



State Records Act 1997

Operational Records Disposal Schedule

**Office of the Police Ombudsman SA (and
predecessor agency)**

RDS 2017/12 Version 1

Effective Date: 10 October 2017 to 31 October 2027

Approved Date: 10 October 2017

Approved by SRC



Office of the Police Ombudsman SA (and predecessor agency)

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Preamble

Purpose of the Schedule

This Operational Records Disposal Schedule (RDS) authorises arrangements for the retention or destruction of records in accordance with Section 23(2) of the *State Records Act 1997*.

Application of the Schedule

Office of the Police Ombudsman SA (and predecessor agency)

Approved Date: 10 October 2017

Effective Date: 10 October 2017 to 31 October 2027

Authorisation by State Records

This authorisation applies only to the disposal of the records described in the Schedule.

State Records' Contact Information

State Records of South Australia

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South Australia 5001
Email: StateRecords@sa.gov.au

Ph: 7322 7081

Chair, State Records Council

Director, State Records



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Disposal of Official Records

Legislation

Section 23(1) of the *State Records Act 1997* states that an agency must not dispose of official records except in accordance with a determination made by the Manager [Director] of State Records with the approval of the State Records Council.

Section 23(2) states:

‘If an agency requests the Manager to make a determination as to the disposal of official records, the Manager must, as soon as practicable:

- (a) with the approval of the [State Records] Council, make a determination requiring or authorising disposal of the records in a specified manner; or
- (b) make a determination requiring delivery of the records into the custody of State Records or retention of the records and later delivery into the custody of State Records.’

The contents of an RDS, once the approval process is complete, constitute a determination within the meaning of the *State Records Act 1997*.

Functions of the Schedule

An RDS plans the life of these records from the time of their creation to their disposal. It describes the records created and/or controlled by the Office of the Police Ombudsman (OPO), the disposal sentence specifying whether they are to be retained as archives or destroyed, and when this should occur.

This Operational Records Disposal Schedule has been prepared in conjunction with staff from OPO to determine the records which need to be kept because of their long term value and to enable the disposal of records once they are no longer needed for administrative purposes. The assessment of the records takes into account their administrative, legal, evidential, financial, informational and historical values. The appraisal of the records is in accordance with the State Records’ policy as documented in *Appraisal of Official Records – Policy and Objectives* - available from State Records’ website (www.archives.sa.gov.au).

The Schedule complements the General Disposal Schedules (GDS) that are issued by State Records to cover housekeeping and other administrative records common to most State Government agencies.

Using the Schedule

The Schedule applies only to the records described within it.



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Layout

The Schedule is laid out as follows:

- Item Number:** Numbering in the Schedule is multi level:
- Functions have single numbers (e.g. 1.)
 - Activities and/or processes have two-level numbers (e.g. 1.1)
 - Disposal classes have three-level numbers (e.g. 1.1.1)
- Function:** The general functions are shown in 12 point bold Arial upper case at the start of each section. (e.g. **POLICE CONDUCT MANAGEMENT**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (e.g. **Control**).
- Description:** Descriptions are in three levels ranging from broad functions to specific disposal classes:
- definitions of functions are shown at the start of each section in bold (e.g. **The function of receiving complaints about SA Police, overseeing the police investigation and attempted resolution of those complaints, and the provision of feedback to complainants about the progress and outcome of their complaints.**)
 - definitions of activities are located adjacent to the activity title in italics e.g. *The activity of maintaining a register of complaints against police as required by legislation and a register of enquiries.*
 - descriptions of each disposal class are arranged in sequence under the activity definitions.
- Disposal Action:** Disposal actions relate to the disposal classes arranged under the activity descriptions. The status of the class is either PERMANENT or TEMPORARY with a disposal trigger and retention period given for all temporary records.

Retention Period of the Record

The Schedule is used to sentence records. Sentencing involves applying the record retention periods within the RDS to the records of OPO. Decisions are made using the Schedule about whether records are to be retained and, if so, for how long, or when they are to be destroyed.



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Retention periods set down in the Schedule are minimum ones and OPO may extend the retention period of the record if it considers there is an administrative need to do so. Where OPO wishes to retain records for substantially longer periods it should request that the Schedule be amended to reflect this requirement.

