



## State Records Act 1997

# Operational Records Disposal Schedule

Office of the South Australian Ombudsman  
(Ombudsman SA)

RDS 2012/12 Version 1

Effective Date: 16 April 2013 to 30 June 2023

Approved Date: 16 April 2013

Approved by SRC



Office of the South Australian Ombudsman (Ombudsman SA)

## Table of Contents

<b>Preamble</b> .....	<b>5</b>
Purpose of the Schedule .....	5
Application of the Schedule.....	5
Authorisation by State Records.....	5
State Records' Contact Information .....	5
<b>Disposal of Official Records</b> .....	<b>6</b>
Legislation .....	6
Functions of the Schedule.....	6
Using the Schedule .....	6
Layout .....	7
Retention Period of the Record .....	7
Custody and Transfer of the Record .....	8
Permanent Records .....	8
Temporary Records .....	8
Destruction of Records.....	8
Review .....	9
<b>Context Statement</b> .....	<b>10</b>
Context of the Agency Covered by the Schedule.....	10
Ombudsman SA History and Background.....	10
Ombudsman SA Role and Function.....	11
Ombudsman SA Structure Description .....	12
Predecessor Agencies .....	13
Successor Agencies.....	13
Legislation.....	13
Context of the Records Covered by the Schedule .....	13
Coverage of RDS 2012/12 .....	13
Related Series Affected by RDS 2012/12 .....	13
Complementary Schedules to RDS 2012/12.....	13
Existing Disposal Schedules Superseded by RDS 2012/12.....	14
Records Structure within Ombudsman SA.....	14
Broad Description and Purpose of the Records .....	14
Functions and Activities Documented by the Records .....	14



Office of the South Australian Ombudsman (Ombudsman SA)

Arrangement of the Records ..... 15

Agency Creating the Records ..... 15

Agency Owning or Controlling the Records..... 15

Date Range of the Records..... 15

Volume of the Records..... 15

Special Custody Requirements ..... 15

Special Storage Requirements..... 15

Issues Not Mentioned Previously ..... 16

Comments Regarding Disposal Recommendations..... 16

Permanent Records Rationale ..... 16

Temporary Records Rationale ..... 16

Other Disposal Considerations..... 16

Disposal Recommendation Effect on Related Records..... 16

Alternative Record Formats..... 16

Impact on Native Title Claims..... 16

Indigenous Considerations..... 17

**Scope Note ..... 18**

Records Covered by this Schedule ..... 18

How to Apply this Schedule..... 18

Use in conjunction with GDS ..... 18

Use in conjunction with, or complementary to, other RDS ..... 18

Other RDS superseded by RDS 2012/12..... 18

Re-sentencing of records where schedules are superseded or particular entries within a schedule are superseded ..... 19

Records excluded from RDS 2012/12 ..... 19

Application to records in all formats ..... 19

Interpretation of the Schedule ..... 19

Minimum retention periods..... 19

Acronyms ..... 19

Definitions of terms specific to RDS 2012/12 ..... 19

Legal Deposit ..... 20

Records and Litigation..... 20

Pre-1901 Records ..... 20

**List of Functions and Activities ..... 21**

**Index to Operational Records Disposal Schedule ..... 26**



Office of the South Australian Ombudsman (Ombudsman SA)

© 2013 - 2023 Government of South Australia

This Operational Records Disposal Schedule may be copied for use by South Australian Government Agencies and Local Government Authorities and for reasonable study, research purposes and any use as permitted under the *Copyright Act 1968*. No part of this Operational Records Disposal Schedule may be reproduced or distributed for profit or gain or for any other purpose without the written permission of the Manager [Director] of State Records of South Australia.

The Terms and Scope Notes in the Schedule Body may include terms and relationships that have been taken from *Keyword AAA: A Thesaurus of General Terms* (© State Records Authority of New South Wales, 1995 and 1998), and are reproduced under a licence agreement between State Records of South Australia and the State Records Authority of New South Wales.

