



## 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. For information on transferring official records from one agency to another please refer to *Managing Records During Administrative Change Guideline*, available on State Records website, [www.archives.sa.gov.au](http://www.archives.sa.gov.au).

By ensuring that its official records are disposed of legally and in a planned and systematic manner, an agency will satisfy the requirements of Outcome 3 of the *Adequate Records Management Standard*.

### Why is the disposal of official records necessary?

An orderly, authorised or managed disposal process is important as it protects records from illegal destruction and reduces the likelihood of unimportant ones retained.

The systematic disposal of official records ensures that limited records storage space is used in the most effective and 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 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
- private records management and archival consultants.

## **Which schedule does my agency use?**

An RDS can only be used to sentence those official records relating to functions and activities specific to your agency, eg 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 GDS can be used to sentence those records that provide evidence of generic functions and activities carried out by most agencies, eg 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).

The purpose of a TOCS is to identify records which will be transferred to either the ownership or temporary custody (to facilitate access for business purposes) of an entity that is not an 'agency' as defined by the State Records Act. The entity may be a private organisation receiving the records as part of a sale, privatisation or contractual arrangement. The entity may also be a government body of another jurisdiction (eg a Commonwealth, Territory or other State Government) to which certain functions and activities and associated records have been transferred to (eg as a result of administrative or legislative change, a COAG agreement, etc). A TOCS complements and is supplementary to the relevant GDS and RDS of the transferring agency.

## **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, intentionally 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 official records be destroyed in a manner that is appropriate to their content and format. This requires the use of secure conditions and techniques for the destruction of sensitive or confidential records. 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. 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 for ephemeral material to be destroyed as Normal Administrative Practice (NAP).

Agencies are advised to check the description of NAP at the beginning of either of the General Disposal Schedules 15 or 20 before utilising.

## **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 Standard*.
- State Records of South Australia, Records Disposal Schedule and Templates.
- State Records of South Australia, *Appraisal of Official Records: Policy and Objectives*.
- State Records of South Australia, *Resentencing of Records Guideline*.
- State Records of South Australia, *Introduction to the State Records Act 1997*
- State Records of South Australia, *Contracting and Official Records Standard and Guideline*
- Standards Australia, Australian Standard *AS ISO 15489-2002, Records Management*

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