Custody and Transfer of the Record

Permanent Records

Section 19 of the *State Records Act 1997* includes provisions for the transfer of custody of an official record:

- a) when the agency ceases to require access to the record for current administrative purposes or
- b) during the year occurring 15 years after the record came into existence - whichever first occurs

Official records that have been sentenced as permanent, in accordance with an approved disposal schedule, are required to be transferred to State Records.

Agencies with valid reasons to retain permanent records for longer than 15 years should apply in writing to Director [Manager], State Records requesting either a postponement or an exemption from section 19.

It should be noted that postponement or exemption are only granted in exceptional circumstances.

Temporary Records

The custody of official records that have been sentenced as temporary is the responsibility of agencies. A policy and standards framework for the management and storage of temporary value official records has been established by State Records as documented in *Records of Temporary Value: Management and Storage: Standard and Guidelines (May 2002)*. OPO needs to comply with these policy documents - available from State Records' website (www.archives.sa.gov.au).

The custody of official records on networks or hard drives is also the responsibility of agencies. OPO needs to ensure that records in electronic format remain accessible to authorised users for the duration of the designated retention period. State Records is, however, currently examining options for the transfer of permanent value electronic records in digital form to its custody.

Destruction of Temporary Records

Temporary records can only be destroyed with the approval of the Chief Executive or delegate in accordance with the Destruction of Official Records Guideline issued by State



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Records of South Australia. Failure to comply with this direction falls under Section 17 of the State Records Act 1997 and may be considered by ICAC as misconduct or maladministration.

Prior to destruction, the following General Disposal Schedules (GDS) need to be consulted:

- ***GDS 16 Impact of Native Title Claims on Disposal of Records*** to ensure records which are relevant to native title claims in South Australia are identified and preserved.
- ***GDS 27 for Records Required for Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care*** to ensure the preservation of official records that may relate to the rights and entitlements of the individuals who present a court claim or apply for an ex gratia payment and of the State Government in defending or processing those claims and applications.
- ***GDS 32 for Records of Relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse*** to ensure that records of relevance to the Royal Commission are protected and available for the purposes of the Royal Commission and any subsequent actions involving the South Australian Government as well as for future reference and accountability purposes and to protect the rights and entitlements of stakeholders.

OPO must ensure that all destruction is secure and confidential and that a certificate confirming destruction is provided by private contractors.

Standard methods for destruction of paper are shredding, pulping or other means that are environmentally friendly.

Records in electronic format must only be destroyed by reformatting or rewriting to ensure that the data and any “pointers” in the system are destroyed. “Delete” instructions do not offer adequate security as data may be restored or recovered.

OPO should keep their own record of all records destroyed, noting the relevant disposal authority. Proof of destruction may be required for legal purposes, or in response to FOI applications. When records are destroyed systems that control them should also be updated by inputting destruction dates and relevant disposal authorities.

Review

State Records’ disposal schedules apply for a period of ten years. Either OPO or State Records may propose a review of the Schedule at an earlier time, in the event of changes to functions or procedures that affect the value of the records covered by the disposal authority. Reviews are especially necessary if there is vast administrative change that affects the currency and use of the records and/or the records are dispersed to other agencies.

The State Records Council needs to approve all amendments to the Schedule. Officers using the Schedule should advise State Records of any necessary changes.

**Office of the Police Ombudsman SA (and predecessor agency)****Context Statement****Context of the Agency Covered by the Schedule****OPO History and Background**

The *Police (Complaints and Disciplinary Proceedings) Act* came into being in 1985. Prior to this, there was no agency charged with exercising any degree of oversight over the South Australia Police (SAPOL). There was no widespread public anxiety about SAPOL prior to the establishment of the Office. In fact, South Australia was the last of the Australian states to adopt a system of civilian oversight of its police force. Public perceptions of police in other Australian states where there was increasing concern about police behaviour and the Grieve Committee Report on Complaints Against Police presented to the Chief Secretary in 1983¹ may well have been driving factors behind the introduction of civilian oversight in South Australia.

