

Territory Records (Records Disposal Schedule – Public Sector Commissioner Records) Approval 2017 (No 1)

Notifiable instrument NI2017 —396

made under the

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

1 Name of instrument

This instrument is the *Territory Records (Records Disposal Schedule – Public Sector Commissioner Records) Approval 2017 (No 1)*

2 Commencement

This instrument commences on the day after notification.

3 Approval

I approve the Records Disposal Schedule – *Public Sector Commissioner Records*.

4 Revocation

This instrument revokes *Territory Records (Records Disposal Schedule - Public Sector Management Records) Approval 2006 (No 1) NI2006-29*.

Danielle Wickman
Director of Territory Records
19 July 2017



Records Disposal Schedule

Public Sector Commissioner Records

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INTRODUCTION

The *Records Disposal Schedule – Public Sector Commissioner Records* is the official authority for the disposal of these ACT Government records.

It is one of a series of Whole of Government Records Disposal Schedules authorised by the Director of Territory Records in accordance with the provisions of the *Territory Records Act 2002*. It is used in conjunction with other Territory Records Disposal Schedules.

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of records created or maintained by ACT Government Agencies.

SCOPE

This Records Disposal Schedule applies to records created or maintained by ACT Government Agencies. 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 take all reasonable steps to ensure that no legal action is contemplated in relation to its records and must not dispose of any records where it is aware of possible legal action for which the records may be required as evidence or if there is a current records disposal freeze in effect.**

The *Records Disposal Schedule – Public Sector Commissioner Records* has a hierarchical structure that reflects its arrangements according to functions and activities, rather than by subject, and this also reflects a close relationship to the Territory Version of Keyword AAA. The Records Disposal Schedule is designed to be applicable to all 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.

Whole of Government Thesaurus

The Whole of Government Thesaurus is a controlled vocabulary of terms designed for use in the classifying, titling and indexing of records on creation.

The Whole of Government Thesaurus has been developed on the basis of the Territory Version of Keyword AAA (TVKAAA) (2010), a thesaurus incorporating 16 common Functions. All other Functions within the Whole of Government Thesaurus are considered Functions performed by the ACT Government and have been included following consultation with agencies and after consideration by the Territory Records Office (TRO) via a formal approval process.

The Whole of Government Thesaurus is mandated by the Director of Territory Records for use by all ACT Government agencies as part of their classifying and titling of paper and electronic records. See also *Records Advice No.28 Functional directories on shared drives*.

The disposal actions listed in this Records Disposal Schedule were determined through the process of appraisal in accordance with *Territory Records (Records, Information and Data) Standard 2016*. 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 - Public Sector Commissioner Records*:

- covers all records related to the function;
- is intended to be used in conjunction with other Territory Records Disposal Schedules;
- 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 the activity. Activities can relate to many functions with the scope notes covering all of these relationships (e.g. 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
- COM (computer output microfiche)
- electronic records, including various electronic media
- 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 re-recording) does not 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 records classes covered by this Records Disposal Schedule:

Crimes Act 1900

Evidence Act 1971

Freedom of Information Act 1989

Information Privacy Act 2014

Information Privacy Regulation 2014

Privacy Act 1988 (Cwlth)

Public Sector Management Act 1994

Public Service Act 1999 (Cwlth)

Public Interest Disclosure Act 1994

Remuneration Tribunal Act 1995

Statutory Appointments Act 1994

Territory Records Act 2002

Workplace Privacy Act 2011

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;
- determine 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 transition 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 that 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 that 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 that 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

PUBLIC SECTOR COMMISSIONER

The function of administering the statutory obligations of the Public Sector Standards Commissioner to establish, maintain, promote and uphold the public sector values, standards of conduct and best practice that meet the needs of the community. Includes providing advice, approving administrative arrangements, reporting on reviews, investigating disclosures and alleged complaints. Also includes developing whole of government standards and activities associated with the appointment of the Commissioner.

Advice

The activities associated with offering formal opinions and advice as to an action, judgement or topic. Includes legal advice, legislative drafting advice, publishing and public access to legislation advice and formal advices required by legislation.

Authorisation & Delegation

The activities associated with delegating power to authorise an action and the seeking or granting permission to undertake a requested action.

