Managing Official Records During Administrative Change

Guideline

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STATE RECORDS
of South Australia

Government of South Australia
State Records

Contents

Introduction

Elections or decisions of the government of South Australia, such as ministerial portfolio reshuffles, agency/portfolio mergers, or new legislation, can result in 'administrative changes' to South Australian agencies.

An 'administrative change' refers to a change in the responsibilities for the administration of government functions[1]. These changes can occur as a result of:

- a function being transferred from one agency to another
- a whole agency being transferred from one portfolio to another
- the permanent abolition of an agency/function within government
- the abolition of an agency/function within government through sale/privatisation
- a new agency being established, or
- government undertaking new functions.

When changes occur the official records relating to the function in question must be transferred to the new agency responsible to ensure a seamless transition of a function and to ensure that business and customer needs are met.

Purpose and Scope

This Guideline will support agencies in managing official information and records whilst undertaking administrative change. It will help agencies meet their legislative requirements outlined in the *State Records Act 1997* (SR Act).

Several standards have been issued under Section 14 of the SR Act and this Guideline, along with other advice on the State Records website, provides supporting information to assist agencies to comply with the requirements of those standards.

It is applicable to all agencies as defined in section 3(1) of the SR Act, and the official records of those agencies.

The term 'official records' is defined by section 3(1) of the SR Act and refers to information, data and records, in any format (whether digital or hardcopy), where it is created or received through the conduct of government business. Other State Records policy may refer to the term 'information assets' which should also be taken to mean official records.

This guideline should also be read in conjunction with the State Records FOI and Administrative Change, Caretaker Periods and Elections webpage.

[1] State Records defines a function in this context as "the administrative responsibility, staff and other resources for the implementation of specific government policy and programs".

Additionally, Ministerial Offices also need to use this guideline in conjunction with Managing Information in Minister's Offices Handbook and Management of Records in a Minister's Office During Caretaker and Election Period.

Structure of this guideline

This guideline is divided into five sections:

Sections A, B and C deal with an agency losing functions:

- Section A – When your agency is losing a function
- Section B – The abolition of an agency/function within government
- Section C – When government is losing a function to an external entity

Sections D and E deal with an agency gaining functions:

- Section D – When government is undertaking a new function or a new agency is created
- Section E – When your agency is gaining an established function

Some of the following steps have been clarified by the inclusion of a number of key processes.

This guideline also contains quick reference checklists of the required actions described in Sections A, B C, D and E as an Attachment.

Section A – When your agency is losing a function

Step 1 Identify the official records to be transferred to the receiving agency

Having become aware that a function, or in some circumstances several functions, is to be transferred to another government (state or local) agency it is vital that you identify which official records will be affected. This should be done in consultation with the staff of the receiving agency preferably before the administrative changes come into effect.

Official records that will be affected can cover a range of activities and formats (hard copy and/or digital) and can relate to core operational matters (e.g. specific project files) or general administration (e.g. personnel files).

The official records required by the receiving agency will be required for their ongoing business, however these records should not be changed or added to, they should remain as is and provided for reference/read only purposes. The transferring agency will then become responsible for the management of these records over time.

Key processes

- Meet with key staff of the agency receiving the official records as soon as possible after the proposed change is known and establish communication or a joint working group.
- Ensure that any group includes records/information management staff from both agencies.
- List the function, or functions, (including activities, projects etc), that are being transferred. Also list any legislation or government policy or instruction, relating to the function being transferred.
- List the related staff being transferred.
- Identify the broad categories of official records that will be transferred. This can include, but is not limited to the following:
  - correspondence files
  - project files
  - case files
  - personnel files
  - financial records.
- Identify any information systems, and related data, that will need to be transferred. This can include, but is not limited to:
  - customer information systems
  - business systems
  - client case management databases
  - project management files and systems
  - maps, plans and technical drawings
  - websites (Internet, and Intranet)

- social media platforms
- Microsoft 365.

» Please note, it is imperative the digital records being transferred are accompanied by the mandatory metadata elements outlined within the Minimum Recordkeeping Metadata Requirements Standard. If the agency has not implemented a compliant Electronic Document and Records Management System (EDRMS), prior to transfer the agency should undertake a mapping exercise of their metadata to the mandatory metadata elements described within the Metadata Standard.

