

Disposal Freeze Policy

A policy for Queensland Public Authorities

Queensland State Archives

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Contact for enquiries

All enquiries regarding this document should be directed to:

Manager, Agency Services

Queensland State Archives

07 3037 6630

rkqueries@archives.qld.gov.au

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Disposal Freeze Policy: A Policy for Queensland Public Authorities

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Information security

This document has been security classified using the Queensland Government Information Security Classification Framework (QGISCF) as PUBLIC and will be managed according to the requirements of the QGISCF.

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Introduction

Government archival authorities, both nationally and internationally, on occasions apply 'freezes' to the destruction of specific public records that would usually be eligible for disposal under an approved Retention and Disposal Schedule. These freezes often relate to a particular topic or event that has created significant or substantial public interest. Topics or events may include cases where there is extensive parliamentary debate, coverage by the media or a pending court case.

Under section 13 of the [Public Records Act 2002](#) (the Act) public records cannot be destroyed without the authorisation of the State Archivist. This authorisation is usually given through an approved Retention and Disposal Schedule. This policy establishes the circumstances when the destruction of public records may be temporarily suspended despite previous authorisation for disposal, as set out in a Retention and Disposal Schedule.

This policy was developed following consultation with stakeholders across the Queensland public sector and other Australian jurisdictions.

Purpose

This policy sets out the conditions under which the State Archivist may issue a disposal freeze to postpone the destruction of public records that are at risk of being lost or may be required for longer retention periods.

This policy gives provision for the State Archivist to issue a notice to public authorities to temporarily cease the destruction of records that would usually be eligible for destruction in accordance with an approved Retention and Disposal Schedule.

Advice is also provided on how public authorities should implement a disposal freeze.

Further implementation advice to support the principles in this policy is available on the [recordkeeping section](#) of the For Government website.

Authority

This policy has been issued in accordance with section 25 of the Act which gives the State Archivist the authority to issue policies, standards and guidelines about the making, keeping, preserving, managing and disposing of public records.

Permission for a public authority to dispose of public records is usually given by the State Archivist through an approved Retention and Disposal Schedule which sets out minimum retention periods for different classes of public records.

Public records that are not covered by an authorised Retention and Disposal Schedule cannot be destroyed by a public authority without prior approval from the State Archivist.

A disposal freeze, issued by the State Archivist for a particular group of public records, overrides an existing Retention and Disposal Schedule that applies to the records of a public authority for a specified period of time.

Records to which a disposal freeze applies must not be destroyed while the freeze is in place. Destruction of these records could constitute unlawful disposal under section 13 of the Act.

Scope

This policy applies to all Queensland public authorities as defined in Schedule 2 of the Act that create, own and receive public records.

This policy also covers public records temporarily transferred to a third party, such as a privatised or commercial entity, Commonwealth or other Australian State Government agency, under a contractual custody agreement.

Specifically, for the purposes of this policy, a disposal freeze of public records:

- is issued by the State Archivist
- requires certain public records not to be destroyed while the disposal freeze is in place
- may cover more than one public authority
- applies to specific records relating to a particular topic or event
- overrides a Retention and Disposal Schedule approved by the State Archivist applicable to a public authority or several public authorities
- is issued for a finite period, with a start date and proposed end date.

Responsibilities of Chief Executive Officer

A Chief Executive Officer of a public authority, as defined in section 7 of the Act, is responsible and accountable for ensuring that the public authority complies with the Act, [Information Standard 40: Recordkeeping](#) (IS40) and [Information Standard 31: Retention and Disposal of Public Records](#) (IS31).

Specifically under IS31, Chief Executive Officers must endorse the proposed disposal of public records of the public authority in accordance with an approved Retention and Disposal Schedule.

Certain circumstances may necessitate a Chief Executive Officer withholding the endorsement of the disposal of public records or issuing a direction to temporarily postpone the disposal of public records of that public authority. If an internal disposal freeze is enacted, the Chief Executive Officer must ensure internal processes and procedures are established and implemented for the duration of the freeze.

If a Chief Executive Officer believes that circumstances warrant the cessation of the disposal of public records created by other public authorities, the Chief Executive Officer must request a disposal freeze to be issued by the State Archivist. The Chief Executive Officer must provide all relevant information to the State Archivist as to why the disposal freeze should be issued.

