

Building the Archives: A policy on the identification of State archives

April 2024

Acknowledgement of Country and First Nations peoples

State Records NSW acknowledges First Nations peoples' rich history of recordkeeping, including through the keeping of language and telling of stories, and their role as custodians of the earliest history of this land. We commit to supporting the appropriate management of NSW Government records that show the impacts of policy on First Nations peoples.

State Records NSW endorses the themes and commitments enshrined in the Tandanya - Adelaide Declaration. This declaration includes the statement that "archives can provide the resources to acknowledge human rights violations against Indigenous peoples and construct new trusted relationships between state colonial jurisdictions and Indigenous communities." Given our colonial history, the policy framework for decisions about which State records should be permanently retained as archives must be informed by the knowledges, and lived and living experiences of First Nations peoples.

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Purpose and Scope

The purpose of this document is to outline the objectives that guide the identification of State archives by the State Records Authority NSW (State Records NSW).

This policy applies to State records created or received by NSW public offices as defined by the [State Records Act 1998](#). Public offices include the Houses of Parliament, Courts and Tribunals, NSW Government agencies and departments, State Owned Corporations (SOCs), councils, universities, and the public health system.

Statutory Framework

Under the *State Records Act 1998*, the principal responsibilities of State Records NSW are to oversee recordkeeping by public offices and to identify State records that have enduring value and should be retained as State archives. The transfer and management of State archives are the responsibility of Museums of History NSW (MHNSW).

Generally, State Records NSW identifies State archives through retention and disposal authorities which are issued by State Records NSW. These retention and disposal authorities require the prior approval of the Board of the State Records Authority NSW, whose membership represents a range of stakeholder interests from the Government and the community as prescribed in the Act.

Policy Statement

State archives are important in documenting the business of Government. The selection of State archives must be transparent, considered, and documented.

State Records NSW will identify State records for permanent retention as State archives if they meet one or more of the objectives under the following headings:

1. Authority, actions and accountability of Government and public offices
2. Identity, rights and entitlements of individuals and groups
3. Significant impact on individuals
4. Knowledge and understanding of society and communities
5. Environmental management

Why not keep everything?

It is not in the interest of the Government or the community to retain records for longer than they are reasonably required to support identified needs. The ongoing preservation and management of archives has both financial and environmental resourcing implications, and there are also legislative and community expectations that certain types of information are not retained unnecessarily.

Records of Vulnerable peoples

State Records NSW recognises that government actions – past and present – have had a disproportionate impact on some individuals, families, and communities and we aim to embed principles of equity, fairness, and cultural responsiveness into our work to meet their needs.

Records of First Nations peoples

State Records NSW understands both the pain and healing that can be found in State archives for First Nations peoples. Special consideration is given to identifying records for permanent retention that document important aspects of First Nations experiences, cultures, and languages.

Selection Objectives

The following objectives are applicable to records in any format, both physical and digital. The arrangement of the objectives does not reflect any order of priority.

In meeting these objectives, State Records NSW seeks to identify as State archives an adequate record to document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on the people of NSW.

Where duplication of records exists between public offices, State Records NSW may choose to only require the records of one public office as State archives.

Each objective includes a description of the activities and examples considered likely to meet the objective. These are not intended to be comprehensive.

1. Authority, actions and accountability of Government and public offices

To identify records for permanent retention as State archives that provide evidence of the authority, establishment and structure of the NSW Government and public offices, and of their deliberations, decisions and actions relating to key functions, programs and significant issues faced in governing NSW. This includes records that:

- provide the source of authority for the Government and public offices to act
- establish the jurisdictions, functions, responsibilities and powers of the Government and public offices at a point in time
- provide evidence of the development and implementation of major policies and programs of the NSW Government and public offices, including those which are controversial or innovative
- provide evidence of important decisions and activities influencing the administration of government and governance of the people of NSW
- document official responses to significant threats, issues or challenges facing the State of NSW
- document high profile cases of corruption or maladministration within the Government or public offices.