Approved by SRC



Office of the South Australian Ombudsman (Ombudsman SA)

## 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 South Australian Ombudsman (Ombudsman SA)

**Approved Date: 16 April 2013**

**Effective Date: 16 April 2013 to 30 June 2023**

### 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

GPO Box 2343  
ADELAIDE  
South Australia 5001  
Email: [StateRecordCouncil@sa.gov.au](mailto:StateRecordCouncil@sa.gov.au)

Ph: +61 8 204 8791  
Fax: +61 8 204 8777  
DX: 467 Adelaide

---

**Chair, State Records Council**

---

**Director, State Records**



Office of the South Australian Ombudsman (Ombudsman SA)

## 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 Ombudsman SA, 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 Ombudsman SA 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](http://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.



Office of the South Australian Ombudsman (Ombudsman SA)

**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.* **COMPLAINT AND INVESTIGATION MANAGEMENT**)
- Activity/Process:** The activities and processes relating to each function are shown in 12 point bold Arial sentence case (*e.g.* **Cases (Investigations)**).
- 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 investigating complaints about administrative actions of State and local government agencies which fall under the Ombudsman’s jurisdiction.**)
  - definitions of activities are located adjacent to the activity title in italics *e.g.* *Cases relating to investigations made by the Ombudsman. Activities documented in these files include investigations, resolutions and recommendations.*
  - 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 Ombudsman SA. 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.



## Office of the South Australian Ombudsman (Ombudsman SA)

Retention periods set down in the Schedule are minimum ones and Ombudsman SA may extend the retention period of the record if it considers there is an administrative need to do so. Where Ombudsman SA 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)*. Ombudsman SA needs to comply with these policy documents - available from State Records' website ([www.archives.sa.gov.au](http://www.archives.sa.gov.au)).

The custody of official records on networks or hard drives is also the responsibility of agencies. Ombudsman SA 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 Records

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





Office of the South Australian Ombudsman (Ombudsman SA)

- ***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.

When official records, in Ombudsman SA's custody or housed in secondary storage, are due to be destroyed in accordance with the provisions of this or other disposal determinations, State Records is required to be notified via an Intention to Destroy Records Report. This form is available on the State Records' website ([www.archives.sa.gov.au](http://www.archives.sa.gov.au)).

Ombudsman SA 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.

Ombudsman SA 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 Ombudsman SA 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 South Australian Ombudsman (Ombudsman SA)

## Context Statement

### Context of the Agency Covered by the Schedule

#### Ombudsman SA History and Background

As part of a growing movement throughout the English speaking world in the 1970s, the South Australian Government decided to establish an Office of the Ombudsman and introduced legislation into the South Australian Parliament. Prior to the establishment of the Ombudsman if the public had issues or concerns with a government Agency, they only had the ability to appeal directly to that agency or the Minister.

After consideration and amendment, the Ombudsman Act was passed on 23 November 1972 and proclaimed on 14 December 1972, and the Office of the South Australian Ombudsman (hereafter 'Ombudsman SA') was opened to receive complaints.

The Ombudsman Act did not initially provide the Ombudsman with jurisdiction in respect of local government councils but these were brought within jurisdiction in 1975.

Whilst the Ombudsman commenced with only one Act of Parliament providing guidance, the addition of several other areas of jurisdiction to the Ombudsman's work now sees four separate Acts giving the Ombudsman particular roles.

The Ombudsman Act remains the principal legislation, but in 1992 the proclamation of the Freedom of Information (FOI) Act and the Local Government (Freedom of Information) Amendment Act gave the Ombudsman the role of external reviewer of decisions regarding access to information. The local government FOI provisions have now been incorporated directly into the FOI Act and removed from the Local Government Act.

The *Whistleblowers Protection Act 1993* gave the Ombudsman the role of receiving 'public interest information' described under that Act.

In investigations, the Ombudsman is able to exercise powers of a Royal Commission under the *Royal Commissions Act 1917*.

Between 2003 and 2010, there were amendments to the *Local Government Act 1999* which gave the Ombudsman a role in investigating or reviewing:

- conflicts of interest in local government
- council decisions and practices excluding members of the public from council meetings, or preventing access to council meeting documents and
- council decisions and practices in relation to rating.

