State Records Act 1997

(South Australia)
What does the State Records Act do?

- Provides for the preservation & maintenance of *official records*
- Ensures agencies & members of the public have prompt & efficient access to official records for research or other purposes
- Promotes the use of best practices in management of official records
- Imposes penalties for the unauthorised destruction of official records
How does the Act apply to the University?

- In accordance with the State Records Act, current official University records must be maintained in good order & condition

- The University must retain official records for the required time period as set out in disposal schedules authorised by the State Records Council

- The University *may only* dispose of official records in accordance with disposal schedules

- The University adopts the State Records Act *best management practices*, which are affirmed by the University Records Management Policy & Manual

- State Records conduct audits of the University’s Records Management practices
What is an “official University record”?

• From the University's perspective, a record comprises recorded information in any form (regardless of format) that is:
  – created or received by the University in the course of transacting its business or carrying out its activities; &
  – retained as evidence of that activity or business

• The record might be:
  – maps & plans
  – audio & videotapes
  – film & photographs
  – an email, letter or memo
  – lab book
  – set of lecture handouts
  – anything else tangible (or reproducible) that shows what the University does, has done, or will be doing
Examples of official University records

- minutes from a University standing committee meeting
- any interaction with external groups, regulatory agencies or funding bodies
- evidence, whether through email, letter or memo, that you are:
  - making a decision
  - offering advice
  - exercising a University responsibility
- contracts, agreements & other legal documents
- submissions & reports
- payment receipts, invoices, or evidence of a transaction
- any University publication
- student & employee records
- documented changes to policy, procedure or operational methodology
What is NOT considered an official University record?

- transitory or short term items, such as phone messages, notes or compliment slips
- office notices & circulars
- rough working papers &/or calculations created in the preparation of official records (including those in electronic format)
- drafts not intended for further use or reference, excluding official version drafts of agreements, submissions & legal documents
- duplicate copies of material retained for reference purposes only
- published material which does not form an integral part of an agency record
- system printouts used to verify or monitor data, or answer ad hoc queries, that are not part of regular reporting procedures & not required for ongoing use
- brochures, catalogues, price lists or unsolicited promotional material received from external sources
Management of official records

• Under the Act, official records must be:
  – created & captured correctly
  – disposed of systematically
  – accessible
  – able to be located & relied upon

• Proper management incorporates:
  – Provision of training to staff
  – Implementation of adequate policies, procedures & practices
  – Implementation of reporting mechanisms
  – Allocation of skilled records management resources
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How long do records need to be saved or retained for?

- The University must retain official University records for the required period of time as set out in disposal schedules authorised by the State Records Council
- Some records must be retained permanently
- Other records may be destroyed after a set period of time.

For Example
- 7 years after the lease expires
- 1 year after last action completed
- 5 years after system superseded
- 45 years after last entry
- 10 years after a file is closed

NOTE: If records are saved on TRIM, the responsibility of disposal of the record becomes that of the Records Management Office & there is far less risk of the record being accidentally altered or destroyed by a staff member
Access to University documents

• Anyone may request access to archived University documents as they would those in the custody of State Records, including;
  – Council & committee minutes
  – building plans
  – contracts & legal documents
  – research papers
  – staff & student information
  – correspondence & email
  – files held on shared drives, laptops & USB sticks

• Access to University records from someone outside the University, can only be granted by the University’s Freedom of Information Officer Sue Coppin
What can happen if I don’t comply?

*Individual Consequences:*

- Fines of up to $10,000 for unauthorised destruction of official University records
- Imprisonment for up to two years for unauthorised alteration of an official record
- A breach of the Act may be considered misconduct actionable under the University’s Enterprise Agreement

*University Consequences:*

- Loss of corporate history
- Unfavourable press to the University & damage to the University’s reputation
- Civil & criminal action
University obligations under the Act?

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University obligations under the Act?

- Do not damage, alter or destroy official records unless you have authority from the Records Management Office.
- Periodically archive emails.
- Do not remove an official record from the University without written authorisation from the Records Management Office (whether hard or soft-copy).
- Manage the records you create & receive in an accountable manner.
  - Aim to use the University’s record-keeping system TRIM rather than just your S:drive.
  - If your records *have* been captured in TRIM, then disposal will happen automatically & the Records Office will consult with business owners of records before any disposal occurs.
  - If your documents are under local departmental custody (ie. saved on the S:drive) and *have not* been captured in TRIM, contact the University Archives for a disposal authorisation request prior to destruction.
Additional Resources

• Sue Coppin, Collection Archivist, University Archives, Records & Collections
  – 8313 5184

• University of Adelaide Records Management Policy

• University Archives, Records & Collections

• University of Adelaide Enterprise Agreement

• State Records of South Australia

• State Records Act 1997 (SA)
Disclaimer

The content of this material is intended only to provide a summary & general overview of the State Records Act as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact Sue Coppin, Collections Archivist, or Legal & Risk if you are unsure of your compliance obligations under the Act.