



Records disposal schedule

Records Disposal Schedule Adoption of Children Territory Families

Disposal Schedule No. 2016/16

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Table of contents

Preamble	i
Introduction.....	i
Structure of a Records Disposal Schedule	i
Function.....	ii
Activity	ii
Record Class	ii
Status and Disposal Action	ii
About this Records Disposal Schedule	iv
Purpose	iv
Scope	iv
Responsibility	iv
Authority	iv
Re-sentencing Records	iv
Regulatory Framework.....	iv
Related Documents	iv
Normal Administrative Practice	v
Notification of Destruction	v
Acknowledgement	v
Compliance Checklist	vi
Disposal Schedule	1
1. Adoption of Children	1
1.1 Advice.....	1
1.2 Agreements	2
1.3 Authorisation.....	3
1.4 Case Management.....	4
1.5 Compliance.....	6
1.6 Control	7
1.7 Enquiries.....	8

Preamble

Introduction

The *Information Act* states that public sector organisations must safeguard their records and must not delete or otherwise dispose of a record unless authorised to do so¹. Disposal of records is permitted through the use of records disposal schedules and enable regular, planned and authorised disposal of records controlled by an agency.

Records retention decisions are based on:

- the current and future business needs of the organisation
- compliance with legal and governance requirements of the organisation
- the current and future needs of internal and external stakeholders, including the wider community.

Records disposal schedules provide continuing authorisation for the legal disposal of records and are authorised by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

Records disposal schedules apply to records created and maintained in any format, including electronic records, records in business systems, and parts of records.

In the Northern Territory government there are two types of records disposal schedules:

- General records disposal schedules that apply to records common to most or all NT Government public sector organisations (http://www.nretas.nt.gov.au/knowledge-and-history/ntas/records/records_disposal), and
- Functional records disposal schedules that apply to records specific to an NT Government public sector organisation or function.

Functional records disposal schedules should be used in conjunction with general records disposal schedules.

Structure of a Records Disposal Schedule

Records disposal schedules set out minimum requirements for the creation, maintenance, retention or destruction actions to be taken in relation to existing or future records described in each class. Records disposal schedules specify

- a) whether a class of record has temporary or permanent status;
- b) the retention period for a temporary class of record;
- c) authorised disposal actions for a class of record.²

Each class of records created by an agency is described using classifications based on business analysis.

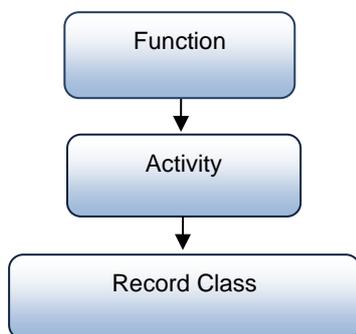
Disposal schedules are developed using the functional structure based on the business classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

¹ S.145 *Information Act*

² S.136A(3) *Information Act*

Within the schedule, functions are documented as the highest level terms and business activities under the functions, followed by record classes, as shown in diagram 1.

Diagram 1



Function

The function or keyword is the highest level in the classification scheme in this disposal schedule. The function is indicated at the start of each section and a description (scope note) provided.

Activity

Activities are the processes or operations that make up the business function. This is the second level in the classification scheme in this disposal schedule. The description (scope note) provides details of the transactions that take place in relation to the activity, for example, REPORTING or POLICY.

Record Class

A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. The descriptions can relate to one record (such as a register) or a group of records documenting a particular set of business transactions.

Status and Disposal Action

The appraisal status of a record class is assigned as either permanent or temporary.

Permanent Records: Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service for their preservation and eventual public access.

The retention period for permanent records is the maximum period before the records must be transferred to the NT Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act, unless exemption has been granted (see Archives Management Standards Transfer of Archives, and Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service). An Application to Transfer Records form must be submitted to the NT Archives Service before records will be accepted for transfer.

Temporary records: The retention period for temporary records is the minimum period before the records can legally be destroyed. The retention period is calculated after an event or a disposal trigger such as 'date of action completed', 'date of audit' or 'date of birth'. Destruction should be done following consultation with relevant operational business employees responsible for the records.

