



Public Record Office Victoria
PROS 10/13
Disposal

Guideline

1

Developing an RDA

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This product was retired on 29 August 2018. The content of this product is no longer being maintained and may be out of date or invalid.

Please refer to the Developing an RDA Step by Step Guide on the PROV Website (<https://www.prov.vic.gov.au/recordkeeping-government/how-long-should-records-be-kept>).

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1. Introduction

1.1 Public Record Office Victoria Standards

Under section 12 of the *Public Records Act 1973*, the Keeper of Public Records ('the Keeper') is responsible for the establishment of Standards for the efficient management of public records and for assisting Victorian government agencies to apply those Standards to records under their control.

Recordkeeping Standards issued by PROV reflect best practice methodology. This includes international Standards issued by the International Organisation for Standardisation (ISO) and Australian Standards (AS) issued by Standards Australia in addition to PROV research into current and future trends.

Heads of government agencies are responsible under section 13b of the *Public Records Act 1973* for carrying out, with the advice and assistance of the Keeper, a programme of efficient management of public records that is in accordance with all Standards issued by the Keeper.

In Victoria, a programme of records management is identified as consisting of the following components:

- A Recordkeeping Framework;
- Recordkeeping Procedures, Processes and Practices;
- Records Management Systems and Structures;
- Personnel and Organisational Structure; and
- Resources, including sufficient budget and facilities.

A programme of records management will cover all an agency's records in all formats, media and systems, including business systems.

1.2 Purpose

The purpose of this Guideline is to facilitate implementation of requirements contained in *Disposal Specification 1: Developing Disposal Authorities*. It provides useful and practical guidance on the development of a Retention & Disposal Authority (RDA) adhering to best practice recordkeeping principles identified in the Disposal Standard.

This Guideline will enable Victorian Government employees or consultants to develop a high quality Retention & Disposal Authority for their agency.

1.3 Scope

This Guideline applies to the process of developing a specific Retention & Disposal Authority (RDA). The development of Single Instance Disposal Authorities or general Retention & Disposal Authorities is not covered by this Guideline. For guidance on how to implement an

RDA once it has been approved, refer to *Disposal Guideline 2: Implementing a Disposal Programme*.

For definitions of terms used within this Guideline, please refer to the *Disposal Standard*.

1.4 Related Documents

This Guideline supports the *Disposal Standard* (PROS 10/13) and *Specification 1* which are supported by a number of other Specifications and Guidelines as shown in the following relationship diagram:

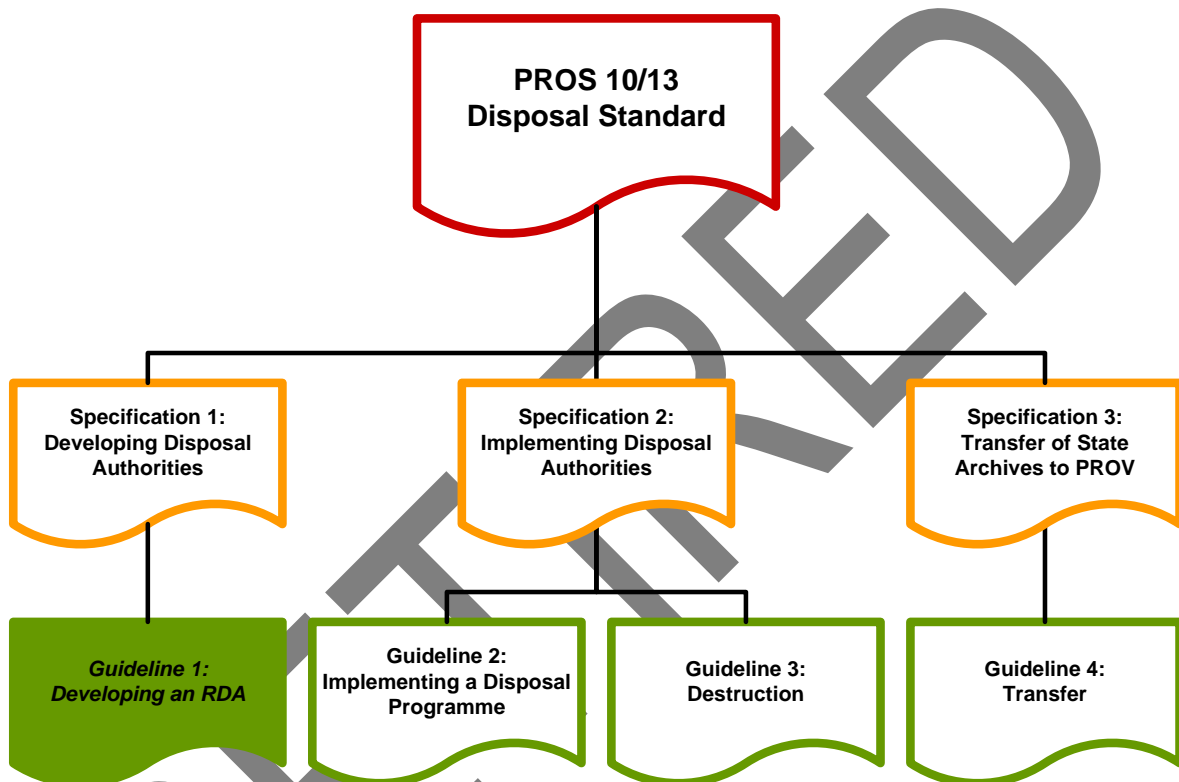


Figure 1: Relationship Diagram

2. Developing an RDA: An Overview

Not all public records are needed for the same amount of time. To try to retain all records would be prohibitively expensive and impractical to manage. The costs to store, index, migrate and ensure accessibility of records over time, even in an electronic environment, would be too great a burden for government. It is important therefore that records are lawfully disposed of by the agency when they are no longer required.