» All of the above records/systems must be closed/ made read only prior to their transfer to the other agency.

» Create a file within your official recordkeeping system and document the transfer of records to the receiving agency and the consultation process undertaken of the joint working group's activities.

Step 2 Identify any control records that apply to the official records

It is possible that some of the categories of official records identified in Step 1 may be controlled or managed through other records. This second set of records is known as control records.

It is essential that your agency identify any of these control records. Without these control records the receiving agency will be unable to effectively use, maintain, access and dispose of the various records that they receive.

Key processes

» Having identified the relevant broad categories of official records in Step 1 the joint working group should also identify any relevant control records. These can include:

- registers of files
- indices of files
- guides to the use and structure of the filing system
- thesauri for records systems
- spreadsheet listings of records developed by work teams
- EDRMS metadata.

» Identify any approvals to use or disclose records (e.g. Information Privacy Principles, Copyright etc)

» If staff will be moving to the new agency, ask them if they have any control records developed at a local level.

Step 3 Identify the scope of the official records to be transferred

Having identified the relevant official records to be transferred it is important for your agency to determine if all the identified records will be transferred.

It is unlikely the new agency, or agencies, will require all the records that your agency has generated for a transferred function such as inactive temporary records.

Key processes

- Determine whether a record migration strategy is required. This should include consideration of:
  - the records to be transferred
  - the records management system the records are currently managed in
  - the records management system the records will be managed in, if different
  - how the transfer process will take place (e.g. automated, manual, etc)
  - who is responsible to govern this process in each agency
  - who will undertake the transfer process (e.g. migration of records may be outsourced to an EDRMS provider)
  - a plan which details the actions and milestones and responsibilities for each applicable action
  - which agencies are funding particular actions (e.g. boxing of hardcopy records, couriers, developing migration utilities, etc)
  - any new approvals that may be required under Information Privacy Principles, Copyright or Intellectual Property (IP).
- Determine when a particular range of the records will be transferred. This should include consideration of:
  - records that are active on the day the function is transferred
  - records from a limited period prior to the transfer of the function, e.g. one month prior, six months prior, etc
  - case files or project files that relate to the particular clients or projects whose management is being transferred.
- Determine the range of relevant control records to be transferred. These will relate directly to the range of records to be transferred.
- Determine which agency will keep the original control records and which will receive copies.
- Both agencies should document the decisions, and the rationale for the decisions reached, for future reference.
- Records required for current Freedom of Information (FOI) requests or internal reviews should be retained by the agency with current custody of the records until processing is complete. Please refer to the FOI and Administrative Change, Caretaker Periods and Elections webpage for further information.

Step 4 List the official records to be transferred

Once both agencies have a common understanding of the official records that will be transferred a detailed inventory should be made of the records. This inventory can be prepared manually or through using the report functions of applicable systems.

This inventory should include records which are not going to be archived by the transferring agency, including any relevant webpages and records held within websites.

Migration utilities may need to be written by EDRMS providers to enable efficient and effective uploading of record profiles, metadata and audit trails.

Key processes

» List each individual record (temporary or permanent value) that is being transferred (report from system/EDRMS).

» List records that are not being transferred (e.g. files that are missing, being sent to temporary storage as they are not required to be transferred to the agency or to be/already transferred to State Records).

» List the control records that are being transferred.

» Prepare a formal acknowledgment the records have been transferred for signing by an authorised representative of the receiving agency.

» Ensure that both agencies have an inventory of the records and control records being transferred.

» Document the software format in which any digital records were transferred and any particular hardware systems needed to access the records.

» Agree to the timeframe for transfer.

Step 5 Provide receiving agency with details of your agency's records in storage

It is important the receiving agency (or agencies) is advised about your agency's official records held offsite. This usually applies to older official records that are either held in storage by an external service provider as temporary records, or as permanent value records in the custody of State Records. In the case of digital records, it would assist the new agency, or agencies, in their risk management planning to know if any back-ups of the records are also held offsite.

Key processes

» Inform State Records of the transfer of responsibility for permanent records of your agency.