Retention periods for temporary records in a records disposal schedule are minimum periods only and agencies may keep records for a longer period if considered necessary for business requirements.

Reasons for longer retention could include,

- administrative need or agency directives,
- legal requirements such as current or pending legal action,
- relevance to an investigation or inquiry which is in progress,
- is subject to an Information Access application, or
- subject to a disposal freeze.

Records created prior to 1 July 1978 must not be disposed of without the authorisation of the NT Archives Service in accordance with Archives Management Standard Records Created Prior to 1978, unless specified in a schedule.

Sentence records with this records disposal schedule using the following five steps:

1. Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
2. Identify the disposal class.
3. From the disposal action in the class, identify the trigger event and a date when the record can be disposed of, alternately, identify that the record is to be retained permanently as archives.
4. If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
5. If the trigger event has not occurred (e.g. the record is still in active use), set a review date for the future.

About this Records Disposal Schedule

Purpose

The purpose of this Records Disposal Schedule is to enable regular, planned and authorised disposal of records of the function Adoption of Children and activities of Territory Families.

Scope

Application of this Records Disposal Schedule is mandatory for Adoption of Children records of Territory Families.

This Records Disposal Schedule applies to Adoption of Children records in all formats.

Responsibility

The Chief Executive Officer of Territory Families is responsible for the content and implementation of this Records Disposal Schedule including the provision of advice and training, and for monitoring compliance.

Authority

This Records Disposal Schedule is authorised in accordance with S. 136B of the *Information Act*.

Disposal Schedule 2016/16 was approved by the Director of the NT Archives Service (The Archives Service), Senior Director of ICT Policy and Governance (The Records Service), and the Chief Executive of Territory Families on 4 November 2016 and is effective immediately.

Re-sentencing Records

All records sentenced using records Disposal Schedule Records of the Department of Children and Families 2012/2 (AG) under class 1.1.1, 1.2.1, 1.2.2, 1.2.5, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.5.1, and 1.7.1 only are to be re-sentenced using this schedule.

Regulatory Framework

The regulatory basis for this Records Disposal Schedule is defined in:

- *Adoption of Children Act*
- *Adoption of Children Regulations*
- *Hague Convention*
- *Status of Children Act*
- *Status of Children Regulations*
- *Information Act*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489-Records Management

Related Documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the [name of public sector organisation]
- current authorised disposal schedules for Territory Families

Normal Administrative Practice

Public sector organisations are permitted to dispose of some short term or ephemeral documents under the authority of the Disposal Schedule for Short Term Value Records. These include:

- duplicate (eg information or reference copy)
- obviously unimportant (e.g. telephone message slips)
- of short term facilitative value (e.g. compliment slips)
- a combination of these

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the Disposal Schedule for Short Term Value Records unless the class of records has been identified in a specific disposal schedule.

Notification of Destruction

Provide formal notification of destruction of all records to the NT Records Service.

Note: In the case of the Disposal Schedule for Records of Short Term Value (Disposal Schedule No. 2003/10), notification is only required for the destruction of records described in Disposal Class No. 1.10.1.

Acknowledgement

The NT Archives Service and the NT Records Service acknowledge that material produced by National Archives of Australia, State Records Authority of New South Wales, State Records of South Australia, Public Records Office of Victoria, Territory Records Office and Standards Australia was used in the development of this schedule.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission of the NT Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, NT Archives Service. The terms in the business classification scheme are based on the Keyword AAA: A Thesaurus of General Terms (Government of New South Wales, 1998), and are produced under a licence agreement between the NT Archives Service and the State Records Authority of New South Wales.

