

UNSW

Records & Archives

Retention periods for records relating to research

Introduction

This document details the retention requirements for records related to research.

It should be read in conjunction with the [UNSW Research Code of Conduct](#), the [UNSW Handling Research Material & Data Procedure](#) and UNSW [guidance on records disposal](#).

The document outlines retention periods required for the various classes of:

1. **research data**
2. **ethics committee and process records**
3. **records relating to the ownership of intellectual property**
4. **records relating to research reporting**
5. **other records related to the administration of research**

It compares where appropriate the retention periods required under the [State Records Act 1998](#) through the State Records Authority's [General Retention and Disposal Authority - Higher and Further Education Records \(GA47\)](#) and the [Australian Code for the Responsible Conduct of Research](#). Where there is conflict between retention periods from these authorities the longer retention period (as shown in the tables by bold type) is the retention period that should be applied.

Determining when to dispose of research records

There is a significant cost to the University in storing records, particularly paper records, for periods longer than those for which it is legally obliged to retain the records. Records should therefore be destroyed once their retention period has expired.

Retention periods detailed in retention and disposal authorities or in other authorities that mandate retention periods, are however minimum periods. If there is a demonstrated business need for continued retention of records they should be retained beyond these minimum periods for as long as they are still required. Continuing business need is generally demonstrated by a record of access to the record during the period after the action it documents has been completed or by a need for the business unit to retain the record in its work area for ready access. Records should not be retained beyond the date at which they can be legally destroyed 'just in case' they might be required at some time in the future.

Records which are required for known, or reasonably anticipated, litigation, inquiries or investigations, or records that may be relevant to allegations of research misconduct must not be destroyed or otherwise disposed of until the litigation or investigation has been concluded. They should not be retained 'just in case' litigation or inquiries may arise at some time in the future.

Sources consulted in the construction of these tables

The primary sources for retention periods reflected in these tables are:

- *State Records Act 1998*
- *General Retention and Disposal Authority - Higher and Further Education Records (GA 47)*
- *General Retention and Disposal Authority - Administrative Records (GA 28)*
- *Australian Code for the Responsible Conduct of Research (2018)*,
 - *Supporting Guide: Management of Data Information in Research (2019)*

Other authorities consulted were:

- The [National Statement on Ethical Conduct in Human Research](#) which requires records to be created and maintained in their original form but does not mandate any retention periods for records.
- The [Australian code of practice for the care and use of animals for scientific purposes](#) which requires records to be created and maintained but does not mandate any retention periods for records.
- The NHMRC [Guidelines Under Section 95 of the Privacy Act 1988](#) which outline requirements in relation to the collection, handling and use of personal information and health information but do not include any details about retention periods for records.
- The NHMRC [Guidelines Approved Under Section 95A of the Privacy Act 1988](#) which refer to requirements relating to the collection, maintenance and use of records but do not include any requirements for retention periods for records.
- The AIATSIS [Guidelines for Ethical Research in Indigenous Studies](#) which refer to issues relating to records but do not include any requirements for retention periods

1. Retention periods for research data

| Type of research data | State Records Act - General Retention and Disposal Authority – Higher and Further Education Records (GA47) (2017) | | Australian Code for the Responsible Conduct of Research (2018) | |
|---|---|--|--|---|
| | Description of data | Retention period | Description of data | Retention period |
| 1. Data for research of regulatory or community significance. | <p>Data and datasets created as part of research activities within the institution, which are of regulatory or community significance. Includes data created that is:</p> <ul style="list-style-type: none"> ▪ part of genetic research, including gene therapy ▪ controversial or of high public interest, or has influence in the research domain ▪ costly or impossible to reproduce or substitute (i.e.; with an alternative data set of acceptable quality and useability) if the primary data is not available ▪ relates to the use of an innovative technique for the first time ▪ of significant community or heritage value to the state or nation ▪ required by funding or other agreements to be retained permanently <p>[State Records Act reference: GA 47, 3.5.1]</p> | <p>Required as State Archives (i.e.; transfer to University Archives for permanent retention)</p> | [Data relating to] gene therapy (e.g.; patient records) | Retain permanently |
| | | | [Data relating to] work [which]has community or heritage value | Retain permanently (preferably within a national collection) |
| | | | [Data relating to] most clinical trials | Retain for minimum of 15 years |
| | | | General research data | 5 years from the date of publication. However, in any particular case, the period for which data should be retained should be determined by the specific type of research |

| Type of research data | State Records Act - General Retention and Disposal Authority – Higher and Further Education Records (GA47) (2017) | | Australian Code for the Responsible Conduct of Research (2018) | |
|--|--|---|--|--|
| | Description of data | Retention period | Description of data | Retention period |
| <p>2. Data and datasets created from clinical trials, or research with potential long term effects on humans, which are not of regulatory or community significance. †</p> | <p>Data and datasets created from clinical trials, or research with potential long term effects on humans, as part of research activities within the institution, which are not of regulatory or community significance.</p> <p>Includes animal testing for human products.</p> <p>[State Records Act reference: GA 47, 3.5.2] φ</p> | <p>Retain for minimum of 15 years after completion of research activity or until subject reaches or would have reached the age of 25 years, whichever is longer, then destroy.</p> | [Data relating to] gene therapy (e.g.; patient records) | Retain permanently |
| | | | [Data relating to] work [which]has community or heritage value | Retain permanently (preferably within a national collection) |
| | | | [Data relating to] most clinical trials | Retain for minimum of 15 years |
| | | | General research data | Retain for minimum of 5 years from the date of publication. However, in any particular case, the period for which data should be retained should be determined by the specific type of research |

φ Note:

