

State Records Authority of New South Wales

Functional Retention and Disposal Authority: DA210

This authority covers records documenting the function of
film and television production and promotion

Issued to Screen NSW

This functional 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 Records Authority of New South Wales

Functional Retention and Disposal Authority

Authority no DA210

SR file no 14/0133

Scope This functional retention and disposal authority covers records documenting the function of film and television production and promotion from c.1977 onwards.

Public office Screen NSW

Authorised David Roberts 19/10/2005
Director
State Records Authority of New South Wales

Revised version Geoff Hinchcliffe 24/06/2014
Director
State Records Authority of New South Wales

Removal of entries for records now covered by the General retention and disposal authority: administrative record (1.0.0 BOARD MANAGEMENT and INDUSTRY AND AUDIENCE DEVELOPMENT – Consultation 4.2.0)

Reduction in retention period from 10 to 7 years for royalty statement reports (entry 2.4.1)

Disposal action applying to promotional stills and posters amended (entry 3.2.1)

Inclusion of coverage for financial assistance in the form of rebates (entries 3.2.3 and 3.2.4)

Increase in retention period for records relating to the development of funding application guidelines from 1 to 5 years (entry 3.3.1)

Reduction in retention period for enquiries from filmmakers about location matters from 6 to 2 years (entry 4.2.2) and increase in retention period for routine enquiries about location matters from 1 to 2 years (entry 4.2.2)

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this functional retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. The State Records Authority ('State Records') reviews and approves organisations' retention and disposal authorities under the State Records Act.

This authority is the product of an appraisal process conducted in accordance with State Records' *Standard on the appraisal and disposal of State records*. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

State Records' decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Records' functions is to identify and preserve records as State archives. These are records which 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 communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Records and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. Advice on sentencing can be obtained from State Records. See *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the *General Retention and Disposal Authority – Imaged records*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Records when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Records regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Records' control should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office *must not* dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Records recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Records.

Administrative change

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

State Records
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**Functional Retention and Disposal Authority
Film and television production and promotion (Screen NSW)**

Authority number: DA210

Dates of coverage: c.1977+

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Dates of coverage: c.1977+

No	Function/Activity	Description	Disposal Action
1.0.0	BOARD MANAGEMENT¹	The function of managing all matters relating to the organisation's governing body, which is responsible for managing and directing the organisation. Includes meetings of and appointment to the Board. See General Retention and Disposal Authority <i>Administrative records</i> GOVERNING BODIES for records relating to appointment of Board members, meetings, policies and procedures.	
2.0.0	FILM CATALOGUE MANAGEMENT	The function of managing and administering the organisation's film catalogue. See General Retention and Disposal Authority <i>Administrative records</i> LEGAL SERVICES - Litigation for records relating to litigation concerning the film catalogue. See General Retention and Disposal Authority <i>Audio visual programs and recordings</i> for records relating to the management of films produced by the Government Documentary Division.	
2.1.0	Advice	Advice issued to government, private organisations or to the general public in relation to films in the film catalogue.	
2.1.1		Records relating to the provision of advice concerning the rights associated with titles in the Film Catalogue.	Retain minimum of 7 years after expiry of copyright or other rights, then destroy
2.1.2		Records relating to the provision of operational advice with respect to management of the collection.	Retain minimum of 2 years after action completed, then

¹ Entries 1.1.1 – 1.3.2 removed June 2014. See reference to GA28 GOVERNING BODIES added.

Film and television production and promotion

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No	Function/Activity	Description	Disposal Action
<i>FILM CATALOGUE MANAGEMENT - Audio visual recordings</i>			
			destroy
2.2.0	Audio visual recordings	Audio visual recordings related to projects in the NSW Film Corporation Catalogue.	
2.2.1		Preservation or master prints of films in the film catalogue. This includes original versions or edited versions differing significantly from the original version.	Required as State archives
2.2.2		Edited versions or recuts that do not differ significantly from the original version.	Retain until verification that version is not significant, then destroy
2.2.3		Off cuts, out takes, rushes etc	Retain until no longer required for production purposes, then destroy
2.4.0	Reporting	The provision or initiation of a formal response (either internal or external), on any matter on which information is required.	
2.4.1		Royalty statement reports to investors.	Retain minimum of 7 years after action completed, then destroy ²
2.4.2		Periodic internal reports relating to routine operational or administrative matters. Includes cost reports, distribution reports, materials stock control etc.	Retain minimum of 7 years after action completed, then

² Retention period reduced from 10 years June 2014.

