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State Records
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Resentencing of Records

Guideline

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Introduction

State Records issues, with the approval of the State Records Council, three types of disposal schedules: general disposal schedules (GDSs), operational records disposal schedules (RDSs) and Transfer of Ownership and Custody Schedules (TOCSs). This guideline deals with the first two types.

General Disposal Schedules apply to the entire public sector or identified wide groups of agencies, and have broad application to the records of more than one agency. The current general disposal schedules are:

- General Disposal Schedule 15 (GDS 15) for State Government Agencies, edition 5
- General Disposal Schedule 16 (GDS 16), Native Title Guidelines
- General Disposal Schedule 18 (GDS 18) for Ministerial Offices
- General Disposal Schedule 19 (GDS 19) for State Government Agencies and Local Government Authorities¹
- General Disposal Schedule 20 (GDS 20) for Local Government Records of South Australia.

Operational Records Disposal Schedules are developed for specific agencies and can only be applied to those records that provide evidence of the business activities an agency was specifically established to conduct.

The resentencing of records may be required when disposal schedules are replaced or amended with the approval of the State Records Council.

A review of sentencing should be a quick and straightforward task. Individual records should *not* need to be checked. Provided that your agency has kept adequate evidence of disposal decisions made using an earlier disposal schedule, a reassessment and update of that information (paper-based or electronic) should be sufficient.

Scope of this guideline

This guideline has been developed by State Records to provide agency staff with advice and a step-by-step guide and checklist of the action to be taken when resentencing records.

This guideline applies to agencies within South Australia as defined in section 3 of the *State Records Act 1997* which includes State Government agencies, Local Government authorities and Universities (refer to the Glossary for definition).

This document is issued as a guideline in accordance with section 7(g) of the State Records Act.

¹ Developed as part of the Backlog 2000/01 project.

Related documents

The following related documents are available from State Records' website (<http://www.archives.sa.gov.au>)

- *Adequate Records Management in Perspective: Disposal of Records – Recordkeeping Advice Sheet 012*, State Records (2002) will help you determine which schedule to use when sentencing records
- *Operational Records Disposal Schedules (RDS): Preparation and Approval*, State Records (2002) provides guidelines on how to develop and seek approval for an RDS
- *Appraisal of Official Records*, State Records (2002) provides criteria and rationale for official records being deemed either of permanent or temporary value.

Variation to this guideline

State Records may update or alter this guideline from time to time as authorised by the Manager [Director] of State Records, in consultation with the State Records Council. All South Australian agencies will be informed of any such alterations or updates.

Step by step guide

Step 1 – Identify records series that require resentencing

State Records requires that your agency review the sentences applied to official records if both of the following apply:

- you have sentenced the records prior to the replacement or amendment of a disposal schedule and
- the retention periods applied to the records have not yet expired.

If either or neither of these points applies then your agency need not resentence the records.

Step 2 – Stop applying sentences from previous schedules that have been revoked or amended

Once your agency has identified that records require resentencing destruction cannot take place. If the current sentences continue to be applied the result may be the illegal destruction of records. Your agency should note that the State Records Act carries a maximum penalty of \$10,000 or two years in prison for the individual responsible for the illegal destruction of records.

Step 3 – Check for changes in sentences applying to the records series

Having stopped any further disposal action on the identified record series, your agency should now check to see what changes may have occurred to the sentences to these records.

State Records has developed a comparison matrix for editions 3, 4 and 5 of General Disposal Schedule 15. This matrix can be found on State Records' website (<http://www.archives.sa.gov.au>) and it contains the item descriptions and sentences for every entry in the three editions of the schedule.

Your agency will need to conduct a similar comparison between a revoked; amended or superseded operational records disposal schedule (RDS) and the superseding or amended RDS.

In some instances a class-based schedule may have been superseded by a function-based schedule. These two styles are significantly different and will require careful comparison. Your agency will have to ensure that your analysis identifies common and different records and functions covered by the two styles of records disposal schedules.

Step 4 – Reinstate sentences where no changes have been made to the disposal schedule

Where the sentences of records have not changed, your agency should reinstate the existing sentences. This will result in:

- some records having passed their destruction date
- some records requiring ongoing storage until their destruction date occurs

- some records being retained permanently.

