

Territory Records (Records Disposal Schedule – Records on Damaged or Obsolete Media) Approval 2022 (No 1)

Notifiable instrument NI2022—350

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 – Records on Damaged or Obsolete Media) Approval 2022 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Approval

I approve the Records Disposal Schedule – Records on Damaged or Obsolete Media.

4 Revocation

I revoke Records Disposal Schedule – Records on Damaged or Obsolete Media) Approval 2020 (No 1) NI2020-434, and

Territory Records (Records Disposal Schedule - Protection of records relevant to the Royal Commission into Natural Disaster Arrangements) Approval 2020 (No 1) NI2020-468

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Director of Territory Records
12 July 2022



Records Disposal Schedule

Records on Damaged or Obsolete Media

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INTRODUCTION

The Records Disposal Schedule – Records on Damaged and Obsolete Media is the official authority for the disposal of these ACT Government Records.

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 used in conjunction with other Records Disposal Schedules.

PURPOSE

The purpose of this Records Disposal Schedule is to provide for the authorised disposal of Records that are on media that is damaged or obsolete.

SCOPE

This Records Disposal Schedule applies to Records created or maintained by Agencies. It also applies to consultants, contractors and other third parties undertaking functions on behalf of Agencies.

AUTHORITY

The Director of Territory Records, in consultation with stakeholders and the Territory Records Advisory Council has approved this Records Disposal Schedule for use.

Officers using this Records Disposal Schedule should apply it with caution. 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 under the *Territory Records Act 2002*, including any other applicable Records Disposal Schedule or approved Records Management Program.

An Agency must take appropriate steps to meet the prerequisites for disposal in this and other applicable Records Disposal Schedules, including to ascertain whether disposal is prohibited, for example where the Records relate to any reasonably foreseeable legal action or current Records Disposal Freeze.

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

GUIDELINES FOR USE

Coverage of authority

The *Records Disposal Schedule – Records on Damaged and Obsolete Media Records*:

- is intended to be used in conjunction with other Records Disposal Schedules;
- is applicable to records created, maintained and stored in any electronic, paper or other physical format.

Application of this Schedule

The Records on Damaged and Obsolete Media Records Disposal Schedule, in conjunction with other approved Records Disposal Schedules, gives permission to dispose of damaged or obsolete media sources, known to contain records, information or data related to the business of the ACT Government. However, in order to do so, several conditions apply to the damaged and obsolete media sources, the process to authorise destruction and the subsequent management of the records. Conditions and recovery options may vary slightly from source to source, but in general will include:

- Assessment of damaged and obsolete physical and electronic media.
- Determining if records are readable or recoverable through reasonable processes, or whether damage or contamination prevents examination and sentencing of records.
- Migrating the data and metadata to new media, including scanning of physical media and other format shifting technologies.
- Exporting the data to a format that enables it to be accessed and read for retention for the required period, including, if the records are identified as Territory Archives in a Records Disposal Schedule, a long-term preservation format.
- Copying and digital storage.

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 Territory Records Office.

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 Territory Records Office.

RELATED LEGISLATION

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

Criminal Code 2002
Evidence Act 2011
Financial Management Act 1996
Freedom of Information Act 2016
Government Procurement Act 2001
Information Privacy Act 2014
Public Interest Disclosure Act 2012
Public Sector Management Act 1994
Territory Records Act 2002

Please note this list may not be exhaustive and it is the responsibility of the officers using this Records Disposal Schedule to follow all applicable legislation, regardless of whether it is listed above or not.

DEFINITIONS

Agency

As defined in the *Territory Records Act 2002*.

Appraisal

The process of evaluating business activities to:

- determine which records need to be created and 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.

Damaged Media (also see *Obsolete Media*)

Physical media (such as papers, photographs, negatives/slides, maps, drawings), and information communication technology devices (may include hard or floppy discs, servers, CDs or DVDs, USB sticks, tapes, portable devices, databases and software or other digital or electronic formats), that contain records, information and data, and which are:

- operationally impaired limiting usability
- physically compromised
- degraded and otherwise illegible
- contaminated with dangerous substances or bio-hazards

Disposal Action

The direction relating to disposal or retention of a Record that applies to a Record once it has been sentenced, including any conditions about the necessary Retention Period and prerequisites for disposal.