GA 47 Disposal class 3.5.2 (Data... with potential long term effects on humans) defines the minimum retention requirements as 15 years after completion of research activity (or until subject reaches age of 25), however other requirements should also be considered. For example, workers compensation regulations allow for a claimant to reopen a case at any time during the lifetime of the claimant, which may necessitate records to be retained for up to approximately 70 years after the research project is completed'. This needs to be determined on a case by case basis.

| Type of research data | State Records Act - General Retention and Disposal Authority – University Records (GDA 23) (2005) | | Australian Code for the Responsible Conduct of Research (2018) | |
|--|--|---|---|--|
| | Description of data | Retention period | Description of data | Retention period |
| 3. Data and datasets created not involving clinical trials, research with potential long term effects on humans or gene therapy and which are not of regulatory or community significance † | Data and datasets created as part of research activities within the institution which do not involve clinical trials, research with potential long term effects on humans, gene therapy or which are not of regulatory or community significance. [State Records Act reference: GA 47, 3.5.3] | Retain for minimum of 5 years after project completed, then destroy. | General research data | Retain for minimum of 5 years from the date of publication. However, in any particular case, the period for which data should be retained should be determined by the specific type of research |
| | | | Short-term research projects that are for assessment purposes only, such as research projects completed by students | Retain for 12 months |

† Note:

The *National Statement on Ethical Conduct in Human Research* (revised 2018), 3.1.48 requires that, "in research... particularly that which involves the use of materials of biological origin, records should be preserved for long enough to enable participants to be traced in the event that evidence emerges of late or long-term health-related effects, taking into account the conditions of consent that apply."

2. Retention periods for records of ethics committees and processes

| <i>Description of Records</i> | <i>Retention Period</i> | <i>State Records Act reference</i> |
|---|--|------------------------------------|
| Human Ethics records of assessment and approval of research. | Retain for minimum of 15 years after action completed, then destroy. | GA 47 3.4.1 |
| Bio-safety Ethics records of assessment and approval of research, includes GM (genetically modified plants and organisms) research. | Retain for minimum of 10 years after action completed, then destroy. | GA 47 3.4.3 |
| Animal Ethics records of assessment and approval of research. | Retain for minimum of 7 years after action completed, then destroy. | GA 47 3.4.2 |
| Records relating to breaches of ethical practice as approved by the ethics committee(s). | Retain as per relevant ethics approval disposal above. | GA 47 3.4.1 – 3.4.3 |
| Records of complaints and resulting investigations in relation to Research not subject to ethics committee processes. | Retain for minimum of 7 years after action completed, or expiry of appeal period, then destroy. | GA 47 3.4.6 |

3. Retention periods for records relating to the ownership of intellectual property

| <i>Description of Records</i> | <i>Retention Period</i> | <i>State Records Act Authority</i> |
|---|--|------------------------------------|
| Records relating to the establishment, registration and documentation of the organisation's intellectual property, including patents, trademarks, designs such as logos, plant breeders rights, circuit layouts and all forms of copyright. | Retain minimum of 5 years after intellectual property rights lapse, then destroy | GA 28 19.10.1 |
| Records relating to the establishment, negotiation, maintenance and review of agreements regarding ownership rights or use of intellectual property, e.g. agreements to invest copyright in another author, person or organisation. | Retain minimum of 70 years after date of agreement, or after expiry date specified in agreement, then destroy | GA 28 19.1.2 |

4. Retention periods for records relating to research reporting

| <i>Description of Records</i> | <i>Retention Period</i> | <i>State Records Act Authority</i> |
|---|--|------------------------------------|
| Final reports on individual research projects that include outcomes of the research project. | Required as State Archives (i.e.; transfer to University Archives for permanent retention) | GA 47 3.4.4 |
| All other reports on individual research projects – for example progress reports, inspection reports, monitoring and reports on expenditure | Retain minimum of 7 years after all conditions of the grant have been satisfied, then destroy | GA 47 3.3.2 |

5. Other records relating to the administration of research

| <i>Description of Records</i> | <i>Retention Period</i> | <i>State Records Act Authority</i> |
|--|--|------------------------------------|
| Records relating to routine administration of grant programs. Includes unsuccessful applications and routine associated correspondence. | Retain for minimum of 2 years after action completed, then Destroy. | GA 47 3.3.1 |
| Records relating to successful applications for grants. Includes applications, agreements, project monitoring, acquittals and reports. | Retain minimum of 7 years after all conditions of the grant have been satisfied, then destroy. | GA 47 3.3.2 |
| Records relating to the establishment of the grant, including grant conditions. Includes records relating to the establishment of grants, including standard grant conditions which establish the expectations, boundaries and protocols in relation to the grant. | Retain until discontinuation of the program and acquittal of all grants under the program , then destroy. | GA 47 3.3.3 |

| <i>Description of Records</i> | <i>Retention Period</i> | <i>State Records Act reference</i> |
|--|---|------------------------------------|
| Records relating to the treatment of animals in the organisation's custody. Includes records relating to the operation and provision of veterinary clinics and services. | Retain for minimum of 7 years after action completed, then Destroy. | GA 47 3.2.1 |
| <p>Records relating to the remediation of contaminated sites that do not:</p> <ul style="list-style-type: none"> • present a major long term public health risk • involve major public controversy, or • have a significant impact on policies/procedures. <p>Records include:</p> <ul style="list-style-type: none"> • environmental and heritage impact assessments and plans • records of consultations • records of site inspections • records of remedial action • records of environmental monitoring. | <p>Retain minimum of 75 years after action completed, then destroy.</p> <p>[Note these records should be transferred to University Archives when current use is concluded]</p> | GA 28 16.6.6 |