

Australian Capital Territory

Territory Records (Records Disposal Schedule – Human Rights and Discrimination Records) Approval 2004 (No 1)

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made under the

Territory Records Act 2002, s 19 (Approval of schedules for the disposal of records)

I approve the Records Disposal Schedule – Human Rights and Discrimination Records.

David Wardle
Director of Territory Records
1 September 2004



Records Disposal Schedule
Human Rights & Discrimination
Records

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INTRODUCTION

The *Records Disposal Schedule - Human Rights & Discrimination Records* is the official authority for the disposal of records relating to Human Rights and Discrimination.

It is one of a series of Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is to be used in conjunction with the *Territory Administrative Records Disposal Schedule (TARDiS)*.

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Human Rights & Discrimination records created or maintained by ACT Government agencies.

SCOPE

This Records Disposal Schedule applies to all ACT Government agencies as defined in the *Territory Records Act 2002*.

It applies to records in any format, including electronic records.

AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council, has approved this Records Disposal Schedule for use. The Schedule does not take effect until it has been incorporated into an agency's Records Management Program that has been signed off by the Principal Officer of the agency.

Even so, officers using this Records Disposal Schedule should apply it with caution. They should be aware that the authorisations for disposal are given in terms of the *Territory Records Act 2002* only. Officers must not dispose of records in contravention of this Records Disposal Schedule or other requirements.

This Records Disposal Schedule will remain in force until a new schedule supersedes it or the Director of Territory Records withdraws it from use.

STRUCTURE AND RELATIONSHIP TO THE TERRITORY VERSION OF KEYWORD AAA

A Records Disposal Schedule generally specifies retention periods. That is, how long records are to be retained by the agency before being destroyed or retained as Territory Archives.

Retention periods set down in this schedule are minimum periods only and an agency may keep records for a longer period if considered necessary for business requirements. Reasons for longer retention could include legal requirements, administrative need or agency directives. **An agency must not dispose of any**

records where it is aware of possible legal action for which the records may be required as evidence.

The *Records Disposal Schedule – Human Rights & Discrimination Records* has a hierarchical structure that reflects its arrangement according to functions and activities, rather than by subject, and its close relationship to the Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all Human Rights and Discrimination records regardless of titling conventions used, so that records, which have not been titled using the terminology represented by this Records Disposal Schedule, may still be sentenced with relative ease.

Territory Version of Keyword AAA

The Territory Version of Keyword AAA is the general administrative thesaurus produced by the Territory Records Office. The structure and terms used in this Records Disposal Schedule are closely related to those used in the Territory Version of Keyword AAA, which is based on functional analysis of business activity. This methodology (ie the analysis of business activity) produces a hierarchical model of an organisation's business activity. The hierarchical model also represents a classification scheme for the records that documents functions, activities and transactions.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records Office Standard for Records Management No.2 - Appraisal*. Appraisal is based upon the same type of analysis of business activity employed in the classification scheme used in the Territory Version of Keyword AAA. Essentially, appraisal involves attaching record retention periods and disposal decisions (and even records creation requirements and rules) to the same classification scheme.

GUIDELINES FOR USE

Coverage of authority

The Records Disposal Schedule – Human Rights & Discrimination Records: covers all Human Rights and Discrimination records divided into the following functions:

- DISCRIMINATION COMPLAINT MANAGEMENT
- HUMAN RIGHTS COMMUNITY EDUCATION
- DISCRIMINATION COMMISSIONER REVIEW
- is intended to cover most Human Rights and Discrimination records common to all ACT Government agencies;
- is intended to be used in conjunction with TARDiS;
- specifies the minimum period records should be kept (retention periods);
- specifies whether, upon the expiry of the retention periods, the records may be destroyed or are required as Territory Archives; and
- is applicable to records created and maintained in any format, including electronic or formats such as microfiche.

Layout of the schedule

This Records Disposal Schedule begins with an introduction incorporating definitions and the business classification scheme. Then each of the functions and activity disposal sets or ‘disposal classes’ relating to the functions are described. These are followed by a composite list of classes designated ‘Retain as Territory Archives’. The functions and activity disposal sets show the following details:

Function

This is the broad level business function and is displayed in bold capital letters at the top of each page. It is the highest level in the business classification scheme. It is followed by the scope note, which provides definitions of the function and a collective view of the business activities that make that function unique.