The State Archivist in consultation with relevant public authorities will determine whether or not to issue a disposal freeze and, if so, will formally notify the public authorities to be covered by the disposal freeze and specify the types of public records that are subject to the disposal freeze.

The affected public authorities also have a key role in identifying and providing advice on the scope of public records to be covered by the disposal freeze.

Definitions

Disposal freeze – an authority issued by the State Archivist that requires the temporary cessation of the destruction of public records, relating to a specific topic or event that are covered by an approved Retention and Disposal Schedule.

Retention and Disposal Schedule - a document issued by the State Archivist under the Act which defines the temporary or permanent status, retention periods, disposal triggers, and consequent permitted disposal actions in relation to a public authority's public records.

Policy Statement

The State Archivist may invoke a disposal freeze to minimise the risk of losing crucial evidence of government activities. Specifically, the intent of a disposal freeze is to ensure:

- public records that may be required as evidence are retained
- evidence is readily available in instances of litigation
- business activities of government are open and accountable
- the rights and entitlements of both individuals and the Government are protected
- public records are accessible and available to meet changing business circumstances.

Policy Principles

The State Archivist may authorise a disposal freeze for specific public records under the following principles:

- Principle 1:** Authorisation from the State Archivist is required for each disposal freeze invoked by Queensland State Archives.
- Principle 2:** Public authorities are responsible for ensuring public records covered by a disposal freeze are retained for the duration of the freeze.

Principle 1: Authorisation from the State Archivist is required for each disposal freeze invoked by Queensland State Archives

A disposal freeze:

- May affect any Queensland public authority.

Which public authorities are affected will depend on why a disposal freeze has been invoked and the public records that the disposal freeze covers.

The freeze could be applicable to one or several public authorities or across whole-of-Government.

- Applies to public records relating to a specific topic or event that could otherwise be destroyed under a Retention and Disposal Schedule authorised by the State Archivist.

- Overrides any earlier disposal authority given by the State Archivist for the period the freeze is in place.
- Has a specific start date and a proposed end date.

The length of time a freeze may be enforced will be affected by various activities. For example, litigation cases may involve lengthy investigations and completion of a reappraisal process by the public authority and Queensland State Archives.

At the commencement of the disposal freeze an end date may not be known until the circumstances that initiated the freeze have been further clarified or resolved.

- May be requested by a Chief Executive Officer of a public authority to apply to public records of another public authority.

The State Archivist, in consultation with all relevant parties, may issue a disposal freeze.

The State Archivist will specify the types of public records affected by a disposal freeze and will formally notify Chief Executive Officers of impacted public authorities. The freeze will identify:

- which public records are affected, or likely to be affected
- which authorised Retention and Disposal Schedule/s are affected
- the effect of the disposal freeze on authorised Retention and Disposal Schedule/s, and
- the anticipated duration of the disposal freeze.

Principle 2: Public authorities are responsible for ensuring public records covered by a disposal freeze are retained for the duration of the freeze

Under section 7 of the Act, Chief Executive Officers of public authorities are responsible and accountable for ensuring that a public authority has regard to the requirements of a disposal freeze. To comply with the freeze, the affected public authority must:

- formally advise staff and other relevant parties to immediately cease the destruction of public records covered by the disposal freeze
- identify public records that are subject to the disposal freeze, including public records stored in offsite storage and with third party providers
- notify Queensland State Archives of any additional public records that could be covered in the disposal freeze
- manage the disposal freeze process in accordance with the internal recordkeeping policies and procedures of the public authority for the disposal of public records
- follow any Queensland State Archives' specific instructions relating to the disposal freeze.

For further guidance on meeting these requirements see the advice on [Disposal Freezes](#) available on the [recordkeeping section](#) of the For Government website.

Documentation

Under Principle 6 of [Information Standard 40: Recordkeeping](#) public authorities need to ensure records document the complete range of business activities undertaken.

This includes maintaining records relating to a disposal freeze issued to their public authority.

Specifically these records will include what action was taken to enact the disposal freeze in the public authority.

Any disposal freeze notification and all documentation required for compliance must be maintained in accordance with the [General Retention and Disposal Schedule \(GRDS\)](#).