

Australian Capital Territory

Territory Records (Standard for Records Management Number 2: Appraisal) Approval 2009 (No 1)

Notifiable instrument NI2009—12

made under the

Territory Records Act 2002, s 18 (Approved standards and codes for records management)

1. Name of Instrument

This instrument is the Territory Records (Standard for Records Management Number 2: Appraisal) Approval 2009 (No 1)

2. Approval

I approve the Standard for Records Management Number 2: Appraisal

3. Commencement

This instrument commences on the day after notification.

4. Revocation

I revoke Notifiable Instrument NI 2003–228 notified 1 July 2003.

David Wardle
Director of Territory Records
5 January 2009



Australian Capital Territory
Territory Records Office
STANDARD



Standard for Records Management Number 2 - Appraisal

PURPOSE

To set principles for records appraisal in the Territory, to define the criteria under which records will become Territory Archives, and to set minimum standards for production of agencies' Records Disposal Schedules.

AUTHORITY

This Standard is produced in accordance with section 18 of the *Territory Records Act 2002*, which allows the Director of Territory Records to approve Standards or Codes for agency records management.

Section 16 of the *Territory Records Act 2002* requires agencies to produce a Records Management Program that includes procedures relating to the disposal of records. The Principal Officer of an agency may only approve a Records Management Program if the Director of Territory Records has approved an agency's Records Disposal Schedules, which is a mandatory part of the Records Management Program.

Under section 17 of the *Territory Records Act 2002*, an agency's Principal Officer may only approve a Records Management Program that complies with the Standards and Codes set by the Director of Territory Records.

Section 17(2) of the *Territory Records Act 2002* allows a Principal Officer to approve a Records Management Program that does not comply with an approved Standard or Code only if the Director of Territory Records agrees in writing that non-compliance is necessary for the operational needs of the agency.

This Standard must be reviewed as soon as practicable 5 years after its commencement.

INTRODUCTION

The appraisal of Territory records serves two purposes. The first is to ensure that agencies have accountable systems for making, managing and disposing of the records of their business activities. The second is to identify those records of the Territory that have ongoing value to the community as archival records.

Appraisal helps agencies to understand what records they must make in order to satisfy their accountability and business requirements, and determines how long those records need to be maintained before their value to the agency and the community expires. The appraisal process enables agencies to produce Records Disposal Schedules, which are a mandatory element of the Records Management Program that each agency is required to produce under the *Territory Records Act 2002*.

This standard applies to the appraisal of all Territory records as defined by the *Territory Records Act 2002* which includes all records made or received by an officer in the course of his or her duties or by contractors and consultants acting on behalf of agencies. The appraisal process applies to current and legacy records in all formats and also to the structure of records management systems into which records will be created.

BACKGROUND

Appraisal is the process of evaluating business activities to determine which records need to be captured and how long those records need to be kept in order to meet business needs, the requirements of agency accountability and community expectations. Appraisal of agency functions and the records that arise from them result in decisions about what records should be made or captured and how long they should be retained.

The appraisal of agency records leads to the development of a business classification scheme which is a hierarchical scheme for identifying and defining the functions, activities and transactions that an agency performs in the conduct of its business, and the relationships between them. The decisions made during the appraisal process enables further development of tools for use by agencies, including the production of Records Disposal Schedules.

This standard has been created to:

- provide consistency and transparency with appraisal decisions made by agencies;
- provide the tools necessary to enable agencies to comply with records management requirements as established by the Territory Records Office;
- provide guidance with appraisal methodology and practices to be used by agencies; and
- define appraisal objectives to ensure that appraisal decisions address requirements for legislative and regulatory compliance, business environments, fundamental rights and entitlements, and community expectations.

The criteria used to undertake the appraisal task needs to take into account both the administrative context of the creating entity, stakeholder requirements, including community stakeholders, and associated risks.