» List and provide the series numbers of relevant permanent records held by State Records.

» Copy the consignment lists or record description lists (RDLS) of any relevant permanent records held by State Records.

» Provide details of the public access determinations applying to records held by State Records.

- Provide details of the ASP (customer number, relevant contact details for your account manager subject to agreement by the provider) who hold temporary records on behalf of your agency.
- List the series of temporary records held by an ASP.
- Copy the consignment lists for temporary records held by the ASP.
- Inform the ASP of the transfer of responsibility for temporary records in their custody.
- Resolve who will fund transfer and storage costs for temporary records held by the ASP.
- Ensure your agency and the receiving agency have copies of the detailed lists of series and consignments of records in storage that are being transferred.
- Provide copies of any relevant back-ups of digital records being transferred.

Step 6 Provide the receiving agency with copies of relevant disposal schedules

Your agency should provide the receiving agency with copies of any Records Disposal Schedules (RDS), or relevant sections that apply to the official records being transferred. This will ensure they are aware of the retention requirements for the records.

Your agency's RDS, if one exists, should then be amended to reflect the loss of the particular business function from your agency.

Details of the relevant disposal schedules can be acquired from State Records.

If there is no RDS for the records in question, your agency and the receivers of the records must negotiate the preparation of such a disposal schedule. These negotiations should include considerations of agency resources and any fees that may be involved in the development and approval of the disposal schedule.

Contact State Records for advice regarding the preparation of a RDS if it has been determined that your agency is responsible for the preparation of such a Schedule.

Step 7 Contact the receiving agency and make the official records transfer arrangements

Arrangements with the agency receiving the official records need to be formalised. This step is vital to ensure the orderly transfer of records between agencies. Failure to make these arrangements may result in records lost or accidentally destroyed, resulting in illegal disposal (considered a breach of the SR Act).

Both parties should assign responsibility to appropriate officers for the records transfer process.

Step 8 Transfer official records no longer required to storage

Some of your agency's records will not be required by the new agency or your agency. The storage of these records offsite will free up valuable storage space.

Key processes

- Notify and complete any potential transfer of permanent records (in accordance with sections 19 and 20 of the SR Act and Transfer of Official Records Standard) to State Records.
- Transfer temporary records offsite to an ASP in accordance with State Records' Management and Storage of Temporary Value Information Assets Standard and Guideline for temporary records storage with an ASP.

Step 9 Update your Control Records

Having transferred any official records to the receiving agency, to offsite storage or to the custody of State Records, it is vital to update your agency's control records. This will ensure records do not become lost or unaccounted for during the administrative change process.

This update can take the form of an annotation to any hard copy indexes or registers. Your agency should also ensure any digital indexes or registers, including any EDRMS, are updated.

Key processes

- Update the control records held by your agency to indicate:
  - The records transferred to the receiving agency
  - the date of the transfer
  - the name and contact details of the agency to which the records were transferred.
- Update the lists of records held offsite to indicate:
  - the records transferred to the new agency
  - the date of the transfer
  - the name and contact details of the agency to which the records were transferred.

Section B – The abolition of an agency/ function within government

Step 1 Determine your records functions for the abolished function/agency

An agency has specific records management responsibilities and obligations under the SR Act for all its designated functions.

The authorising body that has responsibility for the abolishment of a government function (e.g. Cabinet, an agency, etc) should notify the Director, State Records (in writing) stating how the process will be managed (from a Records Management perspective) and the projected timeline to conclude the process. A copy of the Gazettal notice showing how the function has been abolished should also be provided.

The agency responsible for 'winding up' the function should work through Steps 1 to 4 in Section B of this Guideline.

Key processes

- » Notify State Records outlining how the process will be managed including timeframes. Provide the Gazettal notice showing how the function has been abolished
- » Ensure the decommissioning of recordkeeping tools, systems practices and resources associated with the 'abolished' function are centrally coordinated.
- » List the function/s or parts of the agency that are being abolished. Also list any Acts or regulations pertaining to the function/s, which are being abolished.
- » List the related staff being transferred or redeployed (e.g. if they are not part of an existing shared services arrangement).
- » Identify any information systems, and related data, which will need to be decommissioned and potentially archived. This can include, but is not limited to customer information systems, client case management databases, project files, maps, plans, technical drawings, websites and EDRMS.
- » Prepare a file within your official recordkeeping system documenting the abolition of the function/s.
- » The agency should also consider if section 8 of the FOI Act applies. For further information refer to the FOI and Administrative Change, Caretaker Periods and Elections webpage.

