

PROS 10/13 Specification 2

Implementing Disposal Authorities

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1 Introduction

This specification deals with the process of carrying out records disposal and implementing disposal authorities.

1.1 Purpose

Public Record Office Victoria (PROV) Standards contain mandatory principles for the management of public records within Victoria. Standards issued by the Keeper of Public Records (the Keeper) are supported by Specifications that contain the measurable, mandatory requirements that agencies must comply with in order to meet the principles. *PROS 10/13 Disposal Standard* (hereafter referred to as the Standard) is the overarching document for Disposal.

This Specification provides a detailed set of requirements which define the criteria for the implementation of the Standard in relation to the implementation of disposal authorities. It is not the only Specification that details requirements to meet the Standard. Agencies must meet all the requirements detailed in all disposal Specifications to ensure they comply with the principles articulated in the Standard.

The implementation of these requirements will enable your agency to effectively manage the records management activities within your agency, including providing for the lawful and efficient disposal of public records.

Each requirement within this Specification is individually numbered and described under the appropriate principle. Examples of evidence of compliance measures are provided for each requirement.

1.2 Scope

This Specification repeats principles from the Standard. For more information on these principles, including explanation of why they are needed, please refer to the Standard.

This Specification covers the activities associated with the implementation of disposal authorities for records across the Victorian Government.

For definitions of terms used within this Specification, please refer to the *Master Glossary*¹.

1.3 Document Relationship Diagram

An interactive diagram showing the relationship between this Specification and other documents associated with the Standard is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/about-standards-framework-policies/disposal-standard>.

Other PROV Standards and Specifications, including Retention & Disposal Authorities (RDAs), will also affect how this Specification is implemented in particular agencies.

¹ Available from our website: <https://www.prov.vic.gov.au/recordkeeping-government/a-z-topics/glossary>.

2 Requirements

In this section, principles from the Standard are provided for easy reference. The tables below the principles list the mandatory requirements and examples of evidence for each requirement.

2.1 Legality

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

Requirement	Examples of Evidence
1. Disposal of public records must be undertaken in accordance with an authorised disposal instrument.	Record disposal documentation includes references to a current, applicable, Disposal Authority (for example Retention & Disposal Authority (RDA), Single Instance Disposal Authority (SIDA), Normal Administrative Practice (NAP) Policy). Correspondence from the Keeper authorising the sale of records to private organisations.

Further Information

For the purposes of disposal conducted in accordance with an authorised disposal instrument, 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 agency identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified within the authorised disposal instrument, then the longer retention period must apply.

A copy of the *Public Records Act 1973* (the Act) and information about other laws affecting government recordkeeping is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/a-z-topics/legislation>.

Information about the authorisation of disposal is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas>.

2.2 Authorisation

Principle: The disposal of public records must be authorised by the Keeper of Public Records.

Requirement	Examples of Evidence
2. Records must be disposed of in accordance with a valid disposal instrument.	Documentation demonstrating that the most valid disposal instrument has been implemented.

<p>3. Agencies must only use disposal instruments that are applicable for records under their control.</p>	<p>Agency records sentencing procedures which refer to valid disposal authorities and the functions/records to which the disposal authorities may be applied.</p>
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Further Information

Information about the authorisation of disposal is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas>.

2.3 Accountability

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

Requirement	Examples of Evidence
<p>4. All decisions to dispose of records must be endorsed by public sector employees with the appropriate delegations.</p>	<p>Record disposal procedures. Delegations register showing positions authorised to approve record disposal. Record disposal documentation showing who approved what disposal actions.</p>
<p>5. Agencies must maintain disposal documentation showing what records have been destroyed or otherwise disposed of, under what disposal instrument and when the disposal occurred.</p>	<p>Record disposal documentation showing what records have been destroyed or otherwise disposed of, under what disposal instrument, and when the disposal occurred may be in the form of a disposal register or captured in records management systems. NAP Policy and procedures.</p>
<p>6. Details of the agency's overall disposal activities must be provided to PROV upon request.</p>	<p>Reports to PROV detailing disposal activities (as required).</p>

Further Information

Information about the authorisation of disposal is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas>.

Information about the recordkeeping responsibilities of public sector employees is available on our website: <https://www.prov.vic.gov.au/recordkeeping-government/document-library/pros-1010-fs2-recordkeeping-responsibilities-public>.