PRINCIPLE 1: ACCOUNTABILITY

Appraisal of records in the Territory must conform to a number of broad principles, non-conformity carries with it serious consequences. The decision to make or, conversely, not to make a record of Territory business has serious accountability implications. It is important therefore that the appraisal process is carried out according to principles of consistency, objectivity and accountability.

Appraisal for Records Creation

Section 14 of the Act requires agencies to “make and keep full and accurate records” of their activities. The Director of Territory Records endorses the Council of Australasian Archives and Records Authorities (CAARA) Principles on Full and Accurate Records. The Australian Standard on Records Management, AS ISO 15489 has been adopted as the model for best practice recordkeeping. The Australian Standard and the CAARA principles require that:

- recordkeeping must comply with legal and administrative requirements;
- records must be made to document and facilitate the transaction of business and captured into recordkeeping systems;
- records must be retained for as long as they are needed; and
- records must be comprehensive and document the whole of the business of the agency.

Appraisal analyses an agency’s legal and administrative requirements to ensure that comprehensive records of its activities are made, captured into recordkeeping systems and retained for as long as they are needed, either by the agency or the community generally.

Consistency

Good appraisal results in coherent records retention and disposal so that each sphere of government activity is appropriately represented in the records of the Territory and so that similar accountability requirements are met in similar ways across Territory agencies. This is achieved, in part, through means such as this Standard, which sets down uniform criteria against which records, of all Territory functions, should be assessed.

The Director of Territory Records has provided the *Territory Version of Keyword AAA* as a thesaurus of terms relating to the administrative functions common to agencies. The use of this thesaurus will ensure a consistent approach to the titling of records of common administrative functions across the Territory. The use of this thesaurus is mandated for use by agencies for the titling of records of common administrative functions. The *Territory Version of Keyword AAA* terminology is linked directly to the *Territory Administrative Records Disposal Schedule (TARDiS)* to ensure a consistent approach to the disposal of Territory records.

Consistency is also achieved through having adequately qualified or experienced people carry out appraisal and by ensuring that stakeholder and community consultation is a feature of all appraisal processes. The Director of Territory Records will submit all draft Record Disposal Schedules to the Territory Records Advisory Council for comment to meet the need for community consultation.

Objectivity

Good appraisal is carried out as objectively as possible. True objectivity in appraisal is not possible – ascribing value to the records and activities of government is an inherently subjective task. Standards such as this one, however, assist in reducing the subjectivity of appraisal decisions by setting out clear parameters for decision-making.

Objectivity is also enhanced by ensuring that the views of many groups, including agency staff, stakeholders and community interests are heard and that personal or institutional biases do not privilege one view over others.

Accountability

Good appraisal is carried out in an accountable manner. Appraisal in the Territory context involves deciding on behalf of the community what should be remembered and what can be forgotten and when. This is a significant responsibility.

Appraisal needs to follow specified rules, such as those in this Standard, that have been the subject of community consultation. Agencies should account to the community for their decisions to make and keep (and conversely not to make or keep) records through their Records Management Programs and their Records Disposal Schedules.

PRINCIPLE 2: IDENTIFICATION OF TERRITORY ARCHIVES

Decisions about the creation, non-creation or destruction of records also affect the surviving archival heritage of the Territory. Through the appraisal process the Territory seeks to achieve a body of Territory records that document:

- the significant policies and actions of the Territory;
- the interaction of government with the people and their environment;
or
- the social, political, cultural and economic development of the Territory as it is influenced by government activity.

Appraisal for Records Retention

Government records are an important source of information and evidence about the jurisdiction to that they relate. The Territory seeks to preserve, for the benefit of all Australians, records which meet the criteria set out in this Standard. The appraisal process determines which records meet these criteria and must therefore be preserved and made accessible for research. Appraisal also examines accountability and business requirements in order to determine when records which do not meet these criteria, have served their accountability and business purposes and can therefore responsibly be destroyed.

For some records their value to the government and the community at large never expires. Appraisal identifies these records so that they can be retained as Territory Archives and preserved for current and future generations.

