

**Archives Advice 6**

**Applying for Exemption from Compulsory  
Transfer of Permanent Records**

**August 2007**



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## TABLE OF CONTENTS

Definitions	1
Introduction	2
Explanation	2
Procedures in Applying for Exemption from Compulsory Transfer	2
Checklist A – Storage Requirements	5
Checklist B – Management Requirements	6

## DEFINITIONS

<b>Appraisal</b>	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.
<b>Archive</b>	A record of permanent value that forms part of the Territory Archives. <sup>1</sup>
<b>Disposal</b>	A range of processes associated with implementing authorised decisions about records retention, destruction, rearrangement, migration or transfer of custody or ownership.
<b>Disposal schedule</b>	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.
<b>Open access period</b>	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.
<b>Permanent records</b>	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 ( <i>see Archive and Territory Archives</i> ).
<b>Public sector organisation</b>	An agency as defined in s.5 of the <i>Information Act</i> .
<b>Record</b>	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.
<b>Responsible public sector organisation</b>	Public sector organisation (as defined above) that is responsible for the function to which the record or archive relates.
<b>Restricted access period</b>	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> ).
<b>Series</b>	Those records or archives having the same provenance which belong together because: <ul style="list-style-type: none"><li>▪ they are part of a discernible filing system (alphabetical, numerical, chronological, or a combination of these);</li><li>▪ they have been kept together because they result from the same activity, or</li><li>▪ they are of similar formats and relate to a particular function.</li></ul> A series may consist of only one item. <sup>2</sup>
<b>Territory Archives</b>	Records held on behalf of the Territory by the archives service. <sup>3</sup>

<sup>1</sup>. s. 4 *Information Act*

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

<sup>3</sup>. s. 4 *Information Act*

## INTRODUCTION

Archives are records of permanent or continuing value that have value for the organisation that created them and for the community.

In accordance with s.141 of the *Information Act*, archives may be transferred to the custody of the NT Archives Service at any time after they are no longer required for the business needs of the organisation, and no later than when the records reach 30 years of age.

Section 141.(2) of the *Information Act* provides for the application by a public sector organisation to the NT Archives Service for permission to retain permanent records over 30 years of age where the agency has a business need, and meets the standards required by the NT Archives Service.

*Archives Management Standard: Transfer of Archives*, and *Archives Management Standard: Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service*, set out the requirements for organisations relating to these provisions.

## EXPLANATION

Organisations which have a requirement to retain permanent records in their custody which are over 30 years of age, must meet the conditions set out in *Archives Management Standard: Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service*.

The procedures for applying for exemption are explained below.

## PROCEDURES IN APPLYING FOR EXEMPTION FROM COMPULSORY TRANSFER

- ▶ Identify the records which are required to be retained (including the analysis of their function, date range, quantity and location).
- ▶ Sentence records according to authorised records disposal schedules if appropriate.
- ▶ Apply to the NT Archives Service for appraisal of the records if they are not included in an authorised disposal schedule. See also *Archives Management Standard: Disposal of Government Records Created Prior to 1 July 1978*.
- ▶ Review the requirements for retaining permanent records over 30 years old to determine:
  - if the organisation requires the **original** records to be retained for frequent access to meet a business need of the organisation,
  - if the business need of the organisation could be met by access to a copy of the records.
- ▶ Assess the storage requirements for the specific record format and the organisation's storage environment (see *Checklist A*).

- ▶ Assess the management requirements for the records (see *Checklist B*).
- ▶ Assess the resource requirements for retaining the records, and any recurring budgetary considerations.
- ▶ Upgrade the storage environment for the records to meet the requirements if necessary.
- ▶ Implement procedures for the organisation to meet the management requirements for the records if required including security, handling, disaster management, copying, and display.
- ▶ Review public access requirements for the records and negotiate public access provisions for the records with the NT Archives Service, and prepare relevant procedures and ensure suitable resources where required.
- ▶ Complete a *Form 5 Application for an Exemption from Compulsory Transfer* form and submit to the NT Archives Service with supporting documentation eg list of records, procedures.
- ▶ The NT Archives Service will contact the organisation to arrange a visit to assess the organisation's compliance with the standard.
- ▶ If the NT Archives Service is satisfied that the organisation meets the requirements for exemption from compulsory transfer, the NT Archives Service will issue an exemption for a period up to five years, and the list of records will be included in the Register of Territory Archives, along with the public access provisions for the records.
- ▶ The organisation is required to provide any additional information or finding aids relating to the records to the NT Archives Service if it becomes available, for inclusion in the Register of Territory Archives.
- ▶ Organisations are required to submit an annual report to the NT Archives Service of their continued compliance with the standard and eligibility for exemption at the end of each financial year, including reports on any preservation repairs/treatments and copying projects.
- ▶ The organisation must address any failure or inability to meet the requirements of the standard promptly to ensure no damage to the archives, and report any changes to these conditions to the NT Archives Service as soon as possible.
- ▶ If, at any stage, the organisation is no longer able to comply with the standards they should notify the NT Archives Service as soon as possible to revoke the exemption and negotiate the transfer of the records, in accordance with s.141(4)(a) of the *Information Act*.
- ▶ The NT Archives Service may inspect the storage facility at any time to check continued compliance, or if it believes the

records may be at risk from non-compliance.