Disposal is defined as 'the range of processes associated with implementing records retention, deletion, destruction or transfer decisions which are documented in disposition authorities or other instruments'¹. The lawful disposal of records is an essential and critical component of any records management programme.

Disposal Authorities are issued by the Keeper of Public Records and are a legal instrument authorising the destruction or transfer of public records. They define the minimum periods of time that different classes of records must be kept and how they are to be disposed. They also identify records that are to be permanently retained as State Archives. Disposal Authorities ensure that the disposal of public records is open, transparent and accountable.

There are different types of disposal authorities, as described in Section 2.5 of the *Disposal Standard*. A specific Retention and Disposal Authority (RDA) is the most common type of disposal authority, and covers records related to functions and activities that are specific to a single agency. An RDA is a tool that describes the business the agency performs and the records that are produced as a result of that business. It should be specific to and reflective of the actual business processes of the agency.

A failure to establish the agency's record retention requirements may mean that critical corporate information is not accessible when it is needed. This can result in:

- penalties or prosecution;
- poor litigation or dispute outcomes;
- embarrassment and risk to the government, ministers, and the executive;
- poor results in audits, reviews, and investigations;
- inefficiencies and higher costs;
- poor customer service; and/or
- negative perceptions of the agency among stakeholders or the general public because it is unable to account for its decisions or actions.

The process explained in this Guideline should be followed when developing a Retention & Disposal Authority that is specific to a single agency. The three steps in this process are outlined below and described in further detail in Sections 3, 4 and 5.

¹ Standards Australia, *AS ISO 15489.1 Australian standard on records management*, pt 1, Standards Australia, Sydney, 2002, s. 3.9.

Step One: Initiate

The first step is to initiate the development of the RDA in the agency. This includes:

- Identifying or confirming the need for the RDA.
- Obtaining support from senior management.
- Establishing a relationship with PROV.
- Determining the scope of the RDA.
- Developing a simple project plan.
- Determining the budget and resources required to develop the RDA.
- Undertake any required procurement or recruitment activities.

Step Two: Draft

The next step is to conduct research and draft the RDA. This includes:

- Researching and analysing the functions and activities of the agency.
- Determining the record classes that will need to be included in the RDA and describing them.
- Appraising the record classes and determining appropriate retention periods.
- Consulting with stakeholders regarding the record classes and their proposed retention periods.
- Documenting the justifications for the selected retention periods.

Step Three: Approve

The last step is to get the RDA formally approved and published. This includes:

- Obtaining the endorsement of the Public Records Advisory Council (PRAC).
- Obtaining approval from the head of the agency.
- Obtaining approval from the Keeper of Public Records.
- Publishing and distributing the final RDA.

3. Step One – Initiate

3.1 Identify Need

A Retention and Disposal Authority (RDA) should only be developed if the agency is currently performing functions or activities that are not covered by a current RDA. The development of an RDA is a resource intensive task, so first the agency should confirm that a new RDA is actually required. The development of an RDA may be triggered by various factors, including:

- An existing RDA expiring within the next 12 months;
- Commencement of new business functions or activities;
- Legislative changes, or
- Machinery of Government changes.

Depending on the situation, an RDA may not be the most appropriate disposal instrument. Other instruments such as Normal Administrative Practice, General RDAs and Single Instance Disposal Authorities may be more appropriate. For information on these, refer to the *Disposal Standard*.

3.2 Establish Relationship with PROV

As RDAs are developed in collaboration with PROV, it is essential that prior to drafting an RDA, the agency (or their representative) meet with a PROV staff member. PROV will provide assistance to the agency during the development of the RDA by reviewing and providing feedback on the content drafted by the agency. This may include suggestions regarding the scope of functions and activities to be included, additional stakeholders to be consulted, or disposal authorities issued by other Australian jurisdictions that cover similar record classes.

This initial meeting with PROV will cover:

- Whether an RDA is the most appropriate disposal instrument.
- The possible scope of the proposed RDA.
- Options for drafting the RDA (such as the use of service providers).
- Availability of training courses and materials.
- Development timelines.

This meeting will lead to the production of a project agreement between PROV and the agency for the development of the RDA. The agreement outlines key dates for the drafting, review and approval of the RDA, and assigns responsibility for each milestone to either PROV or the agency.

As well as the project agreement the agency will be provided with two templates to use when drafting the RDA:

- RDA template to set out the record classes and associated retention periods.

- Appraisal Report template to provide background information on how each class was derived and the considerations made when determining the retention period.

3.3 Obtain Senior Management Support

Once it has been established that an RDA needs to be developed or revised, it is important to obtain senior management support. Under section 13 of the *Public Records Act 1973*, the head of the agency is responsible for ensuring that full and accurate records of the office are kept, and that records are created, maintained and disposed of in accordance with PROV Standards (including RDAs). The head of an agency must also endorse the final version of the RDA before it is issued by the Keeper of Public Records.

At this stage, senior management should be made aware of the:

- need to develop or revise an RDA;
- estimated time and resources required, and
- ongoing benefits to the agency.

3.4 Determine Scope of RDA

As part of planning the development or revision of the RDA the agency will need to understand which of the agency's functions, activities and classes of records are within the scope of the RDA. In some cases it may be appropriate to develop a number of smaller RDAs, each covering a discrete set of functions. When determining the RDA's scope the agency needs to take into account that an RDA should:

- Only include functions and activities which are still being performed or administered by the agency.
- Only include functions and activities which are specific to the agency, i.e. not those general functions and activities which are performed by a number of government agencies and covered by a general RDA or NAP.
- Identify classes of records in relation to the functions and activities that generate them rather than the format of the records, or the way in which they are kept.
- Include an analysis of the administrative, legal, social, and recordkeeping contexts within which records are created and maintained in the agency.