Appraisal is a set of practices that enable decisions to be made regarding the creation, management and retention of records. Appraisal is conducted to meet agency business needs, accountability requirements, legislative and regulatory requirements and community expectations.

There are a number of positive outcomes that can be achieved by conducting appraisal of agency records. These benefits include:

- the creation of full and accurate records;
- compliance with legislative and regulatory requirements;
- identification of Territory archives;
- identification of records no longer required; and
- risk assessment and management.

Appraisal recommendations should take into account:

- business operation and administration needs;
- legislative and regulatory requirements;
- obligations of the agency; and
- significance of the records to the Territory.

Furthermore appraisal recommendations must be fully documented and enable the updating of an agency's records management system.

Criteria for Selection of Territory Archives

Five categories of records have been identified which will be preserved to meet this objective.

- Records that provide concise evidence of the deliberations, decisions and actions of the Territory and Territory institutions, relating to key functions and programs and significant issues faced in governing the Territory.

Examples of records meeting this criterion are those that document:

- the development, implementation and review of Territory legislation;
 - the development, implementation and review of major government structures, policies and programs; and
 - government responses to the most significant issues of the day.
- Records that contain information that is considered essential for the protection and future well-being of Australians and their environment, including the protection of their significant rights and entitlements.

Examples of records meeting this criterion are:

- birth, death and marriage registrations;
 - records detailing long-term environmental hazards or significant environmental change;
 - records detailing elements of Territory heritage such as heritage places registers; and
 - records documenting rights to land.
- Records that have a special capacity to illustrate the impact of Territory government activities on individuals, groups and the environment, the interaction of people with the government and especially the influence of the Territory community on government decision-making.

Examples of records meeting this criterion are:

- case files detailing significant government intervention in the lives of individuals or classes of people, such as Aboriginal and Torres Strait Islander children who were separated from their families;
 - records documenting the high-level planning and execution of major public works such as main roads and residential developments;
 - land-use and zoning plans; and
 - records which document significant community opposition to government actions or policies.
- Records that have substantial capacity to enhance knowledge and understanding of aspects of the Territory's history, society, economy,

culture and people, especially as these are influenced by government activity.

Examples of records meeting this criterion are:

- concise Treasury and economic data;
 - statistical data on the Territory's population and its circumstances;
 - records documenting the planning and production of major cultural events and historical celebrations; and
 - records documenting major social, economic, cultural or scientific discoveries or developments of significance to, or having a special relationship with, the Territory.
- Records that provide evidence of the source of authority, foundation and machinery of the Territory and Territory institutions sufficient to document the administrative and legal context of other Territory Archives.

Examples of records meeting this criterion are:

- formal instruments or authorities, including legislation, Administrative Arrangements Orders and delegations under legislation, which establish, maintain, alter or review the functions, powers, responsibilities and jurisdictions of Territory agencies;
- judgements which have bearing on the jurisdiction or powers of the Territory government; and
- agreements with other governments.

The order of these criteria is not significant and does not reflect collecting priorities or quantities or records to be retained. All criteria are equally significant to the archival heritage of the Territory. Records assessed as meeting any of these criteria will be retained as Territory Archives.

Compliance with Principle 1 and Principle 2

The Technical Report issued by Standards Australia in support of AS ISO 15489 describes a series of steps for designing and implementing a recordkeeping system. These steps have been known in Australia for some time as the DIRKS (Designing and Implementing Recordkeeping Systems) methodology. The Director of Territory Records has adapted the DIRKS methodology and requires Territory agencies to complete the five steps detailed below before Records Disposal Schedules can be approved and implemented. Records Disposal Schedules must also be reviewed regularly.

Step 1. Preliminary investigation

The preliminary investigation seeks to give the agency an understanding of its organisational context and the major influences on its need to make and keep records. In completing the preliminary investigation the agency will identify

sources which influence the way it carries out its business and its need to keep records.