- ▶ In accordance with s.141(4)(b) of the *Information Act*, the NT Archives Service may revoke the exemption at any time if the organisation's operations no longer require it, or if the organisation is not complying with the required standard.
  
- ▶ Prior to the expiry of the exemption the organisation should review or reassess its requirement to continue to retain the records and reapply for a further period if required.

## CHECKLIST A – STORAGE REQUIREMENTS

NT Government public sector organisations must satisfy the following requirements as defined in *Archives Management Standard: Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service*, to apply for exemption from compulsory transfer.

- Storage area is located away from environmental risks.
- Storage area is accessible for staff retrieval of records
- Storage area is well maintained and repairs conducted promptly.
- Storage area is clean and free of dust and debris.
- Storage area is free of insects, vermin, mould and pollutants.
- 24-hour air conditioning which meets the temperature and humidity levels within the range specified for the record format (*Appendices A-C Storage Conditions for Permanent Records Over 30 Years Old of the Archives Management Standard*).
- Storage area is well ventilated and air is filtered to exclude dust and other particles, acidic and oxidising gases.
- Storage area is exposed to no natural light (no windows, or 100% ultraviolet block-out). There are separate lighting controls to minimize exposure to light.
- Heat/smoke detectors, fire alarms, extinguishers and sprinkler system are installed, maintained and tested regularly.
- Security alarm system is installed, maintained and tested regularly.
- Access to storage areas is restricted to only essential staff, and access is controlled.
- Records are shelved/housed on/in shelving/cabinets appropriate to the record format.
- Records are stored on shelving, not on the floor, and boxes are not stored on top of one another.
- Storage areas have sufficient weight loading to support the shelving and records.
- Shelving/housing is configured to comply with occupational health and safety guidelines, including aisles, fire exists and height, and is above floor level.
- Shelving is in good repair.
- Records are stored in durable containers which will not cause damage to the records, preferably archival quality.
- Packaging and containers are the correct size for the records and shelving, and weight restrictions.
- Records are stored in good quality packaging suitable to the record format



## CHECKLIST B – MANAGEMENT REQUIREMENTS

NT Government public sector organisations must satisfy the following requirements as defined in *Archives Management Standard: Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service*, to apply for exemption from compulsory transfer.

- Procedures are documented and implemented for the maintenance and prompt repair of the storage area.
- Storage areas are monitored on an ongoing basis for fluctuations from the baseline storage environment to ensure compliance with temperature and relative humidity levels required for the record format. (see *Appendices A-C Storage Conditions for Permanent Records Over 30 Years Old of the Archives Management Standard* )
- Regular maintenance and repair program is in place for the air conditioning system. Repairs are carried out promptly to ensure minimal disruption to storage conditions.
- Procedures are documented and implemented for the inspection of the records and storage facilities for signs of insects, mould and pollutants, and treatments carried out if required.
- Storage areas area cleaned on a regular basis (preferably weekly) to remove dust and debris. Vacuum cleaners fitted with HEPA filters should be used where possible.
- Procedures are documented and implemented for the restriction of exposure to ultraviolet light in the storage area, eg. Lights are left off when area unattended.
- Procedures are documented and implemented for the maintenance and testing of fire safety and protection equipment.
- Procedures are documented and implemented to ensure security of the records, including identification of authorised staff, and conditions for limiting access by staff to avoid unnecessary handling.
- Procedures are documented and implemented regarding the restriction of loan of permanent records to other government organisations.
- Procedures are documented and implemented for the replacements of damaged packaging.
- Disaster prevention and recovery plans are implemented and maintained, which include archives as a priority for disaster recovery and notification of any disasters to the NT Archives Service.
- Policies and procedures are documented and implemented for the careful handling and transportation of permanent records.

- Monitoring of the condition of the records is conducted on a regular basis to identify any necessary repairs or treatments, or preservation copying.
- Use of permanent records is monitored to identify requirements for preservation copying.
- Procedures for the copying of permanent records are documented and implemented to ensure compliance with relevant standards, and the NT Archives Service informed of any copying projects.
- Procedures are documented and implemented for the reporting of fragile records, restriction of access to reduce further damage and prioritisation of preservation copying.
- Facsimiles of permanent records are displayed or exhibited and the display of original permanent records is not permitted.
- Standards for the documentation of permanent records are developed in consultation with the NT Archives Service, including location control, shelf lists and box lists.
- Lists of permanent records are submitted to the NT Archives Service for inclusion in the Register of Territory Archives at the time of application and updates are provided to the NT Archives Service when available.
- Public access to permanent records is negotiated with the NT Archives Service consistent with the intent of the Information Act, and an agreement lodged with the NT Archives Service to inform prospective researchers of access arrangements.
- Procedures for public access to permanent records are implemented (as above) and staff and facilities are provided where necessary, including finding aids, supervised access, and copying services.

