



## **Records disposal schedule**

# **Records Disposal Schedule Anti-Discrimination Services Northern Territory Anti-Discrimination Commission**

**Disposal Schedule No. 2015/12**

**August 2015**

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## Preamble

### Introduction

The *Information Act* states that public sector organisations must safeguard their records and must not delete or otherwise dispose of a record unless authorised to do so<sup>1</sup>. Disposal of records is permitted through the use of records disposal schedules and enable regular, planned and authorised disposal of records controlled by an agency.

Records retention decisions are based on:

- the current and future business needs of the organisation
- compliance with legal and governance requirements of the organisation
- the current and future needs of internal and external stakeholders, including the wider community.

Records disposal schedules provide continuing authorisation for the legal disposal of records and are authorised by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

Records disposal schedules apply to records created and maintained in any format, including electronic records, records in business systems, and parts of records.

In the Northern Territory government there are two types of records disposal schedules:

- [General records disposal schedules](#) that apply to records common to most or all NT Government public sector organisations, and
- Functional records disposal schedules that apply to records specific to an NT Government public sector organisation or function.

Functional records disposal schedules should be used in conjunction with general records disposal schedules.

## Structure of a Records Disposal Schedule

Records disposal schedules set out minimum requirements for the creation, maintenance, retention or destruction actions to be taken in relation to existing or future records described in each class. Records disposal schedules specify

- (a) whether a class of record has temporary or permanent status;
- (b) the retention period for a temporary class of record;
- (c) authorised disposal actions for a class of record.<sup>2</sup>

Each class of records created by an agency is described using classifications based on business analysis.

Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

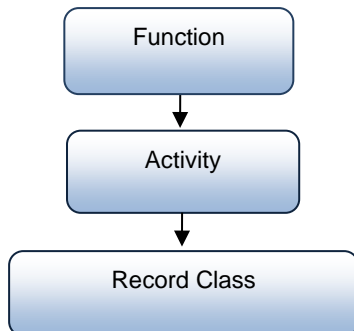
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<sup>1</sup> S.145 *Information Act*

<sup>2</sup> S.136A(3) *Information Act*

Within the schedule, functions are documented as the highest level terms and business activities under the functions, followed by record classes, as shown in diagram 1.

Diagram 1



## Function

The function or keyword is the highest level in the classification scheme in this disposal schedule. The function is indicated at the start of each section and a description (scope note) provided.

## Activity

Activities are the processes or operations that make up the business function. This is the second level in the classification scheme in this disposal schedule. The description (scope note) provides details of the transactions that take place in relation to the activity, for example, REPORTING or POLICY.

## Record Class

A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. The descriptions can relate to one record (such as a register) or a group of records documenting a particular set of business transactions.

## Status and Disposal Action

The appraisal status of a record class is assigned as either permanent or temporary.

**Permanent Records:** Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service for their preservation and eventual public access.

The retention period for permanent records is the maximum period before the records must be transferred to the NT Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act, unless exemption has been granted (see *Archives Management Standards Transfer of Archives, and Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service*). An Application to Transfer Records form must be submitted to the NT Archives Service before records will be accepted for transfer.

**Temporary records:** The retention period for temporary records is the minimum period before the records can legally be destroyed. The retention period is calculated after an event or a disposal trigger such as 'date of action completed', 'date of audit' or 'date of birth'.

Destruction should be done following consultation with relevant operational business employees responsible for the records

Retention periods for temporary records in a records disposal schedule are minimum periods only and agencies may keep records for a longer period if considered necessary for business requirements.

Reasons for longer retention could include,

- administrative need or agency directives,
- legal requirements such as current or pending legal action,
- relevance to an investigation or inquiry which is in progress,
- is subject to an Information Access application, or
- subject to a disposal freeze.

Records created prior to 1 July 1978 must not be disposed of without the authorisation of the NT Archives Service in accordance with Archives Management Standard Records Created Prior to 1978, unless specified in a schedule.

Sentence records with this records disposal schedule using the following five steps:

1. Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
2. Identify the disposal class.
3. From the disposal action in the class, identify the trigger event and a date when the record can be disposed of, alternately, identify that the record is to be retained permanently as archives.
4. If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
5. If the trigger event has not occurred (e.g. the record is still in active use), set a review date for the future.

