

RECORDS DISPOSAL POLICY

Policy Number:	2.3.4
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Chief Information Officer
Related Policies:	Freedom of Information Policy Privacy and Data Protection Policy Records Management Policy CCTV Policy
Related Documents:	Staff Code of Conduct Councillor Code of Conduct PROS 10/13 Disposal Standard, Specifications & Guidelines
Statutory Reference:	<i>Public Records Act 1973</i> <i>Crimes Act 1958</i> <i>Evidence Act 2008 (Vic)</i> <i>Freedom of Information Act 1982</i> <i>Privacy and Data Protection Act 2014</i> <i>Health Records Act 2001</i>

OVERVIEW

Records disposal is an important part of efficient and effective records management. It is the process of retaining, transferring, or destroying records.

Disposal is defined as a range of processes associated with implementing the retention, deletion, destruction or transfer of records.

It is mandatory for Wellington Shire Council to create, maintain, preserve and dispose of records in accordance with the *Public Records Act 1973*.

Section 254 of the *Crimes Act 1958* creates an offence if a person destroys a document, knowing that it is, or is likely to be, required in evidence in legal proceedings.

THE POLICY

The policy explains Wellington Shire Council's disposal management program and outlines Council's approach to lawfully disposing of agency records.

The Records Disposal Policy is consistent with and should be read in conjunction with Wellington Shire Council's Records Management Policy.

The policy applies to:

- All staff whether permanent, temporary or casual, including contractors, consultants, councillors and volunteers.
- Records of all work carried out by or on behalf of the agency and in all media or formats

(e.g. hardcopy, digital document, email and websites) and in all business systems.

- All records created and received by Wellington Shire Council in all formats, media and systems, including business systems. The overarching framework for all other corporate recordkeeping standards and retention and disposal schedules.

Retention and Disposal Requirements

Wellington Shire Council will only destroy or dispose of records in accordance with Public Records Office Victoria Standards. Disposal Authorities are issued by the Keeper of Public Records and are a legal instrument authorising the destruction or transfer of public records and define the minimum retention time that different classes of records must be kept and how they are to be disposed of. They authorise the destruction of time-expired records. They also identify records that are to be permanently retained as State Archives.

Public Records Office Standards

When sentencing records Wellington Shire Council references both the:

- Public Record Office Standard (PROS) 07/01 – General Retention and Disposal Authority for Records of Common Administrative Functions; and
- Public Record Office Standard (PROS) 09/05 – Retention and Disposal Authority for Records of Local Government Functions

Wellington Shire Council's Disposal Program

Council's disposal program provides planned authorised disposals which reduces storage costs; enhances access to existing records by reducing the time expired records; assists with identification of records required for Freedom of Information requests, subpoenas and discovery in general; identifies permanent records enabling appropriate management prior to transfer to the Public Record Office Victoria and assists with legislative compliance.

Certain Records can be Destroyed under Normal Administrative Practice

The destruction of some records is permitted under normal administrative practice without authorisation.

The following categories of records may be destroyed as normal administrative practice;

- superseded manuals or instructions;
- catalogues and trade journals;
- "copies" of press cuttings, press statements or publicity;
- facsimiles where copies have been made;
- drafts of reports, correspondence, speeches, notes, spreadsheets, the content of which has been reproduced and incorporated in Council's electronic document records management system (EDRMS) or other systems; and
- routine statistical and progress reports compiled and duplicated in other reports.
- Closed Circuit TV (CCTV) recordings will be routinely destroyed after approximately 30 days unless quarantined by the Coordinator Built Environment Facilities for legal or Freedom of Information purposes.

Authorisation to Approve Destruction

All official records must be authorised for destruction, whether they are hard copy or electronic records in the electronic documents record management system (EDRMS) or other systems. The

authorisation process is designed to ensure records are not destroyed before the required retention period, and other administrative, legal, financial and audit needs have been considered.

Prior to any physical records being destroyed, they are listed on a Wellington Shire Council's Records Destruction Register Authorisation and Notification form and sent directly to the relevant authorising officers' (e.g. the Manager and General Manager to whom the documents relate) for review and disposal approval.