Events

The activities associated with organising, arranging and managing internal or external conferences, exhibitions, functions, celebrations, ceremonies, visits or other events for the purpose of either informing attendees, promoting the activities, services and programs of the organisation or supporting local suppliers and organisations to attend, display or promote at events, (e.g. trade displays, Christmas pageants, Canberra Show). Includes the development of speeches and presentations at events, arrangements such as venue and facility bookings, catering and security arrangements, managing registrations and invitations, and event transcripts, proceedings and photographs.

Government & Assembly Matters

The activities associated with managing formal matters of government and the Assembly, including government briefings, ministerial representations, and submissions in response to specific requests from government. Includes Ministerial briefings, Ministerial submissions, Questions on Notice, Question Time Briefs, and Senate Estimates.

Grievances

The activities associated with the handling and resolution of grievances. Includes handling complaints over perceived discrimination, or those arising over work environment, work organisation or distribution, peers, supervisors or subordinates. Also includes complaints regarding the provision of access to opportunities such as training, equipment, promotion, or higher duties.

Inquiries

The activities associated with liaising with bodies carrying out inquiries and participating in them. Inquiries are investigations carried out by people or bodies that have been empowered to inquire and report on a subject, such as Royal Commissions, Judicial Commissions, Boards of Inquiry, Legislative Assembly, Ombudsman's inquiries and Coronial inquiries and inquests. Includes the agency's participation in the inquiry by providing evidence in the form of records submissions or staff.

Investigations

The activities involved in a formal search, examination and/or scrutiny undertaken as a result of an accident, an incident, a complaint, an observation, a breach or non-compliance. Includes evidence collected, produced documents, photographs, statements, notes, decisions and final reports.

Partnerships & Collaboration

The activities associated with establishing and managing partnerships, joint ventures or similar collaborative arrangements where there is joint contribution of funds and/or time. Includes private sector ventures with public sector organisations.

Planning

The activities associated with carrying out systematic planning in order to meet strategic, business or operational goals and objectives.

Policies & Procedures

The activities associated with drafting, developing and implementing policies, procedures, and guidelines establishing decisions, directions, precedents and standard methods of operating which act as a reference for future decision making, and maintaining their currency over time. Includes guidelines devised by both internal and external sources of authority, rules and instructions.

Reporting & Statements

The activities associated with drafting, preparing and providing reports relating to the function including in the form of informal or formal statements, statistics, returns, submissions or similar reports.

Note: Where reports support a more specific activity, use the relevant classification, (e.g. use *Borrowing & Investment*, for reports on organisation investments, or use *Budgeting* for reporting on budget expenditure.

Standards

The activities associated with developing and/or implementing industry or organisation specific benchmarks for services and processes to enhance the quality and efficiency of an organisation, business or industry.

Workplace Relations

The activities associated with establishing and managing formal relations between employers, employees and their representatives to achieve a harmonious workplace. Includes negotiations to obtain determinations, agreements or awards, handling industrial disputes, and reports on the state of employee relations within the organisation.

RECORDS DISPOSAL SCHEDULE

Investigations

The activities involved in a formal search, examination and/or scrutiny undertaken as a result of an accident, an incident, a complaint, an observation, a breach or non-compliance. Includes evidence collected, produced documents, photographs, statements, notes, decisions and final reports.

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
138.202.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting investigations of Public Interest Disclosures, including working papers.	Destroy 7 years after last action

Partnerships & Collaboration

The activities associated with establishing and managing partnerships, joint ventures or similar collaborative arrangements where there is joint contribution of funds and/or time. Includes private sector ventures with public sector organisations.

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
138.298.001 ■■■■■■■■■■■■■■■■■■■■	Final versions of significant agreements with government bodies.	Retain as Territory Archives
138.298.002 ■■■■■■■■■■■■■■■■■■■■	Records relating to the negotiations, establishment, maintenance and review of significant agreements.	Destroy 7 years after last action

Policies & Procedures

The activities associated with drafting, developing and implementing policies, procedures, and guidelines establishing decisions, directions, precedents and standard methods of operating which act as a reference for future decision making, and maintaining their currency over time. Includes guidelines devised by both internal and external sources of authority, rules and instructions.

[For policy proposals and guidelines which form legislative instruments, use STRATEGY & GOVERNANCE – Legislation.]

