

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA297

This authority covers records documenting the function of administration of political funding

Issued to Election Funding Authority of New South Wales

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 FA297

SR file no 09/0452

Scope

This functional retention and disposal authority covers records documenting the function of administration of political funding from 1982 onwards.

Public office

Election Funding Authority of New South Wales

Approval date

20/08/2010

Alan Ventress
Director
State Records Authority of New South Wales

Date

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.

Custody

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements or transfer arrangements for records identified as State archives (i.e. with a Disposal action of 'Required as State archives'). The directions in this column are recommendations only and are *not* mandatory. The type of information may include directions on how long records should be retained in the office and how long they should be kept in off-site, off-line or secondary storage prior to their transfer as State archives. A

recommendation to retain records in the organisation for more than 25 years does not imply that a *still in use determination* (see Part 4, Section 28 of the *State Records Act 1998*) or that a distributed management agreement (see Part 4, Section 30 of the *State Records Act 1998*) has been approved by State Records. Advice on arrangements for managing and transferring State archives can be obtained from 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
Administration of political funding (Election Funding Authority of New South Wales)**

Authority number: FA297

Dates of coverage: 1982+

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Administration of political funding

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Authority number: FA297

Dates of coverage: 1982+

No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	PUBLIC FUNDING AND DISCLOSURES	<p>The function of managing the public funding of election campaigns and ensuring that candidates, groups, political parties and donors disclose the political donations received and electoral expenditure incurred at State and Local Government elections. Includes distributing funding to eligible political parties, groups and candidates, processing disclosure documentation, investigating candidates, groups, political parties and donors who fail to comply with disclosure obligations, and reporting on funding provided and levels of disclosure.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> Legal services - Litigation for records relating to managing lawsuits or legal proceedings between the organisation and other parties in a court or other tribunal.</p>		
1.1.0	Advice	<p>The activities associated with exchanging opinions with the Premier and offering opinions to candidates, groups, political parties and donors regarding public funding and financial disclosure obligations.</p> <p>See PUBLIC FUNDING AND DISCLOSURES - Enquiries for records relating to responding to enquiries about financial disclosure obligations from the public.</p> <p>See General Retention and Disposal Authority <i>Administrative records</i> COMMUNITY RELATIONS - Conferences for records relating to organising information seminars and question and answer forums for potential and current candidates.</p>		