Examples of the types of records identified under this objective include:

- proposed bills, explanatory memoranda, and legislation
- agreements regarding the transfer of responsibilities and ownership of assets due to administrative change, privatisation, or corporatisation
- administrative orders for machinery government changes
- the dismissal of councils or councillors
- intergovernmental agreements about key functions
- evidence of the development and performance of significant policies and programs and their potential or actual impact.

2. Identity, rights and entitlements of individuals and groups

To identify records for permanent retention as State archives that provide evidence of the identity, legal status, and fundamental rights and entitlements of individuals, groups, and communities.

This includes records that:

- are essential for the establishment and protection of fundamental rights and entitlements of individuals and groups within the community and the ongoing administration of the State
- provide evidence of the identity of individuals and groups, their right to participate in the affairs of the State and make claim to entitlements and protection provided by the State.

Examples of the types of records identified under this objective include:

- registration of births, adoptions, deaths, marriages, and relationships
- the administration of probate

- the administration of land title, including Aboriginal land claims
- school admission registers.

3. Significant impact on individuals

To identify records for permanent retention as State archives that provide evidence of significant interactions of individuals with the NSW Government and public offices.

This includes records that:

- involve individual case management where it is evident that the government functions and programs have had far-reaching impact or influence on the lives of individuals
- provide evidence of representations and appeals against the decisions and actions of the Government, public offices or the legislature that set a precedent
- display collaboration or consultation with individuals, organisations and community groups resulting in significant changes to government policy, programs, and service delivery
- provide evidence of restriction of individual rights and entitlements, or personal freedoms
- demonstrate planning and decision-making in relation to issues with potential long-term impacts affecting the community or the provision of essential services
- identify the persons, groups or areas affected by the implementation of policy decisions.

Examples of the types of records identified under this objective include:

- proceedings and findings of criminal cases of the NSW Supreme Court
- out-of-home care case files
- adoption records
- registers of custodial sentences, community-based sentences, or alternative correctional or rehabilitation processes
- precedent-setting industrial disputes.

4. Knowledge and understanding of society and communities

To identify records for permanent retention as State archives that substantially contribute to the knowledge and understanding of the history, society, cultures, economy, people of NSW, including First Nations peoples, and the social impact of Government policies and actions.

This includes records that:

- contribute to the knowledge or understanding of aspects of the history, society, culture or peoples of NSW
- relate to events, persons, places and social, environmental, or cultural phenomena of significance to the broader community and the State of NSW.

Examples of the types of records identified under this objective include:

- unique or rich sources of language and cultural records of First Nations peoples and communities
- the identification and management of sites of conservation, cultural or heritage significance
- identification, development and management of objects of conservation, cultural or heritage significance
- the planning and management of major infrastructure or development projects and the State's economic resources
- the planning, management and staging of cultural events and celebrations that had a high community profile, including major anniversaries of organisations
- the works and activities of individuals, groups, or organisations who have made lasting contributions to society
- final versions of syllabuses and curricula for public educational institutions
- data and datasets generated through research that are of regulatory or community significance, including research involving innovative techniques

- images or audio-visual material that are used by the Government to promote the State of NSW within Australia or internationally
- key Treasury and economic data that depicts the overall financial and economic health of the State.

5. Environmental management

To identify records for permanent retention as State archives that contribute to the understanding, use, and management of the environment.

This includes records that:

- document the strategic management of natural resources, including water, land, and minerals
- provide evidence of the strategic planning behind the use of land
- document significant impacts of government decisions on the environment.

Examples of the types of records identified under this objective include:

- significant collections and analyses of data to assist effective planning and decision-making in relation to issues affecting resource management, the environment or biodiversity
- land zoning records
- land use and planning records
- environmental and land management programs
- Government strategy and policy about significant environmental issues, including climate change
- Government policy on the management of natural resources
- environmental and wildlife conservation plans
- Government plans that adopt Aboriginal land care practices.

Roles and Responsibilities

There are three key participants involved in the identification of State archives and, within the statutory framework provided by the State Records Act, each has its own roles and responsibilities.

Public offices

Public offices are responsible for:

- ensuring that records of their business activities are created and managed appropriately, including the application of retention and disposal authorities to identify those records required as State archives, and
- using their subject matter expertise to assist State Records NSW in identifying which records should be kept as State archives.

