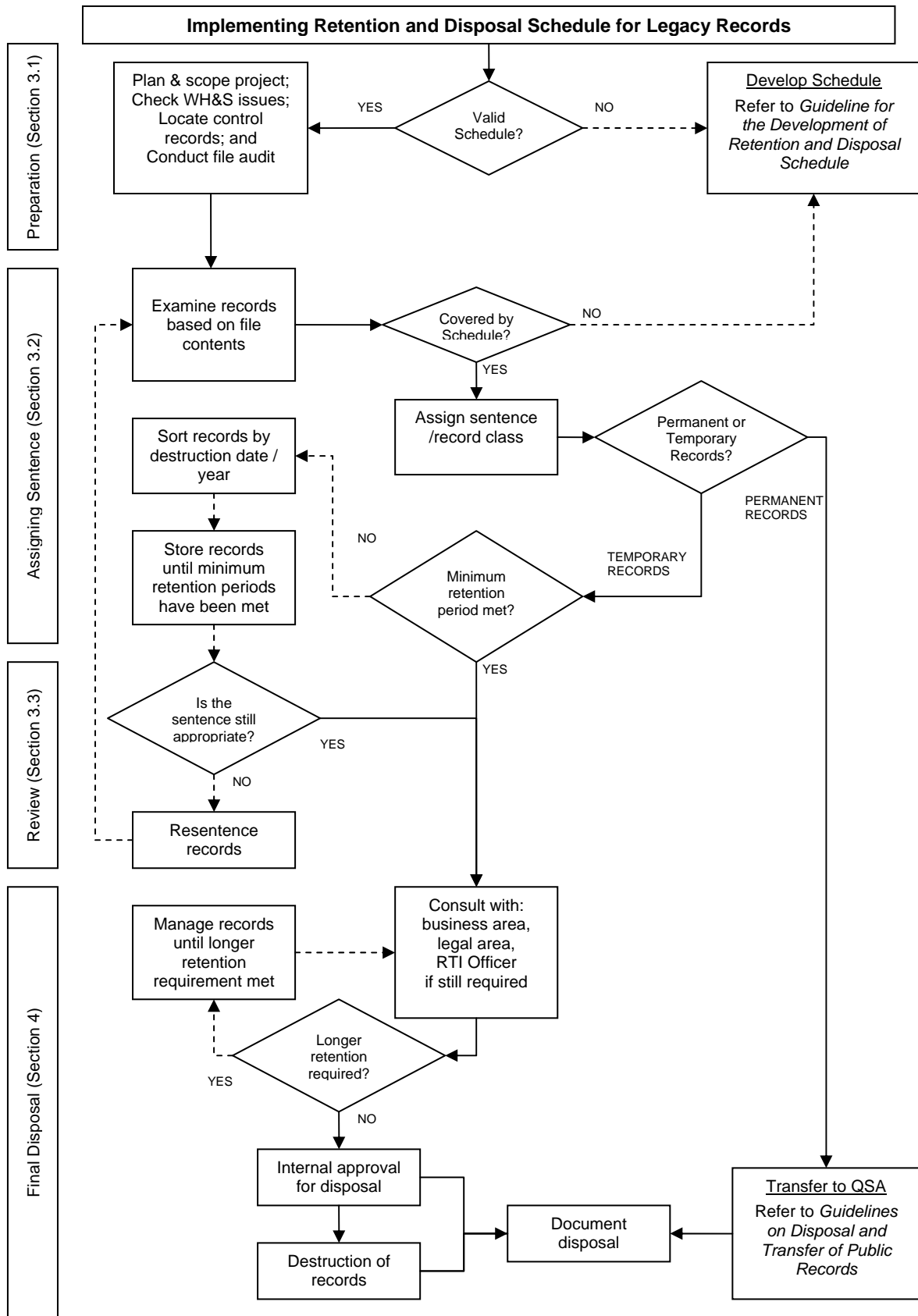
3.3 Re-sentencing and reviewing legacy records

It is unlikely that, once sentenced, legacy records will need to be re-sentenced or reviewed. As legacy records tend to be older than records used for current business purposes, many would have reached their minimum retention period and be ready for disposal by the time they are sentenced. In addition to this, the outcome of the business process they document should be known. They should not need to be reviewed again before final disposal.