The authorising officers must indicate if the records are still required for any of the following functions:

- Legal requirements – legislation requires the records to be retained if they relate to a current case or an expected legal case, or are relevant to an FOI application;
- Administrative need – records are required to support the business activities;
- Audit / financial requirements – records relate to an activity being audited or due to be audited.

If authorisation is not approved, the records must be retained with a new review date or trigger assigned to them. Justification for retaining the records must be provided by an authorised officer.

Records Disposal Program Structure

For the purpose of ensuring the effective management of the disposal program, it is imperative to take a coordinated approach to the sentencing and disposal of records.

Inactive records which are eligible for destruction are sentenced by Information Management in accordance with the relevant Public Record Office Victoria Retention and Disposal Schedule(s), listed on Records Destruction Authorisation forms, signed off by the relevant business units Manager and General Manager authorising the destruction of the records and are prepared for destruction by an authorised shredding company.

Wellington Shire Council captures all signed Records Destruction Authorisation forms in their electronic document records management system (EDRMS). The forms list the documents which have been destroyed by secure shredding, the disposal authority and assigned class and the date of the destruction.

Inactive records archived at Council's Approved Public Office Storage Supplier (APROSS) which are eligible for destruction are also listed on the Records Destruction Authorisation forms and signed off by the relevant Manager and General Manager. The supplier is then notified by Council of the records eligible for destruction and they are responsible for destroying the records and providing a Certificate of Destruction which is also captured into Council's EDRMS by Information Management.

Responsibilities

The Chief Executive Officer is responsible for ensuring all staff, Contractors, Consultants, Volunteers and Councillors (where the records are of a council business nature) at Wellington Shire Council comply with the *Public Records Act 1973* and the legislative requirements for records disposal.

All authorised document destructions must be managed by the Coordinator Information Management or the Senior Information Officer in accordance with the Public Record Office Victoria (PROV) Disposal Standard PROS10/13.

Methods of Secure Destruction

Documents eligible for destruction must be listed on a Wellington Shire Council's *Records Destruction Register Authorisation and Notification* form and destruction approval provided by the applicable Manager and General Manager of the unit(s) to which the records relate.

Authorised bulk document disposals are performed by Council's offsite approved secondary storage provider and/or the professional services of an authorised professional document management organisation by means of secure shredding.

Staff are **not permitted to destroy records** other than those eligible for destruction under normal administrative practice. Non-sensitive material should be placed in normal recycling bins whilst confidential and sensitive documents must be placed in locked secure bins or shredded.

Policy Breaches

Adherence to the Records Disposal Policy is a mandatory requirement for all staff including: Chief Executive Officer, General Managers, Managers, Coordinators, Staff, Contractors, Consultants, Volunteers, and Councillors (where the records are of a council business nature).

Where there is evidence of a breach of this policy, Wellington Shire Council will conduct an investigation to determine the circumstances and extent of the breach.

Non-compliance or breaches of this policy, associated standards and legislative requirements by Council employees, Councillors, contractors and/or volunteers, will be addressed in accordance with either the Staff Code of Conduct or Councillor Code of Conduct as appropriate.

Terms and Definitions

Access	The right, opportunity, means of finding, using or retrieving information.
Destruction	Process of eliminating or deleting records, beyond any possible reconstruction. Note: Authorised document destructions must be managed by Information Management Staff.
Normal Administrative Practice (NAP)	The destruction of some records is permitted under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative or duplicate nature created, acquired or collected by agency employees during the course of their employment.
Record	Information created, received and maintained as evidence by an organisation or person in the transaction of the business, or in pursuance of legal obligations, "regardless of media".
Record Management	The field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of a record
Retention	The preservation of records that makes possible the recall or recognition of information contained in the records.
Retention period	The period for which a record must be kept before it may be destroyed. The retention period is set from the date the record ceases to be current.

Retrieval	The process of finding and making available records that have been retained in storage.
Storage	Process involving placement and retention of records for subsequent use.
Sentencing of Records	Sentencing is the process of using a Retention and Disposal Authority or Normal Administrative Practice to decide whether to retain, destroy or transfer a record.

ENQUIRIES / FURTHER INFORMATION

Enquiries regarding records and document disposal or this Policy can be directed to Information Management staff by contacting 1300 366 244 or emailing enquiries@wellington.vic.gov.au

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Date of next review to December 2023 Responsible Officer changed from Manager Information Services to Chief Information Officer