Film and television production and promotion

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No	Function/Activity	Description	Disposal Action
<i>FILM CATALOGUE MANAGEMENT - Reporting</i>			
			destroy
2.4.3		Records relating to the compilation of agency reports, including working papers, drafts, comments etc.	Retain minimum of 2 years after action completed, then destroy
2.4.4		Copies of reports.	Retain until reference use ceases, then destroy
2.5.0	Rights management	The activities associated with the control, protection, ownership and conditions of use of the film's copyright.	
2.5.1		Original signed contracts between the production company and investors.	Required as State archives
2.5.2		Licence Agreements. Includes permissions and releases and licensee reports.	Retain minimum of 7 years after expiration or fulfilment of the terms of the agreement, then destroy
3.0.0	FINANCIAL ASSISTANCE	<p>The function of providing financial support to projects, practitioners or organisations in the form of loans, investments, rebates and grants.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i></p> <p>COMMUNITY RELATIONS - Enquiries for records relating to the management of general enquiries.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i></p>	

Film and television production and promotion

Authority number: DA210

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No	Function/Activity	Description	Disposal Action
<i>FINANCIAL ASSISTANCE - Agreements</i>			
		<p>COMMUNITY RELATIONS - Public reaction for records relating to the management of general complaints.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i></p> <p>CONTRACTING-OUT for records relating to the engagement of external readers and assessors.</p>	
3.1.0	Agreements	The processes associated with the establishment, maintenance, review and negotiation of legally enforceable agreements.	
3.1.1		Original signed contracts between the FTO and grant or fund recipient/s where the FTO acquires an interest in the copyright and any related agreements such as collection account management agreements, services agreements and chain of title agreements.	Retain minimum of 7 years after expiration or fulfilment of the terms of the agreement or minimum of 7 years after expiration of the life of the copyright, whichever is longer, then destroy
3.1.2		Original signed contracts between the FTO and grant or fund recipient/s where the FTO does not acquire copyright.	Retain minimum of 7 years after all conditions of the contract have been completed, then destroy
3.2.0	Application and Investment Management	<p>The processes involved in managing applications for financial assistance from initial conception to finalisation</p> <p>See FINANCIAL ASSISTANCE - Agreements for originals of signed contracts</p>	

Film and television production and promotion

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No	Function/Activity	Description	Disposal Action
<i>FINANCIAL ASSISTANCE - Application and Investment Management</i>			
		with the grant or fund recipient/s.	
3.2.1		Promotional stills and posters received as part of the delivery items for productions receiving financial assistance.	Required as State archives where not held by the National Film and Sound Archives, otherwise retain until reference ceases, then destroy ³
3.2.2		Delivery item copies of finished films.	Required as State archives where preservation material is not held by the National Film and Sound Archive, ABC Television, SBS Television or Film Australia, otherwise retain until reference ceases, then destroy
3.2.3		Application and acquittal records relating to successful applications for: <ul style="list-style-type: none"> • script development assistance progressing to production • production investment funding • production incentive rebates that require Cabinet approval. 	Required as State archives

³ Disposal action amended June 2014.

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No	Function/Activity	Description	Disposal Action
<i>FINANCIAL ASSISTANCE - Application and Investment Management</i>			
		Records include applications and supporting materials, delivery materials, marketing reports, cost reports etc.	
3.2.4		Application and acquittal records relating to all other successful applications for financial assistance (i.e. applications for grants, loans, rebates, traineeship programs or script development where the script does not proceed to production).	Retain minimum of 7 years after acquittal process completed, then destroy
3.2.5		Records relating to successful applications for script development and production investment which confirm investment obligations and rights to recoupment and profit. Includes correspondence which varies, waives or clarifies obligations of respective parties under agreements.	Retain for minimum of 7 years after the expiration of rights and entitlements, including copyright, whichever is the longer, then destroy
3.2.6		Records relating to unsuccessful applications for financial support. Includes application, supporting documentation such as financial information, scripts, strategic and management plans, etc, confidential assessment reports and letter of rejection.	Retain minimum of 3 years after action completed, then destroy
3.2.7		Records relating to the receipt and handling of complaints concerning funding decisions in a significant change to the organisation's policies and procedures concerning the assessment or management of applications for financial assistance	Required as State archives
3.2.8		Records relating to the receipt and handling of other complaints concerning funding decisions.	Retain minimum of 6 years after action completed, then destroy
3.3.0	Guidelines	Records related to the development and revision of guidelines for all programs of	