In the first full year of the Ombudsman's operation, the Office received 726 complaints against bodies within the Ombudsman's jurisdiction. In 2011/12 the Ombudsman's Office



Office of the South Australian Ombudsman (Ombudsman SA)

received 3,448 complaints and conducted 111 reviews under the Freedom of Information legislation.

The first Ombudsman was Mr Gordon Coombe, a former officer of the Parliament. Mr Coombe remained Ombudsman until his retirement in January 1980. The table below shows the Ombudsmen and Acting Ombudsmen from this period until today.

Ombudsman	Name	Duration
First	Mr Gordon Coombe	1972 - January 1980
Acting	Mr LWA Myers	January - July 1980
Second	Mr Robert Bakewell	1 July 1980 - 31 March 1985
Third	Ms Mary Beasley	1 April 1985 – October 1985
Acting	Mr Eugene Biganovsky	24 October 1985 – February 1986
Fourth	Mr Eugene Biganovsky	February 1986 – 22 June 2007
Acting	Ms Suzanne Carman	23 June 2007 – 12 September 2007
Acting	Mr Ken MacPherson	13 September 2007 – 31 May 2009
Fifth	Mr Richard Bingham	1 June 2009 - Present

In December 2012 the South Australian Parliament passed an Act to create the Office of the Independent Commissioner Against Corruption (ICAC). The Act has not yet been proclaimed, but this is expected shortly.

It is intended that the primary object of the ICAC be to investigate serious or systematic corruption.

Ombudsman SA will be working closely with the ICAC and the Office for Public Integrity (OPI) to ensure a seamless handling of complaints about public administration, misconduct and corruption.

While there will be changes to the *Ombudsman Act 1972*, and some new powers made available to the Ombudsman, there will be no practical change in the way complaints from members of the public are assessed, investigated and reported by Ombudsman SA.<sup>1</sup>

**Ombudsman SA Role and Function**

The *Ombudsman Act 1972* gives the Ombudsman extensive powers to investigate complaints. The Ombudsman or, by delegation, staff of Ombudsman SA may:

---

<sup>1</sup> Agency Website: <http://www.ombudsman.sa.gov.au> – Accessed on 17 March 2013 and Government Agency (GA) 211 Office of the South Australian Ombudsman (Ombudsman SA).



## Office of the South Australian Ombudsman (Ombudsman SA)

- determine the procedure to be used in an investigation (section 18)
- access information held by an agency (sections 20 and 22)
- enter and inspect any item on the premises of an agency (section 23).

In addition to these powers to obtain information, the Ombudsman has all of the powers of a Royal Commission and hence can summons any person to attend, to provide any document and to give evidence on oath or affirmation (section 19 of the Ombudsman Act, and the *Royal Commissions Act 1917*).

A specific power under the Ombudsman Act (section 19A) allows the Ombudsman, in certain circumstances, to direct an agency to refrain from performing an action for up to 45 days to allow the Ombudsman to undertake an investigation.

Upon completion of an investigation, the Ombudsman can make recommendations for remedial action and if those recommendations are not complied with by an agency, he can report this to the Minister, the Premier and the Parliament.

The final power which the Ombudsman has is to cause a report of an investigation to be published in a form which he determines. This may include a release of the report to the media or publication to the complainant or any other party, if the Ombudsman considers this to be in the public interest.

Ombudsman SA reviews government agency decision-making about Freedom of Information and promotes fairness, transparency and good public administration in South Australia.

Ombudsman SA provides free and impartial advice and timely resolution of complaints about the administrative actions of a state government agency, authority or local government council.<sup>2</sup>

### **Ombudsman SA Structure Description**

Reporting to the Ombudsman is the Deputy Ombudsman who is responsible for the day to day management of the office.

Investigating Officers deal with complex complaints and Assessment Officers address the more straightforward complaints.

A legal unit provides advice and prepares determinations under the Freedom of Information legislation.

The office has an Office Manager and a Clerical Officer who provide support for the whole office.

---

<sup>2</sup> Agency Website: <http://www.ombudsman.sa.gov.au> – Accessed on 17 March 2013.