## About this Records Disposal Schedule

### Purpose

The purpose of this Records Disposal Schedule is to enable regular, planned and authorised disposal of records of Anti-Discrimination Services of the Northern Territory Anti-Discrimination Commission.

### Scope

Application of this Records Disposal Schedule is mandatory for Anti-Discrimination Services records of the Northern Territory Anti-Discrimination Commission.

This Records Disposal Schedule applies to anti-discrimination services records in all formats.

### Responsibility

The Commissioner of the Northern Territory Anti-Discrimination Commission is responsible for the content and implementation of this Records Disposal Schedule including the provision of advice and training, and for monitoring compliance.

### Authority

This Records Disposal Schedule is authorised in accordance with S. 136B of the *Information Act*.

Disposal Schedule No. 2015/12 was approved by the Director of the NT Archives Service (The Archives Service), Senior Director of ICT Policy and Governance (The Records Service), and the Commissioner of the Northern Territory Anti-Discrimination Commission on 24 August 2015 and is effective immediately.

### Regulatory Framework

The regulatory basis for this Records Disposal Schedule is defined in:

- *Anti-Discrimination Act*
- *Anti-Discrimination Regulations*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:2002-Records Management

### Related Documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the Northern Territory Anti-Discrimination Commission
- current authorised disposal schedules for Northern Territory Anti-Discrimination Commission.

## **Normal Administrative Practice**

Public sector organisations are permitted to dispose of some short term or ephemeral documents under the authority of the Disposal Schedule for Short Term Value Records. These include:

- duplicate (eg information or reference copy)
- obviously unimportant (e.g. telephone message slips)
- of short term facilitative value (e.g. compliment slips)
- a combination of these

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the Disposal Schedule for Short Term Value Records unless the class of records has been identified in a specific disposal schedule.

## **Notification of Destruction**

Provide formal notification of destruction of all records to the NT Records Service.

Note: In the case of the Disposal Schedule for Records of Short Term Value (Disposal Schedule No. 2003/10), notification is only required for the destruction of records described in Disposal Class No. 1.10.1.

## **Acknowledgement**

The NT Archives Service and the NT Records Service acknowledge that material produced by National Archives of Australia, State Records Authority of New South Wales, State Records of South Australia, Public Records Office of Victoria, Territory Records Office and Standards Australia was used in the development of this schedule.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission of the NT Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, NT Archives Service. The terms in the business classification scheme are based on the Keyword AAA: A Thesaurus of General Terms (Government of New South Wales, 1998), and are produced under a licence agreement between the NT Archives Service and the State Records Authority of New South Wales.



<b>Compliance Checklist</b>			
<input type="checkbox"/>	Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records	<input type="checkbox"/>	Stop applying sentences from previous schedules that have been revoked or amended
<input type="checkbox"/>	Assign responsibility for the management and application of regular records disposal action using authorised records disposal schedules, to an appropriately skilled records manager who consults with the NT Archives Service and NT Records Service	<input type="checkbox"/>	Retain all records in good order and condition to be available for retrieval during the retention period.
		<input type="checkbox"/>	Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
<input type="checkbox"/>	Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records	<input type="checkbox"/>	Implement an appropriate and approved strategy for retention of records of continuing value, eg. preservation in original form, migration to new systems, and conversion to long term medium
<input type="checkbox"/>	Identify and sentence all records described in this schedule in all formats including electronic records and records in business systems, copies of records and parts of records	<input type="checkbox"/>	Dispose of all records sentenced according to this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
<input type="checkbox"/>	Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule	<input type="checkbox"/>	Transfer records of permanent value to the NT Archives Service for retention as archives not later than 30 years after creation
<input type="checkbox"/>	Apply this records disposal schedule to records in the organisation's records management systems, including systems for the management of paper records, electronic records, or records in any other format	<input type="checkbox"/>	Inactive records can be transferred to offsite service providers providing they have been sentenced
<input type="checkbox"/>	Apply this records disposal schedule to records in the organisation's business systems, either directly or by linking the business system to a records management system	<input type="checkbox"/>	Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
<input type="checkbox"/>	Implement quality assurance mechanisms to periodically check that the disposal class originally assigned at the creation of the records is still applicable at the time of sentencing of the record	<input type="checkbox"/>	Notify the NT Records Service of destruction of all records
<input type="checkbox"/>	Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly	<input type="checkbox"/>	Do not destroy records that are not described in an authorised records disposal schedule.
<input type="checkbox"/>	Identify records that require re-sentencing where a previous disposal schedule has been superseded	<input type="checkbox"/>	Do not destroy any records created prior to 1 July 1978 without specific authorisation from the NT Archives Service

## Disposal Schedule

### 1. Anti-Discrimination Services

The function of promoting equal opportunity for all community members of the Northern Territory, including carrying out evaluations into complaints, conducting hearings into complaints, and provision of education, awareness, and training courses in relation to the *Anti-Discrimination Act*.

