

Disposal of corporate records

Department of Health Standard

QH-IMP-467-5:2020

1. Statement

The *Public Records Act 2002* prohibits the disposal of records without the permission of the Queensland State Archivist. Records must be retained for a minimum period of time in accordance with a State Archivist approved disposal authority and any disposal of records must be approved by the Chief Executive (or an approved delegate) of the public authority.

This standard describes the minimum requirements for the disposal or permanent transfer of Corporate Records for the Department of Health (the Department). It is part of the [Corporate Records Management Policy Framework](#) which exists to ensure records are made, kept, and where authorised, disposed appropriately.

In this standard, disposal has the same meaning as 'disposal' in the *Public Records Act 2002*, namely:

disposal, of a record, includes –

- (a) *destroying or damaging the record, or a part of it; or*
- (b) *abandoning, transferring, donating, giving away or selling the record, or part of it*

2. Scope

This standard applies to all employees, contractors and consultants within the Department of Health divisions and business units.

It applies to:

- corporate records – it does not include clinical records.
- all formats (physical and digital) regardless of the system in which they are maintained.

This standard may be adopted, or re-branded, for use by Hospital and Health Services (HHS) or statutory bodies.

3. Requirements

3.1. Lawful Disposal

Disposal must be lawful.

Disposal refers to the actions required to ensure that records are destroyed in an appropriate manner and with appropriate approval, such that they cannot be reconstituted, recreated or reconstructed. Disposal also refers to permanent change of custody, for example if records are transferred to another agency as part of an administrative change or when records are donated.

3.1.1. Records must have Queensland State Archivist authorisation to be lawfully disposed.

The disposal of records without authorisation from the State Archivist is an offence under the Public Records Act 2002. State Archivist authorisation is typically provided through approval of a retention and disposal schedule or through individual disposal authorisations assigned to a class of records.

3.1.2. Records must be sentenced using a retention and disposal schedule (or disposal authorisation) available for Queensland Health use. This includes:

- Queensland State Archives (QSA) - General Retention and Disposal Schedules
- Queensland Health agency or sector schedules
- Another Queensland agency or sector schedule (or disposal authorisation) approved by the State Archivist for use by Queensland Health.

3.1.3. Records must be sentenced to a class of records that appropriately describes the subject matter of the records being sentenced.

3.1.4. Records must be retained for at least the minimum retention period for the class of record.

3.1.5. Where no class of record appropriately describes the subject matter of records being sentenced, these 'gap' records must be retained indefinitely until they are included in a retention and disposal schedule (or disposal authorisation) available for Queensland Health use.

3.1.6. Where there is overlap between records covered by QSA - General Retention and Disposal Schedules and a Queensland Health agency or sector schedule, the records must be sentenced using the longer retention period.

3.1.7. Records that contain mixed content (i.e. comprised of multiple records classes) must be sentenced in accordance with the records class with the longest retention period.

3.1.8. When sentencing records with multiple parts, all parts must be sentenced as a complete record where there is a genuine relationship between the content of the parts.

- Includes records that are historically or evidentially related and deletion of a part of the record adversely affects the continuity of, or completeness of, the record in its entirety (e.g. personnel files, case files etc.).
- Excludes records that have no direct relationship to other contained records (e.g. batches of invoices etc.).

- 3.1.9. Records must be reviewed prior to disposal to ensure:
- The record has been assigned to an appropriate class within a retention and disposal schedule available for Queensland Health use.
 - The retention and disposal schedule is current and has not been superseded.
 - The record is not required to be retained for longer due to a disposal freeze, or to satisfy other business, legal or legislative requirements.
- 3.1.10. Prior to disposal, final authorisation for the disposal of records must be attained from the Chief Executive (or an approved delegate) in accordance with Departmental Delegations - [Instrument of Delegation - Public Records Act](#).
- 3.1.11. The disposal method for physical records or media holding records must be commensurate with the information security classification assigned to the record.
- 3.1.12. Evidence of the disposal of the records must be retained as a record in the recordkeeping system. This includes:
- **Disposal log.** This must contain: disposal schedule name (and version if applicable); record class; description of records; and date range.
 - **Disposal approval.** Evidence of approval by the Chief Executive (or an approved delegate).
 - **Evidence of destruction.** This must provide evidence of destruction from a service provider or a certificate specifying the method, place and date of destruction plus details of the staff that carried out the destruction.
 - **Recordkeeping metadata.** The metadata of the records that have been destroyed must be updated to reflect the disposition (e.g. destroyed) and date of destruction. If this is not possible, a control register of disposal metadata is required.
- 3.1.13. Transitory and short-term records, as identified in the QSA [General Retention and Disposal Schedule](#) do not require formal destruction approval or documentation.