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
138.273.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the development and establishment of policies related to the management of the public service. Includes: policy proposals, research papers, results of consultations, supporting reports, major drafts, final policy documents.	Retain as Territory Archives
138.273.002 ■■■■■■■■■■■■■■■■■■■■	Records documenting comments made on the development of government-wide public administration policies and working papers documenting the development of policies.	Destroy 3 years after promulgation of new policy

Reporting & Statements

The activities associated with drafting, preparing and providing reports relating to the function including in the form of informal or formal statements, statistics, returns, submissions or similar reports.

Note: *Where reports support a more specific activity, use the relevant classification, (e.g. use Borrowing & Investment, for reports on organisation investments, or use Budgeting for reporting on budget expenditure.*

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
138.295.001 ■■■■■■■■■■■■■■■■■■■■	Final versions of internal formal reports and reports made to external agencies relating to the management of the public service. Includes State of the Service Report.	Retain as Territory Archives
138.295.002 ■■■■■■■■■■■■■■■■■■■■	Final versions of periodic internal reports on general administrative matters used to monitor and document recurring activities to support the management of the public service. Includes the collection and reporting of statistical information, working papers, drafts and comments received.	Destroy 3 years after last action

RETAIN AS TERRITORY ARCHIVES

PUBLIC SECTOR COMMISSIONER

The function of administering the statutory obligations of the Public Sector Standards Commissioner to establish, maintain, promote and uphold the public sector values, standards of conduct and best practice that meet the needs of the community. Includes providing advice, approving administrative arrangements, reporting on reviews, investigating disclosures and alleged complaints. Also includes developing whole of government standards and activities associated with the appointment of the Commissioner.

Advice

The activities associated with offering formal opinions and advice as to an action, judgement or topic. Includes legal advice, legislative drafting advice, publishing and public access to legislation advice and formal advices required by legislation.

Entry No.	Description of Records	Disposal Action
138.005.001 ■■■■■■■■■■■■■■■■■■■■	Records documenting the receipt and provision of advice to the Chief Minister on the management of the public service as a whole.	Retain as Territory Archives

Events

The activities associated with organising, arranging and managing internal or external conferences, exhibitions, functions, celebrations, ceremonies, visits or other events for the purpose of either informing attendees, promoting the activities, services and programs of the organisation or supporting local suppliers and organisations to attend, display or promote at events, (e.g. trade displays, Christmas pageants, Canberra Show). Includes the development of speeches and presentations at events, arrangements such as venue and facility bookings, catering and security arrangements, managing registrations and invitations, and event transcripts, proceedings and photographs.

[For event management policies, procedures and guidelines, use GOVERNMENT & STAKEHOLDER RELATIONS - Policies & Procedures.

For the design, drafting, development and production of marketing material for events, use Marketing & Publication.

For building security arrangements for events, use PROPERTY & EQUIPMENT – Operation & Control.

For staff attendance at conferences and events organised for learning and development purposes, use HUMAN RESOURCES – Training & Development.]

Entry No.	Description of Records	Disposal Action
138.043.001 ■■■■■■■■■■■■■■■■■■■■	Programs, invitations, guest lists and photographs relating to ceremonies held to mark a special occasion e.g. the opening of a building or major facility, or the conferring of Commissioners awards.	Retain as Territory Archives

Government & Assembly Matters

The activities associated with managing formal matters of government and the Assembly, including government briefings, ministerial representations, and submissions in response to specific requests from government. Includes Ministerial briefings, Ministerial submissions, Questions on Notice, Question Time Briefs, and Senate Estimates.

[For reporting to government on the organisation's core functions and performance, i.e. annual reports, use STRATEGY & GOVERNANCE – Performance Management.

For attendance at government conferences, ceremonies, celebrations, functions or other events, use Events.]

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
138.296.001 ■■■■■■■■■■■■■■■■■■■■	Records of external high level inter-government (both State/Territory and overseas) or high level inter-agency committees and meetings associated with managing formal matters of government and the Assembly where the agency provides the Secretariat, is the Territory's main representative, or plays a significant role. Includes: <ul style="list-style-type: none"> • documents establishing the committee; • agendas; • minutes; • reports; • recommendations; • supporting documents such as briefing and discussion papers. 	Retain as Territory Archives

