

**State Archives and Records Authority of New
South Wales**

**General retention and disposal
authority: original or source records
that have been copied**

This general retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Records Authority of New South Wales in accordance with section 21(3) of the Act.

State Archives and Records Authority of New South Wales

General Retention and Disposal Authority

Authority no GA45

SR file no 14/0416

Scope This general retention and disposal authority applies to the original or source records of certain categories of records that have been copied.

Public office This authority applies to all public offices as defined under the *State Records Act 1998*.

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Date

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1 The Authority

1.1 Purpose of the Authority

This general disposal authority describes the circumstances and conditions under which the destruction of certain original or source records is permitted under the provisions of the *State Records Act 1998* after they have been copied.

1.2 Scope of records covered by the Authority

This authority applies to source or original records that have been copied, provided that the conditions for destruction have been met (see 1.3), and provided the records do not come within a category of excluded records (see 1.4).

This authority does not apply to digital records that have been migrated. Disposal coverage for these records is provided by the *General retention and disposal authority: source records that have been migrated*.¹

See section 2.4 of the *Guidelines for use* for details of the types of copying processes to which this authority applies.

1.3 Conditions for destruction

The destruction of original or source records that have been copied is permitted subject to the following conditions:

- the original or source records do not come within one of the categories of excluded records listed below (see 1.4)
- the records are covered by an approved retention and disposal authority
- authentic, complete and accessible copies of the records are made
- the copies become the official record of the business of the agency and are kept in accordance with authorised retention requirements, and
- the original or source records are kept for quality control purposes for an appropriate length of time after copying.

See the *Guidelines* for further information about these conditions, including advice about the types of copying the authority applies to (Section 2.4) and a checklist. **The Guidelines must be read before applying this authority.**

1.4 Excluded records

The following records are excluded from the provisions of this authority and cannot be destroyed after copying:

- 1) original or source records that were created prior to January 1, 1980 and are required as State archives or required to be retained in agency. (Public offices wishing to copy and destroy the originals of records that fall within these categories should contact State Records).
- 2) original film (including photographic negatives) or analogue audio-visual material that are required as State archives
- 3) State archives that have been retrieved or are on loan from State Records or its regional repositories. These records must be returned to State Records or the relevant regional repository.

¹ The *General retention and disposal authority for source records that have been migrated* covers digital records from any business system that remain after a successful migration.

- 4) records subject to a legislative or Government policy requirement that the original record not be destroyed
- 5) records that are considered to have intrinsic value in their original format e.g. records that have a cultural, iconic, heritage or aesthetic value as a physical artefact
- 6) records documenting special circumstances personal information of high personal value to the subject of the record
- 7) source records that have been used as the input or source records for migration (see the *General retention and disposal authority for source records that have been migrated*).

See section 2.2 of the *Guidelines for use* for further information about these exclusions.

1.5 Implementing this Authority

For further information and guidance on complying with the above conditions and exclusions see Section 2 *Guidelines for use*.

Contact State Records for advice before undertaking back-capture projects² that involve records that are required as State archives. We can assist with determining whether records fall within the exclusions categories and assist with advice about complying with conditions. There are a range of issues surrounding back-capture that should be considered – including the removal of fasteners that might compromise context, unbinding, etc.

If copying is being considered or undertaken because the original records have been severely damaged or are deteriorating you must contact State Records for advice.

Public offices wishing to copy and destroy the originals of records that are required as State archives or required to be retained in agency and which were created before January 1, 1980 must contact State Records.

Public offices should bear in mind that authorisation for disposal is given in terms of the *State Records Act 1998* only. This authority does not require public offices to destroy the originals of records after copying and care must be taken not to dispose of records in contravention of any additional legal responsibilities, obligations or business interests unique to a public office.

The approval given in this authority is for destruction only. Original or source records that have been approved for destruction under this authority cannot be sold or given away as this would constitute a breach of the State Records Act.