3.2. Permanent Transfer of Records to or from another Agency

Permanent transfer of records is a disposal action and must be compliant with legislation and policy.

Permanent transfer of records refers to the transfer of records, and all responsibilities associated with those records, to another public authority under a machinery of Government administrative change or another agreed change in the management of those records.

- 3.2.1. Permanent transfer of records is a form of records disposal which must be authorised by the Chief Executive (or an approved delegate) and includes:
- Transfer of records to another public authority or HHS.
 - Receipt of records from another public authority or HHS.
- 3.2.2. The execution of the permanent transfer of records must include:
- Secure transfer of all records artefacts (digital or physical).
 - The transfer of recordkeeping metadata.

- A letter authorising the transfer of records.
 - A letter acknowledging receipt of transfer.
- 3.2.3. Documentation providing evidence of the disposal or receipt of records by permanent transfer must be retained in accordance with the minimum retention period identified in the QSA General Retention and Disposal Schedule. Documentation to be retained includes:
- Transfer approval and receipt of transfer.
 - A catalogue of all records transferred (i.e. recordkeeping metadata).
- 3.2.4. Recordkeeping metadata must be captured and/or updated in an approved recordkeeping system or approved business system to reflect the current disposition, location and date of the transfer.

Corporate Information Management (CIM) is the key contact for coordinating the permanent transfer of records into and out of the Department.

3.3. Permanent Transfer to Archives

Under certain circumstances, permanent value records may be transferred to QSA. In such circumstances, the Department remains the responsible agency and Chief Executive (or authorised delegate) approval is not required.

- 3.3.1. To be eligible for permanent transfer to QSA, records:
- Must be designated as a permanent record through a current retention and disposal schedule.
 - Must be inactive and no longer required by the Department for business use.
 - Must meet any QSA eligibility criteria which may be in force at the time.
- 3.3.2. A comprehensive list of records to be considered for transfer to QSA must be provided to CIM. This includes:
- All items individually listed (e.g. files folders, registers, maps etc.) including separate list items for all file parts.

CIM will liaise with QSA to arrange transfer (if approved) and for an authorised delegate to assess the records for appropriate restricted access periods.

3.4. Decommissioning Systems and Disposing Hardware

The disposal of records held in business systems must be managed.

Business systems and hardware such as computers, tablets and other mobile devices, may hold records and as such, the disposal of records held in these business systems must be managed. Decommissioning or disposing of these systems and hardware may result in the unintended and accidental disposal of records

- 3.4.1. Prior to the disposal of any hardware such as computers, tablets and mobile devices, records contained on the hardware must be captured into an approved recordkeeping system or approved business system if not already captured.
- 3.4.2. The decommission of any business systems must be in accordance with the QSA decommissioning business systems workflow and methodology.
- 3.4.3. The disposal method for any decommissioned business systems, hardware, or media holding records (including information and/or data) must be commensurate with the highest information security classification of the records in accordance with the Queensland Health Information Security Policy.

3.5. Unlawful Disposal

Suspected or identified unlawful disposal of records must be managed.

Unlawful disposal refers to any disposal of records that is not authorised by the Queensland State Archivist through a current retention and disposal schedule, or other legal authority, and is not endorsed by the Department's Chief Executive (or authorised delegate). This includes records that are:

- Lost through natural disasters or other circumstances beyond our control.
- Abandoned such that they are subject to damage or loss through neglect.
- Sold, donated or given away without appropriate approval.
- Maliciously altered by adding to, deleting, revising or obliterating information to modify the meaning or intent of the record or render it unusable.
- Lost in any other way so as to have the records outside the control of the Department.

Unlawful provisions and penalties apply whether or not the records are managed in recordkeeping or approved business systems.

- 3.5.1. Records that are lost or disposed without appropriate authorisation must be reported to CIM.

CIM is responsible for reporting lost records to QSA and keeping records detailing instances of unlawful disposal of records including the notification of lost public records and the acknowledgement receipt from QSA.