3.5 Develop Project Plan

By this stage it will be clear that the development of an RDA is a significant project. A project plan should be developed to ensure that all the tasks detailed in this Guideline are scheduled. This will allow the agency to estimate a realistic and achievable timeframe for completing the project. As the drafting of an RDA is an iterative process the schedule should allow plenty of time to develop the draft. Milestones should be based on the dates agreed to with PROV in the Project Agreement.

3.6 Allocate Budget & Resources

During the development of the Project Plan, the agency should determine what human and financial resources are required to undertake the project based on the tasks detailed in the project plan. There are two key options to consider when determining who is to draft the RDA. One option is to draft it in-house using agency staff. The other is to contract a consultant to draft the RDA on the agency's behalf. If a consultant is used, a person within the agency should be assigned to oversee the project. This person will be required to attend meetings with PROV staff. Once resource requirements are understood, people and/or funds will need to be allocated to the project.

In some situations a Business Case may be required to secure the resources required for the project. For information on how to do this, see PROV *Strategic Management Guideline 4: Writing a Business Case*.

3.7 Undertake any Required Procurement or Recruitment

If the services of a consultant are required, a procurement or recruitment process will need to be undertaken. Either of these processes will need to be carried out in accordance with the agency's own internal policies and procedures, and in some cases the requirements of the Victorian Government Purchasing Board.

4. Step Two – Draft

4.1 Research & Analyse Functions & Activities

An RDA should be structured according to the agency's business functions and activities to make it easier for people to locate relevant record classes. Functions represent the major responsibilities that are managed by the agency to fulfil its goals. They are high-level aggregates of the agency's activities. Activities are the major processes performed by an agency to accomplish each of its functions. An activity may be performed in relation to one function, or it may be performed in relation to many functions.²

The agency may have already conducted an analysis of their functions and activities as part of the development of a Business Classification Scheme. If an analysis has not been done recently, this should be completed before drafting commences. For guidance regarding how to undertake a functional analysis, see the PROV Guideline on *Functional Analysis*.

4.2 Determine & Describe Record Classes

The next task is to determine the classes of records to be included in the RDA. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. This will involve detailed research into the different groups of records created or received across the agency. Only records of functions and activities which are currently being performed, or those that the agency reasonably expects to be performed in the near future should be included.

Classes of records created or received by any outsourced organisations on behalf of the agency should also be considered and included in the RDA if required. For details regarding this topic, refer to PROV *Strategic Management Guideline 2: Managing Records of Outsourced Activities*.

Record classes that are covered within a General Retention and Disposal Authority should not be included. This is to ensure consistency in the way that similar records are retained across government. Exceptions to this are necessary where an agency's core functions involve activities that are undertaken by other agencies, but not as part of their core function. For example, all agencies undertake audits, and there are classes for these records in the *Retention and Disposal Authority for Records of Common Administrative Functions*. The Auditor-General's Office should not use these classes to dispose of their records of audits of the Victorian Government however, as auditing is part of their core function.

As described in section 4.1, an RDA should be structured according to the functions and activities of the agency. Under each activity, the classes of records which are generated by the transactional processes performed by the activity are listed and described. Below is an example record class in an RDA.

² National Archives of Australia 2009, *Glossary of Records Management Terms*, National Archives of Australia, Canberra, viewed 12 August 2009, <<http://www.naa.gov.au/records-management/glossary/index.aspx>>.

Example: Function, Activity & Record Class in an RDA

Function	5.0.0 FINANCIAL MANAGEMENT The function of managing the agency's financial resources. Includes establishing, operating and maintaining accounting systems, controls and procedures, financial planning, framing budgets and budget submissions, obtaining grants, managing funds in the form of allocations from the Consolidated Fund and revenue from charging, trading and investments. Also includes the monitoring and analysis of assets to assist in the delivery of economic and social services to government, industry and the community.
Activity	5.4.0 Authorisation The process of delegating power to authorise a financial activity.
Record Class	5.4.1 Records relating to delegations of power to agency staff to authorise financial activities and transactions (e.g. delegations to approve expenditure or appointment of an officer to countersign cheques).

4.2.1 Describe Functions

Each function description should have:

- A clear definition which provides a plain-English explanation of the function and clearly indicates the scope of the function (i.e. the types of business operations that are performed in relation to this function and, if necessary, what the function does not include).
- A unique three part number which runs sequentially through the RDA, starting at '1.0.0' for the first function (note that all function numbers end in '0.0').
- One or more activity terms listed under it, which will then have record disposal classes listed under them.

4.2.2 Describe Activities

Each activity description should have:

- A clear definition which provides a plain-English explanation of the activity and reflects the processes carried out with respect to the function.
- A unique three part number, the first part of which is inherited from the number of the function to which it relates and the second part being a sequential running number for each activity starting at '1.0' (e.g. 3.1.0, 3.2.0, 3.3.0 etc) (note that all activity numbers end in '0').
- One or more associated record classes to describe the various types of records that result from the activity.
- Any relevant cross references to associated activities.

It is possible to have activities with similar names in the RDA, but the descriptions need to be clearly differentiated so that readers can easily choose between them. The following extract from an RDA provides an example of how to describe similarly named activities.

Example: Similarly Named Activities

Function/Activity	Description
External Committees	External committees – convened by the agency External or inter-agency committees which have been convened by the agency or where the agency provides the Secretariat.
External Committees	External committees – not convened by the agency External or inter-agency committees which have not been convened by the agency or where the agency does not provide the Secretariat.

4.2.3 Describe Record Classes

Each record class should have:

- A clear definition which provides a plain-English description of the transactional processes and types of records that are covered by the class.
- A unique three part number, the first part of which is inherited from the number of the function to which it relates, the second part from the number of the activity it is under and the third part being a sequential running number for each record class starting at '1' (e.g. 3.1.1, 3.1.2, 3.1.3 etc).