It was established to encourage discipline within the police, protect against corruption, and enhance public trust in the criminal justice system. Most investigations were carried out under direction by the SAPOL Internal Investigation Section, however the Authority's own staff carried out investigations when the complaint was about SAPOL rank of commander or higher, a member of the Internal Investigation Section or policies, practices and procedures of SAPOL.²

The first agency head, Andrew Robert Cunningham was appointed from 1 July 1985 in advance of the establishment of the Police Complaints Authority (PCA) when the Act came into effect from 1 September 1985. The Authority initially shared space with the Industrial Court on the 8th floor of the CML building, 45 King William Street.³

Although the Act was intended to be reviewed after two years of operation when Dame Roma Mitchell was approached in October 1987 following Cabinet approval,⁴ this did not eventuate until the Minister for Emergency Services (Minister Klunder) commissioned a report by RK (Bob) Ritchie in June 1992.⁵ A further major and comprehensive review was initiated by the Attorney-General's Department in 1994.

¹ Response to Grieve Committee Report on Complaints against Police to the Chief Secretary, M Goode, University of Adelaide 8 September 1983

² Source: <http://www.policeombudsman.sa.gov.au/history-of-the-opo/> downloaded 17 May 2017

³ *Annual Report Police Complaints Authority 1985/1986*

⁴ Collected loose papers held by OPO

⁵ *Report on the Operations of the Act*, RK Ritchie August 1992



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In the intervening years, two reports had been commissioned on the staffing of the Authority by the Commissioner for Public Employment. These were made by B Dolan (Department of Personnel and Industrial Relations) May 1989⁶ and R Le Peair (Office of Cabinet and Government Management) March 1991.⁷

When AR Cunningham resigned on 9 February 1992, Christine M Haskett acted in his place until the end of September 1992. Further acting periods were followed with Wayne Chavell to 16 November 1992, Peter AL Boyce to March 1995 and Anthony D Wainwright until his appointment in 1995. He continued in this capacity until Sarah Bolt took up the position in December 2009.⁸

When the *Criminal Law (Forensic Procedures) Act 2007* came into operation in May 2007, the PCA became responsible for conducting an additional compliance audit and to report to the Attorney-General.

In 2010 the PCA's register of police complaints was replaced by its current case management data program; Resolve. The new system went live on 10 May 2010.⁹

In 2012 the Authority changed its name to the Office of the Police Ombudsman (OPO) and Sarah Bolt assumed the title of Police Ombudsman. The change of name was a result of amendments to the *Police (Complaints and Disciplinary Proceedings) Act* made pursuant to the *Independent Commissioner Against Corruption Act 2012*. The change came into effect on 20 December 2012.¹⁰

On 2 March 2015 Michael Grant was appointed as the Acting Police Ombudsman and took over from Sarah Bolt following her resignation.¹¹ He remains in that position.

Consequent to a review to evaluate the practices, policies and procedures of the OPO by the Independent Commissioner Against Corruption and report in 2015 that found that 'the present *Police (Complaints and Disciplinary Proceedings) Act 1985* ("the Police Complaints Act") does not promote an efficient handling of complaints against the police and in that

⁶ Report to the Commissioner for Public Employment, Barry Dolan, May 1989

⁷ Report to the Commissioner for Public Employment, Rob LePeair, March 1991

⁸ *Annual reports Police Complaints Authority* produced between July 1991 and June 2010

⁹ *Annual Report Financial year ending 30 June 2010 Police Complaints Authority*

¹⁰ *Annual Report 2012-13 Police Ombudsman*

¹¹ *Police Ombudsman Annual Report 2015*



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regard does not serve the public as well as it might', the Ombudsman foreshadowed the closure of the OPO and the transition of operations to the ICAC.¹²

The OPO closed on 1 September 2017 and the responsibility for oversight of complaints against the police transferred to the Office for Public Integrity (OPI) on 4 September 2017. Those complaints not dealt with and finalised by the OPO by 4 September 2017 ie open cases automatically became the subject of oversight by the OPI. The Office for Public Integrity (OPI) is responsible to the Independent Commissioner Against Corruption (the Commissioner) and supports the Commissioner by receiving and assessing complaints and reports and making recommendations to the Commissioner accordingly.¹³

Responsibility for ensuring that all remaining OPO records remain accessible for the duration of designated retention periods transferred to the Attorney-General's Department on 1 September 2017.