Metadata

Structured or semi-structured information, which enables the creation, management, and use of records through time and within and across domains.

Obsolete Media (also see *Damaged Media*)

Information Communication Technology devices (may include hard or floppy discs, servers, CDs or DVDs, USB sticks, tapes, portable devices, databases and software or other digital or electronic formats), that contains records, information and data which is:

- operationally impaired limiting usability
- no longer produced or used widely, and is considered redundant technology.

Permanent Record

A record that has been sentenced under a Records Disposal Schedule so that the applicable disposal action is Retain as Territory Archives. Permanent records are considered of archival value to the Territory and may not be destroyed.

Principal Officer

As defined in the *Territory Records Act 2002*

Record

As defined in the *Territory Records Act 2002*

Recordkeeping System

An information system that captures, maintains and provides access to records over time. While the term is often associated with computer software, the term ‘Recordkeeping System’ also encompasses 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.

Records Disposal Freeze

When the Director of Territory Records temporarily suspends the approval of all or part of a Records Disposal Schedule.

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.

Records Disposal Schedule

A document approved by the Director of Territory Records, in accordance with section 19 of the Territory Records Act 2002, which sets out the types of Records created or received by an Agency and how long these Records must be retained by the Agency.

Retention Period

The period of time during which an Agency must retain a Record, as specified in the relevant Records Disposal Schedule.

Scope Note

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

Sentenced Records

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 considered of archival value to the Territory, which, in order to be preserved for the benefit of present and future generation, may not be destroyed. All sentenced records with the applicable disposal action being Retain as Territory Archives are permanent records.

Unsentenced Records

Records to which the process of applying appraisal decisions as set out in a Records Disposal Schedule has not been applied. See also *Sentenced Records*.

RECORDS DISPOSAL SCHEDULE

DAMAGED AND OBSOLETE MEDIA RECORDS

This Records Disposal Schedule provides for disposal authorisation for Records that are inaccessible because they are stored on media or using software that is damaged or obsolete.

<i>Entry No.</i>	<i>Description of Records</i>	<i>Disposal Action</i>
GE9.GE1.001	Records on obsolete or damaged media where the content is known and the records are permanent records <u>AND/OR</u> the content is unknown.	Destroy the media after the requirements in Part A and Part D (below) have been met
GE9.GE1.002	Records on obsolete or damaged media where the content is known and the records are temporary records.	Destroy the media after the requirements in Part B and Part D (below) have been met
GE9.GE1.003	Records on obsolete or damaged media where the content is known and the records are not covered by a Records Disposal Schedule.	Destroy the media after the requirements in Part C and Part D (below) have been met

Requirements for the destruction of records on Damaged and Obsolete Media

Part A: Prerequisites to destroying media with Permanent records or unknown content

Step A1	<p>Ascertain if the data, including <i>metadata</i>, can be extracted for migration to new media, or exported, scanned or copied to a format that is likely to enable it to be accessed and read for retention for the required period.</p> <p>(This can be done firstly by the agency, and if unsuccessful referred to Digital Data and Technology Services).</p>
Step A2	<p>If the records are readable, assess the risks the agency incurs in destroying the records and/or the media, in particular risks that:</p> <p>a) the information may be required for:</p> <ul style="list-style-type: none"> • business reference by the agency • satisfying an application for access under the <i>Freedom of Information Act 2016</i> or the <i>Territory Records Act 2002</i> • defending a claim • providing evidence in a current judicial proceeding or a judicial proceeding that is likely to commence <p>b) the records have other significant evidential or research value</p> <p>c) the records may pose a threat to other records or persons (e.g. due to bio-hazards or contaminants)</p>
Step A3	<p>Select from four actions:</p> <p>3.1 If the records can be recovered and are not eligible for destruction, but the cost of recovering the records outweighs the identified risks (above) of the information not being available for the required period, then destroy the records and the media, following Steps D2–D4 in Part D below.</p> <p>3.2 If the records are recoverable and the costs are acceptable, then extract, scan, migrate or copy the data/records and any metadata, retain the records in a system for the required period, then complete steps D1–D4 in Part D below.</p> <p>3.3 If the records are already eligible for destruction under a Records Disposal Schedule, then destroy the data and media as per Step D3 in Part D below.</p> <p>3.4 If the records are beyond recovery (regardless of cost) then destroy the media, after completing steps D2–D4 in Part D below.</p>

