

Retention and Disposal of Records



CATHOLIC ARCHDIOCESE OF PERTH

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Table of Contents

Introduction	01
Objective	01
Scope	01
Policy Statement.....	02, 03
• Overview	
• Retention	
• Disposal	
• Destruction	
• Transfer	
Supporting Guidelines	04
Supporting Procedures	04
Related Policies	04
Relevant Legislation and Standards	04
Responsible Officer	04
Appendix 1: Standards and Legislation	05, 06

Retention and Disposal of Records

INTRODUCTION

Records retention and disposal constitute an important part of efficient and effective records management. It is the range of processes associated with implementing the retention, deletion, destruction or transfer of records in all formats.

A records retention and disposal program is the systematic management of the Archdiocese's records, which aims to reduce ecclesiastical, canonical and business risk, and assist with legislative compliance. Such a program supports a more efficient use of resources through improved access to existing records and the reduction of storage and maintenance costs.

OBJECTIVE

This policy seeks to:

- Ensure that the retention and disposal of records meets ecclesiastical, canonical, business, parish, legislative and governance requirements; and
- Advise all staff of their responsibilities with regard to the retention and disposal of records.

SCOPE

This policy applies to all staff, including contractors, consultants and volunteers associated with the Archdiocese and all Archdiocese-owned agencies, organisations and parishes belonging to the Roman Catholic Archbishop of Perth Corporation Sole (the Archdiocese), who create, capture, store and use records in the Archdiocese.

All records, irrespective of media or formats, must be subject to this policy. For example, hardcopy and digital records, including, but not limited to, emails and websites, and records in all business systems, mobile devices, databases, social media and voicemail.

In the context of this policy and best practice in records management, retention and disposal refers to:

- Retaining records in the Archdiocese for continuing ecclesiastical, canonical, business and parish use;
- Destroying or deleting records if they have no ecclesiastical, canonical, business or parish use and do not need to be kept for other purposes;
- Ensuring vital records are protected and retained;
- Transferring records of archival value to the Archives of the Archdiocese; and
- Transferring records as required to another organisation, individual or site.

POLICY STATEMENT

Overview

The Archdiocese will develop and implement as appropriate a retention and disposal program that includes a retention and disposal schedule. The program and the schedule will be approved by the CAPAC Chief Executive Officer.

The Archives Office is responsible for the coordination, management and implementation of the retention and disposal program. Nonetheless, each business unit of the Archdiocese, including all Archdiocesan-owned agencies and parishes, has a responsibility to adhere to and apply the retention and disposal schedule.

Any issues requiring an interpretation of the approved retention and disposal schedule must be referred to the Director of the Office of Information Management and Archives for advice and examination, if necessary.

Retention

Retention periods for the records of the Archdiocese have been determined by the legal, administrative, evidential, ecclesiastical, canonical and financial accountability requirements of the Archdiocese. These retention periods are recorded in the retention and disposal schedule.

Records of the Archdiocese are categorised as being of either permanent or temporary value. Records of permanent value have a continuing value and are to be retained indefinitely. Records of temporary value are those that will be disposed of at some stage, as identified in the retention and disposal schedule.

Retention periods stipulated in the retention and disposal schedule are considered to be minimum retention periods. The Director of the Office of Information Management and Archives may extend a retention period if there is a need to do so.

The retention and disposal schedule will be reviewed and amended as appropriate on a regular basis.

Disposal

Disposal of the Archdiocese's records refers to the destruction of records of temporary value that are no longer required by the Archdiocese and/or have come to the end of the retention period. It also refers to the transfer of records of permanent value to the Archives of the Archdiocese. In some cases, it may refer to the transfer of records to another organisation, individual or site.

The Archdiocese may dispose of records only in accordance with the approved retention and disposal schedule.

Destruction

The Archdiocese may destroy records only in accordance with the approved retention and disposal schedule.

Destruction of records should be irreversible. There should be no reasonable risk of the information being recovered or the record being reconstituted. This applies to records in all formats.

All Archdiocesan records must be authorised for destruction prior to destruction, regardless of format or medium. The authorisation process is designed to ensure records are destroyed only in accordance with the approved retention and disposal schedule and not before the required retention period, and other ecclesiastical, canonical, legal, financial, administrative and audit requirements have been considered.

Records of the Archdiocese determined as having satisfied the ecclesiastical, canonical, legal, financial, administrative and/or audit requirements for their retention must be destroyed in accordance with the retention and disposal schedule.

Each business unit of the Archdiocese is responsible for the prompt and permanent destruction of all records once the retention period has been achieved and authorisation has been granted.

Destruction of all records must be recorded in the disposal register and the register must be maintained in the approved records management system. The register will be maintained by the Archdiocese's Archives. Doing so ensures that the Archdiocese is able to confirm destruction, and provides any proof of destruction that may be required in litigation proceedings.

A reputable document disposal company may be used to destroy records that are due for disposal provided that secure document disposal/shredding is used and a certificate of disposal can be provided.

If any record is subject to a legal hold, it may not be destroyed, altered or made inaccessible. A legal hold is the process that is used to preserve evidence when legal proceedings, civil or canonical litigation, or potential civil or canonical litigation, investigations, enquiries or other related matters are underway.

Records deemed to be sensitive, personal or confidential in nature must be destroyed using secure methods of destruction. These records may include, but not be limited to, personal information, sensitive information of a personal nature, information potentially relating to abuse investigations and culturally sensitive material.