Step 5 – Apply reinstated sentences to records series

Once the previous sentences have been reinstated they should be applied to the appropriate records. This will mean that your agency can:

- resume the destruction of records past their destruction date
- transfer temporary value records to secondary storage²
- transfer permanent value records to State Records
- in instances where an approved service provider is used, advise them that the previous sentences applying to records, whose destruction date has yet to occur, are back in force
- advise State Records that records of permanent value, in storage at State Records, retain their original permanent status.

Step 6 – Apply changed sentences to records series

It is likely that your agency will find instances where the sentences previously applied to records have changed. This may take the form of one or more of the following changes, and the resulting response will need to be taken³.

Instances where retention periods have reduced for series

If the retention period for some series has been reduced it is not compulsory to resentence. However, your agency may wish to conduct a cost–benefit analysis to determine whether it is more efficient to resentence the records or store the records for a longer period, as originally required. Resentencing the records is likely to be more cost effective where a global update can be applied, that is, a single new disposal action can be applied to a whole series.

Instances where retention periods have increased to longer temporary

If the retention period for some series has increased your agency is required to ensure that the records are retained for the extended period of time.

Instances where retention periods have changed from temporary to permanent

If the retention period for some series has changed from temporary to permanent your agency is required to ensure that the records are retained and transferred to the custody of State Records.

² For types of secondary storage options, refer to State Records' guideline – *Records of Temporary Value – Management and Storage: Guidelines*. 2002 – available on State Records' website <http://www.archives.sa.gov.au>.

³ The requirement to resentence where retention periods are extended or made permanent was approved by the State Records Council in April 2000.

Step 7 – Update agency control records

If any new retention periods have been applied to records of your agency it is essential that these changes be recorded. This can take the form of updates to your agency's records management software or in manual registers. These changes should record:

- the date on which the record's sentence was changed
- the new sentence
- the item number under which the record's sentence was changed
- the edition and/or number of the general disposal schedule or the operational records disposal schedule used to sentence the record.

Step 8 – Notify State Records of intention to destroy where records are due for destruction

Should the imposition of new sentences result in records that your agency wishes to destroy then State Records needs to be notified in accordance with *Records of Temporary Value – Management and Storage: Guidelines*⁴. Records cannot be destroyed until approval has been received from State Records.

Step 9 – Notify approved service provider (as necessary) of changes to any records series

If your agency has temporary records in storage with an approved service provider, and the retention period for these records has been changed, then your agency should notify the provider. The need to notify the provider will be determined by decisions made at Step 6.

Depending on the changes brought about by a schedule being amended, revoked or superseded your agency may be able to inform the approved service provider that certain records are past their destruction date and that they can be destroyed – but only if your agency has received written authorisation from State Records.

Step 10 – Notify State Records of the impending transfer of records of permanent value (as necessary) and cite disposal schedules in transfer documentation

If your agency has identified records of permanent value for transfer to State Records the appropriate transfer documentation (available from State Records Consultancy and Education Team) needs to be completed and forwarded. When describing the source of the sentence for the permanent value records, your agency is required to cite schedule number, item number/s and edition number (if applicable).

⁴ Available from State Records' website <http://www.archives.sa.gov.au>

Glossary

State Records has produced an extensive Glossary of Records Management Terms. This can be accessed and downloaded from the Adequate Records Management, publications section of the State Records website, <http://www.archives.sa.gov.au>

Attachment

Resentencing of records – Quick steps checklist

Step 1	Identify records series to be resentenced
Step 2	Stop applying sentences from previous schedules that have been revoked or amended
Step 3	Check for changes in sentences applying to records series
Step 4	Reinstate sentences where no changes have been made to the disposal schedule
Step 5	Apply reinstated sentences to records series
Step 6	Apply changed sentences to records series
Step 7	Update agency control records
Step 8	Notify State Records of intention to destroy where records are due for destruction
Step 9	Notify approved service provider (as necessary) of changes to retention periods of relevant records series
Step 10	Notify State Records of the impending transfer of records of permanent value (as necessary) and cite appropriate disposal schedule references in transfer documentation