However, there may be times when sentenced legacy records will need to be re-sentenced, such as those with a long retention period or when a Retention and Disposal Schedule is revised and retention periods are increased or decreased. Refer to section 2.8: *Re-sentencing current records*, for information about re-sentencing.

¹⁵ Permanent records should be boxed and identified in accordance with *Guidelines for Disposal and Transfer of Public Records*

Diagram 2: Implementation for Legacy Records – Flowchart



4 Final Disposal

Once the minimum retention periods have lapsed, and there are no ongoing business or legal requirements to retain the records, final disposal processes may be implemented. All disposal decisions must be authorised and documented in accordance with *Information Standard 31: Retention and Disposal of Public Records* (see section 4.5: *Documentation of Disposal Actions*).

4.1 Disposal authorisation

When using an approved Retention and Disposal Schedule, public authorities can dispose of records without further reference to Queensland State Archives. However, public authorities must have approval from the State Archivist before they dispose of original paper records that have either been digitised or microfilmed.¹⁶

Under the *Public Records Act 2002*, the Chief Executive Officer (CEO) of a public authority is responsible for their agency's records. Records that meet the criteria for disposal should only be disposed of after approval from the CEO has been granted. In some instances a delegation of authority is appropriate (e.g. between the Director-General and the Director of a specific business area). The delegation of authority must be documented and should outline:

- Those responsibilities which are being delegated under the *Public Records Act 2002*;
- The position to whom those responsibilities are being delegated to (include reference to sections 13 and 26 of the Act and *Information Standard 31: Retention and Disposal of Public Records*); and
- That the destruction should conform to best practice and advice issued by the State Archivist.

Approval should also be sought from other areas in the organisation, such as the Manager of the business unit that created the records and the agency's legal and Right to Information representatives, to ensure the records are no longer required. Their disposal approval should also be documented either in the agency's disposal log, recordkeeping system or master control records (see Appendix B for a sample destruction log).

4.2 Records likely to be required in legal proceedings

Under section 129 of the *Criminal Code Act 1899*, it is an offence for any person to destroy, or make illegible, a document that may be required as evidence in a legal proceeding, to prevent it from being used as evidence in the proceeding.

Queensland State Archives does not authorise the disposal of records if they are required:

- (i) for any court action which involves or may involve the State of Queensland or an agency of the State; or

¹⁶ For more information, refer to the *Digitisation Disposal Policy* or the *Microfilming Disposal Policy* - <http://www.archives.qld.gov.au/government/ddp.asp> or http://www.archives.qld.gov.au/downloads/Policy-microfilm_final.pdf

- (ii) because the State holds documents which a party to litigation may obtain under the relevant Rules of Court, whether or not the State is a party to that litigation, or
- (iii) pursuant to the *Evidence Act 1977*, or
- (iv) for any purpose required by law.

Public authorities should develop processes for monitoring and identifying legal proceedings, either current or likely to occur in the future, and take action to prevent the destruction of any records that may relate to the identified proceedings.¹⁷ It is important that Records Management staff consult with their public authority's legal area prior to any disposal taking place. The State Archivist may also review or withdraw any authorisation to dispose of records if legislative and recordkeeping requirements change.

Public authorities must suspend disposal of the required records until the legal proceedings (including further appeals) are completed, or it is confirmed that they are not needed.

For records that have been previously used in legal proceedings, the original sentence will need to be reviewed as the retention status may have changed. It may also be necessary to consider reviewing the Retention and Disposal Schedule and adjusting the corresponding disposal class, especially if the class of records has been subject to legal proceedings repeatedly in the past. Records Management staff should consult with their legal area to ascertain the appropriate retention period.

Right to Information requests

Records which are subject, or have been subject to an access application under the *Right to Information Act 2009*, must be retained for an additional period of time to allow all avenues of appeal and subsequent legal action to be exhausted, although their minimum retention period may have expired. This includes any record class sentenced and due for destruction under an existing Retention and Disposal Schedule. Records subject to an RTI request have been identified in the GRDS and must be sentenced accordingly (see class 4.1.9).

Records Management staff should also consult with their agency's Right to Information Officer before final disposal of records takes place.

4.3 Destruction

Destruction methods

Paper-based records

Paper records should be shredded and pulped, or if these options are not available, burnt in an industrial incinerator. Public authorities should not bury records or place records in industrial bins, general collection rubbish bins or other unauthorised storage containers.

