

Retention and Disposal Authority for Records of Medico Legal Death Investigation

Authority number: PROS 15/02



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Issued Date: 02/04/2015

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| Retention and Disposal Authority No | PROS 15/02 |
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| Scope | This RDA authorises the disposal of records created and held by the Victorian Institute of Forensic Medicine. |
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| Status | Issued by Keeper |
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| Issue Date | 02/04/2015 |
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List of Functions and Activities covered

| Reference | Function | Activity | Page |
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| 1 | MEDICO-LEGAL DEATH INVESTIGATIONS | | 10 |

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*. The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed 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 office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

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Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO) format according to PROS 99/007 - Management of Electronic Records (Version 2). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 11/01 *Storage*

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Concurrence of Public Office

This Authority has the concurrence of:

[Signed]

Name: Noel Woodford

Position: Director, Victorian Institute of Forensic Medicine

Date: 26/03/2015

Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Victorian Institute of Forensic Medicine. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked prior to that date.

[Signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 02/04/2015

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INTRODUCTION

Administrative Context

Overview

The Victorian Institute of Forensic Medicine (VIFM) is a statutory authority incorporated under the *Victorian Institute of Forensic Medicine Act* 1985. It operates under the auspices of the Department of Justice, reporting to Parliament through the Attorney-General. The Institute also operates as the Department of Forensic Medicine at Monash University.

The Institutes statutory responsibilities are to provide:

- independent, expert and credible forensic medical and scientific services to the justice system;
- human tissues for transplantation;
- teaching in medicine and science; and
- research related to these activities.

VIFM staff work in different areas of forensic medicine as specialist forensic pathologists, odontologists, anthropologists, entomologists and physicians and forensic science as toxicologists, anatomists, molecular biologists and a range of medical laboratory scientists.

The Institute also works with a number of international organisations including the International Committee of the Red Cross (ICRC) the World Health Organisation (WHO) and United Nations agencies including the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the United Nations Childrens Fund (UNICEF) to provide training in forensic medicine and perform international humanitarian capacity development and Disaster Victim Identification (DVI) work

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|----|--|--|--------|-----------------|
| 1 | MEDICO-LEGAL DEATH INVESTIGATIONS | <p>The conduct of death investigations to certify the cause and manner of unnatural and unexplained deaths, the circumstances in which injuries might have been caused and the relationship of pre-existing natural diseases to all of these. These services are provided for the Coroner, the police, civil and criminal courts, legal and medical practitioners and numerous public and private organisations.</p> <p>The core activities include:</p> <ul style="list-style-type: none"> • forensic pathology examinations which involve the review of medical histories; interpreting results of forensic scientific testing, x-rays and CT scans; external and internal examinations of the body and investigation of scene of the death; • provision of scientific human identification services of forensic anthropology (skeletal remains), entomology (insect feeding patterns and infestation) and odontology (dental identification) to identify deceased through DNA matching and to assist in establishing the cause and time of death; • provision of histology services which involves the processing of tissue removed at autopsy to allow microscopic examination for abnormal pathology or tissue injury to help in the identification of the cause of death; | | |

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| <i>MEDICO-LEGAL DEATH INVESTIGATIONS</i> | | | | |
| | | <ul style="list-style-type: none"> • testing of microbiology cultures to identify cause of infectious disease or death; • testing of blood (serology testing) to identify potential infectious diseases; • management of the chain of custody of bodies in the mortuary; • managing the National Coronial Information System (NCIS) database; and • managing requests for access to coronial data and information. Requests are made by organisations with a specific role or interest in public health and safety, including coronial death investigators, public sector agencies, researchers and the media. <p>[For the retention of human specimens and remains, other than tissue blocks, see the National Pathology Accreditation Advisory Council (NPAAC) guidelines].</p> | | |
| 1.1 | | <p>Records documenting:</p> <ul style="list-style-type: none"> • the <u>final autopsy report</u> prepared by forensic pathologists. The report provides medical findings and conclusions based on the pathologists examinations and testing from individual departments; | Permanent | Retain as State archives |

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| <i>MEDICO-LEGAL DEATH INVESTIGATIONS</i> | | | | |
| | | <ul style="list-style-type: none"> • the <u>case files</u> maintained by forensic pathologists for bodies that physically arrive onsite and bodies that are not capable of physical inspection (body not in cases). Includes the police report of death for the Coroner; medical records; radiographic imaging; contact log; regional pathology reports; final reports of Identification Services (IS), microbiology, serology and molecular biology; crime scene photos; images of body; height and weight measurements; case classification; toxicology and histology case records; tissue blocks; DNA case files; preliminary examination report; opinion reports and supplementary reports from microbiology; odontology and entomology testing ID samples and pathologists handwritten case notes; and • coded field data outlining key information about the death. | | |
| 1.2 | | <p>Records documenting:</p> <ul style="list-style-type: none"> • the pathologists rough <u>working notes and calculations</u>; • <u>microbiology culture tests</u>, including the <u>requests</u> for tests; • <u>forensic anthropology casework and research</u>. | Temporary | Destroy 25 years after final autopsy report is presented to the Coroner. |

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| <i>MEDICO-LEGAL DEATH INVESTIGATIONS</i> | | | | |
| | | <p>Includes records detailing the search, location, recovery, examination and analysis of differentially preserved human skeletal remains to identify gender, age, stature, ancestry and circumstances or causes of death and scene interpretation records;</p> <ul style="list-style-type: none"> • <u>forensic entomology casework and research</u>. Includes records detailing the examination of human remains for insect feeding patterns and infestation to assist in determining the cause of death and circumstances around the death and the time and location of death; • <u>forensic odontology casework and research</u>. Includes records comparing ante-mortem and post-mortem information (dental records created before and after death) for the purpose of identifying unknown deceased individuals, records documenting the collection and storage of ante-mortem dental records, radiographs and dental casts; • <u>serology tests</u>, including test <u>requests</u> and results; • the admission and release of bodies and exhibits physically on site. Includes records documenting <u>chain of custody of bodies</u> and <u>exhibits register</u>; and • <u>meetings</u> conducted as part of the investigation | | |

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| <i>MEDICO-LEGAL DEATH INVESTIGATIONS</i> | | | | |
| 1.3 | | <p>or case work. Includes <u>minutes</u>, <u>agendas</u> and attached <u>reports</u>.</p> <p>Records documenting:</p> <ul style="list-style-type: none"> • <u>requests</u> for access to coronial data and information to inform death and injury prevention activities made by coronial death investigators, public sector agencies, researchers, the media and other agencies. Includes research reports, approvals and checks from the Coroner, associated correspondence, invoices, internal research logs and internal database information extracts; and • <u>requests for access to pathology, medical imaging and scientific data made by students to inform medical research and clinical case reviews</u>. | Temporary | Destroy 7 years after last action. |
| 1.4 | | <p>Records documenting:</p> <ul style="list-style-type: none"> • the <u>working notes</u> created by forensic pathologists to aid compilation of the final autopsy report. Includes <u>dictation recordings</u> which have been transcribed into the final report. | Temporary | Destroy 5 years after final autopsy report is presented to Coroner. |