Activity

Activities are the processes or operations that make up the business function. They are set in bold and italics below the function statement. This is the second level of the business classification scheme. The scope of the activity encompasses all of the transactions that take place in relation to this activity. Activities can relate to many functions with the scope notes covering all of these relationships (eg the activity ‘Policy’ is linked to all of the functions. However, each function and activity set represents a unique unit.

Entry No.

This is the disposal class number allocated based on the function and activity set and the class number of the record. The barcode is the same as the Entry No. and may be used in an automated recordkeeping system.

Description of Records

This is the description of the records documenting the business function, activity and transactions. The descriptions can relate to one record such as a register or a group of records documenting a particular set of transactions.

Disposal Action

This is the minimum period a record must be kept for and is the trigger event from which the disposal date can be calculated.

FORMAT OF RECORD

This Records Disposal Schedule is applicable to any record that performs the function prescribed, irrespective of format. Records may include:

- cards,
- registers,
- files,
- microfilm,
- microfiche,
- COM (computer output microfiche),
- electronic records, including various electronic media, and
- any other formats.

Electronic records

Refers to records created, communicated and maintained by means of electronic equipment. Information could be maintained/stored in a number of ways - on the database (the main database or a special archives database); on magnetic media; on optical disks or on separate hardcopy (paper, COM).

Electronic records must be readily accessible for the length of the specified retention period. Routine treatment (such as wiping, updating, alterations or rerecording) does constitute disposal.

DESTRUCTION OF RECORDS

When the approved disposal date for the destruction of records has been reached, appropriate arrangements for their destruction should be made. It is the responsibility of each agency to ensure that its records are destroyed in a secure and appropriate manner as indicated in the agency Records Management Program.

UPDATING THE RECORDS DISPOSAL SCHEDULE

Records Disposal Schedules are reviewed and updated from time to time. For suggested amendments or alterations to this schedule please contact the Director of Territory Records.

ASSISTANCE IN USING THE RECORDS DISPOSAL SCHEDULE

Agencies requiring any assistance in the interpretation or implementation of any Records Disposal Schedule are encouraged to contact the Director of Territory Records.

RELATED LEGISLATION

The following legislation is related to the record classes covered by this Records Disposal Schedule:

Territory Records Act 2002

Freedom of Information Act 1989

Discrimination Act 1991

Human Rights Act 2004

DEFINITIONS

Agency

The Executive, an ACT Court, the Legislative Assembly Secretariat, an administrative unit, a Board of Inquiry, a Judicial or Royal Commission, any other prescribed authority, or an entity declared under the regulations of the *Territory Records Act 2002* to be an agency.

Appraisal

The process of evaluating business activities to:

determine which records need to be captured;
how long the records need to be kept to meet business needs; and
meet the requirements of organisational accountability and community expectations.

Business Classification Scheme

A hierarchical scheme for identifying and defining the functions, activities and transactions an agency performs in the conduct of its business, and the relationships between them.

Principal Officer

The Chief Executive of an administrative unit, or its equivalent in other types of agencies.

Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. This recorded information must be maintained or managed by the agency to provide evidence of their business activities. Records can be in written, electronic or any other form.

Records of an Agency

Records, in writing, electronic or any other form, under the control of an agency or to which it is entitled to control, kept as a record of its activities, whether it was created or received by the agency.

Records Disposal Schedule

A document approved by the Director of Territory Records, which sets out the types of records an agency must make and how long they must be kept.

Records Management Program

A document which complies with section 16 of the *Territory Records Act 2002* by setting out the means by which an agency will manage its records, and is approved by the agency's Principal Officer.

Recordkeeping Systems

Information systems that capture, maintain and provide access to records over time. While the term is often associated with computer software, Recordkeeping Systems also encompass policies, procedures, practices and resources which are applied within an agency to ensure that full and accurate records of business activity are made and kept.

Scope Note

An explanation of terms used in describing the records and the context in which they were made and used.

Sentencing

The process of applying appraisal decisions to individual records by determining the part of a Records Disposal Schedule which applies to the record and assigning a retention period consistent with that part.

