

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA439

This authority covers records documenting the function of
infrastructure

This 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.

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Functional Retention and Disposal Authority

Authority no FA439

SR file no SR2023/488

Scope This retention and disposal authority covers records documenting the function of infrastructure.

Public office Infrastructure NSW

Approval date 7 November 2023

About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this 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 the State Records Authority of New South Wales (State Records NSW) 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 NSW does not disapprove. Advice on the State Records Act can be obtained from State Records NSW.

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. State Records NSW reviews and approves organisations' retention and disposal authorities under the *State Records Act*. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Records NSW any information which affects the retention of the records covered by the authority.

State Records NSW's 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 NSW's 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 NSW and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This 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. For further advice 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 the *General Retention and Disposal Authority – Original or source records that have been copied*). 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 Museums of History NSW (MHNSW) 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 MHNSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to MHNSW should be a routine and systematic part of a public office's records management program.

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, government directives and changing social or community expectations. 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 NSW 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 NSW.

Administrative change

This 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 NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Records NSW 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 NSW must approve any amendment to this authority. Public offices that use the authority should advise State Records NSW of any proposed changes or amendments to the authority.

State Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments 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 Archives Records NSW 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

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Functional Retention and Disposal Authority Infrastructure

Authority number: FA439

Dates of coverage: Open

No.	Description of records	Disposal action
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1.0 INFRASTRUCTURE ASSURANCE

The function of providing a whole-of-lifecycle performance review of upcoming and existing NSW government infrastructure assets against state planning targets. Includes project assurance to ensure the State's infrastructure projects are being developed and delivered on time, on budget and in accordance with NSW Government's objectives; and asset management assurance to optimise the management, performance, and use of the State's assets.

1.1	<p>Records relating to assuring the NSW government, Cabinet, and other agencies that infrastructure projects and infrastructure assets are delivered and managed on time, within budget and meet community expectations for quality and functionality. Includes:</p> <ul style="list-style-type: none">• providing independent advice and reporting,• implementation of the Asset Management Policy for the NSW Public Sector,• reporting on the state's portfolio of capital infrastructure programs and projects,• stakeholder engagement,• reporting e.g., Briefs, capability reports, review reports, summary reporting, health check reports, and• terms of reference for reviews.	Required as State archives
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Infrastructure

Authority number: FA439

Dates of coverage: Open

No.	Description of records	Disposal action
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DELIVERY OF INFRASTRUCTURE PROJECTS

2.0 DELIVERY OF INFRASTRUCTURE PROJECTS

The function of developing and coordinating major infrastructure projects. Includes the planning, scheduling, organising, governance, and management of projects.

2.1	<p>Records relating to the design of infrastructure projects including key designs, plans, specifications, drawings, samples, prototypes, surveys, as built models.</p> <p>Includes projects that do not proceed to completion.</p> <p>Note: in certain circumstances, high quality architectural models can be proposed for retention as State archives.</p>	Required as State archives
2.2	<p>Records relating to the management of State significant or major infrastructure projects where the agency plays the lead role in managing the project. Records include:</p> <ul style="list-style-type: none"> • development of business cases and feasibility studies • project briefs • high level plans and strategies that provide the framework for infrastructure projects to proceed e.g., precinct strategies, conservation plans, development control plans, land use plans etc. • memorandums of understanding • project authorisations and approvals • acquisition of land and property for projects including arrangements for the transfer of ownership of land • concept design and configuration • environmental impact assessments, studies, reviews, and reports • specialist heritage and conservation reports • land development plans, applications, and approvals • planning instruments development codes, land use zones and conservation plans, which provide 	Required as State archives

Infrastructure

Authority number: FA439

Dates of coverage: Open

No.	Description of records	Disposal action
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DELIVERY OF INFRASTRUCTURE PROJECTS

	<p>the statutory framework for the development and conservation of land.</p> <ul style="list-style-type: none"> • applications to relevant authorities for approvals, including State Significant Development Applications (SSDA) • post-operational readiness, occupancy evaluation and warranties • operation and maintenance schedules • final, approved versions of plans • exhibited versions of plans for consultation and consultation packages • major drafts • internal assessments, reviews, and comments • background research. <p>Includes projects that do not proceed to completion.</p>	
2.3	Records relating to the management of State significant or major infrastructure projects where the agency does not play the lead role in managing the project. Records include attending meetings, commenting on another agencies project, internal reporting, correspondence etc.	Retain minimum of 10 years after action completed, then destroy
2.4	Records relating to the management of project governance over infrastructure project policies, regulations, functions, processes, procedures, responsibilities, and steering groups. Records include meeting minutes, progress reports etc.	Required as State archives
2.5	Records relating to due diligence assessments of land and property which are considered for precinct development and are given approval to proceed, and which are considered to have environmental and heritage value, including aboriginal and natural heritage value. Records include: <ul style="list-style-type: none"> • title searches • land valuations • market assessments • surveys 	Required as State archives

Infrastructure

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DELIVERY OF INFRASTRUCTURE PROJECTS

	<ul style="list-style-type: none"> • local environment plans • financial analyses • hazardous materials assessments. 	
2.6	<p>Records relating to communication, consultation, and engagement with key stakeholders on the development of infrastructure projects within NSW. Includes submissions, representations and feedback resulting from consultation processes undertaken with stakeholders and the community, and media relations.</p>	Required as State archives
2.7	<p>Records relating to the management of infrastructure projects. Records include:</p> <ul style="list-style-type: none"> • finance, budget, forecasts etc. • contract and contractual matters such as variations and payment • routine ad hoc meeting minutes and correspondence relating to managing the project on a day to day basis • quality and performance measurements • project risk management and risk assessments • project management plans • contact lists • logistics • progress claims • securities and insurances • review schedules • Request for Information notices (RFI) and non-conformance reports. 	Retain minimum of 12 years after action completed, then destroy

Infrastructure

Authority number: FA439

Dates of coverage: Open

No.	Description of records	Disposal action
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STRATEGIC INFRASTRUCTURE PROGRAMS

3.0 STRATEGIC INFRASTRUCTURE PROGRAMS

The function of providing strategic advice and planning to prioritise infrastructure investment programs and ensure infrastructure decisions are informed by robust assessment, independent assurance, and long-term planning. Includes records relating to development of the State Infrastructure Plan, State Infrastructure Strategy (SIS), management of State significant or major infrastructure programs e.g., Women in Construction, Construction Leadership Group, where the agency plays the lead role in managing the project.

3.1	<p>Records relating to the development of strategic infrastructure programs including:</p> <ul style="list-style-type: none">• planning to establish government priorities and objectives for action e.g., the State Plan, State Infrastructure Strategy Statements, and associated plans to support the delivery of targets and actions.• guidelines and protocols governing the management or delivery of infrastructure projects within NSW e.g., Oversight Framework, Contingency Management Guidebook, Cost Control Framework, Infrastructure Digitisation <p>Includes records of:</p> <ul style="list-style-type: none">• background research• submissions or advice to government agencies• notes of meetings or reports analysing issues and the outcomes of consultation with stakeholders and the community• final versions and draft versions containing significant changes/alterations or formally circulated for comment.	Required as State archives
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