Record classes should be drafted to ensure they are:

- clear;
- comprehensive;
- specific, and
- well-defined.

Record classes should be clearly written so that they can be easily understood by all readers.

Example: Clearly Written Record Class

Records relating to the engagement and use of contractors, suppliers and service providers. May include registers of contractors and suppliers.

Record classes should be comprehensive. Record class descriptions should not be too focussed on specific record types or formats, as the way in which your agency performs its business is very likely to change over the life of an RDA.

Example: Comprehensive Record Class

Records relating to sponsorship provided by the agency to another organisation. May include sponsorship for sporting or cultural events.

Record classes should describe a specific group of records. Descriptions should not be so broad in scope that they cover a wide range of records held by the agency. Record classes should provide details of the particular processes covered by the record class to indicate the extent and limits of coverage.

Example: Specific Record Class

Records relating to audits of the agency's procedures for equipment acquisition.

Record classes should be well-defined. Record class descriptions should carefully define any distinctions made, such as those between 'major' and 'minor', 'significant' and 'routine', etc. Record classes should be able to stand alone and should not rely on an examination of other classes for their interpretation, as demonstrated in the following example.

Example: Well-Defined Record Classes

Records relating to the construction of buildings and structures that are of significance due to the fact that they are:

- a recipient of national or international architectural or design awards;
- a local or regional landmark, or
- heritage listed.

Records include building and development applications, plans and site diaries.

Records relating to the construction of buildings and structures that are not:

- a recipient of national or international architectural or design awards;
- a local or regional landmark, or
- heritage listed.

Records include building and development applications, plans and site diaries.

Only the official versions of records (e.g. final versions, master copies, original signed copies) need to be included in the RDA. Separate classes for copies of records retained for reference purposes are not required as they may be destroyed using the principle of Normal Administrative Practice (NAP). NAP is an authorised disposal instrument and is defined in Section 2.5.1 of the PROV *Disposal Standard*. In some cases copies of records may be used to support another activity in the agency. They are often annotated with additional information, or are used as an input into a different business process in which case they become records in their own right. These records are not merely retained as a reference copy and so classes for such records can be included in the RDA.

4.2.4 Cross Referencing

Cross references provide readers with suggestions of other record classes which may be of relevance. The addition of relevant cross references will make the RDA more useable. Some cross references will point to other sections within the RDA. This can help to minimise duplication in the authority and make it a more useable document. It can also help readers to distinguish between similarly named activities.

Cross references should be placed in square brackets after the description as described below:

- Cross references to other functions should be placed at the end of the function description.
- Cross references to other activities should be placed at the end of the activity description.

Example: Cross References within the RDA

2.1.0 Licensing and Exemptions

The management of the licensing process for regulated entities. Includes the assessment and determination of applications from regulated entities for exemptions from having to be licensed.

[For licence frameworks, see 1.1.0]

[For investigations into licence breaches, see 2.5.0]

You may also direct readers to another RDA that covers some of the records that the agency creates or receives. All Victorian government agencies can use the *Retention and Disposal Authority for Records of Common Administrative Functions*, and some agencies may be able to use other general RDAs for records which are common to a number of agencies. Try to make cross references as specific as possible to guide users to the relevant entries in the other RDA. An example of how to use this type of cross reference is provided below.

Example: Cross References to another RDA

4.0.0 COMMUNITY SERVICES

The activities associated with the provision of community services to the residents of a municipal jurisdiction.

Includes the provision of support services for specific groups such as maternal and child health services, aged and disability services, children's services and youth services as well as the provision of immunisation services by Council employees.

[For records relating to Planning and Policy activities for this function, please see Retention and Disposal Authority for Records of Common Administrative Functions]

[For records of residential care services provided by Councils, see Retention and Disposal Authority for Public Health Services Patient Information Records]

[For records of Council funding provision to non-Council services such as Neighbourhood Houses, see Retention and Disposal Authority for Records of Common Administrative Functions – COMMUNITY RELATIONS]

4.3 Appraise & Sentence Records

A public record will typically serve multiple purposes, both within the agency and in the broader community. They can support administrative functions, assist decision-making, and provide evidence. They can also act as a tool for ensuring that agencies are accountable to the Victorian Government, courts of law, clients, the community and future generations.

Appraisal is the process of evaluating agency business activities to determine the value of the records that are generated by them. It is a methodology which can be used for a range of purposes. When used for disposal, the purpose of appraisal is to decide the minimum length of time particular records need to be retained. This is done by assessing the value of the records against criteria which take the needs of all stakeholders into account.

There are many factors that need to be taken into consideration when trying to determine the retention period of a particular class of records. Appraisal is about assessing the value of the record through research, analysis and assessment. The outcome of the appraisal process should be a reasoned argument based on evidence and input from all stakeholders, on the minimum retention period.

Prior to undertaking appraisal, the agency will need to identify:

- Key stakeholders that will need to be consulted with as part of the appraisal process (this could include subject matter experts, managers and external stakeholder groups).
- Key information sources that will need to be reviewed, including legislation, policies, standards, guidelines, instructions, etc.
- Recordkeeping systems, including relevant data such as access and retrieval rates.

- Any existing or expired disposal authorisations, including those authorities of other agencies where there is a connection (PROV can assist agencies to identify relevant disposal authorities).
- Existing holdings of State Archives at PROV.
- Previous enquiries or requests for records, for example Freedom of Information (FOI) requests.
- Any proposed major changes to the legislation with which the agency operates under which may impact upon retention requirements.

4.3.1 Appraisal Criteria

The appraisal criteria set out in Appendix A should be used to determine the minimum length of time the agency needs to retain particular records. When considering these criteria, the needs and expectations of the agency, clients, other government agencies, and the general public need to be taken into account.