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No	Function/Activity	Description	Disposal Action
<i>FINANCIAL ASSISTANCE - Guidelines</i>			
		financial assistance.	
3.3.1		Records relating to the development of funding applications and assessment guidelines, this include guidelines for applicants, and guidelines or protocols for readers or persons involved in the assessment of applications. Includes final approved versions.	Retain minimum of 5 years after superseded, then destroy ⁴
3.4.0	Joint ventures	The activities involved in collaborative activities, special initiatives etc with other organisations or government agencies. See General Retention and Disposal Authority <i>Administrative records</i> COMMITTEES for records of interagency committees.	
3.4.1		Records relating to collaborative arrangements between the Film and Television Office and external parties to jointly manage funds or the conduct of programs or initiatives.	Retain minimum of 7 years after expiry or termination of agreement, then destroy
4.0.0	INDUSTRY AND AUDIENCE DEVELOPMENT	The function of managing activities, other than direct financial assistance, that contribute to the development of the film and television industry and/or encourage audience and practitioner development throughout NSW. See FINANCIAL ASSISTANCE for records relating to the provision of financial assistance to organisations and practitioners. See General Retention and Disposal Authority <i>Administrative records</i> for records relating to the production of publications concerning the activities of the agency (eg annual or other report) See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Evaluation and Reviewing for records relating to	

⁴ Disposal action for draft records amended June 2014.

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No	Function/Activity	Description	Disposal Action
<i>INDUSTRY AND AUDIENCE DEVELOPMENT - Events</i>			
		consultation, liaison, surveys etc of industry practitioners and organisations to identify trends, monitor initiatives etc See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Liaison for records relating to liaison with industry practitioners and organisations.	
4.1.0	Events	The activity of organising and managing events hosted by the organisation to promote its services, or to promote industry or audience development. Includes Shooting West, screenings etc. See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Celebrations, ceremonies, functions for records relating to travel arrangements. See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Conferences for records relating to attendance at conferences arranged by external parties. See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Marketing for records relating to events held to promote the organisation's services.	
4.1.1		Master copies of transcriptions of speeches, proceedings and reports.	Required as State archives
4.1.2		Select photographs of events organised by the FTO featuring persons of standing, note or renown in the Australian film and television industry.	Required as State archives
4.1.3		Records related to administration of workshops or events arranged by the agency. Includes draft programs, speakers, publicity, invitations, participants, venue, accommodation and catering and other arrangements.	Retain minimum of 2 years after action completed, then destroy

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No	Function/Activity	Description	Disposal Action
<i>INDUSTRY AND AUDIENCE DEVELOPMENT - Location marketing and services</i>			
4.2.0	Location marketing and services		
4.2.1		Records relating to the development and review of protocols and policy to facilitate production activities within NSW and assist government agencies in their dealings with the film industry. Includes proposals, consultation papers and recommendations.	Required as State archives
4.2.2		Records relating to enquiries about location matters, including requests for letters of support. Includes inquiries from filmmakers about location issues resulting in mediation on their behalf with relevant government agencies such as local authorities.	Retain minimum of 2 years after action completed, then destroy ⁵
4.2.3		Records relating to the promotion of NSW as a filming location. Includes attendance at national and international trade shows, inbound visits, and delivery of pitch presentations in response to scripts received from overseas producers. Includes planning, design and set up of exhibition, presentation documents (e.g. viability summaries, casting and studio availability, location photography etc.), related correspondence and administrative arrangements.	Retain minimum of 2 years after action completed, then destroy
4.3.0	Resources	Activities associated with the development of publications and resources to assist film and television production in NSW.	
4.3.1		Handbooks, guides, fact sheets, promotional resources etc for industry practitioners relating to film production and distribution within NSW eg the Industry Directory (a selection of services and facilities available to filmmakers in NSW), guides and directories of locations or filming permit requirements for shooting on federal, state and local government properties.	Retain until superseded or no longer current, then destroy

⁵ Disposal action amended June 2014.

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INDUSTRY AND AUDIENCE DEVELOPMENT - Resources

4.3.2		Records relating to the development, drafting and preparation of handbooks, guides etc for publication.	Retain until publication finalised and the records are no longer required for further administrative or reference purposes, then destroy
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