



**COUNCIL OF AUSTRALASIAN ARCHIVES
AND RECORDS AUTHORITIES**

CAARA Policy 05

Disposition of Records following Administrative Change

Status: Current
Adopted: July 1999
Updated: March 2009

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Adopted July 1999 and updated March 2009

The Council of Australasian Archives and Records Authorities (CAARA) recommends that members adhere to carefully considered practices in the management of records following the transfer of functions between governments.

Rationale

Intergovernmental agreements may result in the transfer of responsibility for administering or managing functions between member States, Territories and the Commonwealth.

Government organizations that anticipate either abolition or restructure as a result of such agreements must ensure that the agreement will uphold the integrity of their records. Ownership, custodial and access arrangements should also be built into the intergovernment agreement.

Definitions

Relinquishing Government (or Relinquishing Organization): is the government entity previously responsible for creating and maintaining records pertaining to a function. It may be a continuing or defunct entity following the transfer.

Receptor Government (or Receptor Organization): is the government entity now responsible for administering or managing the above.

Primary Record: the original record from which other versions or copies have been captured, generated or created, for example by photocopying, digital imaging or microfilming.

Guidelines

Ownership

In any transfer of functions between governments, the records of the relinquishing organization remain the property of that organization and/or its relinquishing government unless there is a contract or legal agreement which takes into account the statutory requirements of the governments concerned.

The organization nominated by the receptor government to administer the function should implement a recordkeeping system that reflects its new responsibilities. All records created, received and maintained by the receptor organization in the administration of the function are the property of that organization.

Records Management Practices

All non current records created by the relinquishing organization should be closed.

All current records that document finalised business should be closed at or before the date the function is transferred.

All current records that document current business activity (for which the relinquishing organization now bears responsibility) should be closed at or before the date the function is transferred.

Records that reflect current business activity (that is, “active” records at the date of transfer of responsibility for the function) should be captured by the receptor organization’s records management system. “Capture” in this sense will entail the recording of data about the records (for example, metadata) and/or copying the records. The capture of these records may require that the primary records be lent to the receptor organization for a finite period. In such instances electronic records should be closed and access restricted to “read only”. Similarly, paper-based records should not be renumbered, altered or rearranged in any way by the receptor organization.

The final disposition of those records that the receptor organization has captured (that is, copies) must be negotiated between that organization and its archival authority. (If no copies have been made, the receptor organization

and its archival authority have an interest in the disposition of the primary records.

Access and Retrieval

Irrespective of what happens to the relinquishing organization, it should be possible at all times to identify, locate and access information contained in its records. This applies to both paper-based and electronic records.

An archival authority that has custody of a defunct relinquishing organization's records should provide the receptor organization with access to any documents the latter requires for the conduct of its business unless legislative requirements state otherwise. The relevant intergovernment agreement should include this principle.

The relinquishing organization should notify the receptor organization about any records likely to include documents pertaining to its new functions that have already been transferred to archival custody.

Access to the primary records will be determined by the legislation relevant to the relinquishing organization, while access to the created, captured or copied documents will be determined by equivalent legislation relevant to the receptor organization. Consultation between both governments or organizations will be necessary to avoid a conflict in access policies and any potential embarrassment which that might cause, particularly where restrictions to access may be involved.

Where any relinquishing government expects to have specified rights of access to the records created by the receptor government, access conditions must be negotiated with said receptor government.

Disposal

Where a relinquishing organization is to be abolished, disposal of those closed records that were previously maintained by the relinquishing organization should be carried out by that organization before the abolition is finalised:

- a) in accordance with existing approved disposal arrangements; and
- b) in collaboration with the archives authority that approved those arrangements.

The archives authority may need to assist with the implementation of existing formal disposal arrangements and co-ordinate the disposal of unsentenced records in cases where the relinquishing organization does not have expertise to complete the work. The cost of conducting this work should be borne by the relinquishing organization.

Records should not be destroyed without consultation with all relevant organizations. This consultative process does not negate the principle that records which are closed when functions are transferred between governments should remain the property of the relinquishing organization or government.