



Government of Western Australia  
Department of Culture and the Arts  
State Records Office of Western Australia



# State Records Office Guideline

## **Implementing a revised Disposal Authority - Resentencing records**

An Information Management Guideline  
for State Organizations

June 2016

[www.sro.wa.gov.au](http://www.sro.wa.gov.au)

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## PURPOSE

The purpose of this guideline is to assist State organizations with the implementation of a revised Disposal Authority (DA).

## BACKGROUND

When a revised DA is approved by the State Records Commission, it supersedes (or replaces) the previous DA and organizations must use the revised DA to sentence and dispose of relevant records going forward.

The revised DA may stipulate, for instance, that certain categories of records need to be retained for longer or shorter periods than the periods set out in the superseded DA.

These instructions set out the steps to follow in order to resentence those records.

## SCOPE

This guideline applies to all State organizations which have records in their custody that have been sentenced in accordance with a DA that has since been superseded.

**Note:** If the organization holds records that have not been sentenced at all, then any sentencing is to be done using the revised DA.

For the purposes of this guideline, **sentencing** is the process of identifying and classifying records according to an approved Disposal Authority, recording the appropriate retention and disposal decisions / actions for the records, and applying the disposal actions specified in the disposal authority.

Refer also to the *Glossary of Terms* available on the State Records Office website.

## **INSTRUCTIONS**

The application of this guideline in the resentencing of records will be assisted where the organization has kept adequate records of retention and disposal decisions made using a DA.

### **1. Cease sentencing using a superseded DA or superseded DAs**

When the State Records Commission approves a revised DA, the State Records Office will notify all relevant organizations that the revised DA has been approved. Consequently, the organization must cease using the superseded DA to sentence records.

### **2. Identify records series that require resentencing**

#### **2.1 Revised General Disposal Authority or Sector Disposal Authority**

If the revised DA is a General Disposal Authority (GDA) or Sector Disposal Authority (SDA) developed by the State Records Office (SRO), the SRO will usually issue a 'Linking Table'. The Linking Table provides cross-references from record categories in the superseded GDA/SDA to corresponding records categories in the revised GDA/SDA and will identify any changes to retention and/or disposal decisions, which will highlight which categories of records require resentencing – see section 3.

#### **2.2 Revised Retention and Disposal Schedule**

If the revised DA is an organization-specific Retention and Disposal Schedule (for its functional records), it is the organization's responsibility to determine which records need to be resentenced – see section 3.

### **3. Records which require resentencing**

Records that **must** be resentenced will fall into the following 3 categories:

#### **3.1 Records Disposition changed from to Temporary to State Archive**

When a revised DA stipulates that certain records which were previously identified as temporary records must now be retained as State archives, those records **must** be resentenced, as demonstrated below:

<b>Superseded DA</b>	<b>Revised DA</b>
'Reports relating to strategic direction' – Destroy 20 years after last action	'Reports relating to strategic direction' – Archive 5 years after last action  <i>[example only]</i>

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In these cases, the organization **must** ensure these records are no longer identified as temporary and are instead sentenced as archives.

**3.2 Records Disposition changed from State Archive to Temporary**

When a revised DA stipulates that certain records previously identified as State archives are now to be sentenced as temporary records, unless the SRO advises otherwise, those records **must** be resentenced, as demonstrated below:

Superseded DA	Revised DA
Records relating to delegations – Archive 5 years after last action	Records relating to delegations – Destroy 20 years after date of last action  <i><b>[example only]</b></i>

In these cases, the organization **must** ensure these records are no longer identified for permanent retention as State archives and are instead sentenced as temporary records.

**Note:** This does not apply to State archives already in the custody of the SRO.

**3.3 Records Retention periods have been increased**

When the revised DA stipulates that certain records must be retained for a **longer period** than that specified in the superseded DA, those records **must** be resentenced, as demonstrated below:

Superseded DA	Revised DA
‘Reports (unit level)’ – Destroy 2 years after last action	‘Reports (unit level)’ – Destroy 7 years after date of last action  <i><b>[example only]</b></i>

In these cases, the organization **must** ensure these records are resentenced to the longer retention period.

**4. Records Retention periods have been reduced**

When the revised DA stipulates that certain records can be retained for a **shorter period** than that specified in the superseded DA, those records may be resentenced, as demonstrated below:

Superseded DA	Revised DA
Road closures – Destroy 30 years after last action	Road closures – Destroy 7 years after last action  <i><b>[example only]</b></i>

In these cases, organizations **may** resentence these records for the shorter period, but it is not compulsory to resentence.

Applying the new reduced sentences to these records will reduce storage volume and management costs. The decision to retain these records longer than legally necessary should be considered in light of relevant cost vs benefit vs risk analysis to the organization.

**Please Note: Risk of longer retention.** Records that could have been legally destroyed earlier, but which are still in existence, are still subject to discovery via legal mechanisms and Freedom of Information requests.

## **5. Records which do not require resentencing**

Records will not require resentencing if the:

- Retention period and disposition **has not changed**;
- Retention periods **have not increased** (see also section 4); or
- Records are already in the **custody of the State Records Office**.

**Please note:** Organizations may choose to resentence all previously sentenced records in accordance with the revised DA.

All documentation recording the disposal of records must note the DA registration number and the reference number in the DA under which the records were sentenced. This provides evidence that records have been disposed of in accordance with an approved DA.

## **6. Applying revised sentences to records systems**

Once the records that require resentencing have been identified, organizations must resentence them in accordance with the revised DA. Resentencing actions should be recorded in the organization's records management system and other control records where necessary.

The following information should be recorded against the relevant records:

- new reference number (if necessary) and retention / disposal action under the revised DA; and
- the date the records were resentenced.

If the organization has an Electronic Document and Records Management System (eDRMS) with retention and disposal functionality, it may be possible to load the revised DA into the system.

**Caution:** Before this activity is carried out, it is recommended that organizations undertake adequate planning and testing to ensure the revised DA operates effectively and accurately within the eDRMS.

**7. When to resentence?**

Organizations may choose the most appropriate timeframe for the resentencing of records in accordance with organizational procedures and/or resources. For example, some organizations may choose to resentence relevant records as a separate activity, whereas others may choose to identify records for resentencing when records are due for disposal (e.g. as part of the organization’s regular disposal program). Organizations that choose the latter option will need to amend their disposal procedures to reflect the requirement to identify records for resentencing.

**8. What to do with the superseded DA?**

**Do not throw away the superseded DA** since that document is the organization’s rationale (and evidence) for the legal disposal of records prior to the approval of the revised DA.

**Checklist**

The following steps will assist with the implementation of a revised DA:

Cease using the superseded DA to sentence records	
Use the new (revised) DA to sentence all records going forward	
Amend disposal procedures accordingly	
Determine the best time to apply revised sentences	
Advise all relevant staff about the changes	
Identify records that require resentencing	
Apply revised sentences to records and / or systems	
Document the disposal of records including the relevant DA registration number and reference numbers	
Retain the previous DA as a permanent record of the organization	

**For further information – please contact the State Records Office on 9427 3661**