The OPO is registered as GA 547 Police Complaints Authority of South Australia, later Police Ombudsman, 1985 - 2017.

OPO Role and Function

The role of the Office of the Police Ombudsman (OPO) was to provide independent oversight of SAPOL and its members. It was not part of SAPOL and none of its staff were police officers. The OPO and its processes were governed by the *Police (Complaints and Disciplinary Proceedings) Act 1985*.¹⁴

The OPO had four key functions:

Complaint Handling

The primary role of the OPO was to receive and take action in relation to complaints about the conduct of SAPOL members, in accordance with the Act. The complaints system provided processes for the OPO to receive, assess, investigate, and resolve complaints about police in a timely and appropriate way.

Freedom of Information

The OPO was responsible for reviewing determinations made by SAPOL in relation to the release of information pursuant to the *Freedom of Information Act 1991*.

Compliance Auditing

¹² *Police Ombudsman 30th Annual Report 2015-16*

¹³ Source: <http://www.policeombudsman.sa.gov.au> downloaded 17 May 2017

¹⁴ Source: <http://www.policeombudsman.sa.gov.au/role-of-the-office-of-the-police-ombudsman/> downloaded 17 May 2017



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The OPO was required to audit SAPOL's record keeping and compliance with legislation concerning listening and surveillance devices, forensic procedures and telecommunications interceptions and to report to the Attorney-General.

Prevention and Education

This function included the delivery of seminars on policing practices and integrity to SAPOL members.

OPO Structure Description

The Police Ombudsman was supported by a team of Senior Legal Officers and Legal Officers, a Senior Case Officer and Case Officer and Administration Officers. A copy of the current organisation chart is attached as an appendix.

The OPO was an independent statutory authority. It was situated, for administrative purposes only, within the Attorney-General's Department. The Ombudsman reported directly to Parliament.

Predecessor Agencies

There are no predecessor agencies.

Successor Agencies

- 2017 Office of Public Integrity (OPI), Independent Commissioner Against Corruption (ICAC), 2013 – ongoing for open cases not completed as at 1 September 2017
- 2017 GA 166 Attorney General's Department [IV and V], 1981 – ongoing for residual closed records on closure on 1 September 2017

Legislation

The functions of the Office of the Police Ombudsman were defined primarily by the following South Australian Acts:

- *Criminal Law (Forensic Procedures) Act 2007*
- *Freedom of Information Act 1991*
- *Listening and Surveillance Devices Act 1972*
- *Police Act 1998*
- *Police (Complaints and Disciplinary Proceedings) Act 1985*
- *Police Regulations 1999*
- *Telecommunications (Interception) Act 2012*

Relevant legislation that the Agency did not administer, but had an effect, including legislation superseded, but relevant to older records, is as follows:



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- *Independent Commissioner Against Corruption Act 2012*
- *Police Complaints and Discipline Act 2016*
- *Public Sector Act 2009*
- *Public Sector (Honesty and Accountability) Act 1995*
- *State Records Act 1997*
- *Telecommunications (Interception) Act 1988 - ceased*

Context of the Records Covered by the Schedule

Coverage of RDS 2017/12

This RDS applies to the register of complaints and the series that it controls that consists of case files of the OPO.¹⁵ Information includes details of the complaint made against the police officer and a determination by the OPO as to whether or not the complaint should be investigated.

Files contain statements of witnesses, statement of the police officer, other evidence and correspondence. Reports of related investigations conducted by the Internal Investigation Section of SAPOL and related findings of the OPO are also included in this series of OPO files. Results of all investigations are referred to the Commissioner of Police who is responsible for determining penalties for breaches of discipline. OPO case files are closed after the prescribed time allowed for any appeal has elapsed.

A continuing Government Record Series (GRS) that is covered by this RDS is:

- GRS 2960 Complaint files – Police Complaints Authority, 1985 - ct

Whilst reports provided to the OPO by the Internal Investigation Section and the Police Disciplinary Tribunal are included on complaints investigation files, RDS 2017/12 is not meant to provide disposal coverage for these two agencies.

This RDS also includes coverage of case files created in relation to external reviews of Freedom of Information determinations made by SAPOL.