Hardcopy records of a confidential nature, that is, records that contain any type of confidential, private, personal or sensitive information, must be destroyed by shredding or pulping to prevent the possibility of confidential information being obtained, reconstituted and misused.

Hardcopy records that are not confidential, that is, records that do not contain any confidential, private, personal or sensitive information may be disposed of by recycling.

Digital records may be destroyed by clearing/overwriting, purging, shredding, disintegration, pulverising or melting. Some forms of media need to be mechanically destroyed. These include:

- Microfiche;
- Microfilm;
- Read-only memory;
- Programmable read-only memory; and
- CDs and DVDs and other optical discs.

Transfer

Before any records may be transferred to another organisation, individual or site, they will be reviewed by the Director of the Office of Information Management and Archives and authorised for transfer by the CAPAC Chief Executive Officer.

All approved transfers must be recorded in the disposal register and the register must be maintained in the approved records management system. The register will be maintained by the Archdiocese's Director of the Office of Information Management and Archives. Doing so ensures that the Archdiocese is able to confirm the transfer of records, and provides any proof of such transfer that may be required in litigation proceedings. The transfer will be overseen by the Director of the Office of Information Management and Archives.

SUPPORTING GUIDELINES

Not Applicable

SUPPORTING PROCEDURES

Refer to the Information Management Implementation Plan.

RELATED POLICIES

Archives Management Policy

Records Management Policy

RELEVANT LEGISLATION

Various pieces of legislation that stipulate retention and disposal requirements. See appendix 1.

RESPONSIBLE OFFICER

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APPENDIX 1: STANDARDS AND LEGISLATION

Key standards and pieces of legislation applicable to records and information management are presented below. (Sources: Standards Australia, <https://www.standards.org.au/>, and Archives Office Retention and Disposal Research and Recommendations, 2020.)

Standards	Brief Description
AS 5044:2010	AGLS metadata standard
AS 5090:2003	Work process analysis for recordkeeping
AS ISO 15489.1:2017	Information and documentation - Records management, Part 1: Concepts and principles
AS ISO 23081.1:2018	Information and documentation - Records management processes - Metadata for records
AS/NZS ISO 16175.1:2012	Information and documentation - Principles and functional requirements for records in electronic office environments
AS/NZS ISO 30300-30302:	Information will be protected and preserved. It will be appropriately secured and protected from unauthorised access, use and disclosure.
2012	Information and documentation - Management systems for recordkeeping

Legislation	Relevant Records or Other Comment
Australian Charities and Not-for-profits Commission Act 2012 (Cth)	particular financial records, statements for audit, records of operations
Child Support (Registration and Collection) Act 1988 (Cth)	records and explanations of all amounts deducted or required to be deducted from salaries or wages for child support
Copyright Act 1968 (Cth)	records relating to copyright compliance
Disability Discrimination Act 1992 (Cth)	proof of compliance with this Act
Evidence Act 1906 (WA)	This Act does not impose any document retention requirement, but, significantly, it defines the terms business record and document.
Fair Work Act (Cth)	various employee records
Fair Work Regulations 2009 (Cth)	
Fringe Benefits Tax Assessment Act 1986 (Cth)	records relating to fringe benefits tax liability

<p>Legal Deposit Act 2012 (WA)</p> <p>Legal Deposit Regulations 2013 (WA)</p>	<p>Publishers are required to deposit copies of their hardcopy publications in the State Library of Western Australia. The Act applies to material published in Western Australia by a person who is resident in Western Australia, or whose principal place of business is in Western Australia. A publication is any work that has been made available to the public.</p>
<p>Long Service Leave Act 1958 (WA)</p>	<p>records of employment used to determine long-service leave entitlements</p>
<p>Minimum Conditions of Employment Act 1993 (WA)</p>	<p>contains some specifications about employment records</p>
<p>Occupational Safety and Health Act 1984 (WA)</p>	<p>records about informing and training employees about hazards, notification of accidents and medical information, employees' reporting of hazards</p>
<p>Paid Parental Leave Act 2010 (Cth)</p> <p>Paid Parental Leave Rules 2010 (Cth)</p>	<p>records about paid parental leave</p>
<p>Payroll Tax Assessment Act 2002 (WA)</p> <p>Payroll Tax Assessment Regulations 2003 (WA)</p>	<p>stipulate the returns required on specifying the amount of the WA taxable wages paid or payable by the employer</p>
<p>Privacy Amendment (Private Sector) Act 2000 (Cth)</p>	<p>The Act has strict standards about the way in which private sector organisations should manage personal information.</p>
<p>Sex Discrimination Act (Cth)</p>	<p>records proving compliance with the Act</p>
<p>Taxation Administration Act 1953 (Cth)</p>	<p>records proving compliance with tax law</p>
<p>Taxation Administration Act 2003 (WA)</p>	<p>records that are necessary to establish a person's tax liability under a taxation law</p>
<p>Work Health and Safety Regulations 2011 (Cth)</p>	<p>Involves information, training and instruction provided to workers; information about workplace risks and risk assessments; records about emergency planning and other records related to the employee, equipment and the workplace</p>
<p>Workplace Gender Equality Act 2012 (Cth)</p>	<p>reporting information relating to gender equality indicators</p>

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