Step 2 Identify any control records that apply to the official records

It is possible that some of the categories of official records that are identified in Step 1 above may be controlled or managed through other records. This second set of records is known as control records.

It is essential your agency identify any of these control records. Without these control records the agency that previously administered records or the agency taking responsibility for the records, associated with the abolished function, will be unable to effectively use, maintain, access and dispose of the various records that exist.

Key processes

- Identify any relevant control records. These can include:
  - registers of files
  - indices of files
  - guides to the use and structure of the filing system
  - thesauri for records systems
  - spreadsheet listings of records developed by work teams
  - EDRMS metadata.

Check if staff have any control records developed at a local level.

Step 3 Dispose of records, including destructions, temporary storage and archiving

Having identified the relevant official records affected by the abolition of the function/ agency, it is important for your agency to determine how the identified records will be disposed of. This may include archiving of permanent records (e.g. transferring to State Records), transferring temporary records to an ASP, or physically destroying records.

Key processes

- Determine the range of the official records and how they will be disposed of. This should include consideration of the following:
  - records that are active on the day the function/agency is abolished
  - records from a limited period prior to the abolition of the function/agency, e.g. one month prior, six months prior, etc
  - case files or project files that relate to the particular clients or projects whose management is no longer required.
- Determine the range of relevant control records to be decommissioned or archived. These will relate directly to the range of records to be archived or disposed.
- Complete sentencing of all records according to an active and current RDS/GDS, associated with the abolished function/agency. If an RDS does not exist, one will need to be created and approved by the State Records Council before any records disposal is undertaken.
- Once it is determined which records can be destroyed the agency will need to make sure the records are destroyed in a secure, confidential and environmental manner with sign off obtained from the CEO or delegate.

- Records that are temporary but are not yet due for destruction should be stored with an ASP. The ASP will be required to be paid a storage fee for these records until the date they can be destroyed.
- Make adjustments to ASP payment arrangements to ensure appropriate financial governance for temporary record holdings.
- Subject to necessary approvals, arrange transfer of all records sentenced as permanent to State Records custody.
- Decommission or archive all associated recordkeeping tools, systems, registers, etc.
- If required seek to have the Minister administering the FOI Act, designate, in accordance with section 8(2) an agency to be responsible for access to the records under FOI.
- Notify the Privacy Committee of South Australia if any exemptions were granted from the Information Privacy Principles and whether they are still required.

Step 4 Notify State Records of process conclusion

Once the previous steps have been completed, the agency overseeing the abolition of a function must notify the Director, State Records the process has concluded.

Section C – When government is losing a function to an external entity

An external entity may be a private organisation receiving official records as part of a sale, privatisation or contractual arrangement. The entity may also be a government body of another jurisdiction (e.g. a Commonwealth, Territory or other state government department) to which certain functions and activities and associated records are being transferred (e.g. because of administrative or legislative change, a COAG agreement, etc).

When an agency is losing a function to an external entity through sale or privatisation, the agency must have a Transfer of Ownership and Custody Schedule (TOCS) in place.

The purpose of a TOCS is to identify official records where ownership or temporary custody will be transferred to an entity that is not an 'agency' as defined by the SR Act.

A TOCS complements and is supplementary to the relevant GDS and RDS of the transferring agency. A TOCS constitutes a 'disposal' as defined by the SR Act and so will require a determination by the Director, State Records and the approval of the State Records Council. The TOCS represents this approval and must be done before any records are transferred.

For further information regarding TOCS please contact State Records.

Section D – When government is undertaking a new function or a new agency is being created

Please contact State Records for records management advice when a new agency is established with functions that did not previously exist.

Step 1 Notify State Records

An agency has specific records management responsibilities and obligations under the SR Act for all its designated functions.

The authorising body that proclaimed the establishment of a new government function/agency should notify the Director, State Records in writing about the new function. A copy of the Gazettal notice should be provided.

