



## Adequate Records Management - Disposal

### Outcome 6: Records disposal is managed

*Official records must be disposed of in accordance with legislative and business requirements*

Records disposal encompasses the destruction, transfer and temporary or permanent retention of an agency's records. The basis of an agency's records disposal program is found in the application of General Disposal Schedules (GDS) and Records Disposal Schedules (RDS) which specify retention periods for official records.

The benefits of a well-managed disposal program are many. Knowing how long they are required to keep particular records allows agencies to manage storage costs. Being able to explain why records are no longer held enables agencies to demonstrate compliance with legislation such as the *Freedom of Information Act 1991*. Critically, disposal programs allow agencies to identify those records which are of long term value and form part of the corporate memory of the government and the collective memory of society.

### How can my agency meet the requirements of Outcome 6?

Agencies must satisfy a number of requirements to achieve adequacy in relation to Outcome 6 of the *Adequate Records Management (ARM) Standard*:

- gain senior management support for a disposal program including budget and infrastructure allocation
- appraise records in line with government policy
- Establish and maintain RDS which accurately reflect the agency's operational records
- document and implement a disposal program which includes regular and consistent sentencing of records in line with current GDS and RDS
- use systems to manage the disposal process.

### What are the benefits of records disposal?

The benefits of a well managed records disposal program include:

- ensuring that records of permanent value are identified and preserved for ongoing use
- the reduction of the costs associated with records storage
- more efficient and effective use of limited office and server space
- the facilitation of better access to records required to support decision making and the provision of services to the community.

### How is the disposal of official records authorised in South Australia?

Sections 23 and 24 of the *State Records Act 1997* allows for the disposal of official records in accordance with determinations made by the Manager [Director] of State Records. The State Records Council approves such determinations.

A determination from the Manager [Director] takes the form of a disposal schedule, which identifies functions, classes of records resulting from those activities and specifies retention periods and disposal actions for those records. The three types of disposal

schedules are General Disposal Schedules (GDS), Records Disposal Schedules (RDS), and Transfer of Ownership Schedules (TOCS).

## **What are the differences between a RDS, GDS and TOCS?**

**GDS:** These schedules are used to sentence those records that provide evidence of functions and activities common to a number of agencies such as personnel, financial management and occupational health and safety, or when coverage is sector-wide. GDS are generally developed by State Records in consultation with agencies. The list of GDS currently in effect can be found on the State Records website.

**RDS:** These schedules can only be used to sentence operational records relating to functions and activities specific to agencies. For example records relating to criminal investigations performed by the South Australian Police (SAPOL) or court transcripts managed by the Courts. RDS are developed by agencies in consultation with State Records.

**TOCS:** These schedules are used to identify records which are to be transferred to either the ownership or temporary custody of an entity that is not an agency as defined by the *State Records Act 1997*. The entity may be a private organisation receiving the records as part of a sale, privatisation or contractual arrangement. The entity may also be a government body of another jurisdiction (e.g. a Commonwealth, Territory or other State Government) to which certain functions and activities and associated records have been transferred (for example as a result of administrative or legislative change). TOCS are developed by State Records in consultation with agencies and are supplementary to the relevant GDS and RDS of the transferring agency.

## **What are the penalties for destroying official records illegally?**

The *State Records Act 1997* imposes a maximum penalty of \$10,000 or two years imprisonment if a person, knowing they do not have proper authority, intentionally disposes of an official record.

## **How can official records be destroyed?**

State Records requires that official records be destroyed in a manner that is appropriate to their sensitivity, confidentiality and assigned security classification. Secure conditions and techniques should be in place for the destruction of both paper based and electronic records. For paper based records this is likely to involve shredding or pulping. Electronic records are to be destroyed in a manner which ensures that the information within them cannot be recovered, which is likely to involve secure wiping of devices and hardware. Agencies should refer to the *Information Security Management Framework (ISMF)* for detailed guidance on the secure disposal of official records.

## **Do I need to use a Disposal Schedule for all of my official records?**

Current and approved disposal schedules must be applied to all official records created or received by an agency. In the interest of efficient recordkeeping, State Records has approved the use of Normal Administrative Practice (NAP), to enable agencies to destroy material which is ephemeral and/or transitory in nature and has no continuing value. The introductions of GDS 15 and GDS 20 outline categories of material which may be destroyed under NAP and detail the NAP test which agencies must apply when deciding whether NAP can be applied.

## **What about official records that may be used as evidence?**

Where an agency is aware that records may be required for use in litigation, a government enquiry or by the Ombudsman, those records cannot be destroyed.

In such circumstances the records are to be retained until two years after all cases and enquiries are complete, including any appeals. The records are then to be sentenced according to a current GDS or RDS.

## **Further information**

*Adequate Records Management Standard, State Records of South Australia*

State Records has produced a number of other Standards, Guidelines and Recordkeeping Information Sheets relevant to the disposal of official records. Please refer to the State Records website.

## **Version control**

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