Authority number: PROS 16/06

PROS 16/06

Retention and Disposal Authority for Records of the Standard Setting and Organisational Performance Monitoring Functions

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Retention and Disposal Authority for Records of the Standard Setting and Organisational Performance Monitoring Functions

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Retention and Disposal Authority No	PROS 16/06

Scope	This RDA authorises the disposal of standard setting and organisational performance monitoring functions records created and held by the following agencies: • Victorian Public Sector Commission • Dairy Food Safety Victoria • Office of the Victorian Information Commissioner • Environment Protection Authority • Victorian Building Authority • Victoria Legal Aid • Victorian Pharmacy Authority • Crime Statistics Agency (class 1.2) • Victorian Managed Insurance Authority (function 1) • Energy Safe Victoria (function 1) • Workplace Injury Commission (function 1) • Labour Hire Licensing Authority (function 1)

Status	Issued by Keeper

Issue Date	04/10/2016

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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 - *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.*

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

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

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies
- periodic backups of records, information, data, software and settings for recovery in case of technical failure and/or catastrophe and are duplicate copies of official business records/data that is held elsewhere on a managed system.

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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.

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 records must be managed and transferred in accordance with PROV Standards.

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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 Public Sector Commission. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records
Date of Issue: 04/10/2016

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Authority number: PROS 16/06

No	Function/Description	Status	Disposal Action
1.0	**DEVELOPMENT OF STANDARDS AND CODES** The development and review of standards, guidelines and codes of practice used to provide guidance, promote best practice, improve quality and ensure that all legal obligations are met by organisations. Standards and guidelines include compliance codes and guidance notes which provide detailed and specific advice to those seeking to comply with standards, rule or regulations. Also includes the provision of advice relating to standards and guidelines. The function includes activities such as • research to establish best practice, standards and codes of practice that define quality and criteria to assess and evaluate safety, rights, reliability and efficiency of service • management of stakeholder consultation including reference groups and advisory panels • drafting, reviewing and approving standards, specifications, codes of practice, and guidelines. The performance of the function is supported by routine administrative tasks such as: • providing and receiving advice • liaison with individuals and organisations • arranging meetings • evaluating and reviewing • reporting • developing policies and procedures See **2 Organisational Performance Services** For monitoring of organisations against standards See *Records of Common Administrative Functions* **15.PUBLICATIONS** For publishing of standards and codes		

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Authority number: PROS 16/06

No	Function/Description	Status	Disposal Action
DEVELOPMENT OF STANDARDS AND CODES			
1.1	**Records of continuing value documenting:** • Register of standards and codes issued, including approvals • master set of standards, specifications, codes and guidelines issued by the agency • master set of resources created to promote and assist organisations to implement the formal standards, specifications, codes • drafts of standards, specifications, codes and guidelines that incorporate major changes • final research reports to establish best practice • regulatory impact statements • consultation summaries • approval of issued documents • gazettals [For agency monitoring against standards, see 2.0.]	Permanent	Retain as State Archives
1.2	**Records of medium term administrative value documenting:** • project scope and planning including research and consultation planning • data gathered during research and consultation phase - including notes of consultation meetings, comments provided through consultation • reference /advisory group meeting documentation - including agenda, minutes, drafts tabled for comment • communication/education plans • resources produced to assist with implementation by organisations (note: final version is to be retained permanently) including project planning records, drafts, communication plans	Temporary	Destroy 15 years after administrative use has concluded.

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No	Function/Description	Status	Disposal Action
DEVELOPMENT OF STANDARDS AND CODES			
	• Comments on draft standards and draft amendments to existing standards • statistics and research raw data that has been analysed and reproduced in reports • Proposals for new standards or to change existing standards. • Comments on draft standards and draft amendments to existing standards • provision of detailed technical advice		
1.3	**Records of short term administrative value documenting:** • routine operational administrative task supporting the function for example: internal request for papers to be submitted for discussion at committees, meeting schedules, notes of consultation meetings, developing policies and procedures • draft reports and resources issued for comment/ feedback • provision and receipt of routine advice	Temporary	Destroy 5 years after administrative use has concluded.

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No	Function/Description	Status	Disposal Action
ORGANISATIONAL PERFORMANCE SERVICES			
2.0	**ORGANISATIONAL PERFORMANCE SERVICES** Evaluating, researching, reviewing and monitoring organisations' systems and policy frameworks; organisational performance in compliance with standards, codes and regulations; promotion of standards, codes and regulations for implementation by organisations; action taken to prosecute non-compliance; provision of training, support and advice to organisations to direct the implementation of standards, codes and regulations. The core tasks associated with the function include • promotion of standards, codes and regulations • conduct of reviews and audits to assess compliance and implementation of standards • conduct of reviews of policy frameworks, systems and business processes • research to investigate the performance of organisations against standards and codes • provision of advice and recommendations to support compliance • Consultancy and review projects to support compliance with standards, codes and regulations • Collection and analysis of data and modelling • reporting to assess organisations' compliance with standards, codes, regulations, policy and systems The performance of the function is supported by routine administrative tasks such as: • arranging meetings • reporting • developing policies and procedures See *PROS 17/01 RDA for Royal Commissions, Boards of Inquiry and Formal Reviews* for records of inquiry bodies		

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No	Function/Description	Status	Disposal Action
ORGANISATIONAL PERFORMANCE SERVICES			
2.1	**Records of continuing value documenting:** • Final reports of regulatory reviews that assess each organisation's performance and compliance with legislation and regulation • Final reports of policy framework and systemic reviews • Monitoring and review of an organisation and its officers which identify non-compliance and which result in prosecution and/or the issue of a written criticism by the Ombudsman, Auditor-General or any other statutory regulator • Complex advice provided to organisations in relation to compliance and implementation of standards, codes and regulations • Records of systemic or statutory reviews - including terms of reference or similar records outlining the purpose of the review; subpoenas and orders to produce documents; submissions deemed relevant to the terms of the review; records of consultation, research and final reports	Permanent	Retain as State Archives, Transfer to PROV
2.2	**Records of short term administrative value documenting:** • Routine advice provided to organisations in relation to compliance and implementation of standards • Monitoring and routine reviews of organisations' performance and compliance with standards, regulations and codes which do not result in an inquiry or investigation. • Reports and data accumulated for reviews and routine monitoring which does not result in an inquiry or investigation. • Self assessment undertaken by an organisation of their performance against standards, regulations and codes. • Routine operational administrative tasks supporting the function for example: liaison with organisations, requests for meetings, requests for information, plans, schedules of work.	Temporary	Destroy 5 years after action completed.