#### 1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No.	Description of Records	Examples	Status and Disposal Action
1.1.1	Records documenting the provision of advice to and from the Minister, other government bodies and organisations in relation to Anti-Discrimination Services where a detailed response has been provided, including advice on high level policies, legislation, public wide issues and reforms.  Includes drafts and briefing notes.	<ul style="list-style-type: none"> <li>• Ministerial</li> <li>• Cabinet Submission</li> <li>• Anti-Discrimination Act</li> <li>• Law Reforms</li> <li>• Policy Submissions</li> </ul>	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.1.2	Records documenting routine advice to and from the community in relation to anti-discrimination services such as workplace issues, the complaint process, or obligations under the Act.  Includes written responses, file notes and email messages given on practical options, information and other related correspondence.	<ul style="list-style-type: none"> <li>• Routine advice</li> </ul>	Temporary  Destroy 5 years after action completed

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### 1.2 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Examples	Status and Disposal Action
1.2.1	Records documenting the appointment of the Anti-Discrimination Commissioner by the Attorney-General.  Includes written appointments, terms and conditions, leave of absences, terminations, resignations.  May include disclosure of interests and appointment of persons other than the Commissioner to conduct hearings under the Act	<ul style="list-style-type: none"> <li>• Appointments of Commissioner</li> <li>• Appointments of persons other than the Commissioner</li> </ul>	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting delegations of powers and functions in relation to the Act to persons by the Commissioner.  Includes legal instruments.	<ul style="list-style-type: none"> <li>• Delegations of powers</li> </ul>	Permanent  Transfer to the NT Archives Service 10 years after action completed
1.2.3	Records documenting the approved exemptions by the Commissioner to persons applying under the Act, including renewals and revocations of exemptions.  Includes written applications, gazette notices, terms	<ul style="list-style-type: none"> <li>• Approved exemptions</li> </ul>	Permanent  Transfer to the NT Archives Service 10 years after action completed

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### 1.2 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Examples	Status and Disposal Action
	and conditions.		
1.2.4	Records documenting requests for exemptions under the Act that have been refused by the Commissioner.  Includes written applications, written reasons and related correspondence.	<ul style="list-style-type: none"> <li>Refused Exemptions</li> </ul>	Temporary  Destroy 5 years after action completed

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### 1.3 Complaint Management

The acts and processes involved in evaluating complaints, including case management and organisation responses.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.1	<p>Records documenting formal complaints of discrimination under the Anti-Discrimination Act to the Commissioner where the matter was settled at conciliation or found to have a reasonable prospect of success and referred to hearing.</p> <p>Includes written complaints, preliminary assessments, amendments of complaints, notification of acceptance by the Commissioner, requests by the Minister to evaluate, requests for extensions of time, orders, witness statements, extracts of documents, photos, video and audio recordings, hearing transcripts, receipts of fees to witnesses ordered to attend proceedings under the Act, interim orders, written reasons for orders.</p> <p>May include where authorisation has been given by the Commissioner to persons nominated by the complainant or respondent to act on their behalf, copies of published apologies by the complainant or respondent as ordered by the Commissioner, arrangements for a legal practitioner to assist the Commissioner at proceedings, appeals against decisions of the Commissioner to the local court and court orders, including appeals lodged by the Commissioner or other parties to the Local Court/Supreme Court.</p>	<ul style="list-style-type: none"> <li>Accepted Complaints</li> </ul>	<p>Temporary</p> <p>Destroy 10 years after action completed</p>

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### 1.3 Complaint Management

The acts and processes involved in evaluating complaints, including case management and organisation responses.