## Office of the South Australian Ombudsman (Ombudsman SA)

Although Ombudsman SA is independent, it is funded by an allocation from the State Budget through the Attorney General's Department.<sup>3</sup>

A copy of the current organisational chart of Ombudsman SA is provided as an attachment (Attachment 1).

### **Predecessor Agencies**

There are no predecessor agencies.

### **Successor Agencies**

There are no successor agencies.

### **Legislation**

- *Ombudsman Act 1972*
- *Freedom of Information Act 1991*
- *Local Government Act 1999*
- *Royal Commissions Act 1917*
- *Whistleblowers Protection Act 1993.*

## **Context of the Records Covered by the Schedule**

### **Coverage of RDS 2012/12**

This RDS applies to all operational records created within Ombudsman SA.

This RDS also applies to the following Government Record Series (GRS) that have previously been transferred to the custody of State Records:

- GRS 495 – Complaint files – Office of the Ombudsman
- GRS 5100 – Index to complaint files – Office of the Ombudsman
- GRS 536 – Administrative files, single number with year suffix – Office of the Ombudsman.

### **Related Series Affected by RDS 2012/12**

There are no related series affected by this RDS.

### **Complementary Schedules to RDS 2012/12**

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

---

<sup>3</sup> Agency Website: <http://www.ombudsman.sa.gov.au> on 16 July 2012



Office of the South Australian Ombudsman (Ombudsman SA)

**Existing Disposal Schedules Superseded by RDS 2012/12**

RDS 2012/12 supersedes the following RDS:

- RDS 2001/10 for the South Australian Ombudsman (approved by the State Records Council on 11 February 2002).

**Records Structure within Ombudsman SA**

Since 15 March 2010, Ombudsman SA utilises a centralised electronic and hard copy records structure. Records are captured within an electronic database 'Resolve'. While this system was implemented on 15 March 2010, it also captures historical records from legacy systems 'RAEMOC' (November 2000 – March 2010) and 'Register' (prior to November 2000).

An historical version of 'Resolve' was created to cover duplicate historical records previously captured within 'RAEMOC' and 'Register'. Ongoing records were migrated to the new 'Resolve' system.

The Attorney General's Department is the owner of 'Resolve' and subsequently has overall responsibility for the system, including the maintenance and contractual management/service level agreement of 'Resolve' on behalf of Ombudsman SA.

Hard copy files are created and stored by annual single number in accordance with the file structure existing within the 'Resolve' system. Since the introduction of 'Resolve' in 2010, however, the electronic file is treated as the master/primary record on the basis that this contains some information which is not also captured in the equivalent hard copy file.

**Broad Description and Purpose of the Records**

The records are a combination of corporate files documenting complaint and investigation management which are created and managed as case files.

Enquiries are initially captured into the system as an 'approach' and then may either be escalated and managed as a complaints case file or referred to the relevant agency if not relating to the business of Ombudsman SA. These are managed on a complaint by complaint basis.

Advice from Ombudsman SA is created and managed collectively rather than as individual cases.

**Functions and Activities Documented by the Records**

The records document the function of 'Complaint and Investigation Management'.

Activities supporting this function include:

- Approach
- Cases (Complaints)



Office of the South Australian Ombudsman (Ombudsman SA)

- Cases (FOI Reviews)
- Cases (Investigations)
- Control
- Policy and
- Procedures.

**Arrangement of the Records**

Capture, storage and disposal of hard copy records is managed in the 'Resolve' system with file creation capability. Files are created and stored by annual single number (YY/XXXX), e.g. 12/XXXX.

Previously, records have been captured in various formats and then sent to State Records for permanent retention. These formats include:

- GRS 495 – Complaint Files, a variable alpha prefix was used for a time
- GRS 536 – Administrative Files, a single running number with year prefix was used
- GRS 5100 – Index to complaint files, alphabetical by complainants' name.

**Agency Creating the Records**

Ombudsman SA administers the records covered by this RDS and also created them.

**Agency Owning or Controlling the Records**

Ombudsman SA controls or owns the records covered by this RDS.

