



## Records Management Guideline

# Implementing a Revised Retention and Disposal Authority: Resentencing Records

## Purpose

The purpose of this guideline is to assist State organisations with the implementation of a revised retention and disposal authority (RDA).

## Background

When a revised RDA is approved by the State Records Commission, it supersedes (or replaces) the existing RDA. Organisations must use the revised RDA to sentence and dispose of relevant records. A RDA may take the form of a General Retention and Disposal Authority (GRDA), a Sector Retention and Disposal Authority (SDA) or an organisation-specific retention and disposal authority.

The revised RDA may require that certain categories of records need to be retained for longer or shorter periods than those set out in the superseded RDA.

Please follow the instructions below to resentence those records.

## Scope

This guideline applies to all State organisations which have records in their custody that have been sentenced using a RDA that has been subsequently superseded.

**Note:** If the organisation holds records that have not been sentenced at all, they must be sentenced using the revised RDA.

Sentencing is the process of identifying and matching State records to records descriptions in the relevant RDA to determine their retention period. Please refer to the **Glossary of Terms** available on the State Records Office (SRO) website for definitions of all other terms used in this guideline.

## Instructions

### Discontinue using the superseded RDA

Once the State Records Commission approves a revised RDA, the SRO will notify all relevant organisations. Consequently, the organisation must cease using the superseded RDA to sentence records.

### Choose when to resentence

Organisations may choose the most appropriate timeframe for the resentencing of records in accordance with organisational procedures and/or resources. For example, some organisations may choose to resentence relevant records as a separate activity, whereas others may choose to identify records for resentencing when records are due for disposal (e.g., as part of the organisation's regular disposal program). Organisations that choose the latter option will need to amend their disposal procedures to reflect the requirement to identify records for resentencing.

**Note:** If legislation is introduced or amended after a RDA is published, the organisation is to retain and/or dispose in accordance with the legislation. A note advising of this action is to be recorded in the record keeping system (RKS) or business information system (BIS).

Identifying records for resentencing will depend on whether you are using a GRDA, SDA or an organisation-specific retention and disposal authority.

## Applying the revised Retention and Disposal Authority

If the revised RDA is a GRDA or SDA developed by the SRO, a 'Linking Table' will usually be issued. The Linking Table cross-references records from the superseded GRDA/SDA to those in the updated version, identifying the changes in retention and disposal decisions.

If the revised RDA is organisation-specific for its functional records, it is the organisation's responsibility to determine which records need to be resentenced.

### Retention period increased – temporary records

When the revised RDA requires temporary records (i.e. non-State archives) to be retained for a **longer period** than specified in the superseded RDA, those records **must** be resentenced, as shown in the example below:

Superseded RDA	Revised RDA
‘Media relations – other’ Destroy 3 years after last action	‘Media relations – other’ Destroy 7 years after last action <i>[example only]</i>

In these cases, the organisation **must** ensure these records are resentenced to reflect the longer retention period.

### Retention period increased – State archives

When a revised RDA specifies that certain records previously identified as temporary must now be retained as State archives, those records **must** be resentenced, as shown in the example below.

Superseded RDA	Revised RDA
‘Reports relating to strategic direction’ – Destroy 20 years after last action	‘Reports relating to strategic direction’ – Retain as State archives  <i>[example only]</i>

In these cases, the organisation **must** ensure these records are no longer identified as temporary and are instead sentenced as State archives.

### Retention period reduced – temporary records

When the revised RDA requires temporary records be retained for a **shorter period** than specified in the superseded RDA, those records may be resentenced, as shown in the example below:

Superseded RDA	Revised RDA
‘Pre-employment medical records’ Destroy 75 years after employee date of birth	‘Pre-employment medical records’ Destroy 15 years after last action  <i>[example only]</i>

In these cases, resentencing is recommended, but not compulsory.

Applying the new reduced sentences to these records will reduce storage volume and management costs. The decision to retain these records longer than legally necessary should be considered in relation to relevant costs versus benefits to the organisation.

**Note:** Records that could have been legally destroyed earlier, but which are still in existence, are still subject to discovery via legal mechanisms and Freedom of Information requests.

If the information being retained contains personal information, the organisation should take steps to protect it from unauthorised access. This can be done by undertaking legal disposal in accordance with an approved RDA or placing the information under increased security.

## Retention period reduced – State archives

Superseded RDA	Revised RDA
‘Legal advice – all’ Retain as State archives	‘Legal advice – other’ Destroy 7 years after last action  [example only]

In these cases, the organisation **must** ensure these records are no longer identified for permanent retention as State archives and are instead sentenced as temporary records.

**Note:** This does not apply to State archives already in the custody of the SRO.

## Applying revised sentences to records systems

Resentencing actions should be recorded in the organisation’s RKS or BIS and other control records where necessary.

The following information should be recorded against the relevant records:

- new reference number (if necessary) and retention/disposal action under the revised RDA; and
- the date the records were resentenced.

**Note:** Before this activity is carried out, it is recommended that organisations undertake adequate planning and testing to ensure the revised RDA operates effectively and accurately within the RKS/BIS.

## Records not requiring resentencing

Records do not require resentencing if the:

- retention period and disposition **have not changed**
- retention periods **have not increased**; or
- records are already in the **custody of the State Records Office**.

All documentation recording the disposal of records must note the RDA reference number under which the records were sentenced. This provides evidence that records have been disposed of in accordance with an approved RDA.

## What to do with the superseded RDA?

**Do not throw away the superseded RDA** since that document is the organisation’s rationale (and evidence) for the legal disposal of records prior to the approval of the revised RDA.

## Checklist

Use the following checklist to assist your implementation of a revised RDA:

Discontinue using the superseded RDA to sentence records	
Keep a copy of the superseded RDA within your RKS/BIS as a permanent business record	
Plan the resentencing process before commencing	
Identify records for resentencing	
Apply revised sentences to relevant records and systems	
Amend disposal procedures to include the revised RDA	
Advise relevant staff of the changes	