1.6 Status of this Authority

This Authority for the disposal of State records has been approved by the Board of the State Records Authority of New South Wales and may be implemented in accordance with the accompanying *Guidelines for use* (see section 2).

1.7 How long is the Authority in force?

This Authority will remain in force until it is superseded or withdrawn from use by State Records.

1.8 For more information

To suggest amendments or alterations to this Authority, or to obtain assistance in the interpretation or implementation of the Authority, contact State Records on (02) 9673 1788 or at govrec@records.nsw.gov.au.

² Back-capture projects involve the retrospective digitisation of existing (mostly) paper records.

2 Guidelines for use

2.1 Meeting the conditions for the destruction of records

The destruction of original or source records after copying is only permitted under this authority where the following conditions are met:

- the records do not come within one of the categories/types of excluded records (see 2.2).
- the records are covered by an approved retention and disposal authority (see 2.1.1)
- authentic, complete and accessible copies have been made (see 2.1.2)
- the copies become the official record of the business of the agency and are kept for the authorised minimum retention period or transferred to State Records (if they are required as State archives) (see 2.1.3), and
- the original or source records are kept for quality control purposes for an appropriate length of time (see 2.1.4).

2.1.1 The records are covered by an approved disposal authority

Permission to destroy original or source records that have been copied is only given where the records are covered by an approved functional or general retention and disposal authority issued by State Records. Please contact State Records for advice about obtaining disposal authorisation if the records are not covered by a current retention and disposal authority.

2.1.2 Authentic, complete and accessible copies are made

Where an original or source record is to be destroyed after copying, the copy becomes the official record of the business of the agency and must be able to stand in place of the original. Therefore public offices must ensure the copies can be taken to be true copies and have the degree of authenticity, reliability, integrity and useability necessary to meet the purposes of the original record.

Authentic

To be authentic the copy must be the product of established, authorised and monitored processes. Measures which are required include:

- ensuring policies and procedures on copying of records are known by staff and authorised at a senior level. It is essential that policies and procedures address processes for verifying that the copies are accurate reproductions of the originals and for the application or use of image enhancement techniques to improve legibility and quality.
- using standard formats with the highest technical specifications that can be supported
- using 'read-only' controls in network servers used for storage of copies
- maintaining thorough system documentation, including descriptions of any image enhancement techniques, and
- using security controls such as access passwords and audit trails to prevent alteration of the copies.

See *Technical specifications; Benchmarks and quality assurance; Legal admissibility and credibility of digital images* and *Policies, procedures, standards and documentation* in the guidelines on *Managing Digitisation Programs and Projects* for further information.

Complete

To be complete the copy must be an accurate, legible reproduction of the original or source record in its entirety. This means that:

- the copy must be legible at the required level of detail
- all pages, annotations, attachments and enclosures are captured
- colour markings on maps and plans may be essential, but a coloured logo, letterhead or invoice may be less important.

If there are concerns regarding accurate, legible reproduction then the originals must be retained.

See *Benchmarks and quality assurance* and *Frequently Asked Questions* in the guidelines on *Managing Digitisation Programs and Projects* for more information.

Accessible

To be accessible the copy must be managed, available and readable to all those with a right to access it, for as long as it is required. Measures include:

- storage and management of the copies and their metadata in systems that have adequate recordkeeping functionality or are integrated with recordkeeping systems, including line-of-business applications, electronic document and records management systems, enterprise content management systems, other content management systems or image management systems
- projecting future storage requirements so that the ICT infrastructure and system architecture can support the copies for as long as required
- ensuring adequate, persistent and searchable descriptive metadata is present to allow retrieval for as long as required
- management of the system by appropriately skilled staff with only authorised staff disposing of records
- documented planning and strategies for managing long term accessibility of the records
- the adoption of migration strategies for long-term records.

See the advice on how to *Effectively manage the migration of your digital records* from the *Designing, implementing and managing systems* webpage, and *What are the 'official' records* and *Managing digital images as records* in the guidelines on *Managing Digitisation Programs and Projects* for more information.