Start by understanding the purpose of the activity the record class relates to. Then consider how long the agency might need to keep the records based on the appraisal criteria for temporary records. Once you have determined the minimum length of time records are required by your agency consider the appraisal criteria for State Archives to determine if they need to be retained permanently.

The appraisal criteria provided in this Guideline are not an exhaustive or prescribed set and should not be used as a simple checklist. They are a way to make reasoned judgements about the value of records for both current and future users. PROV should be contacted for advice if the agency feels a certain class of record should be retained permanently, but it does not appear to meet any of the appraisal criteria.

It is important to remember that retention periods are the minimum amount of time that records must be kept. Circumstances may arise, such as court cases, Freedom of Information requests or changed business requirements, which means that records need to be kept for longer than specified in the RDA.

4.3.2 Select Disposal Actions

A disposal action is either an:

- identification of a class of records required to be retained permanently as State Archives, or
- authorisation to destroy a class of records after a specified retention period expires.

Permanent Records

If a record class has been appraised as permanent, the disposal action in the RDA should be:

'Retain as State Archives'

Temporary Records

If a record class has been appraised as temporary, the disposal action in the RDA should be selected from the table below. An 'X' indicates that a disposal trigger is required for the disposal action. Refer to section 4.3.3 for details on selecting a disposal trigger.

<i>Disposal Action</i>	<i>Typical Use of Action</i>
Destroy 2 years after X	Short-term administrative purposes
Destroy 5 years after X	Auditing requirements
Destroy 7 years after X	Financial or Limitations of Actions requirements
Destroy 10 years after X	Conservative version of 7 years
Destroy 15 years after X	Contracts under seal requirements
Destroy 25 years after X	Limitation of Action requirements for children (i.e. 7 years after 18 years of age)
Destroy 50 years after X	Records about adults to be retained for the life of the individual
Destroy 100 years after X	Records about children to be retained for the life of the individual
Destroy when action complete	Records that can be destroyed but for which there is no specific time period
Retain indefinitely	Records that aren't required as State Archives but which the agency requires indefinitely

Table 1: Disposal Actions

4.3.3 Select Disposal Triggers

A disposal trigger is a past or future event which can be used to calculate the point in time when a record class can be disposed. For example, many financial records can be destroyed seven years after 'the completion of the financial year in which the record was created'. Using a specific event as a trigger helps to eliminate confusion and makes it easier to calculate the disposal date.

If a disposal action that requires a trigger has been selected, one of the triggers should be selected from the table below. An 'X' indicates that a specific subject (such as a document or event) is required for the disposal trigger.

<i>Disposal Trigger</i>
After appeal period expires
After case closed
After conclusion of investigation
After disposal of X
After expiry of X
After finalisation of X
After incident occurred
After issue of X
After last access or access on behalf of client
After last action (see note below)
After last audit
After notification of X
After registration
After removal of X
After separation from agency
After superseded

Table 2: Disposal Triggers

Try to use triggers that are easy to calculate, such as triggers that draw on information which is readily available to the agency (e.g. date of birth). This will make it easier to implement disposal actions.

Example: Choosing Triggers that are Easy to Calculate

An agency grants licences to applicants with appropriate qualifications. The agency needs to keep relevant records for as long as the licence is in use. When developing its RDA it considered two possible disposal actions and triggers:

*Destroy 10 years after practice ceases, and
Destroy 50 years after university graduation.*

Both of these disposal actions will ensure that the records are kept for a long period of time. However, after looking at their business processes the agency determined they were not consistently informed when a licensee ceased to practise. In contrast, they were always informed of a person's graduation date, as this information was provided in the application for a licence. The agency decided to use the second disposal action because it was easier to implement.

Using 'After Last Action' as a Trigger

Where there isn't a specific known event that can be used as a trigger, 'after last action' is often used. This trigger should be used with care as it can be subject to wide interpretation. Does 'after last action' mean that the disposal date should be calculated from the date of the last step in the business process that generated the record, or the last time a person accessed the record?

In general, 'after last action' should refer to the last time the record was used as part of the business process it was created to support. It should not refer to subsequent reference use of the record, as the retention period should sufficiently allow for this. Given the potential confusion that can result from using this trigger, it should be carefully defined and implemented in a consistent way across the agency.

4.4 Stakeholder Consultation

It is important to consult with both internal and external stakeholders throughout the development of the RDA. This will help to ensure that the draft is comprehensive and incorporates the requirements of various stakeholders. The Appraisal Reports should include details of stakeholders consulted and details of their feedback. This will help to provide justification for why particular disposal actions are being recommended.

Internal

Internal stakeholders are integral to the development of the RDA and need to be consulted during the drafting stage. Generally internal stakeholders fall into two categories. They will either provide you with specific information regarding classes of records (as a subject matter expert) or will be senior executives who are responsible for signing off the final draft RDA.

The agency may also have a governing or advisory committee or board that represents client or other stakeholder groups and would be familiar with the agency's functions. This type of group could be relatively easy to access to gain their views.

It is important to ensure that key internal stakeholders are fully engaged in the process. To achieve this it may be helpful to give presentations at relevant forums, and meet with key individuals and groups. It can also be beneficial to work with internal legal, risk management and Freedom of Information areas to get their support and input as the RDA is developed.

External

During the drafting of the RDA the agency also needs to consult with key stakeholder groups outside the agency. This will help to ensure that the interests of those groups, who may need information contained in the records in the future, are taken into account. When determining which external stakeholders to consult, the agency should consider all of the possible future uses the records might have. This might include groups or organisations which the agency undertakes joint ventures with, regularly shares information with, or that rely on the agency's records to conduct aspects of their operations.

