

Archives Management Standard

**Public Access to Government Archives in
the Custody of the NT Archives Service**

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This standard is issued in pursuance of
Section 137 of the *Information Act*.

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DEFINITIONS

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| Appraisal | The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept to meet business needs, to maintain organisational accountability and community expectations. |
| Archive | A record of permanent value that forms part of the Territory Archives. ¹ |
| Disposal | A range of processes associated with implementing authorised decisions about records retention, destruction, rearrangement, migration or transfer of custody or ownership. |
| Disposal schedule | A formal policy, authorised jointly by the Chief Executive of an NT Government public sector organisation and the NT Archives Service, that defines the temporary or permanent status, retention period and consequent disposal actions authorised for classes of records. |
| Open access period | The period during which the public can routinely access government archives held in the custody of the NT Archives Service. The open access period begins after the end of the restricted access period. |
| Permanent records | Records of permanent value which are in the custody of a public sector organisation. When permanent records are transferred into the custody of the NT Archives Service, they are considered an archive and form part of the Territory Archives (see <i>Archive and Territory Archives</i>). |
| Public sector organisation | An agency as defined in s.5 of the <i>Information Act</i> . |
| Record | Recorded information in any form (including data in a computer system) that is required to be kept by a public sector organisation as evidence of the activities or operations of the organisation, and includes part of a record and a copy of a record. |
| Responsible public sector organisation | Public sector organisation (as defined above) that is responsible for the function to which the record or archive relates. |
| Restricted access period | The period during which decisions on access to government archives held in the custody of the NT Archives Service are made by the public sector organisation responsible for the archives (s.144 of the <i>Information Act</i>). |
| Series | Those records or archives having the same provenance which belong together because: <ul style="list-style-type: none">▪ they are part of a discernible filing system (alphabetical, numerical, chronological, or a combination of these);▪ they have been kept together because they result from the same activity, or▪ they are of similar formats and relate to a particular function. A series may consist of only one item. ² |
| Territory Archives | Records held on behalf of the Territory by the archives service. ³ |

¹. s. 4 *Information Act*

². Judith Ellis (ed.) *Keeping Archives 2nd Edition*, (Australian Society of Archivists and DW Thorpe, Melbourne 1993), p.479

³. s. 4 *Information Act*

ABOUT THIS STANDARD

Purpose

The purpose of this standard, established in pursuance of the *Information Act*, is to define policies and compliance requirements for public access to government archives in the custody of the NT Archives Service.

Scope

Application of this standard is mandatory for all NT Government public sector organisations, including NT Government departments or agencies, NT Government statutory bodies, NT Government business divisions, NT Government owned corporations and NT local government authorities.

This standard applies to all NT Government records in all formats, including electronic records and records in business systems, copies of records and parts of records.

Regulatory Framework

This standard complies with the provisions of the *Information Act*.

The NT Archives Service endorses the Australian Standard *AS ISO 15489: 2002—Records Management*.

Related Documents

This standard is to be read in conjunction with:

- ▶ the complete set of NT Government Archives Management Standards and Advices

- ▶ NT Government Records Management Standards
- ▶ policies and procedures of individual organisations
- ▶ access agreements for government archives which are the responsibility of the public sector organisation
- ▶ series consignment lists for archives series in the custody of the NT Archives Service which are the responsibility of the public sector organisation.

Responsibility

The NT Archives Service is responsible for establishing this standard including the provision of advice and training, and for monitoring NT public sector organisation compliance.

Implementation of this standard is the responsibility of the Chief Executive of each NT Government public sector organisation.

Authority

This standard was approved by the Minister for Corporate and Information Services on 1 August 2007 and is effective immediately.

This standard has been endorsed by the NT Information Commissioner.

Acknowledgments

The NT Archives Service acknowledges other government archives and records authorities which have had significant influence on the

establishment of the NT Government Archives

Management Standards:

- ▶ National Archives of Australia
- ▶ Archives Office of Tasmania
- ▶ Public Record Office of Victoria
- ▶ Queensland State Archives
- ▶ State Records of New South Wales
- ▶ State Records Commission of Western
Australia
- ▶ State Records of South Australia
- ▶ ACT Government Territory Records Office.

POLICY STATEMENT

Public sector organisations must manage public access to archives which are their responsibility (see s.142 and s.144 of the *Information Act*).