Class No.	Description of Records	Examples	Status and Disposal Action
1.3.2	<p>Records documenting formal complaints in relation to discrimination that have been declined by the Commissioner under the Act, includes complaints that are deemed frivolous, vexatious, trivial or lacking in substance, or fail to demonstrate prohibited conduct. Complaints withdrawn or no further action taken; complaints that have lapsed in time.</p> <p>Includes written complaints, file notes, extracts of documents, initial assessments and written notices to the complainant.</p> <p>May include appeals against decisions of the Commissioner to the local court and court orders.</p>	<ul style="list-style-type: none"> <li>Declined complaints</li> </ul>	<p>Temporary</p> <p>Destroy 5 years after action completed</p>
	Use 10.6 LEGAL SERVICES – LITIGATION for records documenting the management of legal proceedings.		

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### 1.4 Control

The activities associated with creating, maintaining and evaluating control mechanisms, eg Thesaurus.

Class No.	Description of Records	Examples	Status and Disposal Action
1.4.1	<p>Anti-Discrimination Hearing Decisions Register.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>- locations</li> <li>- date of hearing</li> <li>- hearing number</li> <li>- complainant details</li> <li>- respondents</li> <li>- counsel</li> <li>- date of decision</li> </ul>	<ul style="list-style-type: none"> <li>• Hearing Decisions Register</li> </ul>	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p>

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### 1.5 Extension Services

The activities involved in planning and developing educational activities and programs which raise awareness and understanding of the broader role of the organisation.

Class No.	Description of Records	Examples	Status and Disposal Action
1.5.1	<p>Records documenting the Anti-Discrimination Commissions' participation in promoting and raising awareness of equal opportunity, the Commission's programs and particular services in the Northern Territory, including information sessions, networking events, public events, presentations, social media, Facebook and Twitter.</p> <p>Includes background research, briefs and designs, copies of handouts and brochures.</p>	<ul style="list-style-type: none"> <li>• Education Awareness</li> <li>• Presentations</li> <li>• International Day of Disability</li> <li>• Anti-Discrimination Act Anniversary</li> <li>• Mental Health Week</li> <li>• Information Sessions</li> </ul>	<p>Temporary</p> <p>Destroy 5 years after action completed</p>



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### 1.6 Procedures

Standard methods of operating laid down by an organisation according to formulated policy.

Class No.	Description of Records	Examples	Status and Disposal Action
1.6.1	Final set of procedures, guidelines and codes of practice for the Northern Territory Anti-Discrimination Commission, including fact sheets.	<ul style="list-style-type: none"> <li>Codes of Practice</li> </ul>	Permanent Transfer to the NT Archives Service 10 years after action completed
1.6.2	Records documenting the development of procedures, guidelines and codes of practice and fact sheets.  Includes drafts and consultation notes.	<ul style="list-style-type: none"> <li>Drafts procedures</li> </ul>	Temporary Destroy 5 years after procedures superseded

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### 1.7 Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of an examination or investigation.

Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

Class No.	Description of Records	Examples	Status and Disposal Action
1.7.1	Final approved versions of annual reports for the Northern Territory Anti-Discrimination Commission as required under the Act. May include special reports requested by the Minister.	<ul style="list-style-type: none"> <li>Final versions of Annual Reports</li> </ul>	Permanent Transfer to the NT Archives Service 10 years after action completed
1.7.2	Records documenting the development of annual reports. Includes draft versions, consultation notes and related correspondence	<ul style="list-style-type: none"> <li>Draft Annual reports</li> </ul>	Temporary Destroy 5 years after action completed

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### 1.8 Training

The activities associated with all aspects of training.

Class No.	Description of Records	Examples	Status and Disposal Action
1.8.1	Records documenting the provision of formal anti-discrimination training to the community such as Anti-Discrimination, Harassment and Bullying, and Train the Trainer, including where training has been delivered by external providers such as the Western Australian Equal Opportunity Commission (WAEOC).  Includes final set of training material, service level agreements and memorandums of understanding.	<ul style="list-style-type: none"> <li>• Anti-Discrimination, Harassment and Bullying Course</li> <li>• Train the Trainer</li> <li>• Contact Officer Role</li> </ul>	Temporary Destroy 10 years after action completed
1.8.2	Records documenting the delivery of training courses to participants and organisations.  Includes lesson plans, attendance records, handouts, application forms, feedback forms and other related correspondence.	<ul style="list-style-type: none"> <li>• Delivery of Training Courses</li> </ul>	Temporary Destroy 5 years after action completed