2.4 Informed Decision Making

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

Requirement	Examples of Evidence
7. Policies and procedures are in place to ensure records disposal is carried out under an authority issued by the Keeper of Public Records.	Record disposal policies or procedures endorsed by the head of the agency which refer to authorities issued by the Keeper.
8. Training and awareness programs are in place in the agency which raise awareness regarding records disposal and how it must be undertaken lawfully.	Agency recordkeeping training programs which cover record disposal procedures. Agency records management induction program. Educational and promotional materials such as posters, newsletters or intranet pages.
9. Persons responsible for disposing of records must have the appropriate skills and training.	Position descriptions detailing the required skills and competencies of staff responsible for sentencing records. Training programs for recordkeeping competencies for records management staff. Responses to quotes or tenders for record sentencing services. Staff training records.
10. Records disposal activities must be monitored to ensure that disposal instruments are interpreted correctly and implemented accurately.	Record sentencing and disposal procedures which incorporate appropriate quality assurance checks. Staff training records. Record sentencing and disposal quality assurance records. Records of regular peer reviews of disposal documentation.

Further Information

Information about the development and implementation of a disposal program is available on our website:
<https://www.prov.vic.gov.au/recordkeeping-government/document-library/pros-1013-g2-implementing-disposal-program>.

Information about the recordkeeping responsibilities of public sector employees is available on our website:
<https://www.prov.vic.gov.au/recordkeeping-government/document-library/pros-1010-fs2-recordkeeping-responsibilities-public>.

PROV's generic online recordkeeping training is available from our website:
<https://www.prov.vic.gov.au/recordkeeping-government/learning-resources-tools/online-recordkeeping-training>.

2.5 Justification

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

Requirement	Examples of Evidence
11. Agencies must be able to justify why disposal actions were or were not undertaken.	Record disposal documentation specifying records destroyed or otherwise disposed of (for example, transferred), under what disposal authority, and when the disposal occurred. This may be in the form of a disposal register, metadata or formal control records captured in records management systems. NAP Policy and procedures.

Further Information

A copy of the Act and information about other laws affecting government recordkeeping is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/a-z-topics/legislation>.

Information about the authorisation of disposal is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas>.

2.6 Planning

Principle: Records disposal must be planned, regular and integrated into an agency's business processes and programs.

Requirement	Examples of Evidence
12. Records disposal activities must be undertaken as a planned, routine and resourced part of the agency's business. This includes ensuring that all records have an authorised retention period assigned, and that State Archives are transferred into PROV custody in accordance with PROV requirements.	Records management program, business or work plans which incorporate record disposal activities. Documentation demonstrating that the most valid disposal instrument has been implemented.

Further Information

Information about the development and implementation of a disposal program is available on our website: <https://www.prov.vic.gov.au/recordkeeping-government/document-library/pros-1013-g2-implementing-disposal-program>.

2.7 Timeliness

Principle: Public records must be disposed of in a timely manner.

Requirement	Examples of Evidence
13. Records disposal activities as specified by an authorised disposal instrument must be undertaken as soon as possible and practical.	Business or work plans which incorporate record sentencing activities. Sentencing records.
14. Prior to implementing an authorised disposal action, agencies must check that the records are no longer required for any other justifiable purposes.	Procedures for checking status of records prior to disposal. Disposal documentation which has been endorsed by all required areas.

Further Information

A copy of the Act and information about other laws affecting government recordkeeping is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/a-z-topics/legislation>.

Information about the authorisation of disposal is located on our website: <https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept/retention-and-disposal-authorities-rdas>.

2.8 Security

Principle: Disposal of public records must be undertaken using a secure method so that the content is secure protected and is not inadvertently released or lost.

Requirement	Examples of Evidence
15. Methods used to destroy records must comply with any legislated privacy and confidentiality requirements.	Procedures for records destruction. Agreements with service providers engaged to carry out destruction which detail security requirements.
16. Methods used to destroy records must be irreversible.	Procedures for records destruction. Agreements with service providers engaged to carry out destruction which detail destruction methods.

Further Information

Information on the appropriate destruction of records is available on our website: <https://www.prov.vic.gov.au/recordkeeping-government/a-z-topics/destruction>.

3 References

Legislation

Public Records Act 1973 (Vic)

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

Standards

Standards Australia 2002, AS ISO 15489 Australian standard on records management, Standards Australia, Sydney.

Other Resources

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

For more information about implementing disposal authorities, contact:

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