There are also records maintained in relation to the audits undertaken by the OPO as required by legislation and electronic records relating to its prevention and education function.

¹⁵ Section 29 *Police (Complaints and Disciplinary Proceedings) Act 1985*



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Related Series Affected by RDS 2017/12

There are no related series affected by this RDS.

Complementary Schedules to RDS 2017/12

There are no complementary Disposal Schedules to use with this RDS.

Existing Disposal Schedules Superseded by RDS 2017/12

- RDS 2005/10 v1 for Police Complaints Authority of South Australia approved 14 February 2006

Records Structure within OPO

There is a centralised structure within the OPO with case files relating to complaints approaches and FOI reviews all controlled by the OPO's electronic case management data program, Resolve. Resolve stores documents, generates the file numbers, classifies files, captures and maintains electronic records, and creates workflows for the handling of cases. The case files are maintained numerically by running number (NNNNNN).

For a particular case or file, hard copy and electronic files may be created, however the electronic version may include more than the hardcopy and is the definitive/ authoritative record.

Some audio visual records relating to complaints that are too large to upload into Resolve are held separately in the OPO Photos (P:) drive.

Because audit reports are required periodically, they are maintained separately in chronological order.

Administrative correspondence and educational/prevention material are maintained separately in electronic or hard drive folders or as unstructured hard copy folders and documents.

Broad Description and Purpose of the Records

The records include a simple series of paper files recording details of actions taken on complaints about police. They provide a working record while the complaint is current and an historical record of complainants and police officers who have been the subject of the complaint. Other records covered are those files created in relation to external reviews of Freedom of Information determinations made by SAPOL and the records maintained in relation to the audit of SAPOL warrants for forensic procedures, telephone interceptions, listening and surveillance devices.

Hardcopy dealing with general administrative and education/prevention functions are maintained separately in electronic or hard drive folders.



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Functions and Activities Documented by the Records

The records covered by RDS 2017/12 Version 1 document the operational functions of Police Conduct Management, Police Records Management, Police Information Management and Education and Prevention. These functions are supported by the activities of complaint handling, registration, auditing, cases (police FOI) and promotion.

Arrangement of the Records

Under the provisions of the *Police (Complaints and Disciplinary Proceedings) Act, 1985*, the OPO maintains a Register containing the particulars of each complaint including determinations, investigations, assessments and recommendations to the Commissioner of Police, action taken by the Commissioner of Police and the final outcome of proceedings if a charge is laid. Information in the Register is legislatively required to be retained permanently and this is reflected at item 1.1.1.

Hard copy records registered in Resolve are arranged numerically and stored in separate areas of the compactus. Both open files and closed files are stored numerically. The records relating to external FOI reviews are stored in date of receipt order and kept in a separate area of the compactus.

Records relating to audits are stored in date order.

General administrative correspondence and education prevention records are held within unstructured folders in the OPO Data (G:) drive and as unstructured hard copy folders and documents.

Agency Creating the Records

OPO that administered the records covered by this RDS also created them.

Agency Owning or Controlling the Records

OPO that administered the records covered by this RDS also controlled or owned them, however when it became defunct in September 2017 the Attorney-General's Department assumed responsibility for them.

AGD will be responsible for the sentencing and transfer of temporary value records to its ASP and for their destruction when they fall due.

Any hard copy records identified as permanent, either by use of this RDS or GDS 30 will require series registration and transfer to State Records. These include the agency's annual reports and other publications.

AGD will also be responsible for the maintenance (and migration, as necessary) of the Complaint Register, the snapshot of the OPO web site and any other permanent records in the



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OPO drives, until they can be accepted by State Records or other provisions for ongoing maintenance of permanent electronic records are made by State Records.

Date Range of the Records

Records Date Range: 1985 to 2017

Volume of the Records

There are approximately 168 metres of records held on-site by the OPO. This is the extent of holdings, as the OPO closed in September 2017.

There are currently approximately 1,936 GB of electronic records saved within network drives and databases including drafts and possible duplications. OPO shares AGD network drives. Two drives (G and P) with a total 155 GB capacity are specifically devoted to OPO. Two other drives for e-mails and personal data with capacities of 1.4TB and 170 GB are shared between all AGD staff.