Step 2 Implement recordkeeping governance

To adequately manage official records throughout their lifecycle a number of recordkeeping tools, systems, practices and resources need to be developed, procured and/or appointed.

An officer should be nominated with the responsibility for establishing adequate governance and delegation to administer records associated with the new agency/function (e.g. agency's Records Manager) prior to records being created for the new agency/ function.

A RDS should also be developed/amended to ensure records are accurately sentenced for archiving and disposal purposes. A new/amended RDS will need to be approved by the State Records Council.

In the case where your agency has already established a records management system, processes and disposal schedules, the new function will need to be incorporated and any necessary approvals sought.

Key processes

The Records Manager should ensure the following is undertaken before records are created for the new agency/function:

- create or update all recordkeeping policies and procedures
- create or update all recordkeeping systems (e.g. upload RDS and Thesaurus into EDRMS)

- create or update all recordkeeping registers and programs (eg Records Disposal Program, Vital Records Register, Information Systems Register, etc)
- induct staff supporting the new agency/function in recordkeeping fundamentals. State Records has an online Introduction to Information Management course
- seek appropriate approvals for collection, use and disclosure of personal information.

Section E – When your agency is gaining an established function

Step 1 Contact the transferring agency

Once your agency becomes aware that an administrative change is going to occur contact should be made with the transferring agency as soon as possible. Having made contact, both agencies should jointly work through steps 1 to 4 in Section A of this guideline.

Step 2 Arrange for any current official records that are required to be transferred

To ensure continuity of the business function, records of the transferring agency can be identified that are required for immediate use by the receiving agency.

The process of transferring these records should be orderly and planned. Failure to do so may result in the loss of records required to perform your new functions.

Key processes

- Nominate an officer with responsibility for liaison between the agencies.
- Ensure the records of the transferring agency are clearly identified to enable you to perform your new function.

Step 3 Receive and store official records from the transferring agency

At this stage it is important for your agency to plan where the records received from the transferring agency will be stored. This will depend on whether the records are:

- required for immediate use
- required for use in the foreseeable future
- accessed and used infrequently.

It is likely that rarely accessed records (e.g. records held off-site) would not be physically transferred, however, responsibility for the management of these records will be transferred to your agency.

Key processes

- Specify the location and time for the transfer of records.
- Ensure the records received from the transferring agency are clearly identified and checked against a list of required records.

- Plan for appropriate storage of records identified for immediate and short-term use.
- Records identified for infrequent use should be stored off-site. This may involve the use of storage facilities already owned and used by your agency or the use of an ASP.
- There should be formal acknowledgment in writing from the transferring agency that records have been transferred.
- Verify that appropriate approvals have been sought for use and disclosure of personal information and other information protected by copyright, IP, confidentiality, etc.

Step 4 Maintain official records received from the transferring agency in their original form

It is vital that your agency does not integrate records received from the transferring agency into your existing records systems. If this happens your agency will lose contextual information about the transferred records. It will also hamper the effective tracking of the records.

All records transferred need to be ‘closed’ or made read only and new records created. These closed/read only records are referred to as the transferred/migrated records.

Key processes

- Do not combine records received from the transferring agency into the systems or collections of current records of your agency.
- If required, only place copies of records received into your agency’s recordkeeping systems.
- Do not re-title or re-number records received from the transferring agency.
- Do not re-arrange the order of the records received from the transferring agency.
- Ensure the records received from the transferring agency are clearly marked as ‘migrated’ or ‘transferred’ in the control records of your agency.
- If your agency is using an EDRMS ensure the system records the receipt and storage location of the migrated records.

Past inadequate practice

State Records recognises there may have been instances in the past where records have been re-titled, re-numbered and physically combined with records of your agency. In such instances it is vital that your agency establishes a clear record of the link between the original record title and reference number and the new record title and reference number. Failure to do so may make it impossible to retrieve records using their original title or number.

A record of these links can be made in a physical control record, such as a consignment list or file register. They can also be accommodated by the inclusion of this data as an extra field in any spreadsheets or file listings that may be in existence. In addition, most EDRMS’ will have the ability to establish and maintain these sorts of links.