An example of consulting with external stakeholders:

The Local Government Retention and Disposal Authority was developed by a working party representing regional, rural and metropolitan councils of varying sizes and PROV. Prior to its review by the Public Records Advisory Council, the draft authority was circulated to Victorian Government stakeholders to ensure the proposed minimum retention periods met their requirements. The draft was sent to the following agencies for comment: Building Commission, Department of Human Services, Department of Planning and Community Development, Local Government Victorian and the Municipal Association of Victoria.

It is recommended that the agency consult stakeholders when the draft document is fairly well advanced and after PROV has provided its initial feedback. This will reduce the need for multiple rounds of consultation.

Once a stakeholder group has been identified, it is useful to hold an initial discussion with them to explain the project and requirements, prior to a more formal approach being made. Where appropriate, and particularly in cases where the RDA is large, some stakeholders might be asked by the agency to focus their feedback on particular areas.

Stakeholders should be asked to specify how long they think different record classes should be retained and the purposes they may need them for. This information will be very important in determining and approving disposal actions. It is important to capture feedback in writing from stakeholders, so that this can be used as evidence of good decision-making which has taken all interests into account. This includes cases where stakeholders are in agreement with the proposed disposal actions.

For guidance regarding the engagement of stakeholders, refer to PROV *Strategic Management Guideline 7: Stakeholder Engagement*.

4.5 Justify Appraisal Decisions

Once a record class has been appraised and an appropriate disposal action selected, a justification for the appraisal decisions needs to be documented. An Appraisal Report is used to present a justification regarding how or why a recommended disposal action was determined. This report will be used when reviewing the draft RDA in step three to provide the rationale behind disposal decisions for record classes. It can also be used in the future to explain and justify past appraisal decisions.

Appraisal rationales should include clear descriptions of which records are covered by the particular class as well as the reasons for the disposal action recommended. Justifications do not have to be extensive but they must be clear, considered and specific. They need to provide definitive, measurable statements that give a clear rationale for the minimum retention period or the need to retain the records as State Archives. They also need to be accessible and understandable for the life of the RDA.

Justifications need to provide explicit reasons for why the disposal action has been selected. Very brief reasons like ‘business need’ or ‘research value’ don’t provide enough information to justify the decision. Relevant references to sections of legislation, standards, rules, guidelines, and other documentary sources should be included. If the decision is based on a class in another RDA, an explanation regarding why the cases are similar should be provided. Justifications should be focussed on retention and disposal issues, so references regarding record creation or other recordkeeping requirements are not required.

Examples: Justifications for Appraisal Decisions

Division 6 of Part 7 of the Local Government (Electoral) Regulations 2005 provides for the management of election materials, including records to be maintained in relation to electoral materials, packaging and storage of election records, and “all other documents that contain records of the conduct of the election” (s113(1)). In accordance with Section 114(3) the records are required to be destroyed after 4 years.

As the material in this class is reflected in the report and other summary documentation which is sentenced at 8.1.1, these records have only limited administrative use during the creation of the report and so can be destroyed on the completion of the report.

Records relating to administrative arrangements associated with the conduct of researcher forums have limited use for reference or other purposes after the finalisation of the arrangements and need only be retained for a short period. Significant information pertaining to the outcomes of this process will be documented in the final reports of the forums.

Reports are generated weekly and are consolidated into summaries for the management committee. These summaries are retained for 10 years (see disposal class x.x.x below). Therefore only a short retention period is required for the weekly reports themselves. The proposed minimum retention period provides the opportunity to review and reference records within a relevant timeframe.

Records may be relevant to compensation claims for property damage or personal injury, and retention period encompasses limitation periods for potential legal action or disputes.

Retention period based on requirements of (and in accordance with) the Copyright Act 1968 (Commonwealth), s.135K.

Retention period based on requirements for information for end of financial year statistical reporting purposes.

Retention period based on the need for the records for short term reference. Records do not deal with substantive advice.

Records needed for reference as long as licence agreement is in place as they protect the rights and interests of the licensee and the agency as the owner of the intellectual property.

Retention period encompasses program review and planning cycles - potential need for reference beyond these is limited.

While documenting the basis for each nominated disposal action can be labour intensive, it is critical information required for RDA approval. It will also assist the agency in justifying RDA outcomes and for reviewing and maintaining the RDA over time.

5. Step Three – Approve

5.1 Agency Endorsement

The first step in the approval of an RDA is gaining the endorsement of the agency. The final draft of the RDA should be reviewed and endorsed by all relevant internal stakeholders (including the legal area). The draft should then be submitted to the head of the agency for endorsement.

5.2 PRAC Endorsement

The Public Records Advisory Council (PRAC) is PROV's peak advisory body. It was established under the Public Records Act to advise the Minister on matters relating to the administration of the Act and to promote cooperation between PROV and other agencies within government, in consultation with the Keeper of Public Records.

The next step in the approval of an RDA is gaining the endorsement of the PRAC Disposal Sub Committee. Its role is to assess disposal authorities and provide recommendations regarding their endorsement to PRAC.

PROV will prepare all of the documentation for the meetings. Representatives from the agency (including relevant contractors) will be required to attend the PRAC Disposal Sub Committee meeting. Representatives may be required to answer queries from sub committee members. PROV staff will also attend the meeting to support the RDA.

Some redrafting of the RDA may be required after the Sub Committee meeting. Depending on the extent of the redrafting requested a second visit to the PRAC Disposal Sub Committee may be required.

Once the Sub Committee are satisfied with the draft RDA it can proceed to PRAC for endorsement. If PRAC accepts the recommendation of the Sub Committee and endorses the RDA, the draft proceeds to the sign off stage.

5.3 Head of Agency Approval

After PRAC endorses the RDA, PROV will send copies of the RDA to the head of the agency for final sign-off. Once signed off, the agency must return these copies to PROV for signature by the Keeper of Public Records.