The stand-alone Resolve database currently occupies 100 GB.

Special Custody Requirements

There are no special custody requirements.

Special Storage Requirements

There are secrecy provisions under Section 48 of the *Police (Complaints and Disciplinary Proceedings) Act 1985* that apply when the Commissioner furnishes to the Ombudsman a certificate that the Ombudsman must not, either directly or indirectly, divulge or communicate any part of the information received during investigation except with the approval of the Commissioner or the approval of the Minister given after consultation with the Commissioner.

Issues Not Mentioned Previously

The OPO was an exempt agency under the provisions of the *Freedom of Information Act, 1992*.

Although the OPO only held copies of reports relating to review of its early operations, these should be retained by AGD until it can be established that the original records have been retained by the responsible agency or transferred to archival custody.



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Comments Regarding Disposal Recommendations

Permanent Records Rationale

Under the provisions of the *Police (Complaints and Disciplinary Proceedings) Act, 1985*, the OPO maintains a Register (item 1.1.1) containing the particulars of each complaint including determinations, investigations, assessments, recommendations to the Commissioner of Police, action taken by the Commissioner of Police and the final outcome of proceedings if a charge is laid. Information in the Register is retained permanently in accordance with the above-mentioned Act. The Register of Complaints also serves as the register of Approaches/Enquiries and FOI Reviews.

In addition it is recommended that cases of exceptional interest relating to Police Complaints (Item 1.2.1, 1.2.2), Police FOI (item 3.1.1) and Education and Prevention (4.1.1) also be retained permanently in accordance with Objectives 1 and 2 of the guideline Appraisal of Official Records: Policy and Objectives.

Temporary Records Rationale

Temporary records are those considered not to have continuing value to the OPO, the State Government nor to the community.

The files that record complaints made by individuals about individual members of the police force (item 1.2.3) are considered to be of a temporary value only as the most important information is retained permanently in the Register of Complaints (item 1.1.1).

Records relating to auditing (item 2.1.1), non-exceptional Police FOI review cases (item 3.1.2 and 3.1.3) and promotional working files (item 4.1.2) are recommended as temporary because they are of no ongoing administrative use, interest or of any historical value.

Other Disposal Considerations

There are no other considerations for or against the retention or destruction of records affected by this RDS.

Disposal Recommendation Effect on Related Records

There are no related records affected by the disposal recommendations in this RDS.

Alternative Record Formats

Information contained in the hard copy complaint case files is also maintained electronically in the Register of Complaints.

Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.



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Indigenous Considerations

The determinations within *RDS 2017/12* are consistent with Recommendation 21 of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

The principles outlined in *GDS 16*, relating to Native Title claims, have also been considered in the development of this Schedule.

RDS 2017/12 meets all cultural, historical, legal and administrative requirements.

All documents considered relevant to native title in South Australia must be checked for actual relevance with the Native Title Section of the Crown Solicitor's Office before being disposed of.

Approved by SRC



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Scope Note

Records Covered by this Schedule

This **RDS 2017/12** applies to the operational records of the OPO (previously known as the Police Complaints Authority).

How to Apply this Schedule

Use in conjunction with GDS

This Schedule should be used in conjunction with **GDS 30**, as amended, or its successor. Cross-references to the **GDS 30** are included in this Schedule where appropriate.

To identify records that may be potentially relevant to native title claims, please refer to guideline **Identifying documents which may be relevant to Native Title** attached to **GDS 16**. Where records sentenced for temporary retention are identified as having potential relevance to a native title claim, they need to be retained until 31 December 2024.

To identify records that may be potentially relevant to **Legal Proceedings or Ex Gratia Applications Relating to Alleged Abuse of Former Children Whilst in State Care**, please refer to **GDS 27**. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2020.

To identify records that may be potentially relevant to the **Royal Commission into Institutional Responses to Child Sexual Abuse**, please refer to **GDS 32**. Where records sentenced for temporary retention are identified as having potential relevance, they need to be retained until 31 December 2023.

Use in conjunction with, or complementary to, other RDS

This Records Disposal Schedule does not complement any existing schedules.

