



Public Records Brief

A RECORDKEEPING UPDATE FOR QUEENSLAND PUBLIC AUTHORITIES – REISSUED
AUGUST 2011

Advice on the Destruction of Public Records

This Public Records Brief provides advice for public authorities on the process for the destruction of public records. It is issued to assist agencies with their accountability requirements for the disposal of public records under [Information Standard 31 – Retention and Disposal of Public Records \(IS31\)](#).

Under the *Public Records Act 2002*, public authorities have a responsibility to ensure that public records are managed appropriately, and this includes the disposal of such records. IS31 provides advice on the disposal of public records once their minimum retention periods have expired.

Requirements for destruction

Public authorities can only destroy records in accordance with a Retention and Disposal Schedule approved by the State Archivist.

Public records must be retained for longer if:

- (i) the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- (ii) the public record may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- (iii) the public record must be retained pursuant to the *Evidence Act 1977*
- (iv) there is a current disposal freeze in relation to the public record, or
- (iv) there is any other law or policy requiring that the public record be retained.

Recordkeeping

The destruction of the file or record should be recorded in the public authority's authorised recordkeeping system. The following must be recorded:

- file title, or a description of the record type or series
- number and version of the approved Retention and Disposal Schedule/Authority; and the class reference
- date range for the records
- date of destruction
- authorising officer.

Public authorities are not required to keep a record of destruction if the document is an ephemeral record. See section 18 of the [General Retention and Disposal Schedule for Administrative Records](#) (QDAN 249 v6) for a listing of ephemeral records.



Shredding, pulping and burning

Paper records should be shredded and pulped, or if these options are not available, burnt in an industrial incinerator. Consideration should be given to any local environmental regulations or conditions when destroying public records by burning.

Public authorities should not bury records or place records in industrial bins, general collection rubbish bins or other unauthorised storage containers. As a general rule, office shredders should only be utilised for the shredding of ephemeral records. However the method of destruction should be appropriate to the sensitivity of the record and the availability of destruction services in the local area.

Electronic records

Public authorities should ensure that electronic media which contain public records in electronic formats are properly disposed of after the expiration of their minimum retention periods. Processes, such as media sanitisation, should be enacted to ensure that the information contained on the media is irretrievable. These processes can include deleting or overwriting the information, purging magnetic media through degaussing (exposure to a strong magnetic field), or destruction of the physical media through shredding and melting or incineration. The physical destruction of the media should only be considered in respect to floppy disks, CD-ROMS or DVDs.

Storage

Public authorities should utilise secure destruction areas and storage devices to store records awaiting destruction. Only delegated and responsible officers of the public authority or authorised representatives should have access to these areas.

Destruction services

If utilising a destruction service through either a commercial arrangement or another public authority, the public authority responsible for the public records should ensure that all documents/records are securely stored and transported to the destruction site. The public authority should also make sure that the service provider destroys the records as soon as possible after their arrival at the designated destruction site. A receipt or certificate of destruction should be obtained from the service provider and retained permanently by the public authority for accountability purposes.

These requirements should be part of the service contract that the public authority signs with the service provider.

Disposal documentation

Under [*Information Standard 31 – Retention and Disposal of Public Records \(IS31\)*](#), public authorities are required to ensure that the destruction of public records is authorised and documented.

The destruction of public records should be documented in a disposal log, master control records or in the agency's authorised recordkeeping system, capturing the following information:

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- the file title, or a description of the record type or series
 - QDAN, version number and reference number of the record class in an approved Retention and Disposal Schedule
 - date range of the records
 - date of destruction
 - name of the person or agency that destroyed the records
 - the authorising officer.

A sample destruction log is included in Appendix B of the [Guideline for the Implementation of Retention and Disposal Schedules](#). The log should include the information above, some of which can be collected during the sentencing process.

Appendix C of the [Guideline for the Implementation of Retention and Disposal Schedules](#) contains a sample memorandum that should be retained to demonstrate that the CEO, relevant business areas and/or approved delegates have given their approval for the records to be destroyed.

A sample certificate of destruction is contained in Appendix D of the [Guideline for the Implementation of Retention and Disposal Schedules](#) which documents the responsible officer of the public authority that witnessed the destruction of the records and the destruction method used.

Records relating to the destruction of public records must be retained permanently in accordance with the [General Retention and Disposal Schedule for Administrative Records](#)