Compliance Checklist

- Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records
- Assign responsibility for the management and application of regular records disposal action using authorised records disposal schedules, to an appropriately skilled records manager who consults with the NT Archives Service and NT Records Service
- Familiarise all employees of the organisation with the authorised records disposal schedules relevant to the organisation's records
- Identify and sentence all records described in this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule
- Apply this records disposal schedule to records in the organisation's records management systems, including systems for the management of paper records, electronic records, or records in any other format
- Apply this records disposal schedule to records in the organisation's business systems, either directly or by linking the business system to a records management system
- Implement quality assurance mechanisms to periodically check that the disposal class originally assigned at the creation of the records is still applicable at the time of sentencing of the record
- Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly
- Identify records that require re-sentencing where a previous disposal schedule has been superseded
- Stop applying sentences from previous schedules that have been revoked or amended
- Retain all records in good order and condition to be available for retrieval during the retention period.
- Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic
- Implement an appropriate and approved strategy for retention of records of continuing value, eg. preservation in original form, migration to new systems, and conversion to long term medium
- Dispose of all records sentenced according to this schedule in all formats including electronic records and records in business systems, copies of records and parts of records
- Transfer records of permanent value to the NT Archives Service for retention as archives not later than 30 years after creation
- Inactive records can be transferred to offsite service providers providing they have been sentenced
- Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction
- Notify the NT Records Service of destruction of all records
- Do not destroy records that are not described in an authorised records disposal schedule.
- Do not destroy any records created prior to 1 July 1978 without specific authorisation from the NT Archives Service

Disposal Schedule

1. Adoption of Children

The function of legally providing permanent family placements for children with parents that are not their biological birth parents in accordance with the *Adoption of Children Act*. Includes maintaining registers, addressing compliance issues, and handling of enquiries as required under the Act.

1.1 Advice

The activities associated with offering opinions by or to the organisation as to an action or judgement. Includes the process of advising.

Class No.	Description of Records	Status and Disposal Action
1.1.1	Records of written advice to the Minister or his delegate by the adoptive parent or parents that an adopted person has died before attaining the age of 18 years.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.1.2	Records relating to major advice in relation to adoption of children provided to and from the Minister, such as surrogacy matters, program countries closing down and the impact of legislation changes. Includes ministerials and briefing notes.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.1.3	Records relating to minor advice provided to the community in relation to adoption services, such as adoption processes, adoption of a family member, relinquishing a child and process around requesting information.	Temporary Destroy 3 years after action completed

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1.2 Agreements

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes formal agreements and /or exchange of letters between parties, as well as informal agreements.

Class No.	Description of Records	Status and Disposal Action
1.2.1	Records documenting the establishment, negotiation, maintenance and review of major agreements with other governments, government organisations or bodies in relation to adoption services, such as Bilateral Agreements with the Commonwealth. Includes draft versions and related correspondence.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.2.2	Records documenting the establishment, negotiation, maintenance and review of minor agreements in relation to adoption of children, such as data sharing agreements. Includes service level agreements and memoranda of understanding.	Temporary Destroy 7 years after expiry or termination of agreement

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1.3 Authorisation

The process of seeking and granting permission to undertake requested action.

Class No.	Description of Records	Status and Disposal Action
1.3.1	Records documenting written delegations by the Minister to persons to perform his or her powers and functions under the Act.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.2	Records documenting the transfer of guardianship from the Minister in the Northern Territory to a person or authority performing functions similar to those of the Minister as required under the Act, such as to another state. Includes application, supporting documents and related correspondence.	Permanent Transfer to the NT Archives Service 10 years after action completed
1.3.3	Records documenting approved countries for adoption by the Minister. Includes gazette notices, terms and conditions and written decisions.	Permanent Transfer to the NT Archives Service 10 years after action completed

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1.4 Case Management

The activities associated with the process of assessment, planning, facilitation for options and services to meet individual needs.

Class No.	Description of Records	Status and Disposal Action
1.4.1	<p>Records documenting case management files for approved adoption applications by the Minister from parents, such as married couples, single parent or spouse of parent for a citizen child.</p> <p>Includes applications, Notifications of intentions to apply for adoption, court orders, interim court orders, terms and conditions, written consents by appropriate persons, evidence of counselling received.</p> <p>May include requests for review of application to the Minister where the Minister has refused them as suitable parents, written advice to the Minister from the birth parent that they wish to establish his or her parenthood of the child and receipts where financial assistance has been provided by the Minister to the adoptive parents and records documenting applications from adoptive parents where an adoption of a child took place in an approved overseas country for a prescribed certificate of adoption.</p>	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.4.2	<p>Records documenting refused applications for the adoption of a child, such as where the applicants do not meet the criteria, are outside of the age requirements, not married or do not meet exceptional circumstances, includes withdrawn applications.</p> <p>Includes copies of medical certificates, signed reports by an approved person under</p>	<p>Temporary</p> <p>Destroy 40 years after action completed</p>

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1.4 Case Management

The activities associated with the process of assessment, planning, facilitation for options and services to meet individual needs.