Other RDS superseded by RDS 2017/12

- RDS 2017/12 Version 1 supersedes RDS 2005/10 Version 1 (approved 14 February 2006)

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded

In this instance, the re-sentencing of records is not required.

Records excluded from RDS 2017/12

There are no records excluded from cover by this RDS.



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Application to records in all formats

RDS 2017/12 applies to records in all formats, including databases and other electronic records. OPO and AGD, as successor agency, are required to ensure that records remain accessible for the duration of designated retention periods.

Interpretation of the Schedule

Minimum retention periods

Retention periods for temporary records shown in *RDS 2017/12* are minimum retention periods for which records need to be retained. It is at the discretion of OPO as to whether records are kept for longer than the minimum period.

Acronyms

- AGD - Attorney-General's Department
- DCM - Dynamic Case Management
- ICAC - Independent Commissioner Against Corruption
- IIS - Internal Investigation Section (SAPOL)
- OPI - Office of Public Integrity
- OPO - Office of the Police Ombudsman
- PCA – Police Complaints Authority
- SAPOL - South Australia Police

Definitions of terms specific to RDS 2017/12

- Approach - A term devised by the OPO to manage matters that do not fit the criteria of a Complaint. It relates to a complaint that does not warrant investigation as determined by Section 21 of the *Police (Complaints and Disciplinary Proceedings) Act 1985*, because it is trivial; or frivolous or vexatious or is not made in good faith; or the complainant or the person on whose behalf the complaint was made has not a sufficient personal interest in the matter raised in the complaint; or having regard to all the circumstances of the investigation of the matter, the investigation is unnecessary or unjustifiable.
- Audit - An audit conducted by the OPO under the provisions of the *Criminal Law (Forensic Procedures) Act 2007*, the *Listening and Surveillance Devices Act 1972* or the *Telecommunications (Interception) Act 2012*. Outcomes of audits are reported to the Attorney-General.
- Complaint - Complaint lodged about the conduct of a designated officer of SAPOL or a staff member of SAPOL.
- Enquiry - An approach from the general public and is, in general, interchangeable with the term 'Approach'. They are mainly quick enquiries involving a request for a complaint form, general advice about office processes, media enquiries or misdirected enquiries.



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- Mandatory Reports - Internal report of breach of conduct by other SAPOL officers that are received from SAPOL for oversight. These are considered as an ‘Approach’ if they do not fit into criteria of a Complaint
- Register of Complaints - A register required to be maintained by the Ombudsman under the provisions of Section 29 of the *Police (Complaints and Disciplinary Proceedings) Act 1985* that contains particulars of each complaint made to the Ombudsman or notified under Section 18 and each matter raised by the Ombudsman on his or her own initiative, including any determination and particulars of investigations.
- Resolve – The trademark of the Resolve Software Group Propriety Limited for a highly flexible and configurable Dynamic Case Management (DCM) system that automates manual, knowledge –intensive business processes from simple incidents or complaints to complex cases and investigations. This database fulfils the requirement of the Register of Complaints, as well as the register of Approaches/Enquiries and FOI Reviews.

Legal Deposit

Legal deposit refers to statutory provisions that oblige publishers to deposit copies of their publications in libraries in the country in which they are published. Under the Commonwealth *Copyright Act 1968* and various Australian state Acts, a copy of any work published in Australia must be deposited with (a) the National Library of Australia and (b) the appropriate State Library. Legal deposit extends not only to commercial publishers but also to private individuals, clubs, churches, societies and organisations.

In South Australia, one copy of publications produced for external use should be deposited with the State Library and the Parliamentary Library (section 35, *Libraries Act 1982*). Publications include books, newspapers, magazines, journals, pamphlets, maps, plans, charts, printed music, records, cassettes, films, video or audio tapes, computer software CD-ROMS, compact discs and other items made available to the public.

Records and Litigation

Where OPO is aware that records may be required for use in litigation, for use in a government enquiry or the consideration of the Ombudsman, the records must not be destroyed. In such circumstances the records must 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.

Pre-1901 Records

All pre-1901 records are required to be **retained permanently** in accordance with a motion approved by the State Records Council on 19 February 2008.

In this instance, this RDS does **NOT** apply to pre-1901 records.