**Date Range of the Records**

Records Date Range: 1972 to Ongoing

**Volume of the Records**

There are currently 34 linear metres of records stored on-site, 149 linear metres of records stored at an off-site storage facility, and 7.92 linear metres of records stored at State Records, totalling 190.92 linear metres.

The annual accumulation rate for records is approximately 14 linear metres per annum.

**Special Custody Requirements**

There are no special custody requirements.

**Special Storage Requirements**

There are no special storage requirements.



Office of the South Australian Ombudsman (Ombudsman SA)

### Issues Not Mentioned Previously

There are no issues that have not already been mentioned.

## Comments Regarding Disposal Recommendations

### Permanent Records Rationale

Records nominated for permanent retention in the Schedule document substantive processes and outcomes of business functions and activities undertaken by Ombudsman SA. These records meet the criteria for ongoing value as set out in the *Appraisal of Official Records: Policy and Objectives Guideline*.

Records contained within this schedule that fit the description of a Permanent record include items 1.1.1, 1.3.1, 1.3.2, 1.3.3, 1.4.1, 1.4.2, 1.5.1, 1.6.1 and 1.7.1.

### Temporary Records Rationale

Records nominated for temporary status in this Schedule document routine processes and/or transactions that support the activities documented in the permanent records.

Temporary records retention periods and associated rationale is as follows:

- 10 years - this is considered adequate in the event of litigation or appeals and covers:
  - Investigations and FOI Reviews (items 1.2.1, 1.3.4 and 1.4.3)
  - General and routine advice (item 1.1.2).
- 5 years - this is consistent with similar disposal classes in GDS15 and covers:
  - Supplementary policy records, including working papers (items 1.6.2, 1.7.2)
  - Routine enquiries not relating to operational business (item 1.1.3).

### 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

There are no alternative record formats.

### Impact on Native Title Claims

There is no discernible relevance to Native Title Claims.





Office of the South Australian Ombudsman (Ombudsman SA)

## Indigenous Considerations

The determinations within RDS 2012/12 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 2012/12 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



Office of the South Australian Ombudsman (Ombudsman SA)

## Scope Note

### Records Covered by this Schedule

This RDS applies to all operational records created within Ombudsman SA.

This RDS also applies to the following Government Record Series (GRS) that have previously been transferred to the custody of State Records:

- GRS 495 – Complaint files – Office of the Ombudsman;
- GRS 5100 – Index to complaint files – Office of the Ombudsman;
- GRS 536 – Administrative files, single number with year suffix – Office of the Ombudsman.

### How to Apply this Schedule

#### Use in conjunction with GDS

This Schedule should be used in conjunction with **GDS 15**, as amended, or its successor. Cross-references to the **GDS 15** 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 2012/12

- RDS 2001/10 for the South Australian Ombudsman (approved by the State Records Council on 11 February 2002).



Office of the South Australian Ombudsman (Ombudsman SA)

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

Ombudsman SA will review and re-sentence the records whose retention periods have altered.

In relation to GRS 495 some of these records have already been destroyed in accordance with the previous RDS 2001/10.

**Records excluded from RDS 2012/12**

There are no records excluded from cover by this RDS.

**Application to records in all formats**

RDS 2012/12 applies to records in all formats, including databases and other electronic records. Ombudsman SA is 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 2012/12 are minimum retention periods for which records need to be retained. It is at the discretion of Ombudsman SA as to whether records are kept for longer than the minimum period.

**Acronyms**

- FOI – Freedom of Information
- ICAC – Independent Commissioner Against Corruption
- OPI – Office for Public Integrity

**Definitions of terms specific to RDS 2012/12**

- **Complaint** - Assessment of complaints received from the public is made by Ombudsman SA to determine whether the complaint falls within the jurisdiction of Ombudsman SA and/or whether the complaint warrants investigation by Ombudsman SA or whether the complaint should be referred to another organisation.
- **Investigation** – Investigations are conducted by Ombudsman SA in relation to complaints received from the public. This involves activities such as enquiries with relevant persons and organisations, obtaining relevant information and interviewing witnesses.
- **Ombudsman** – An independent statutory officer who investigates public administration.
- **Resolve** – is a management system which is utilised as the records management system. Resolve stores documents, generates the file numbers, classifies files, captures and maintains electronic records, and creates workflows for the handling of complaints.