The method of destruction should be appropriate to the sensitivity of the record and the availability of destruction services in the local area. As a general rule, office shredders should only be utilised for the shredding of ephemeral records. For security classified records, it is best practice to use cross-cut shredders that reduce waste to a small particle size.

¹⁷ National Archives Australia (2007). *Records likely to be required in legal proceedings*. Available online from <http://www.naa.gov.au/records-management/IM-framework/requirements/law/legal-proceedings.aspx>

If the public authority chooses to carry out the destruction activities, a responsible officer or a delegate should supervise the destruction of the records and remain at the site until all records are effectively and completely destroyed.

It is also important to consider the frequency of disposal actions. Rather than destroying records as soon as they are eligible, public authorities can choose to destroy records at certain times (e.g. every quarter or annually). This will help make destruction routine and systematic, reducing the time and resources required to carry out the process.

Electronic records

Public authorities should ensure that electronic media which contain public records in electronic formats are properly disposed of after the expiration of their minimum retention periods. Processes, such as media sanitisation, should be enacted to ensure that the information contained on the media is irretrievable. These processes can include:

- Deleting or overwriting the information;
- Purging magnetic media through degaussing (exposure to a strong magnetic field); or
- Destruction of the physical media through shredding and melting or incineration.

TIP: When the minimum retention period has expired, and the records are no longer required for ongoing business purposes, it is recommended that all versions and renditions of the record (including any hardcopies and digitised/ scanned copies) be disposed of at the same time. This will help minimise the cost of unnecessary storage, while making the best use of government resources.

Storage

Public authorities should utilise secure destruction areas and storage devices to store records awaiting destruction. Only delegated and responsible officers of the public authority or authorised representatives should have access to these areas.

Destruction services

If utilising a destruction service through either a commercial arrangement or another public authority, the public authority responsible for the records should ensure that all documents/records are securely stored and transported to the destruction site. The public authority should also make sure that the service provider destroys the records as soon as possible after their arrival at the designated destruction site. A receipt or certificate of destruction should be obtained from the service provider and retained permanently by the public authority for accountability purposes.

These requirements should be part of the service contract that the public authority signs with the service provider.

4.4 Transfer

Public authorities can apply to Queensland State Archives to transfer their records of permanent retention status. Queensland State Archives will assess the transfer proposal before approval to transfer is granted.

Preparations for transfer

Prior to transfer, a Restricted Access Period (RAP) notice and a Transfer Proposal Form notice for each records series must be completed by the responsible agency. After the liaison process is completed and approval to transfer is granted, records must be listed using the Queensland State Archives' Excel template for Item Listing, and boxed in accordance with State Archives' requirements. Records cannot be accepted until this work and all documentation is completed.

For more information about the transfer process, such as listing and boxing records, please consult the Queensland State Archives' *Guideline on Disposal and Transfer of Public Records*¹⁸ or contact Queensland State Archives.

4.5 Documentation of disposal actions

Under *Information Standard 31: Retention and Disposal of Public Records*, public authorities are required to ensure that records destruction is authorised and documented. The destruction of the file or record should be documented in a disposal log, master control records or in the agency's authorised recordkeeping system, capturing the following information:

- The file title, or a description of the record type or series;
- The QDAN number and version of the approved Retention and Disposal Schedule/ Authority, and the disposal class reference number;
- The date range for the records;
- The date of destruction;
- Who destroyed the records; and
- The authorising officer.

A sample destruction log has been included in Appendix B. It should include the information above, some of which is best compiled during the sentencing process. Appendix C contains a sample memorandum that should be attached to the destruction log to demonstrate that the relevant business areas and the approved delegate have given their approval for the records to be disposed of. Appendix D is a sample certificate of destruction, which shows that a responsible officer of the public authority witnessed the destruction of the records, and what method was used.

TIP: Under the GRDS, records about records disposal must be retained permanently. However, public authorities are not required to keep a record of destruction if the document is an ephemeral record that has not been registered in the agency's recordkeeping system. See Section 6 of the GRDS for a listing of ephemeral records.