* see *About the functional retention and disposal authority*

Administration of political funding

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No	Function/Activity	Description	Disposal Action	Custody*
<i>PUBLIC FUNDING AND DISCLOSURES - Advice</i>				
1.1.1		Records relating to exchanging advice with the Premier regarding changes to the financial disclosure process. Includes Directives.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.1.2		Final versions of handbooks and fact sheets provided to candidates, groups, political parties and donors regarding their obligations for disclosing political donations and electoral expenditure incurred at State and Local Government elections.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.1.3		Records relating to offering advice to candidates, groups, political parties and donors regarding their obligations for disclosing political donations and electoral expenditure incurred at State and Local Government elections. Records include records documenting the development and review of handbooks and fact sheets.	Retain minimum of 10 years after action completed, then destroy	
1.2.0	Compliance audit	The activities associated with conducting audits to ensure parties, candidates, groups and donors are complying with legislation regarding funding and disclosure returns.		
1.2.1		Summary reports on findings of compliance audits of bi-annual disclosure returns from political parties, candidates, groups and donors.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.2.2		Records documenting the conduct of compliance audits of bi-annual disclosure returns from political parties, candidates, groups and donors. Records include preliminary plans, collected information, comments and discussion notes.	Retain minimum of 7 years after action completed, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>PUBLIC FUNDING AND DISCLOSURES - Disclosure management</i>				
1.3.0	Disclosure management	The activity of processing financial disclosure returns from candidates, political parties, elected members and donors involved in election campaigns.		
1.3.1		Summary records of disclosures of political contributions received and electoral expenditure incurred by candidates, groups, political parties and donors at State and Local Government elections. Records include electronic applications utilised by the organisation to publish disclosure reports to the Internet.	Required as State archives	Retain minimum of 5 years after system superseded, then transfer
1.3.2		Records relating to processing disclosures of political contributions received and electoral expenditure incurred by candidates, groups, political parties and donors at State and Local Government elections. Records include declarations of political donations and electoral expenditure, supporting documentation, amendments and notices regarding failure to lodge returns.	Retain minimum of 7 years after the period to which the declaration relates, then destroy	
1.4.0	Enquiries	The activities associated with handling requests for information about public funding and financial disclosure obligations from the public. Includes requests for information that is readily available. See PUBLIC FUNDING AND DISCLOSURES - Advice for records relating to advice given to candidates, groups, political parties and donors.		
1.4.1		Records relating to responding to enquiries from the public in relation to public funding and financial disclosure obligations. Includes records relating to declaration	Retain minimum of 2 years after enquiry is completed, then	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>PUBLIC FUNDING AND DISCLOSURES - Funds disbursement</i>				
		requirements.	destroy	
1.5.0	Funds disbursement	The activity of managing and disbursing public funding of candidates' election campaigns. Includes determining the funding available for each election and disbursing funds to eligible parties, groups and candidates. See PUBLIC FUNDING AND DISCLOSURES - Disclosure management for public funding applications.		
1.5.1		Records relating to the management and disbursement of funds from the Central and Constituency Funds. Records include calculations for determining the amount available in each fund, payment details and records of decisions made by the Authority as to whether to accept a claim.	Retain minimum of 7 years after the polling date, then destroy	
1.6.0	Investigations	The process of investigating political parties, candidates, groups and donors who have failed to comply with financial disclosure obligations.		
1.6.1		Investigation reports submitted to the Crown Solicitor.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.6.2		Records relating to the conduct of investigations into significant irregularities in financial returns submitted by political parties, candidates, groups and donors, e.g. failures to disclose large donations or deliberate attempts to obscure donations. Records include copies of documents required for investigation, correspondence relating to notices, consultation notes and disclosure forms.	Required as State archives	Retain minimum of 7 years after action completed, then transfer