Part B: Prerequisites to destroying media with temporary records

Step B1	Ascertain if the data/records, including metadata, can be extracted for migration to new media, or exported, scanned or copied to a format that enables it to be accessed and read for retention for the required period.
Step B2	<p>If the records are readable, assess the risks the agency incurs in destroying the records and/or the media, in particular risks that:</p> <p>a) the information may be required for:</p> <ul style="list-style-type: none"> • business reference by the agency • satisfying an application for access under the <i>Freedom of Information Act 2016</i> or the <i>Territory Records Act 2002</i> • defending a claim • providing evidence in a current judicial proceeding or a judicial proceeding that is likely to commence <p>b) the records have other significant evidential or research value</p> <p>c) the records may pose a threat to other records or persons (e.g. due to bio-hazards or contaminants)</p>
Step B3	<p>Select from three actions:</p> <p>3.2 If the records are recoverable and the costs are acceptable, then extract, scan, migrate or copy the data/records and any metadata, retain the records in a system for the required period, then complete steps D1–D4 in Part D below.</p> <p>3.3 If the records are already eligible for destruction under a Records Disposal Schedule, then destroy the data and media or physical record as per D3 in Part D below.</p> <p>3.4 If the records are beyond recovery (regardless of cost) then destroy the media or physical record, after completing steps D2–D4 in Part D below.</p>

Part C: Prerequisites to destroying media with unsentenced or unsentenceable records

Step C1	Ascertain if the data/records, including metadata, can be extracted for migration to new media, or exported, scanned or copied to a format that enables it to be accessed and read.
Step C2	<p>If data/records are accessible and readable - assess the information to determine a records disposal classification of best fit. Complete Part A or Part B based on best fit.</p> <p>If data/records are accessible and readable and there is no appropriate records disposal classification contact the Territory Records Office for assistance with further appraisal of the records</p> <p>If data is inaccessible and unreadable – complete steps D2–D4 in Part D below</p>

Part D: Prerequisites to destroying media following completion Part A, Part B or Part C

Step D1	<p>The migrated, scanned or extracted record becomes the official record of the business of the agency and is captured in a system designed to ensure access for the full retention period of the record and is managed in accordance with TRO standards.</p> <ul style="list-style-type: none"> • Quality assurance processes are completed.
Step D2	<p>Provide a report to the Territory Records Office requesting approval for destruction of the records and/or media. The report is to include:</p> <ul style="list-style-type: none"> • Information about when and how the circumstances occurred which caused the records to be irrecoverable • Information about what remedial action was taken by the agency to recover the record, information and data • Information about what record/s have been rendered irrecoverable by the incident, if known, and their disposal status under a Records Disposal Schedule • where relevant, photos of the record/s or media • Information about what initiatives the agency has/will put in place to mitigate any future loss or damage to government records by such an incident. • Obtain documented approval for destruction of the records and media by the Agency Head or delegate responsible for the records.
Step D3	Provide evidence of TRO approval where required and arrange secure and irreversible destruction of the records on the obsolete media and the media itself, using either DDTS secure destruction services, or specialist commercial provider of secure records destruction services.
Step D4	Obtain a certificate of destruction from the service provider (DDTS or commercial).

EXPLANATORY NOTES

Layout of the schedule

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.

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.