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 POLICE CONDUCT MANAGEMENT			
1	POLICE CONDUCT MANAGEMENT	The function of receiving complaints about SA Police, overseeing the police investigation and attempted resolution of those complaints, and the provision of feedback to complainants about the progress and outcome of their complaints. Where remedial or disciplinary action is necessary, also includes the making of recommendations to the Commissioner of Police. Also includes the receiving of general enquiries.	
1.1	Control	<i>The activity of maintaining a register of complaints against police as required by legislation and a register of enquiries.</i>	
1.1.1	Control	Summary 'Resolve' register containing records relating to the receipt, registration, investigation, conciliation, and resolution of complaints about police and enquiries. Includes particulars of each complaint or enquiry including determinations, investigations, assessments and recommendations to the Commissioner of Police and the final outcome of proceedings if a charge is laid. See references to case files in 1.2 and 3.1.	PERMANENT If in digital form manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
1.2	Cases	<i>Client cases relating to a complaint received by the Police Ombudsman and the handling of those cases to resolution and enquiries not registered as complaints.</i>	
1.2.1	Cases	Case files relating to the management of a complaint which results in a reconsideration or variation or reversal of a decision, or changes to operational policy, procedures and/or practices.	PERMANENT If in digital form manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
1 POLICE CONDUCT MANAGEMENT			
1.2.2	Cases	Case files that generate significant investigation, public interest or controversy e.g. major reports referenced in the Police Ombudsman's annual reports.	PERMANENT If in digital form manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
1.2.3	Cases	Case files relating to the receipt, registration, investigation, conciliation, and resolution of other complaints and enquiries.	TEMPORARY Destroy 8 years after action completed



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
2 POLICE RECORDS MANAGEMENT			
2	POLICE RECORDS MANAGEMENT	The function of auditing records maintained by police in respect of warrants for telephone interceptions, listening and surveillance devices and forensic procedures and reports to the Attorney-General.	
2.1	Auditing	<i>The activities associated with officially checking operational records to ensure they have been kept and maintained in accordance with agreed or legislated standards and correctly record the events, processes, and business of the organisation in a specified period.</i>	
2.1.1	Auditing	Records relating to official audits of information systems, facilities and processes. Includes working papers, audit trail records and system reports.	TEMPORARY Destroy 7 years after action completed



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Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
3 POLICE INFORMATION MANAGEMENT			
3	POLICE INFORMATION MANAGEMENT	The function of conducting external review of determinations made by SA Police under the <i>Freedom of Information Act 1991</i> when required to do so by dissatisfied applicants. See also 1.1.1 for summary register.	
3.1	Cases (Police FOI)	<i>Cases relating to Freedom of Information (FOI) requests received by the South Australia Police and externally reviewed by the Ombudsman</i>	
3.1.1	Cases (Police FOI)	Case files of FOI reviews that generate significant public interest or controversy or set a precedent.	PERMANENT If in digital form manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
3.1.2	Cases (Police FOI)	Case files of contentious FOI cases involving recurring or protracted requests, withheld access, amendments to records and internal reviews.	TEMPORARY Destroy 10 years after action completed
3.1.3	Cases (Police FOI)	Case file of routine FOI cases involving one-off applications of a non-contentious nature.	TEMPORARY Destroy 5 years after action completed

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
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4 EDUCATION AND PREVENTION			
4	EDUCATION AND PREVENTION	The function of educating the police officers about integrity and the detrimental effects of misconduct and the general public about the operation of the Office of the Police Ombudsman.	
4.1	Promotion	<i>The activities and processes associated with the development of programs that promote integrity, encourage a work environment in SAPOL that is free of misconduct and create an awareness of the operation of the OPO amongst the general public.</i> <i>See also GDS 30 COMMUNITY RELATIONS</i>	
4.1.1	Promotion	Master copy of promotional material relating to educational campaigns, presentations and projects. See also GDS 30 PUBLICATIONS See also GDS 30 STRATEGIC MANAGEMENT Item 13.22.1 for master copy of agency’s annual report	PERMANENT If in digital form manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
4.1.2	Promotion	Records, including working files, documenting collected information and resources used to facilitate and support education and prevention activities and programs.	TEMPORARY Destroy 5 years after action completed

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