A compliant agency can demonstrate that it has completed the preliminary investigation if it has identified:

- legislation affecting business in the agency;
- standards and codes of best practice, either mandatory or voluntary that the agency works under;
- business rules within the agency;
- manuals and guidelines; and
- stakeholders and their needs.

Step 2. Analysis of business activity

An analysis of business activity will identify and help to define the functions and activities for which an agency is responsible. The sources identified in the preliminary investigation can be used to develop a hierarchy of business activity, known as a Business Classification Scheme, which helps to categorise the business activities which the agency must be documenting in its recordkeeping system. Additional sources such as interviews with staff in business areas will add to the understanding of the agency's business activity.

The Business Classification Scheme is also a useful tool in describing and controlling records. Agencies must use a thesaurus, which is a controlled language system, to title their records. The thesaurus should be based on the functions and activities that the agency carries out. The *Territory Version of Keyword AAA* must be used for terms relating to the administrative functions common to agencies

More information about description of records is available in the *Territory Records Office Standard for Records Management No.3 - Description and Control*.

A compliant agency will have:

- completed a Business Classification Scheme for their agency; and
- utilised the *Territory Version of Keyword AAA* for the titling of records of common administrative functions.

Step 3. Identification of recordkeeping requirements

Sources identified in the previous two steps are re-examined to identify mandatory and voluntary recordkeeping requirements. Legislation and mandatory standards and codes will often provide mandatory recordkeeping standards. These may be requirements to make or keep records, or to manage them in a certain way, which must be done in order for the agency to comply with the standard or legislation. Business rules and manuals may indicate that there are other optional recordkeeping requirements which help the agency to carry out its business, but are not required to comply with a law or other mandatory code.

The Director of Territory Records also requires that agencies consider community expectations in their analysis of recordkeeping requirements and make recommendations regarding records that should be kept as Territory Archives. This means that stakeholders must be consulted and assessments made as to whether records meet any of the criteria discussed under in this Standard.

A compliant agency can demonstrate that it has met its recordkeeping requirements if it has identified:

- mandatory recordkeeping requirements;
- voluntary recordkeeping requirements; and
- community expectations for Territory Archives.

Step 4. Prepare draft Records Disposal Schedules and supporting documentation

Records Disposal Schedules need to bring together the recordkeeping requirements identified through the analysis process and describe them in a way that can be applied to individual records or classes of records. Records Disposal Schedules may identify a number of types of records that are produced in the conduct of government functions and activities, and these need to be described carefully.

The Director of Territory Records provides the *Territory Administrative Records Disposal Schedule* (TARDiS) for agencies' administrative records. The TARDiS is mandated for use by all agencies for disposing of their records of common administrative functions.

Normal Administrative Practice (NAP) must be established in the agency to allow for the destruction of ephemeral, duplicate or transitory material of no evidentiary or continuing value, which can normally be destroyed immediately or as soon as reference ceases. The Business Classification Scheme prepared as a result of Step 2 should be used as the basis of description in Records Disposal Schedules.

Draft Records Disposal Schedules must contain the following elements:

- function name, scope note and date range;
- activity name, scope note and date range; and
- disposal class description, date range, and disposal action.

In support of draft Records Disposal Schedules an agency must provide:

- evidence of the sources consulted in Steps 1 and 2;
- evidence that mandatory standards have been adhered to in drafting the Records Disposal Schedules;
- evidence that voluntary standards and internal business requirements have been adequately addressed by the draft; and
- an assessment against the criteria, outlined in this Standard, for each class of records recommended for retention as Territory Archives.

Step 5. Submit to the Director of Territory Records for approval

The *Territory Records Act 2002* requires that the Director of Territory Records approve Records Disposal Schedules. Once approved by the Director, Records Disposal Schedules are Notifiable Instruments under the Act.

