

State Records Authority of New South Wales

Functional Retention and Disposal Authority: FA254

This authority covers records documenting the function of Cabinet Secretariat, policy advice and support services to the Government

Issued to the Department of Premier and Cabinet

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 FA254

SR file no 07/0742

Scope

This functional retention and disposal authority covers records documenting the function of Cabinet Secretariat, policy advice and support services to the Government from 1988 onwards.

Public office

Department of Premier and Cabinet

Approval date

David Roberts
Director
State Records Authority of New South Wales

27/02/2008
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 1998*.

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 the public office in discharging its 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.

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, FOI requests) 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.

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 (ie 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 functional 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 functional 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
Cabinet Secretariat, policy advice & support services (Department of Premier and Cabinet)

Authority no: FA254

Dates of coverage: 1988+

List of Functions and Activities covered

Function	Activity	Reference
CABINET SERVICES		1.0.0
	Anticipated Questions	1.1.0
	Cabinet Papers	1.2.0
	Regional Visits	1.3.0
CO-ORDINATION OF GOVERNMENT, MAJOR PROJECTS AND LEGAL SERVICES		2.0.0
	Inter-governmental Agreements	2.1.0
	Representations	2.2.0
	Submissions	2.3.0
	Visits	2.4.0

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No	Function/Activity	Description	Disposal Action	Custody*
1.0.0	CABINET SERVICES	The provision of administrative services to Cabinet and its committees and to the Executive Council		
1.1.0	Anticipated Questions	The activity of preparing advice on policy issues for the Premier for anticipated questions that may be raised in Parliament.		
1.1.1		Master set of advice or briefing notes on policy issues prepared for use by the Premier or other Ministers relating to anticipated questions that may be raised in Parliament.	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records
1.2.0	Cabinet Papers	Cabinet minutes and associated papers prepared and distributed to the Premier and Ministers for Cabinet and Cabinet Committee Meetings. Note: All copies of Cabinet minutes and papers are required to be returned to Cabinet Secretariat for appraisal.		
1.2.1		Official master set of Cabinet and Cabinet Committee minutes and papers. Records include: – Cabinet and Committee meeting Minutes – Register of Cabinet decisions – Register of Cabinet meeting attendance.	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records
1.2.2		Individual Minister's copies of Cabinet minutes and papers containing briefing notes and departmental advices where relevant records of the Minister's office are not	Required as State archives	Retain in office until ceases to be of administrative use,

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		transferred as State archives.		then transfer to State Records
1.2.3		Individual Minister's copies of Cabinet minutes and papers without briefing notes or departmental advices.	Retain until administrative or reference use by the Minister ceases, then destroy	
1.2.4		Register of Cabinet Minutes arranged by Minute number. The register includes: <ul style="list-style-type: none"> - Cabinet Minute Number - Subject of Minutes - Matter - Minister - Meeting date - Date received - Resolutions. 	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records
1.2.5		Cabinet Minutes which have been withdrawn before being considered by Cabinet. Records include: <ul style="list-style-type: none"> - correspondence dealing with the Minutes and their withdrawal - supporting documentation. 	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records

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1.2.6		Records documenting the distribution of Cabinet papers to Ministers. Includes ministerial run sheets and /or distribution registers.	Retain for a minimum of 10 years, then destroy	
1.3.0	Regional Visits	Arrangements for Cabinet visits to regional and suburban centres to hold formal Cabinet meetings and Ministerial meetings with local organisations and community groups.		
1.3.1		Original Secretariat records relating to the Regional meetings of Cabinet. Records include: <ul style="list-style-type: none"> – correspondence regarding arrangements, invitations and visits to local areas of interest or concern – submissions from local organisations or Local Government – advice from relevant Minister on submissions, local initiatives, electoral briefs and press clippings. 	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records
1.3.2		Copies of Cabinet regional visit records held by the Premier and Ministers.	Retain until administrative use or reference use by the Premier or Minister ceases, then destroy	
2.0.0	CO-ORDINATION OF GOVERNMENT, MAJOR PROJECTS AND LEGAL SERVICES	The function of Providing portfolio policy advice, co-ordination of intergovernment and whole-of-government initiatives and strategic projects, and legal policy advice and drafting. <i>See General Retention and Disposal Authority - Administrative</i>		