Territory Archives

Records preserved for the benefit of present and future generations.

BUSINESS CLASSIFICATION SCHEME

DISCRIMINATION COMPLAINT MANAGEMENT

The function of providing a complaint investigation and conciliation mechanism in accordance with the *ACT Discrimination Act 1991*.

Cases

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, organisations or clients.

HUMAN RIGHTS COMMUNITY EDUCATION

The function of providing education and information programs about discrimination and human rights issues to the ACT Community.

Addresses (Presentations)

The activity of giving addresses for training, professional, community relations or sales purposes. Includes speeches and multi-media presentations.

Enquiries

The activities associated with the handling requests for information about the agency and its services, by the general public, agency employees or another agency.

DISCRIMINATION COMMISSIONER REVIEW

The function of providing comment by the Discrimination Commissioner on Governmental policy documents and legislation in relation to their compliance with the *ACT Discrimination Act 1991*.

Advice

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



RECORDS DISPOSAL SCHEDULE

DISCRIMINATION COMPLAINT MANAGEMENT

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Cases

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, or organisations.



<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.1.1 	Complaints where formal notification has been made under the <i>ACT Discrimination Act 1991</i> and the complaint is deemed significant or controversial and has far-reaching implications for either the functions of the ACT Human Rights Office, the Government as a whole or the development of discrimination legislation.	Retain as Territory Archives
1.1.2 	All other complaints where formal notification has been made under the <i>ACT Discrimination Act 1991</i> .	Destroy 10 years after action completed.

HUMAN RIGHTS COMMUNITY EDUCATION

The function of providing education and information programs about discrimination and human rights issues to the ACT Community.


Addresses (Presentations)

The activity of giving addresses for training, professional, community relations or sales purposes. Includes speeches and multi-media presentations.

<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.1.1 	Documents relating to the final version of a topic included in the ACT Human Rights Office Workshop Program (Standard Package). Can includes program, notes, hand-outs and videos.	Destroy when course is superseded or when training material is no longer relevant
2.1.2 	Records of education packages developed for individual clients. Includes program development, registrations and participant feedback.	Destroy 5 years after action completed.

Enquiries

The activities associated with the handling requests for information about the agency and its services, by the general public, agency employees or another agency.



<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
2.2.1 	Records documenting the handling of public enquiries about the agency and its programs, products and services.	Destroy 5 years after action completed.

DISCRIMINATION COMMISSIONER REVIEW

The function of providing comment by the Discrimination Commissioner on Governmental policy documents and legislation in relation to their compliance with the *ACT Discrimination Act 1991*.

Advice

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

<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
3.1.1 	Advice relating to the <i>ACT Discrimination Act 1991</i> or other advice that is deemed significant or controversial or has far-reaching implications for either the functions of the ACT Human Rights Office, the Government or the development of legislation.	Retain as Territory Archives
3.1.2 	All other advice.	Destroy 5 years after action completed.

CLASSES FOR RETENTION AS TERRITORY ARCHIVES


Classes for retention as Territory Archives

DISCRIMINATION COMPLAINT MANAGEMENT

The function of providing a complaint investigation and conciliation mechanism in accordance with the *ACT Discrimination Act 1991*.

Cases

This activity descriptor should be used where there is a need to keep a number of activities together on one file, for legislative or operational reasons. Case files relate to particular incidents, persons, or organisations.


<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
1.1.1 	Complaints where formal notification has been made under the <i>ACT Discrimination Act 1991</i> and the complaint is deemed significant or controversial and has far-reaching implications for either the functions of the ACT Human Rights Office, the Government as a whole or the development of discrimination legislation.	Retain as Territory Archives

DISCRIMINATION COMMISSIONER REVIEW

The function of providing comment by the Discrimination Commissioner on Governmental policy documents and legislation in relation to their compliance with the *ACT Discrimination Act 1991*.

Advice

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

<i>Entry</i>	<i>Description of Records</i>	<i>Disposal Action</i>
3.1.1 	Advice relating to the <i>ACT Discrimination Act 1991</i> or other advice that is deemed significant or controversial or has far-reaching implications for either the functions of the ACT Human Rights Office, the Government or the development of legislation.	Retain as Territory Archives