

Background

The *Records Disposal Freeze Policy for NT Public Sector Organisations* issued by the NT Archives Service and the NT Records Service outlines the conditions under which a disposal freeze may be invoked.

This advice provides guidance to public sector organisations about how to implement a records disposal freeze.

How will a public sector organisation be notified of a records disposal freeze?

The NT Records Service will write to the Chief Executive Officers of all affected public sector organisations to notify them that a disposal freeze has been invoked. The letter will include information regarding the start and proposed end date (or review date) of the disposal freeze, why the disposal freeze has been invoked, and which records are likely to be affected.

The letter will include instructions that the agency must follow. These instructions will include the requirement to:

- formally advise staff and other relevant parties (this includes third party providers) that a disposal freeze has been invoked and specifying the records affected by the disposal freeze
- notify the NT Records Service of any additional public records identified by the agency that should be covered by the disposal freeze
- notify the NT Records Service of functional disposal schedules affected by the records disposal freeze
- manage the disposal freeze in accordance with the agency's recordkeeping policies and procedures for the disposal of records.

To assist agencies in managing the disposal process frequently asked questions are provided in [Appendix A](#), and a Records Disposal Freeze checklist is included in [Appendix B](#).

How to implement a records disposal freeze invoked by the NT Archives Service and the NT Records Service

In accordance with the *Information Act*, Chief Executive Officers of public sector organisations are responsible for compliance with the requirements of a records disposal freeze. Destruction of records covered by a disposal freeze is considered illegal disposal under Section 145 of the *Information Act*.

Step 1: Advise Staff and other parties

All staff and other relevant parties (including third party service providers) responsible for the disposal of public records, should be notified that a disposal freeze has been issued and take steps to immediately cease the destruction of public records covered by the disposal freeze.

Staff may be notified by a Chief Executive Officer directive, memo, policy or other internal mechanism.

The notification should include:

- a description of which public records are **not** to be destroyed, and
- the anticipated duration of the disposal freeze

Officers delegated to endorse the disposal of public records should be notified immediately that they must not authorise the destruction of records covered by the disposal freeze.

Step 2: Identify relevant records

Public records that are subject to the disposal freeze (including public records stored in offsite storage and with third party providers) should be identified. Addressing this requirement will be dependent on agencies' current disposal program processes and recordkeeping policies and procedures.

This may include flagging or highlighting the record classes covered in the disposal freeze to indicate a freeze is in place and for what period of time. The following should be annotated:

- identified records within the scope of the disposal freeze (including records due or overdue for destruction)
- relevant entries in all applicable Retention and Disposal Schedules including agency specific and general schedules. This includes all website, intranet and third party copies
- the disposal component of records management systems (including eDRMS)
- any disposal rules or processes implemented in business systems that hold records
- any other record (hardcopy or electronic) that relates to the disposal of records.

Priority should be given to records that are due or overdue for destruction that come within the scope of the disposal freeze (including records in the custody of third party service providers) and immediately cease any pending destruction.

Step 3: Notification of additional records

During the period of the records disposal freeze, an agency may discover that additional records should be included within its scope. The agency should contact the NT Records Service to discuss extending the coverage of the disposal freeze.

Step 4: Implementation in accordance with internal procedures

The public sector organisation manages the disposal freeze process in accordance with their internal recordkeeping policies and procedures relating to the disposal of records.

Records disposal workflow processes, procedures and instructions are updated to include steps to ensure that records in the organisation's custody which are subject to the freeze are not authorised for destruction.

The public sector organisation updates recordkeeping tools (e.g. disposal component of eDRMS) to temporarily postpone disposal of records.

It may be more convenient to implement a freeze on a broader range of records likely to contain relevant records rather than identify all specific records.

Step 5: Follow specific instructions relating to the freeze

Public sector organisations are required to comply with any specific instructions included in the disposal freeze e.g. notification may be required to a lead agency regarding relevant records in the custody of the organisation.

How will a records disposal freeze end?