5.4 Keeper of Public Records Approval

The copies of the RDA are then provided to the Keeper of Public Records for final approval. One copy of the signed RDA is returned to the agency and the other is retained by PROV as a permanent record. Once signed by the Keeper, the RDA is formally issued as a Standard under section 12 of the Public Records Act, and the agency may commence disposing of

records in accordance with the RDA. Disposal of records under the draft RDA prior to approval is illegal.

5.5 Publish Approved RDA

Once signed off by the Keeper, the RDA is published on the PROV website so it is publicly accessible. The agency may also wish to publish a copy on their intranet or circulate hard copies to relevant staff.

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6. References

Archives New Zealand 2008, *Appraisal policy*, Archives New Zealand, Wellington NZ.

National Archives of Australia 2009, *Glossary of Records Management Terms*, National Archives of Australia, Canberra, viewed 12 August 2009, <<http://www.naa.gov.au/records-management/glossary/index.aspx>>.

State Records Authority of NSW 2008, *Procedures for disposal authorisation*, State Government of NSW, Sydney.

Legislation

Health Records Act 2001 (Vic)

Public Records Act 1973 (Vic)

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

Standards

Standards Australia 2002, *AS ISO 15489.1 Australian standard on records management*, pt 1, Standards Australia, Sydney.

Other Resources

For more information about developing disposal authorities, please contact:

Appraisal & Documentation
Public Record Office Victoria
Ph: (03) 9348 5600
Fax: (03) 9348 5656
Email: agency.queries@prov.vic.gov.au
Web: www.prov.vic.gov.au

Appendix A: Appraisal Criteria

Temporary Records

Regulatory and policy requirements

Is there a time period set out in legislation, regulations, government policy documents, standards or codes specifying how long the records need to be kept for?

This refers to any cases where a minimum retention period is specified in formal documents which must be complied with. Determining this will require research and investigation into whether a particular function and the resulting records are subject to these types of regulatory and policy requirements.

Please note that some legislation specifies that records need to be kept. This does not necessarily mean that they will be appraised as being of continuing or permanent value.

Example of a regulatory requirement:

A health service provider must not delete health information relating to an individual, even if it is later found or claimed to be inaccurate, unless—

- (a) the deletion is permitted, authorised or required by the regulations or any other law; or
- (b) the deletion is not contrary to the regulations or any other law and occurs—
 - (i) in the case of health information collected while the individual was a child, after the individual attains the age of 25 years; or
 - (ii) in any case, more than 7 years after the last occasion on which a health service was provided to the individual by the provider—whichever is the later³.

Proof of accountability

Which records are required as evidence of your agency's processes, decisions, transactions and actions?

Which records will protect the reputation of your agency, its ministers, its head and management and staff by showing that effective governance and accountability mechanisms had been established and were being properly practiced?

What records might be required to demonstrate and prove that staff have acted properly and with the correct authority?

Which of the agency's records are required by other government agencies to support the administration of their areas of responsibilities? For example, the Office of the Public Prosecutor might have an interest in the records of Victoria Police to support prosecutions.

Records provide evidence of the agency's actions and decisions and support accountability for Government. In considering the questions asked above, you will need to assess the risks associated with the record and the function. You will need to consider the risk if a particular record is not in existence when required. What is the likelihood of the records being required? Does this likelihood diminish over time? What would the impact, effect and cost be

³ *Health Records Act 2001* Health Privacy Principle 4 Data Security and Data Retention part 4.2

if the records were not in existence when required? Does the impact, effect and cost reduce over time?

Examples of records that may meet this criterion include:

- Audit records (internal or external).
- Records authorising decisions and documenting approvals.
- Records setting out delegations – who has the authority to do what.
- Records of reviews or investigations.
- Governance frameworks and records showing how these were implemented and practiced.
- Policies and procedures.

Rights and entitlements

What records are required by others, including organisations, community groups or individual members of the public, to prove their entitlements or rights or ensure their interests are met?

Examples of records that may meet this criterion include:

- Licence records.
- Records of grant application receipt, judgement and selection.
- Requests for tender or quote, contracts, contract variations, contract approvals.

Decision-making and administrative processes

For how long is it likely that the records will be required to help the agency or others make good and defensible decisions?

For how long is it likely that the records will be required to enable the agency to carry out its business, services, responsibilities or functions in the most effective and efficient way?

Records are received and created as a product of business processes. The information they contain will be needed for administrative and decision-making processes for a period.

This might be for a very short period or for a very long period. Particular records might be absolutely vital for the management of a program or a project for a short period – then have no further administrative or decision-making value once a particular action or event has occurred.

When assessing against this criteria it is important to consider the information needs of different areas of the agency.

Examples of records that may meet this criterion include:

- Purchasing and payment records such as receipts and invoices.
- Application records ie for inclusion in a program or for funding.
- Research records created when developing policies or procedures.
- Records documenting program or project establishment and management.

Agency memory

Do these records provide a history of the agency, such as interesting events, changes, issues and achievements which it might want to retain for its own cultural development, communications or marketing purposes?

For most agencies it is important to develop a good corporate culture and communicate and market their work. One way to do this is by retaining records which document its history, particularly its rituals, achievements and successes.

Some of these records may not be appraised as having the level of value which means they should be transferred to PROV as State Archives, but they may have ongoing value for the agency. The information (including images) they contain could be used in staff induction sessions, in speeches, in media releases, on the agency's website or in public brochures.

Examples of records that may meet this criterion include:

- Images and records of agency events i.e. staff award ceremonies, Christmas parties.
- Images of key agency people i.e. heads of agencies.
- Awards received by the agency and its staff.
- Transcripts or recordings of key speeches or presentations.