4. Legislation

4.1. Queensland Government Legislation

- *Electronic Transactions (Queensland) Act 2001*
- *Evidence Act 1977*
- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2019*
- *Hospital and Health Boards Act 2011*
- *Information Privacy Act 2009*
- *Public Health Act 2005*
- *Public Records Act 2002*
- *Public Service Act 2008*
- *Right to Information Act 2009*

4.2. Queensland Government Information Standards:

- Information Access and Use Policy (IS33)
- Information Asset Custodianship Policy (IS44)
- Information Security Policy (IS18:2018)
 - Queensland Government Information Security Classification Framework
- Queensland Recordkeeping Metadata Standard and Guideline
- Records Governance Policy
 - Records Governance Policy – Implementation Guideline

5. Supporting documents

5.1. Corporate Records Management Policy Framework:

- Corporate Records Management Policy
- Corporate Records Roles and Responsibilities Standard
- Creation of Corporate Records Standard
- Use of Corporate Records Standard
- Digitisation Disposal of Corporate Records Standard
- Disposal of Corporate Records Standard (this document)
- Identification of Corporate Records Guideline
- Data Entry and Naming of Corporate Records Guideline
- Disposal of Corporate Records Guideline

5.2. Other Related Documents:

- Clinical Records Management Policy
 - Retention and Disposal of Clinical Records Standard
 - Health Sector (Clinical Records) Retention and Disposal Schedule
- Code of Conduct for the Queensland Public Service
- Data and Application Custodianship Policy
 - Data and Application Custodianship Standard
 - Data and Application Custodianship Roles and Responsibilities
- Information Security Policy
 - Information Security Standard
 - Information Security Roles and Responsibilities Standard
 - ICT Physical Access Security Standard
- Instrument of Delegation for the Public Records Act 2002
- QSA – Retention and Disposal Schedules
- QSA – Decommissioning Business Systems Workflow and Methodology

6. Definitions

Term	Definition
Application Custodian	<p>A position designated with overall accountability and responsibility for decision making in relation to the ongoing development, management, compliance, care and maintenance of an application to support business needs.</p> <p>See also: <i>Data Custodian</i>; <i>Approved Business System</i></p>
Approved Business System	<p>An approved business system (for the purpose of recordkeeping) is a system that has been assigned a Data Custodian and/or Application Custodian in accordance with the Data and Application Custodianship Policy.</p> <p>Custodians are responsible for understanding, managing and controlling risks associated with applications and the collections of data held within these applications. They are also responsible for ensuring that legal, regulatory, policy, standards and other business requirements of the application continue to be met.</p> <p>See also: <i>Application Custodian</i>; <i>Data Custodian</i></p>
Chief Executive	<p>The Executive Officer means the Director-General, Queensland Health, who has ownership of all Queensland Health records, and is responsible for records in the custody of the Department of Health.</p> <p>The Chief Executives of the Hospital and Health Services (HHSs) are responsible for the custody and disposal of records in their HHS.</p>
Clinical Records	<p>A collection of data and information gathered or generated to record the clinical care and health status of an individual or group. Also referred to as a health record, medical record or healthcare record. Refer Clinical Records Management Policy (QH-POL-280:2014).</p> <p>See also: <i>Corporate Records</i></p>
Corporate Records	<p>Records that provide evidence of administrative and non-clinical functions of the Department (e.g. executive correspondence, finance, human resource, legal, research, scientific, cancer screening etc.).</p> <p>See also: <i>Clinical Records</i></p>
Corporate Records Management	<p>The application of efficient and systematic controls for the creation, receipt, maintenance, use and disposal of Corporate Records.</p>