2.1.3 The copies become the official State record

When an original or source record is destroyed, the copy becomes the official record of the business of the agency and must be retained and be accessible for the period specified in the disposal class under which the original or source record was covered.

For example:

If a public office is routinely scanning and then destroying employee leave applications, the copies must be retained in accordance with the retention periods specified in the *General retention and disposal authority: administrative records PERSONNEL* or the *General retention and disposal authority: local government records PERSONNEL*.

It is essential that your organisation establishes and implements management regimes to ensure the copies continue to be preserved and accessible for as long as required. For example, most personnel files need to be retained at least until the employee reaches the age of 75 years (under the *General retention and disposal authority: administrative records*). It is unlikely the system managing these long-term records would remain in operation for this period of time. Migration strategies will need to be put in place to ensure digital copies and their metadata are preserved and accessible if the system they are managed in is being decommissioned.

Records that are required as State archives should be routinely transferred to State Records when they are no longer in use for official purposes.

See *Strategies for the long term management of digital images* in the guidelines on *Managing Digitisation Programs and Projects*, and the advice on how to *Effectively manage the migration of your digital records* from the *Designing, implementing and managing systems* webpages for more information.

2.1.4 Originals or source records are kept for quality control purposes for an appropriate period of time after copying³

Public offices must determine an appropriate period for retaining the original or source records for quality control purposes after copying. An appropriate retention period will be:

- based on an understanding of the organisation's own copying and recordkeeping processes
- suitable for the type of business to which the records relate
- determined in consultation with relevant business units.

In determining an appropriate retention period, public offices should consider the:

- level of assurance that full and accurate records have been created
- level of assurance that digital images are being well managed in a recordkeeping system
- robustness of digitisation processes, including quality assurance processes
- level of assurance that the records' authenticity is being maintained (determined through results of quality assurance processes)
- need for access to the original paper records for other purposes, such as legal proceedings.

Quality assurance means verifying that the quality (specified in quality controls and technical specifications) has been achieved and corrective action is taken where it is not. This includes:

- verification of visual integrity to ensure readability and complete capture of the document, including comparisons between the original or source and the copied images
- verification that all documents have been captured
- regular testing of scanners, including routine use of scanning targets to verify configuration settings and recalibration as required.

If the quality assurance process identifies potential issues because of the copying process, the nature and/or type of the original or source records, or any other reason which means that quality cannot be assured, then the original or source records must not be destroyed.

Special care needs to be taken before destroying original or source records that are required as State archives. Please contact State Records if you are not sure that the quality assurance processes are sufficient for these records.

2.2 Exclusions

The original or source records of the following types of records cannot be destroyed after copying:

- 1) original or source records that were created prior to January 1, 1980 and are required as State archives or required to be retained in agency
- 2) original film (including photographic negatives) or analogue audio-visual material that are required as State archives. The quality of prints or images that can be obtained decreases with each generation of copying.

³ In April 2018 the guidance was amended to remove the suggested retention of original records for 6 months after copying.

- 3) State archives that have been retrieved or are on loan from State Records or its regional repositories.
- 4) records subject to a legislative or Government policy requirement that the original record not be destroyed. For example, Section 169 of the *Children and Young Persons (Care and Protection) Act 1998* entitles a child or young person on leaving, or after having left, out-of-home care, to possession of the originals of documents held in a file of personal information by the responsible supervisory agency, authorised carer or by the Director-General. Destruction of personal original documents after copying would not comply with these provisions.
- 5) records that are considered to have intrinsic value in their original format e.g. records that have a cultural, iconic, heritage or aesthetic value as a physical artefact
- 6) records documenting special circumstances personal information of high personal value to the subject of the record
- 7) source records that have been used as the input or source records for migration (see the *General retention and disposal authority for source records that have been migrated*).