State Archives

Authority, foundation and structure of Government

Do the records identify, create and capture significant evidence of the source of authority, foundation and structure of the Victorian Government?

Records meeting this criterion would be those that document the establishment, structure and function of government (including all agencies and local government authorities) and define the nature of their jurisdiction, obligations and powers.

Examples of records that may meet this criterion include:

- Development and passing of legislation that establishes government agencies because it sets out their purpose and functions and establishes them as a legal entity (including Governor-in-Council records).
- Court judgements which lead to the establishment of agencies.
- Bilateral agreements with other State Government and the Commonwealth regarding responsibility for functions.

Specific regulatory requirements

Are the records specifically given permanent status under legislation, regulations or codes?

Some legislation will specify that records need to be created and kept. Legislation may also mandate what form particular records need to be kept in and what details they must contain. Whilst legislation may cover such recordkeeping requirements it does not mean that the records have permanent value as State Archives.

There may however be some legislation that mandates some records need to be kept forever in perpetuity.

Examples of records that meet this criterion include:

- Records documenting the registration of births, deaths, marriages, changes of name and adoptions. The *Births, Deaths and Marriages Registration Act 1996* requires the keeping of registers for recording and preserving information about births, deaths, marriages, changes of name and adoptions in perpetuity.

Key functions and programs of Government

Do these records capture evidence of the key functions and programmes of government?

As the State Archives, PROV wishes to retain and preserve records that provide evidence of the key functions, and programmes of government in their most concise form. This enables the government agencies to be held accountable for their decisions and actions and provides the means for the citizenry to understand the basis for previous decisions.

Records that provide evidence of the agency exercising its administrative responsibility which document the background to, basis for and outcomes of decisions and actions might be required so the context in which decisions are made and actions taken can be understood.

An assessment of the function and programme is required to determine their relative significance and the enduring impact on the community as a whole. Resources to store, maintain and provide access to records can be considerable so PROV aims to retain those records that provide evidence of these functions and programs in the most concise form.

Please note this criterion closely intersects with the PROV objective to retain records that document actions of the State which have had a significant impact on individuals (see below). In addition to the records that document the development and review of policy and programs and summary case records (e.g. a case register) there may be a reason to retain individual case records for those function and programs that significantly impact on individuals.

Examples of records that may meet this criterion include:

- Formulation and determination of high level policy across whole of government.
- Records documenting the development of, reaction to and impact of Government policies which have a major effect on government and / or the community (e.g. Fairer Victoria).
- Records documenting the development of, reaction to and impact of reports on major social issues i.e. Forgotten Australians.
- Formulation and delivery of policy that impacts the community (e.g. public housing, public education policy and programs, closure and replacement of psychiatric institutions with community based therapy).
- Formulation and delivery of major infrastructure or planning schemes (e.g. Southern Cross Station, Federation Square, Birrarung Marr, Museum Victoria).
- Road safety programs, initiatives and campaigns.
- Registration of regulated professions.
- Local Council Minutes.

Enduring rights and entitlements

Do the records of the function and activity provide critical evidence of the enduring rights and entitlements of individuals and their interaction with the State? Are the records needed on a continuing basis to prove entitlements for descendants beyond the life time of the data subjects?

Examples of records that may meet this criterion include:

- Birth, death and marriage registration records.
- Adoption or donor conception records.
- Land titles and parish plans which document property rights and entitlements.
- Aboriginal heritage site registration records.
- Probate records.

Significant impact on individuals

Do the records of the function and activity provide evidence of the State's actions that have had a significant impact on individuals or groups of people?

Records that provide evidence of the State's interaction with its citizenry might be required as State Archives where the State's actions have significantly altered or changed the lives of individuals or groups of people. Example of such actions includes the incarceration of individuals or the placing of children into the State's care. Records might only be required in summary form (e.g. a register) or alternatively, very occasionally, the entire case record might be required due to the nature of the State's relationship with the individual concerned and the need to retain detailed evidence of the State's management of the individual case.

Examples of records that may meet this criterion include

- Records of the State's care of children removed from their family.
- Records where the State has acted as guardian.
- Prison admission and discharge records.
- Records of courts' criminal jurisdiction.
- Records of institutionalised persons.

Environmental management and change

Do the records of the function and activity provide evidence of the State's significant actions in relation to environmental management and change?

Records that provide evidence of the occupation, management and use of land and water might be required so that the history of land use is known as it may impact on the health and well being of the community and natural environment. Records may also contribute to an understanding of climate change and weather patterns.

Examples of records that may meet this criterion include:

- Land occupation records.
- Records of landfill sites.
- Records of rainfall, temperature, soil characteristics.
- Parish plans.
- Records documenting major changes to land use, such as the establishment of National Parks.
- Hydrographic charts.

Significant contribution to community memory

PROV aims to retain records of some functions and activities that significantly contribute to the memory, knowledge and understanding of the society and communities of Victoria. Records that contribute to community memory might also meet the criteria outlined above. The community memory criterion covers records of functions and activities which do not necessarily meet the criteria already discussed above however might have unique historical or heritage interest.

Do the records document functions or activities that resulted in major advances, changes, breakthroughs or achievements, in a particular field or area of endeavour, and the key people or organisations contributing to it?

Do they have value for technical, botanical, scientific, social science, genealogical, medical or other specialist research? Any potential uses must be fully explained and justified in order for this criterion to be applied.

Do the records document functions or activities that significantly add to an understanding of the reality of a particular time for different types of people - how people lived, what they thought, what their major concerns and issues?

An example of the application of this criterion is the Victorian Public Record Series VPRS 14004 Donations of items received by the Education History Unit in celebration of Victoria's sesquicentenary in 1985.

Examples of records that may meet this criterion include:

- Council rate records.
- School building records.
- Mental health patient records.

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