Class No.	Description of Records	Status and Disposal Action
	the Act, to ensure that the mother was in a fit condition to give consent.	
1.4.3	<p>Records documenting case management files for adopted children, including children awaiting adoption and the post monitoring of adopted children.</p> <p>Includes applications, copies of supporting documents and court orders.</p> <p>May include records documenting declaration of validity of foreign adoptions by adopted children or adoptive parents or other persons tracing a relationship as required under the Act and the supervision of non-citizen children as required under the Act for the purposes of the child's welfare and interests as required under the Act.</p> <p>May also include guardianship placed with the Minister of non-citizen children awaiting adoption and written consents for the adoption of children under the law of a different state or Territory, including revocations, counselling and mediation for the purposes of resolving disputes.</p>	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>

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1.5 Compliance

The activities associated with complying with, or monitoring compliance with, mandatory or optional accountability, fiscal, legal, regulatory or quality standards or requirements. Includes compliance with legislation and with national and international standards.

Class No.	Description of Records	Status and Disposal Action
1.5.1	Records documenting major investigations into persons or suspected person contravening the Act, such as leading, enticing or decoying a child away from the adoptive parents, making payments or advertising in consideration of adoptions, Includes final report, witness statements, photos, audio footage, ministerial briefs and other supporting paperwork.	Permanent Transfer to the NT Archives Service 10 years after action completed

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1.6 Control

The activities associated with creating, maintaining and evaluating control mechanisms.

Class No.	Description of Records	Status and Disposal Action
1.6.1	<p>Adoption Register and Index cards, including where adoptions were unsuccessful.</p> <p>Includes:</p> <ul style="list-style-type: none"> - Name and details of applicants approved as suitable to adopt a child - Date of application - Date of approval - Details of person/s and child where an adoption has taken place - Date of placement - Date of Adoption 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers and index cards to NT Archives Service 10 years after action completed</p>
1.6.2	<p>Adoption Information Services Register, such as the Family Information Service.</p> <p>Includes:</p> <ul style="list-style-type: none"> - Names and addresses of persons, adopted persons, natural relatives of adopted parents, natural parents of adopted persons, adoptive parents of adoptive persons - Wishes of each person in relation to information exchange and contact, including vetos with other parties to adoption. 	<p>Permanent</p> <p>Retain in organisation</p> <p>(manage and migrate data to new platform during system upgrades)</p> <p>Transfer hardcopy registers and index cards to NT Archives Service 10 years after action completed</p>

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The function of legally providing permanent family placements for children with parents that are not their biological birth parents in accordance with the *Adoption of Children Act*. Includes maintaining registers, addressing compliance issues, and handling of enquiries as required under the Act.

1.7 Enquiries

The activities associated with the handling of requests for information about the organisation and its services by the general public or another organisation.

Class No.	Description of Records	Status and Disposal Action
1.7.1	<p>Records documenting approved requests from persons to the Minister, such as the adopted person, relinquishing parent or an adoptive parent, applying to access information relating to the adoption of the adopted person.</p> <p>Includes applications, copies of identification, case notes, evidence of counselling, written decisions and other supporting documents.</p> <p>May include court orders.</p>	<p>Permanent</p> <p>Transfer to the NT Archives Service 10 years after action completed</p>
1.7.2	<p>Records documenting requests to the Minister by persons under the Act to access information that have been declined, where no adoption record is found or the application does not proceed.</p> <p>Includes applications, copies of identification, written decisions and related correspondence.</p>	<p>Temporary</p> <p>Destroy 10 years after action completed</p>