A records disposal freeze includes a proposed end date. Both services will assess the disposal freeze prior to the proposed end date to determine whether the issue has been finalised or whether the matter continues. This may require seeking legal advice and consulting with the affected agencies. NT Records Service will notify Chief Executive Officers of relevant public sector organisations after the review has been completed to advise whether the disposal freeze has been extended or ceased.

Further advice

NT Records Service
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Darwin NT 0801

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Appendix A: Frequently Asked Questions

Can I continue to sentence records covered by the disposal freeze?

Yes, agencies can continue to sentence records covered by the disposal freeze provided the relevant records are set aside and retained for the period of the disposal freeze.

Can I transfer records covered by a disposal freeze to NT Archives Service if they are no longer required by my agency and would otherwise be disposed of under an approved Retention and Disposal Schedule?

NT Archives Service only accepts transfers of records with a permanent retention status under an authorised Retention and Disposal Schedule. The issue of a disposal freeze does not imply that affected records should be retained permanently, only that their disposal has been temporarily suspended.

Will the Services provide funds for maintaining records under a disposal freeze?

No. The costs relating to the management and storage of an agency's temporary records covered by a records disposal freeze is the responsibility of the public sector organisation.

How will a disposal freeze affect an agency's permission to destroy original temporary paper records after digitisation?

A disposal freeze will temporarily postpone the destruction of public records eligible for disposal under an approved Retention and Disposal Schedule; this includes the provisions of the [Records Disposal Schedule for Temporary Records that have been Digitised](#).

Does a records disposal freeze automatically require the revision of the affected retention period in the relevant Retention and Disposal Schedule?

No, this is not necessarily the case. A disposal freeze is just that, it suspends the destruction of records for a specified period of time.

What does my agency need to do if the records disposal freeze highlighted a need to change the retention period of one or more classes of records under an approved retention and disposal schedule?

Contact the NT Records Service to discuss the possible need to review relevant retention and disposal schedules.

Can a records disposal freeze be reviewed?

The NT Archives Service and the NT Records Service can review a disposal freeze at any time. This may occur if the scope of the freeze is inadequate or circumstances surrounding the reason for issuing the freeze change. The outcome of a review might be to extend the disposal freeze, end the freeze or revise a Retention and Disposal Schedule. Agencies will be formally advised of the outcome of the review.

Is an agency obliged to freeze the disposal of public records if it becomes aware of legal or other issues (e.g. subject to a Freedom of Information application) which may require those records to be retained beyond their authorised retention period?

Retention and Disposal Schedules contain a clause that public records required for legal or other issues may need to be retained longer than the minimum retention period. There is a mandatory requirement to suspend disposal of records subject to a legal hold. Please refer to [Records Management Advice No. 7 Legal Hold Order for Records](#) for further information.

The public sector organisation may wish to invoke a disposal freeze through its Chief Executive Officer. Refer to the *Records Disposal Freeze Policy for NT Public Sector Organisations*.

Appendix B: Records Disposal Freeze Checklist

The following checklist provides assistance in identifying whether a public sector organisation is complying with a disposal freeze issued by the Services

Action taken	☑/☒
<p>Formal advice about the declaration of the disposal freeze has been issued to:</p> <ul style="list-style-type: none"> • all officers responsible for recordkeeping and information in the public sector organisation • all officers delegated to authorise the destruction of public records • all staff and relevant parties (including third party service providers) 	<input type="checkbox"/>
<p>Records within the scope of the records disposal freeze are identified, including records stored:</p> <ul style="list-style-type: none"> • onsite • offsite • third party service providers • electronically 	<input type="checkbox"/>
<p>The organisation has notified the NT Records Service if additional records are identified.</p>	<input type="checkbox"/>
<p>The organisation has implemented processes to ensure public records which are subject to the freeze are not destroyed. Includes updating recordkeeping tools such as:</p> <ul style="list-style-type: none"> • the disposal component of records management systems (including eDRMS) 	<input type="checkbox"/>
<p>The organisation has complied with any specific instructions relating to the records disposal freeze.</p>	<input type="checkbox"/>