Term	Definition
Data Custodian	<p>A position designated with overall accountability and responsibility for decision making in relation to the data set, data collection and / or application allocated and the ongoing capture, compliance, development, management, care and maintenance of data to support business needs.</p> <p>See also: <i>Application Custodian; Approved Business System</i></p>
Digital Records	<p>Records created, communicated and/or maintained by means of electronic or computer technology, including both 'born digital' records and records that have been digitised.</p> <p>See also: <i>Physical Records</i></p>
Disposal	<p>In this standard, disposal has the same meaning as 'disposal' in the Public Records Act 2002, namely:</p> <p>disposal, of a record, includes—</p> <ol style="list-style-type: none"> a) destroying, or damaging the records, or part of it; or b) abandoning, transferring, donating, giving away or selling the record, or part of it. <p>Records disposal includes the following activities.</p> <ul style="list-style-type: none"> • Destroy: complete and irreversible physical erasure of the record, ensuring it cannot be reconstituted, recreated or reconstructed. • Transfer: permanent transfer to another public authority because of a machinery-of-government change. • Sell: records cannot be sold, except if an agency or function is sold or privatised (i.e. under a machinery-of-government change). • Donate: giving records to a museum or historical society must be authorised by the State Archivist. • Loss or damage: because of a disaster or other circumstances beyond your agency's control, such as contamination. • Abandon: neglect, which can lead to loss or damage to records, is a form of disposal. • Amend: unauthorised changing of a record by addition, deletion, revision or obliteration of information, particularly if it modifies the meaning or intent of the record's content or renders it unusable.

Term	Definition
Disposal Freeze	<p>An authority that temporarily freezes the disposal of public records relating to a specific topic or event, including records that have a temporary disposal status under an approved Retention and Disposal Schedule. Generally, these freezes relate to a particular issue that has created significant or substantial public interest.</p> <p>Original paper records to which a disposal freeze applies must not be destroyed while the freeze is in place</p>
Disposal Status	<p>Indicates the archival value of the records. Records may either be:</p> <ul style="list-style-type: none"> • Permanent - meaning records should be transferred to QSA once they are no longer required for business purposes • Agency Permanent – meaning the records are not required by QSA once they are no longer required for business purposes. They are to be retained permanently by the agency • Temporary - meaning that the records may be disposed of once the minimum period for which the records must be retained has expired and the records are not required for any further legal or business purpose.
Electronic Document and Records Management System (eDRMS)	<p>An eDRMS is a system that combines electronic document management with records management functionality by enabling appropriate contextual information (metadata) to support the evidential value of the information. The recordkeeping metadata assist users to find, manage, control and understand the records over time</p>
Physical Records	<p>A record that is tangible and takes up physical space (e.g. paper, photographs or index cards)</p> <p>See also: <i>Digital Records</i></p>
Queensland State Archives (QSA)	<p>Office established under the Public Records Act 2002 responsible for the development and promotion of effective methods, procedures, and systems for making, managing, keeping, storing, disposing of, preserving and using public records.</p>

Term	Definition
Record	<p>In this standard, record has the same meaning as ‘record’ in the <i>Public Records Act 2002</i>, namely:</p> <p>Recorded information created or received by an entity in the transaction of business or the conduct of affairs that provides evidence of the business or affairs and includes:</p> <ol style="list-style-type: none"> a) anything on which there is writing; b) anything on which there are marks, figures, symbols or perforations having a meaning for persons, including persons qualified to interpret them; c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or d) a map, plan, drawing or photograph
Recordkeeping	<p>The making and maintaining of complete, accurate and reliable evidence of business transactions in the form of recorded information.</p> <p>Recordkeeping includes:</p> <ul style="list-style-type: none"> • the creation of records in the course of business activity • the means to ensure the creation of adequate records • the design, establishment and operation of recordkeeping systems • the management of records used in business and as archives.
Records Management	<p>Field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposal of records, including processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records.</p>
Retention and Disposal Schedule	<p>A document issued by the State Archivist authorising the disposal of public records. It defines the temporary or permanent status, retention periods, disposal triggers and consequent disposal actions authorised for classes of records described in it.</p>
Retention Period	<p>The minimum period of time that records need to be kept before their final disposal as specified in an authorised retention and disposal schedule.</p>
Sentencing	<p>The process of identifying the disposal class a record belongs to and applying the disposal action specified in the relevant R&DS to the record. Sentencing is the implementation of decisions made during appraisal.</p>

Version Control

Version	Date	Comments
v1.0	27 March 2020	<i>New standard</i>
v1.1	20 October 2021	<i>Approved. Minor amendments (updated references to legislation, standards and policies).</i>

Business Area Contact

Corporate Information Management is responsible for the strategic direction and support of the Corporate Records Management function of the Department.

Please refer any corporate records management queries, or feedback to:

Corporate Information Management Unit

Risk, Assurance and Information Management Branch

Corporate Services Division

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Intranet: <https://qheps.health.qld.gov.au/csd/business/records-and-information-management>