

Archives Advice 2

**Implementation of Open Access Periods
for Government Archives**

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DEFINITIONS

Appraisal	The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept to meet business needs, to maintain organisational accountability and community expectations.
Archive	A record of permanent value that forms part of the Territory Archives. ¹
Disposal	A range of processes associated with implementing authorised decisions about records retention, destruction, rearrangement, migration or transfer of custody or ownership.
Disposal schedule	A formal policy, authorised jointly by the Chief Executive of an NT Government public sector organisation and the NT Archives Service, that defines the temporary or permanent status, retention period and consequent disposal actions authorised for classes of records.
Open access period	The period during which the public can routinely access government archives held in the custody of the NT Archives Service. The open access period begins after the end of the restricted access period.
Permanent records	Records of permanent value which are in the custody of a public sector organisation. When permanent records are transferred into the custody of the NT Archives Service, they are considered an archive and form part of the Territory Archives (see <i>Archive and Territory Archives</i>).
Public sector organisation	An agency as defined in s.5 of the <i>Information Act</i> .
Record	Recorded information in any form (including data in a computer system) that is required to be kept by a public sector organisation as evidence of the activities or operations of the organisation, and includes part of a record and a copy of a record.
Responsible public sector organisation	Public sector organisation (as defined above) that is responsible for the function to which the record or archive relates.
Restricted access period	The period during which decisions on access to government archives held in the custody of the NT Archives Service are made by the public sector organisation responsible for the archives (s.144 of the <i>Information Act</i>).
Series	Those records or archives having the same provenance which belong together because: <ul style="list-style-type: none">▪ they are part of a discernible filing system (alphabetical, numerical, chronological, or a combination of these);▪ they have been kept together because they result from the same activity, or▪ they are of similar formats and relate to a particular function. A series may consist of only one item. ²
Territory Archives	Records held on behalf of the Territory by the archives service. ³

¹. s. 4 *Information Act*

². Judith Ellis (ed.) *Keeping Archives 2nd Edition*, (Australian Society of Archivists and DW Thorpe, Melbourne 1993), p.479

³. s. 4 *Information Act*

INTRODUCTION

Access to government archives held by the NT Archives Service is determined in accordance with Section 142 of the *Information Act*.

The *Information Act* provides for the transfer of permanent records to the NT Archives Service, where they become part of the Territory Archives. Territory Archives are preserved for their value to the government and the community.

All government archives must be open for public access eventually. The **open access period** is the period during which the public may access the archives. Public access to government archives is restricted prior to the open access period.

The **restricted access period** for government archives in the custody of the NT Archives Service is the period during which decisions on access are made by the public sector organisation responsible for the archives.

The restricted access period is negotiated by the Chief Executive Officer of the responsible public sector organisation and the NT Archives Service at the time of transfer of the records (s.142 (1) of the *Information Act*). An Access Agreement defines when an archives series will be open to the public (see *Archives Advice 1: Access Agreements for Government Archives*).

The *Information Act* provides for an open access period for government archives commencing 30 years after their creation. If it is in the public interest a 45-year restricted

access period may apply. Further extensions of ten-year periods are permissible if it is in the public interest. However, all government archives must be open after a maximum restricted access period of 100 years.

Decisions about access to government archives during the restricted access period are made by the responsible public sector organisation (refer to section "*Public Access within the Restricted Access Period*").

IMPLEMENTATION OF OPEN ACCESS PERIODS

The date calculated for the open access period of an archives series is usually the 1st January of the year following the restricted access period. This is to ensure that archives series created at the end of the year are not available for public access until the end of the restricted access period.

For example, 30 years from 31st December 1975 is 31st December 2005, therefore the open access period for the archives series would commence on 1st January 2006.

SERIES WITH MULTIPLE ITEMS

Where an archives series has multiple items (e.g. correspondence files), the series will move gradually into the open access period as each item (e.g. file) passes the restricted access period.

For example, a series of correspondence files with a collective date range of 1960-1980, and a restricted access period of 30 years, contains a file with a date range of 1960-1974

[then the 30 year period is added to 1974 and the file] would be open for public access on 1st January 2005. The remainder of the series would be gradually opened, file by file, and the entire series would be available for public access on 1st January 2011 (i.e. end date in the series date range, 1980, plus the 30 year calculation).

SERIES WITH A SINGLE ITEM

Where a series contains a single item, the item will be available for public access when the date of last action on the item has passed the restricted access period.

For example, an archives series consisting of a single volume with a date range of 1970-1990, and a restricted access period of 30 years, would be open for public access on 1st January 2021 (i.e. 1990, plus the 30 year calculation).

PUBLIC ACCESS WITHIN THE RESTRICTED ACCESS PERIOD

During the restricted access period, if the archives have been specifically identified in the custody of the NT Archives Service, an application for access may be made to the responsible public sector organisation through the NT Archives Service (see *Archives Advice 4: Public Access to Government Archives in the Restricted Access Period*).

Individuals may also request access through Part 3 (Access and Correction Rights) of the *Information Act*. Further information about access to government information can be found on the website of the Office of the

Information Commissioner
(www.infocomm.nt.gov.au).

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- ▶ Queensland State Archives
- ▶ State Records of New South Wales
- ▶ State Records Commission of Western Australia
- ▶ State Records of South Australia.