EXPLANATION

Archives are records that have permanent or continuing value for the organisation that created them, the NT Government as a whole and for the community.

The *Information Act* provides for the transfer of permanent records to the NT Archives Service, where they become part of the Territory Archives. Territory Archives are preserved for their value to the government and the community (see *Archives Management Standard: Transfer of Archives*).

The NT Archives Service manages and preserves Territory Archives in accordance with recognised professional standards and the *Information Act* to ensure their accessibility for use by the responsible public sector organisation and eventual public access.

Public access to Territory Archives is managed in accordance with s.142 of the *Information Act*. All government records transferred to the custody of the NT Archives Service for inclusion in the Territory Archives must be made available for public access eventually.

The **open access period** is the period during which the public can routinely access the government archives. (See *Archives Advice 2:*

Implementation of Open Access for Government Archives in the Custody of the NT Archives Service)

Public access to government archives is restricted prior to the open access period. The **restricted access period** is 30 years, unless it is in the public interest for the archives to be restricted for 45 years (s.142). Extensions may be granted if it is in the public interest, but all government archives must be available after 100 years (s.142 (4)).

Access Agreements defining the restricted access period for each archives series are negotiated by the responsible public sector organisation and the NT Archives Service at the time the records are transferred into the custody of the NT Archives Service. (See *Archives Advice 1: Access Agreements for Government Archives*, and *Archives Advice 3: Recommended Restricted Access Periods for Government Archives*)

During the restricted access period, if the archives have been specifically identified in the custody of the NT Archives Service, an application for access may be made to the responsible public sector organisation through the NT Archives Service (See *Archives Advice 4: Public Access to Government Archives in the Restricted Access Period*).

Individuals may also request access through Part 3 (Access and Correction Rights) of the *Information Act*. Further information about Access to Government Information can be found on the website of the Office of the

Information Commissioner
(www.infocomm.nt.gov.au).

Public sector organisations must have procedures in place for managing and responding to requests for public access to archives series which are in the restricted access period.

COMPLIANCE CHECKLIST

NT Government public sector organisations need to satisfy the following requirements to comply with this standard.

- Maintain a complete set of archives series lists for all archives in the custody of the NT Archives Service which are the responsibility of the organisation.
- Review archives series prior to transfer to the NT Archives Service to determine the appropriate restricted access period for the archives.
- Negotiate Access Agreements for all archives series transferred to the NT Archives Service with due consideration to the public interest.
- Maintain Access Agreements for all archives series in the custody of the NT Archives Service which are the responsibility of the organisation.
- Review Access Agreements for archives series in the custody of the NT Archives Service prior to the expiry of the restricted access period to determine any requirements for applications for extensions.
- Identify a position within the organisation which is responsible for handling requests for public access within the restricted access period, and provide contact details to the NT Archives Service.
- Establish and maintain a procedure for the management and prompt response to requests for public access to archives series in the restricted access period in the custody of the NT Archives Service.
- Maintain records of access decisions for applications for access to archives series which are in the restricted access period in the custody of the NT Archives Service.
- Upon transfer of administrative functions to another public sector organisation, transfer a copy of the records of access decisions to the inheriting organisation.

APPENDIX A – EXCERPTS FROM INFORMATION ACT

Information Act

s. 6. (2) At any time, a public sector organisation is taken to hold government information that has been transferred to the archives service under Part 9, Division 4 (Managing archives) but is not yet available to the public under that Division if the organisation is responsible at that time for the function to which the records relates.

s. 142. (1) At the time a public sector organisation transfers a record to the archives service for inclusion in the Territory Archives, the archives services must (in consultation with the responsible chief executive officer) determine the open access period for the record while it is an archives.

(2) The open access period for a record while it is an archives is the period that begins-

(a) 30 years after the record was created; or

(b) if it is in the public interest – 45 years after the record was created

(3) The archives service may, if requested by the responsible chief executive officer and it is in the public interest, extend the period that is required to expire before an archives is in the open access period for one or more further periods, each of which must not exceed 10 years.

(4) The period that is required to expire before an archives is in the open access period (including all extensions of that period under subsection (3)) is not to exceed 100 years.

(5) In this section-

“responsible chief executive officer” in relation to a record or an archives at any time, means the chief executive office of the public sector organisation that is responsible at that time for the function to which the record or archive relates.

