



Adequate Records Management in Perspective - Disposal of Official Records

What is disposal?

The *State Records Act 1997* defines disposal in the following manner:

- the destruction or abandoning of a record
- carrying out any process that makes it impossible to reproduce the information in a record
- transferring or delivering ownership or possession of a record
- selling a record.

The disposal of official records also includes their permanent retention as part of the South Australian archival collection maintained by State Records. Disposal does not, however, include transferring or delivering a record to State Records or between one agency and another.

By ensuring that its official records are disposed of legally, an agency will satisfy the requirements of Outcome 3 of the *Adequate Records Management - Meeting the Standard*.

Why is the disposal of official records necessary?

Disposal is necessary to ensure the systematic, authorised and managed destruction or retention of official records. Without an orderly, authorised or managed process, important records may be destroyed and unimportant ones retained.

The systematic disposal of official records also ensures that limited records storage space is used in the most effective and cost efficient manner.

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

Section 23 of the *State Records Act 1997* allows for the disposal of official records in accordance with determinations made by the Director of State Records. The State Records Council then approves these determinations.

A determination from the Director takes the form of either an Operational Records Disposal Schedule (RDS), a General Disposal Schedule (GDS), or a Transfer of Ownership and Custody Schedule (TOCS).

How is a Disposal Schedule developed?

Disposal Schedules, be they RDSs, GDSs or TOCSs, can be developed by:

- staff within your agency (State Records provides training for agency staff)

- staff from State Records on a fee for service basis (an estimate will be prepared and submitted in advance)
- private consultants.

Which schedule does my agency use?

An Operational Records Disposal Schedule (RDS) can only be used to sentence those official records relating to functions and activities specific to your agency, e.g. archival collection management conducted by State Records or criminal investigations performed by the South Australian Police (SAPOL) or primary school education carried out by the Department of Education and Children's Services (DECS).

A General Disposal Schedule (GDS) can be used to sentence those records that provide evidence of generic functions and activities carried out by most agencies, e.g. personnel, financial management, strategic management, occupational health and safety, etc. The State Records Council has approved General Disposal Schedules for state government agencies (GDS 15), local government authorities (GDS 20), ministerial offices (GDS 18) and Native Title (GDS 16).

A Transfer of Ownership and Custody Schedule (TOCS) is used for sentencing records relating to functions and activities transferred to a private entity from a government agency as part of a sale or privatisation.

What are the penalties for destroying official records illegally?

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

The Director of State Records must also report to the Minister if he considers the disposal of official records by an agency to be inadequate.

How can official records be destroyed?

State Records requires that records be destroyed in a manner that is appropriate to their format. For paper based records this would involve, shredding, pulping or some other environmentally friendly means. For records stored on magnetic media, reformatting or overwriting several times to prevent records being read by normal means is sufficient. Agencies must not burn, pulp or shred hard drives or CD-ROMs.

State Records requires that official records be destroyed in a manner that is appropriate to their content. This requires the use of secure conditions and techniques for the destruction of sensitive or confidential records. When disposing of surplus computers ensure that the hard drives have been erased and re-formatted.

Under no circumstances can official records in any format be disposed as landfill.

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

Yes, however, State Records has issued an approval, in each of the General Disposal Schedules, for ephemeral material to be destroyed as Normal Administrative Practice (NAP).

Agencies are advised to check the description of Normal Administrative Practice at the beginning of each General Disposal Schedule.

What about official records that may be used as evidence?

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

In such circumstances the records need to be retained until two years after all cases and enquiries are complete, including appeals and then have the original retention period applied to the records.

Further information

- State Records of South Australia, *Adequate Records Management – Meeting the Standard* (2002).
- State Records Authority of New South Wales, *Standard on Full and Accurate Records* (2004).
- State Records of South Australia, *Records Disposal Schedule and Templates* (2004).
- state Records of South Australia, *Appraisal of Official Records: Policy and Objectives* (2003).
- State Records of South Australia, *Records Management CD ROM*
- State Records of South Australia, *Resentencing of Records Guideline*, (2002).
- State Records of South Australia, *Introduction to the State Records Act 1997* (2002).
- State Records of South Australia, *Developing and Using Disposal Schedules* training (face-to-face) sessions
- Standards Australia, *Australian Standard AS ISO 15489-2002, Records Management* (2002).
- Archives of Ontario, Recorded Information Management, Fact Sheet #8, *The Fine Art of Destruction: Weeding Out Transitory Records* (Last modified 4 May 2001).
- Archives of Ontario, Recorded Information Management, Fact Sheet #2, *Scheduling: The Foundation of RIM Policy* (Last modified 4 May 2001).
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