The practice of retitling, renumbering or combining of records must not occur.

Step 5 Seek information from the transferring agency concerning their official records in storage

It is quite possible that your agency may require access to and use of older records relating to the transferred function that has remained in off-site storage. It is essential your agency receive information from the transferring agency concerning the storage of these records. These records may be permanent records held by State Records or temporary records held by an ASP.

Key processes

- Negotiate which permanent or temporary records of the transferring agency in off-site storage are required to complement the current records that you are receiving. This will include consideration of:
    - the range of current records that are received (refer to Section A Step 3)
    - the age of any projects that are being transferred
    - the status of any projects or initiatives that are being transferred.
- Place the lists of series and consignment lists received from the transferring agency on a file created and stored in your agency's official recordkeeping system.
- Determine the access arrangements to records held in storage with the transferring agency and their storage provider.
- Ensure your agency resolves the process and costs for the retrieval of records of the transferring agency held in storage with the storage provider and the transferring agency.

Step 6 Dispose of official records received in accordance with approved disposal schedules

Records, including those transferred from the former agency, can only be disposed of in accordance with approved disposal schedules. The schedules may take the form of operational RDS specific to the records of the agency, or GDS that apply to various agencies. If available, the transferring agency will give your agency copies of the RDS' related to the function transferred to your agency.

Should no disposal schedule exist for the records then one will need to be prepared and approved before any disposal can occur. Your agency should ensure when the records are being transferred that agreement has been reached between the agencies concerning any cost sharing for the development of disposal schedules.

Your agency should contact State Records for advice concerning the development of a disposal schedule and the transfer of permanent records.

Step 7 Update your control records

Once the transfer of records is completed, your agency should ensure that your control records are updated.

Key processes

- Identify the agency from which the records were received on your control records.
- Identify the date of transfer of the records in your control records.
- Register the records received from the transferring agency as ‘migrated’ or ‘transferred’ in your control records and create a new file, which references the respective ‘migrated’ file.
- Place a copy of the signed acknowledgment of transfer of records in the file held in your official recordkeeping system that documents the transfer process due to administrative change.

Step 8 Notify State Records of process conclusion

The receiving agency’s Principal Officer is required to notify the Director, State Records, advising:

- the functions transferred
- the quantity and formats of records transferred
- the date the transfer process concluded.

Quick Reference Checklists

Section A – When your agency is losing a function

Actions to implement	
Step 1	Identify the records to be transferred between agencies
Step 2	Identify any control records that apply to the records in Step 1
Step 3	Identify the scope of the records being transferred
Step 4	List the records to be transferred
Step 5	Provide the new agency with details of your agency's records in off-site storage
Step 6	Provide the new agency with copies of the relevant disposal schedules
Step 7	Contact the new agency and make the records transfer arrangements for current records
Step 8	Transfer records no longer required for off-site storage
Step 9	Update your control records

Section B – The abolition of an agency/function within government

Actions to implement	
Step 1	Notify State Records
Step 2	Identify any control records that apply to the records
Step 3	Dispose of records, including destruction, temporary storage and archiving
Step 4	Notify State Records of process conclusion

Section C – When government is losing a function to an external entity

Actions to implement	
Step 1	Notify State Records
Step 2	Identify the records to be transferred
Step 3	Seek approval from State Records Council
Step 4	Transfer records to external entity as per the TOCS

Section D – When government is undertaking a new function

Actions to implement	
Step 1	Notify State Records
Step 2	Implement recordkeeping governance

Section E – When your agency is gaining an established function

Actions to implement	
Step 1	Contact the transferring agency and discuss your record transfer requirements
Step 2	Arrange for any current records that are required to be transferred
Step 3	Receive and store records from the transferring agency
Step 4	Maintain records received from the transferring agency
Step 5	Ask for information from the transferring agency concerning their records in off-site storage
Step 6	Dispose of records received in accordance with approved and current disposal schedules
Step 7	Update your control records
Step 8	Notify State Records of process conclusion

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Need further assistance?

Contact State Records - Information Governance
Tel (+61 8) 7322 7081
Email StateRecords@sa.gov.au
Web www.archives.sa.gov.au