The Director of Territory Records may need to consult with the agency or request further information in order to assess Records Disposal Schedules. Records Disposal Schedules are submitted to the Territory Records Advisory Council for their advice. Draft Records Disposal Schedules are lodged at one meeting of the Territory Records Advisory Council and then considered at the following meeting. The Director of Territory Records will manage the process of approval and of submitting approved Records Disposal Schedules for notification.

A compliant agency will have:

- approved Records Disposal Schedules.

IMPLEMENTATION

Sentencing

Sentencing is the process of implementing appraisal decisions by determining the part of a Records Disposal Schedule which applies to an individual record and assigning a retention period consistent with that part. In order to comply with this Standard agencies must ensure that staff carrying out sentencing adhere to the principles of appraisal. These principles apply whether staff are designing systems or procedures that capture records, applying appraisal decisions at file closure, or programming and reviewing disposal actions in automated systems.

A compliant agency can demonstrate that:

- training is available for all staff to ensure that they make records identified in Records Disposal Schedules and that they capture them into recordkeeping systems;
- automated systems correctly apply Records Disposal Schedules and these decisions are reviewed by a qualified or experienced person before any destruction takes place;
- staff carrying out sentencing activities have adequate training, especially in compliance with the principles of consistency and objectivity; and
- all sentencing decisions are recorded by the agency, the fate of every record is recorded, and these records are retained permanently.

Destruction of Records

Records identified for destruction must be disposed of securely. For paper records this is usually done by shredding or pulping. For records in other media it is important to ensure that the records are treated in such a way as to ensure the information in them is no longer retrievable. All destruction must take into account the ACT Government sustainability principles and the ACT No Waste strategy. Agencies must ensure that they comply with all relevant Territory information technology and information security standards when destroying records.

A compliant agency can demonstrate that it has:

- considered ACT Government sustainability principles;
- considered ACT No Waste strategies; and
- complied with information technology and information security standards.

Review of Records Disposal Schedules

Records Disposal Schedules are a required element of an agency's Records Management Program. The Director of Territory Records requires that agencies review all elements of their Records Management Programs within a

five-year cycle. As a result, agencies need to review their Records Disposal Schedules within a five-year period.

A compliant agency will have:

- included a review process for Records Disposal Schedules in its Records Management Program.

APPLICATION

No Territory record can be destroyed or otherwise disposed of without having first been appraised.

Records that had already been sentenced using National Archives of Australia (NAA) Records Disposal Authorities (RDAs), both pre and post self-government, need not be re-appraised. Any sentencing that takes place after 1 July 2003 must be done using Records Disposal Schedules approved by the Director of Territory Records.

Territory records made after self-government, that have not been sentenced before 1 July 2003, must be appraised and Records Disposal Schedules produced in accordance with this Territory Records Office Standard before any disposal action takes place. Territory records made before self-government, that have not been sentenced before 1 July 2003, must also be appraised according to this Standard before they can be destroyed. Agencies may also choose to reappraise pre-self-government records already having NAA RDA coverage. Any such reappraisal must also conform to this Standard.

Appraisal of pre-self-government records is only mandatory if the records have not been sentenced before 1 July 2003 and an agency wishes to dispose of these records. It is open to agencies to elect to retain all pre-self-government records, and in this case appraisal of these records is unnecessary. Agencies should note, however, that all existing records that are more than 20 years old are available for public access under section 26 of the *Territory Records Act 2002*, which commenced on 1 July 2008.

The Director of Territory Records has produced, for use in the Territory, a whole-of-government Records Disposal Schedule for common or administrative functions. This Records Disposal Schedule is called the *Territory Administrative Records Disposal Schedule* (TARDiS). This Records Disposal Schedule must be used by agencies for the common administrative functions. There may be some agencies that need to have agency-specific administrative functions included in their own Records Disposal Schedules. For example, agencies that do not employ staff under the *Public Sector Management Act 1994* or similar conditions will need to include the personnel function in their own Records Disposal Schedules.

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.

REFERENCES

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