Office of the South Australian Ombudsman (Ombudsman SA)

- **Section 17(2)(d) of the *Ombudsman Act 1972*** - The Ombudsman may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if of the opinion— that having regard to all the circumstances of the case, the investigation or the continuance of the investigation of the matter raised in the complaint, is unnecessary or unjustifiable.

## 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 Ombudsman SA 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.



Office of the South Australian Ombudsman (Ombudsman SA)

### List of Functions and Activities

**COMPLAINTS AND INVESTIGATION MANAGEMENT .....22**

- Approach.....22
- Cases (Complaints) .....22
- Cases (FOI Reviews) .....23
- Cases (Investigations) .....24
- Control .....24
- Policy .....25
- Procedures.....25

Approved by SRC



Office of the South Australian Ombudsman (Ombudsman SA)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
<b>1 COMPLAINTS AND INVESTIGATION MANAGEMENT</b>			
<b>1</b>	<b>COMPLAINTS AND INVESTIGATION MANAGEMENT</b>	<b>The function of investigating complaints about administrative actions of State and local government agencies which fall under the Ombudsman’s jurisdiction. Includes investigations relating to administrative audits and Freedom of Information requests.</b>	
<b>1.1</b>	<b>Approach</b>	<i>The activities associated with the handling of requests for information about the organisation and its services by the general public or another organisation. Includes requests which result in referral of a complainant to another complaint handling body.  For advice concerning a specific case SEE 1.2 Cases (Complaints).</i>	
1.1.1	Approach	Records relating to the management of an enquiry which results in a reversal of a decision, or changes to operational policy and/or procedures.	<b>PERMANENT</b>
1.1.2	Approach	Records relating to general advice to the public and government agencies concerning matters of complaints and investigation management, policy, processes and operations.	<b>TEMPORARY</b> Destroy 10 years after action completed
1.1.3	Approach	Records relating to the management of enquiries resulting in a routine or form letter response. Includes enquiries referred to another agency for response.	<b>TEMPORARY</b> Destroy 5 years after action completed
<b>1.2</b>	<b>Cases (Complaints)</b>	<i>Client cases relating to a complaint received by the Ombudsman. Activities documented in case files include complaint assessment and requests for information. For complaints that progress to Investigations SEE 1.4 Cases (Investigations).</i>	



Office of the South Australian Ombudsman (Ombudsman SA)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
<b>1 COMPLAINTS AND INVESTIGATION MANAGEMENT</b>			
1.2.1	Cases (Complaints)	Case files relating to complaints received by the Ombudsman that do <b>not</b> progress to investigation, e.g. complaints that fall under Section 17(2)(d) of the Act. Records include reports, conclusions and advice concerning the case.	<b>TEMPORARY</b> Destroy 10 years after action completed If in digital form maintain and reformat as required for administrative purposes.
<b>1.3</b>	<b>Cases (FOI Reviews)</b>	<i>Cases relating to reviews of Freedom of Information Requests. Activities documented in case files include investigations, resolutions and recommendations.</i>	
1.3.1	Cases (FOI Reviews)	Case files of FOI Reviews that generate significant public interest or controversy. Includes investigations into major or strategic Government initiatives and matters where a formal report has resulted, e.g. Public submissions to the draft 30-Year Plan for Greater Adelaide Report. Records include investigations, reports, resolutions and recommendations.	<b>PERMANENT</b> If in digital form actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
1.3.2	Cases (FOI Reviews)	Case files documenting complaints relative to a person of Aboriginal or Torres Strait Island extraction or relating to separation of a child from its family (where able to be identified).	<b>PERMANENT</b> If in digital form actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes



Office of the South Australian Ombudsman (Ombudsman SA)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
<b>1 COMPLAINTS AND INVESTIGATION MANAGEMENT</b>			
1.3.3	Cases (FOI Reviews)	Case files of FOI Reviews where the Ombudsman's determination has been appealed to a Court.	<b>PERMANENT</b> If in digital form actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
1.3.4	Cases (FOI Reviews)	Case files of FOI Reviews other than those dealt with in items 1.3.1-1.3.3 above.	<b>TEMPORARY</b> Destroy 10 years after action completed If in digital form maintain and reformat as required for administrative purposes.
<b>1.4</b>	<b>Cases (Investigations)</b>	<i>Cases relating to investigations made by the Ombudsman. Activities documented in these files include investigations, resolutions and recommendations.</i>	
1.4.1	Cases (Investigations)	Case files that result in investigations of an agency. Records include investigations, reports, resolutions and recommendations.	<b>PERMANENT</b> If in digital form actively manage and migrate to ensure ongoing accessibility for evidentiary and/or historical purposes
<b>1.5</b>	<b>Control</b>	<i>The activities associated with creating, maintaining and evaluating control mechanisms. Includes classification, indexing, registration, forms design etc. to ensure maximum control over records and recordkeeping systems. Also includes control mechanisms for other information resources and systems.</i>	





Office of the South Australian Ombudsman (Ombudsman SA)

Item No.	FUNCTION Activity / Process	Description / Disposal Class	Disposal Action
<b>1 COMPLAINTS AND INVESTIGATION MANAGEMENT</b>			
1.5.1	Control	Master records relating to central control of the agency's recordkeeping systems. Includes registers and indexes giving details of control numbers, titles, record abstracts, date ranges, records transferred to archives, destruction dates, etc.	<b>PERMANENT</b>
<b>1.6</b>	<b>Policy</b>	<i>The activities associated with developing and establishing decisions, directions and precedents that act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.</i> (Keyword AAA)	
1.6.1	Policy	Records relating to the formulation, determination and implementation of Complaint and Investigation Management policies. Includes master copy of proposals adopted, consultation papers, final reports and master copy of policies.	<b>PERMANENT</b>
1.6.2	Policy	Supplementary records relating to Complaint and Investigation Management policies. Includes working papers.	<b>TEMPORARY</b> Destroy 5 years after action completed
<b>1.7</b>	<b>Procedures</b>	<i>Standard methods of operating laid down by an organisation according to formulated policy.</i> (Keyword AAA)	
1.7.1	Procedures	Records relating to the development and implementation of procedures, instructions or other information relating to Complaint and Investigation Management procedures. Includes a master copy of procedures and instructions.	<b>PERMANENT</b>
1.7.2	Procedures	Facilitative records relating to the development and implementation of Complaint and Investigation Management operational procedures.	<b>TEMPORARY</b> Destroy 5 years after action completed



Office of the South Australian Ombudsman (Ombudsman SA)

## Index to Operational Records Disposal Schedule

### **-A-**

Approach, COMPLAINTS AND INVESTIGATION MANAGEMENT .....22

### **-C-**

Cases (Complaints), COMPLAINTS AND INVESTIGATION MANAGEMENT....23

Cases (FOI Reviews), COMPLAINTS AND INVESTIGATION MANAGEMENT .24

Cases (Investigations), COMPLAINTS AND INVESTIGATION MANAGEMENT 25

COMPLAINTS AND INVESTIGATION MANAGEMENT .....22

COMPLAINTS AND INVESTIGATION MANAGEMENT, Approach.....22

COMPLAINTS AND INVESTIGATION MANAGEMENT, Cases (Complaints)....23

COMPLAINTS AND INVESTIGATION MANAGEMENT, Cases (FOI Reviews) .24

COMPLAINTS AND INVESTIGATION MANAGEMENT, Cases (Investigations)25

COMPLAINTS AND INVESTIGATION MANAGEMENT, Control.....26

COMPLAINTS AND INVESTIGATION MANAGEMENT, Policy .....27

COMPLAINTS AND INVESTIGATION MANAGEMENT, Procedures.....27

Control, COMPLAINTS AND INVESTIGATION MANAGEMENT .....26

### **-P-**

Policy, COMPLAINTS AND INVESTIGATION MANAGEMENT .....27

Procedures, COMPLAINTS AND INVESTIGATION MANAGEMENT .....27