2.2.1 Assessing intrinsic value

Intrinsic value relates to the qualities or characteristics of a record that reside in its original form and are lost or diminished when it is copied. This includes:

- Uniqueness, rarity or significant monetary value such as rare stamps, seals, unique watermarks, the signatures of notable individuals or groups, etc.
- Aesthetic value such as that found in original works of art. This would include original hand-drawn and signed plans and designs of heritage buildings or features, original illustrations or graphic designs, original photographs produced as artistic content.
- Iconic or cultural value such as that found in original proclamations, charters, testimonials and intergovernmental agreements or treaties, or records associated with significant persons, events or places.

2.2.2 Special circumstances personal information

Special circumstances personal information are records that have a high personal value to certain individuals, such as the case files of care leavers and other individuals who may have been subject to Government control, where the Government record contains significant documentation of a person's early life and development not otherwise available to them.

Please contact State Records if you are unsure about the potential intrinsic value of the records, or whether they fall under the category of special circumstances personal information.

2.3 Other considerations

Risk and cost benefits analysis

The cost benefits of copying and the risks associated with the destruction of the originals should always be assessed and documented prior to undertaking a copying project.

See *Benefits, costs and risks of business process digitisation* and *Costs and risks associated with back-capture digitisation* in the guidelines on *Managing Digitisation Programs and Projects* for more information.

Quality of source records

The best quality source record should be used for copying. For example, if records have been microfilmed but the originals still exist, the originals may be the better source record as the image quality will be better.

Conservation assessments

A conservation assessment may be appropriate in some circumstances, e.g. back-capture projects involving records that are required as State archives. A conservation assessment will assist to identify any issues that need to be addressed prior to copying, and to confirm that the records are stable enough to be copied. The Australian Institute for the Conservation of Cultural Material has lists of conservators who can assist with assessments.

Documenting decisions, system design and processes

It is appropriate that various types of documentation are made and kept to record the copying process and the ongoing management of the record copies. Keeping such documentation will support the records' admissibility in legal proceedings and assist in their management through time. Documentation includes:

- policies and procedures on the copying of records and associated quality assurance and control processes
- documentation of the design of the copying systems indicating controls put in place to ensure the copies are complete, accurate and accessible
- documentation of assessments carried out on any requirements to retain records in original format from legislation or business requirements, and
- documented planning for the management of records with long term retention requirements.

Advising clients

There may be circumstances where it might be prudent or appropriate to advise clients or the public that a policy exists to copy and then destroy the originals of records, as the creator/s or subject/s of a record may otherwise have an expectation that the record will be maintained in its original format. Examples of these types of records are a petition with original signatures, or a client's medical records.

Transfer of State archives

Procedures should be in place to ensure the transfer of digital State archives once the records are no longer required for current business or when the source records are 25 years old (i.e. 25 years from the creation of the source records not 25 years from the copying). Please see the Archives management page on our website for more information about the transfer of digital records as State archives.

2.4 Application

This authority applies to the following copying processes:

- Paper records that have been:
 - digitised
 - imaged
 - scanned
 - microfilmed
 - photocopied – but this only applies to records that are not required as State archives.⁴
- Microfilm or microfiche that has been imaged
- Photographic prints that have been imaged
- Film (including photographic negatives) that have been copied to a digital format – but this only applies to records that are not required as State archives

Analogue audio-visual materials that have been copied to a digital format – but this only applies to records that are not required as State archives.⁵

2.5 Further guidance

For further guidance on managing digital records and digitisation processes please refer to State Records advice:

Managing digitisation programs and projects

Designing, implementing and managing systems

Transitioning to digital business

Digital continuity and digital business

Public offices requiring any assistance in the interpretation or implementation of this authority should contact State Records.

⁴ Photocopying of paper records and destruction of the original paper may be appropriate in a limited number of scenarios – for example where the originals are damaged or on paper stock that may be subject to fading e.g. thermal paper.

⁵ Contact State Records if you need assistance regarding the disposal of audio-visual source records required as State archives.