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No	Function/Activity	Description	Disposal Action	Custody*
		<i>Records</i> - STRATEGIC MANAGEMENT - Legislation for records relating to the drafting of legislation.		
2.1.0	Intergovernmental Agreements	<p>The activity of committing to the implementation of decisions that have been either reached or confirmed at an intergovernmental level. This includes agreements such as:</p> <ul style="list-style-type: none"> - Intergovernmental Agreement on Surface Transport Security – 2005 - Research Involving Human Embryos and Prohibition of Human Cloning Agreement – 2004 - Memorandum of Understanding National Response to a Foot and Mouth Disease (FMD) Outbreak – 2002 - Food Regulation Agreement – 2002. 		
2.1.1		<p>Records of agreements reached between the NSW State Government and other States and/or the Commonwealth Government. Records include:</p> <ul style="list-style-type: none"> - correspondence - submissions - meeting papers - drafts and final versions of agreements. 	Required as State archives	Retain in office 2 years after last action date, then transfer to State Records
2.2.0	Representations	Representations to the Premier by members of the public, individual organisations, other agencies or Members of Parliament on behalf of a constituent seeking formal		

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		<p>response.</p> <p>Use GOVERNMENT RELATIONS - Advice for records relating to briefing notes prepared for other Ministers.</p> <p>Use CABINET SERVICES – Cabinet Papers for records relating to submissions to Cabinet</p>		
2.2.1		<p>Records relating to responses to correspondence, petitions, campaigns or continuing issues received by the Premier where a submission has been prepared for the authorisation of a reply by a senior officer of the relevant Department or the Premier/Minister. Records include:</p> <ul style="list-style-type: none"> – copies of letters received – draft responses – minutes providing details – requests for changes – final responses. 	Required as State archives.	Retain in office 2 years after last action date
2.2.2		<p>Records relating to responses to correspondence, petitions or campaigns received by the Premier where the response is a form letter/template noting the matters raised or that the matter has been referred to the relevant Minister. Records include:</p> <ul style="list-style-type: none"> – copies of letters received – draft responses 	Retain minimum of 5 years after action completed, then destroy	Retain in office 2 years after last action date

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No	Function/Activity	Description	Disposal Action	Custody*
		– final responses.		
2.3.0	Submissions	Submissions by members of the department, other agencies or Members of Parliament to the Premier and/or other Ministers for consideration.		
2.3.1		Records relating to submissions made to the Premier and/or senior departmental staff regarding legislative and major policy matters. Records include: <ul style="list-style-type: none"> - reports - background research and briefing papers - Ministerial advice memoranda. 	Required as State archives	Retain in office 2 years after last action date.
2.3.2		Records relating to submissions made to the Premier and/or senior department staff regarding non-legislative or routine matters. <p>Examples of these are: daily analyses of the press to identify matters that may be of interest to the Premier; requests to the Premier from individuals or organisations for small grants; collation of information about individuals or organisations that the Premier is meeting, or conferences that the Premier is attending. Records include:</p> <ul style="list-style-type: none"> – reports – background research and briefing papers – Ministerial advice memoranda. 	Retain minimum of 5 years after action completed, then destroy	Retain in office 2 years after last action date

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No	Function/Activity	Description	Disposal Action	Custody*
2.4.0	Visits	The activities involved in arranging visits by Ministers overseas. Includes arranging visits by Ministers to other overseas departments and organisations.		
2.4.1		<p>Records relating to overseas visits made or proposed to be made by Ministers. Records include:</p> <ul style="list-style-type: none"> – recommendation – additional information provided by relevant Minister or officer (purpose, itinerary, reports) – Departmental Action Sheet – working papers – submission to the Premier and response. 	Retain minimum of 10 years after action completed, then destroy	Retain in office 2 years after last action date.

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