¹⁸ Available from Queensland State Archives at <http://www.archives.qld.gov.au/downloads/GuideTransferDisposalPublicRecords.pdf>

5 Contacting Queensland State Archives

For further advice regarding sentencing, re-sentencing, sentencing legacy records and final disposal, please contact:

Agency Services Unit
Queensland State Archives
PO Box 1397
Sunnybank Hills QLD 4109
Ph: (07) 3131 7777
Email: info@archives.qld.gov.au

For further advice regarding the transfer of permanent records to Queensland State Archives, please contact:

Transfers Officer – Collections and Access

Queensland State Archives
PO Box 1397
Sunnybank Hills QLD 4109
Ph: (07) 3131 7777
Email: info@archives.qld.gov.au

6 Appendix A: Glossary

Key terms used in these Guidelines are defined below. These and other records management terms are defined in Queensland State Archives' *Glossary of Archival and Recordkeeping Terms*.¹⁹

Business Classification Scheme: The functions and activities of the agency derived from the analysis of business activity, containing terms and scope notes that represent and describe functions, activities, transactions or other elements and shows their relationships. The structure of the scheme is hierarchical, moving from the general to the specific.

Disposal: The final decision concerning the fate of records. In the context of this Guideline, disposal includes destroying, transferring, donating or giving away a public record.

Disposal action: A description of the minimum retention period for the records and the event from which the retention period starts. For example, retain for 7 years after last action.

Disposal class: Related records documenting similar activities and therefore having the same retention period and disposal action.

Disposal trigger: The event or action, specified in a Retention and Disposal Schedule, from which the disposal date is calculated.

Legacy records: Records either created by an agency in the past, some of which may relate to non-current business functions or systems, or records inherited from another agency because of a transfer of functions.

Retention and Disposal Schedule:

a) Public authority-specific Retention and Disposal Schedule, which is based on the functions of a public authority, and authorises the retention and disposal of records unique to that authority.

b) General Retention and Disposal Schedule, which is based on functions common to many public authorities, and authorises the retention and disposal of records common to more than one authority. Such records may include:

- i. General administrative records;
- ii. Common records that relate to functions performed by many public authorities; and
- iii. Records relating to similar functions performed by like public authorities.

Retention period: The minimum period of time that records need to be retained before their final disposal. It is based on knowledge of the frequency of current and future use, and takes into account various statutory and regulatory provisions.

Sentencing: The process of identifying the disposal class a record belongs to and applying the disposal action specified in the relevant disposal authority to the record. Sentencing is the implementation of appraisal decisions which are documented in Retention and Disposal Schedules.

¹⁹ Available from Queensland State Archives at:
<http://www.archives.qld.gov.au/downloads/GlossaryOfArchivalRKTerms.pdf>

7 Appendix B: Sample destruction log

Description of Records/ Class of records	Authority QDAN + Version No.	Reference Number	Minimum retention period met	Due for destruction	Date destroyed
<p>Applications for agency grants under XYZ Grant Scheme 2000/2001</p> <ul style="list-style-type: none"> - Successful - Unsuccessful <p>(Tip: include date range. For subject files, include description of records that have longest retention period.)</p>	<p>QDAN 249 v.2.1</p> <p>QDAN 249 v.2.1</p>	<p>2.1.31</p> <p>2.1.32</p>	<p>31/07/2001</p> <p>31/07/2001</p> <p>(Tip: add date of last action, e.g. employee's date of birth + date of separation)</p>	<p>31/07/2006</p> <p>31/07/2002</p> <p>(Tip: may be past or future dates)</p>	

8 Appendix C: Sample memo

MEMORANDUM	
To:	.....
Position:	.....
From:	.....
Position:	.....
Subject:	.....
Date:	.....
<p>Please find attached a list of records that have met their minimum retention period under (insert Retention and Disposal Schedule name and QDAN) and are ready for final disposal.</p> <p>If your area has no ongoing business or legal need to retain these records, please sign this form to indicate that you approve of their disposal.</p>	
Approvals from:	
Business Area/Unit:	.....
Legal Officer:	.....
RTI Officer:	.....
CEO/Approved Delegate:	
Name	.....
Signature	.....
Date	.....

9 Appendix D: Sample certificate of destruction

Certification of Destruction	
Name of business area/unit:	
Public records inventory/disposal list (attached)	
Method of Destruction:	
Third Party (if applicable):	
..... Name (print)	..... Position
..... Signature	..... Date