State Records NSW

State Records NSW is responsible for:

- identifying State records that should be kept as State archives, and
- issuing retention and disposal authorities for the use of public offices, subject to approval by the Board of the State Records Authority NSW under s.21(3) of the State Records Act.

State Records Authority NSW Board

The State Records Authority NSW Board is responsible for:

- reviewing recommendations for the retention and disposal of State records, and endorsing the retention of State records as State archives.

Where records have been identified as being required as State archives and are no longer in business use, MHNSW is responsible for:

- managing the transfer of records into the State Archives Collection
- managing and preserving the State Archives Collection, and
- providing access to the State Archives Collection.

MHNSW is also responsible for maintaining the register of access directions given by public offices for all State records that are in the open access period i.e. once 20 years have passed since the record was created.

The CEO of MHNSW participates in decision making about the retention of records as State archives through the CEO's role as an ex officio member of the State Records Authority NSW Board.

Definitions

For the purposes of this policy, the following definitions apply:

- Archives** Those records that are appraised as having continuing value.*
- Public Office** The *State Records Act 1998* applies to public sector bodies referred to as public offices.
- Section 3(1) of the Act identifies that **public office**—
- (a) *means each of the following—*
- (i) *a department, office, commission, board, corporation, agency, service or instrumentality, exercising a function of a branch of the Government of the State,*
 - (ii) *a body, whether or not incorporated, established for a public purpose,*
 - (iii) *a council, county council or joint organisation under the [Local Government Act 1993](#),*
 - (iv) *the Cabinet and the Executive Council,*
 - (v) *the office and official establishment of the Governor,*
 - (vi) *a House of Parliament,*
 - (vii) *a court or tribunal,*
 - (viii) *a State collecting institution,*
 - (ix) *a Royal Commission or Commission of Inquiry,*
 - (x) *a State owned corporation,*
 - (xi) *the holder of an office under the Crown,*
 - (xii) *a political office holder, other than the Leader of the Opposition in the Legislative Assembly, within the meaning of the [Members of Parliament Staff Act 2013](#),*
 - (xiii) *a body, office or institution, whether or not it is a public office under another subparagraph of this paragraph, that exercises a public function and is declared by the regulations to be a public office for the purposes of this Act,*
- (b) *but does not include—*
- (i) *the Workers Compensation Nominal Insurer established under the [Workers Compensation Act 1987](#), or*

(ii) a justice of the peace within the meaning of the [Justices of the Peace Act 2002](#), or

(iii) another individual or a private sector entity, except to the extent that section 8 applies.

Record Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means (*State Records Act 1998* s.3(1)).

See also *State record*.

Retention and disposal authorities Instruments that identify those records created and received by NSW public offices which are required as State archives and provide approval for the destruction of other records after minimum retention periods have been met.

Retention and disposal authorities are issued by State Records NSW, after approval by the State Records Authority NSW Board.

State archive State archive means a State record that MHNSW has control of under this Act. (*State Records Act 1998*, s.3(1)).

State record State record means a record made or received by a person, whether before or after the commencement of this section—
(a) in the course of exercising official functions in a public office, or
(b) for a purpose of a public office, or
(c) for the use of a public office.
(*State Records Act 1998*, s.3(1)).

Social impact An organisation's impact on the population, community, or society

References taken from the Australian Standard, AS 4390-1996, Records Management, Part 1: General, are marked by an asterisk (). Terms that have not been referenced are taken from State Records NSW sources. All other sources are provided in brackets after the definition.*

Document History

Version	Date	Reason for Amendment
1.0	August 2023	Initial Draft; consultation with State Records NSW
2.0	August 2023	Draft for further consultation with State Records NSW
2.1	September 2023	Draft for further consultation with State Records NSW
2.2	September 2023	Draft for consultation with Executive Director
2.3	October 2023	Draft for public consultation
2.4	November 2023	Draft for final consultation with State Records NSW and MHNSW
2.5	November 2023	Draft for Executive Director approval
2.6	February 2024	Initial State Records Authority NSW Board review with minor edits
2.7	17 April 2024	Approval by State Records Authority NSW Board

Review Date

This policy will be reviewed in November 2028, or sooner as required.

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