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No	Function/Activity	Description	Disposal Action	Custody*
<i>PUBLIC FUNDING AND DISCLOSURES - Investigations</i>				
1.6.3		Records relating to the conduct of investigations into minor irregularities in financial returns submitted by political parties, candidates, groups and donors, e.g. failures to lodge returns by the due date or because the donor was unaware of their disclosure obligations. Records include copies of documents required for investigation, correspondence relating to notices, consultation notes and disclosure forms.	Retain minimum of 7 years after action completed, then destroy	
1.7.0	Policy	The activities associated with developing and establishing decisions, directions and precedents relating to the public funding and disclosure process which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.		
1.7.1		Records relating to developing, establishing and reviewing policies regarding the distribution of public funding for elections and the disclosure of political donations and electoral expenditure. Records include policy proposals, research papers and other background research, results of consultation and outcomes of meetings, supporting reports and final versions of policies.	Required as State archives	Retain minimum of 10 years after superseded, then transfer
1.8.0	Procedures	Standard methods of operating laid down according to formulated policies.		
1.8.1		Records relating to developing and reviewing internal procedures regarding the distribution of public funding for elections and the disclosure of political donations and electoral expenditure. Records include background and reference information, comments on drafts, and master versions of procedure manuals.	Retain minimum of 7 years after procedures are superseded, then destroy	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>PUBLIC FUNDING AND DISCLOSURES - Register maintenance</i>				
1.9.0	Register maintenance	The activity of registering State and Local Government candidates, groups of candidates and official agents for election funding purposes.		
1.9.1		The official register for party agents, candidates, groups of candidates and official agents.	Retain in agency	
1.9.2		Records relating to the notification of appointment, resignation, removal or death of agents for registered political parties and candidates. Records include written notices of appointment of agents, written notices of the resignation, removal or death of agent, written notices of the revocation of the appointment of agents, and written notices of the death or resignation of agents.	Retain minimum of 1 year after appointment is resigned, revoked or lapses, then destroy	
1.10.0	Reporting	The processes associated with initiating or providing a response, statement or findings of the results of an examination into public funding and the disclosure of donations and electoral expenditure to the Premier, Parliament and the public.		
1.10.1		Final versions of reports on election funding and the disclosure of electoral donations and expenditure. Includes reports prepared for the Premier and periodic reports compiled from information generated by electronic applications utilised by the organisation to publish disclosure reports to the Internet.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
1.10.2		Working papers documenting the development of reports on election funding and the disclosure of electoral donations and expenditure.	Retain minimum of 3 years after action completed, then	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>POLITICAL EDUCATION FUNDING</i>				
			destroy	
2.0.0	POLITICAL EDUCATION FUNDING	The function of administering payments to eligible political parties for the purpose of political education.		
2.1.0	Advice	The activities associated with exchanging opinions with the Premier and offering opinions to political parties regarding funding for political education. See POLITICAL EDUCATION FUNDING - Enquiries for records relating to responding to enquiries about political education funding from the public.		
2.1.1		Records relating to exchanging advice with the Premier regarding changes to funding for political education. Includes directives.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
2.1.2		Final versions of handbooks and fact sheets provided to political parties regarding funding for political education.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
2.1.3		Records relating to offering advice to political parties regarding their eligibility to submit claims for funding for political education. Records include records documenting the development and review of handbooks and fact sheets, and correspondence with political parties regarding their eligibility to submit claims for funding for political education.	Retain minimum of 10 years after last action, then destroy	
2.2.0	Compliance audit	The activities associated with conducting audits to ensure registered political parties are complying with legislation		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>POLITICAL EDUCATION FUNDING - Compliance audit</i>				
		regarding the funding of political education.		
2.2.1		Summary reports on findings of compliance audits of political education claims from political parties and associated entities.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
2.2.2		Records documenting the conduct of compliance audits of political education claims from political parties and associated entities. Records include preliminary plans, collected information, comments and discussion notes.	Retain minimum of 7 years after last action date, then destroy	
2.3.0	Education fund management	The activities associated with calculating the amounts available for political education and managing claims from political parties for funding.		
2.3.1		Records relating to the processing of claims made by eligible parties for political education funding. Records include calculations of funds available, claims and declarations forms, audit compliance certificates, approvals and authorisations for reimbursement, disbursements, and reminder notices.	Retain in agency	
2.4.0	Enquiries	The activities associated with handling requests for information about political education funding from the public. Includes requests for information that is readily available. See PUBLIC FUNDING AND DISCLOSURES - Advice for records relating to advice given to political parties.		
2.4.1		Records relating to handling enquiries from the public	Retain minimum of	

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No	Function/Activity	Description	Disposal Action	Custody*
<i>POLITICAL EDUCATION FUNDING - Policy</i>				
		regarding political education funding obligations. Includes records relating to funding requirements.	2 years after enquiry is completed, then destroy	
2.5.0	Policy	The activities associated with developing and establishing decisions, directions and precedents relating to funding for political education which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.		
2.5.1		Records relating to developing, establishing and reviewing policies regarding the provision of funding for political education. Records include policy proposals, research papers and other background research, results of consultation and outcomes of meetings, supporting reports and final versions of policies.	Required as State archives	Retain minimum of 10 years after superseded, then transfer
2.6.0	Procedures	Standard methods of operating laid down according to formulated policies.		
2.6.1		Records relating to developing and reviewing internal procedures regarding the distribution of political education funds. Records include background and reference information, comments on drafts, and master versions of procedure manuals.	Retain minimum of 7 years after procedures are superseded, then destroy	
2.7.0	Reporting	The processes associated with initiating or providing a response, statement or findings of the results of an examination into funding for political education to the Premier, Parliament and the public.		

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No	Function/Activity	Description	Disposal Action	Custody*
<i>POLITICAL EDUCATION FUNDING - Reporting</i>				
2.7.1		Final versions of reports on political education funding. Includes reports prepared for the Premier and periodic reports compiled from information generated by electronic applications.	Required as State archives	Retain minimum of 10 years after action completed, then transfer
2.7.2		Working papers documenting the development of reports on political education funding. Records include research information, drafts and comments.	Retain minimum of 3 years after action completed, then destroy	

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