Parole Board/State Parole Authority

This authority covers records documenting the function of parole determinations.
Functional Retention and Disposal Authority

DA no DA198

SR file no 97/0143

Public office Parole Board/State Parole Authority

Scope This functional retention and disposal authority covers records documenting the function of parole determinations.

Authority This functional retention and disposal authority is issued under section 21(2)(c) of the State Records Act 1998. It has been approved by the Board of the State Records Authority in accordance with section 21(3) of the State Records Act.

Authorised

David Roberts
Director
State Records Authority of New South Wales

20/4/2005 Date
How to use the Functional Retention and Disposal Authority

The disposal process

Disposing of State records involves assessing the value of records for future use, identifying those State records that have continuing value as State archives and identifying how soon the remainder can be destroyed or otherwise disposed of. Disposal can also involve transfer of ownership or custody of records and the alteration of records.

This functional retention and disposal authority is issued under section 21 (2)(c) of the State Records Act 1998 (NSW). Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of State Records with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Records does not disapprove. Advice on the State Records Act can be obtained from State Records.

This authority has been prepared as part of the records disposal program of the agency. Two primary objectives of this program are to ensure that records are kept for as long as they are of value and to enable the destruction or other disposal of records once they are no longer of value. State Records’ decisions take into account both the administrative requirements of the public office in discharging its functional responsibilities and the potential research use of the records by the NSW Government and the public. It is the duty of a public office, in submitting a draft functional retention and disposal authority for approval, to disclose to State Records any information which affects the retention of the records covered by the authority.

Purpose of the authority

This functional retention and disposal authority authorises the destruction or other disposal of State records as required by the State Records Act.

Using the authority

This functional retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority is to be used to sentence records. Sentencing is the examination of records in order to identify the disposal class to which they belong. This process enables the sentencing officer to determine the appropriate disposal action for the records. Advice on sentencing can be obtained from State Records.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal classes from being used to sentence records which perform the same function. The information must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see also the General Disposal Authority – Records of short term value that have been imaged). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technologically dependent records is available for the periods prescribed.

Disposal action

Records that are identified as being required as State archives should be stored in controlled environmental conditions. Control of these records should be transferred to State Records when they cease to be in use for official purposes.
Records that have been identified as being authorised for destruction may only be destroyed once a public office has ensured that all requirements for retaining the records are met. Retention periods set down in this authority are minimum periods only and a public office may keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, and government directives. A public office must not dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, FOI requests) where the records may be required as evidence. Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded.

In some cases State Records may withhold authorisation for the disposal of a particular disposal class or possibly a whole function or activity. This would be used where records have been identified as having some immediate short term requirements for retention such as pending legal action. These records will need to be re-appraised at the end of a designated period. This re-appraisal process is necessary as the circumstances which instigate the need for the records to be retained for a longer period may also affect the ‘value’ of the records.

Regardless of whether a record has been authorised for destruction or is required as a State archive, a public office or an officer of a public office must not permanently transfer possession or ownership of a State record to any person or organisation without the explicit authorisation of State Records.

**Custody**

The custody column in the functional retention and disposal authority is designed to assist public offices in identifying storage requirements for records prior to destruction or transfer. The directions in this column are recommendations only and are not mandatory. The type of information includes directions on how long records should be retained in the office and how long they should be kept in off-site/secondary storage. A recommendation to retain records in the agency for more than 25 years does not imply that a still in use determination has been approved by State Records (see Part 4, Section 28 of the State Records Act 1998).

**Administrative change**

This functional retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable functional retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Records for approval. However, when functions move from one public office to another State Records should be notified. The public office that inherits the new function will need the approval of State Records to use any existing functional retention and disposal authority to sentence the records that document the function/s.

**Amendment and review of this authority**

State Records must approve any amendment to this authority. Public offices that use the authority should advise State Records of any proposed changes or amendments to the authority.

State Records recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Records may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements or procedures which are likely to affect the value of the records covered by this authority.
In all cases the process of review will involve consultation between State Records and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments will be made and authorised.

Contact Information

State Records
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Facsimile: (02) 8247 8626
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## Functional Retention and Disposal Authority
### Parole Board/State Parole Authority

**DA no:** DA198  
**Dates of coverage:** 1985+

<table>
<thead>
<tr>
<th>No</th>
<th>Function/Activity</th>
<th>Description</th>
<th>Disposal Action</th>
</tr>
</thead>
</table>
| 01.00.00 | PAROLE DETERMINATIONS | The State Parole Authority (formerly the Parole Board) makes determinations in respect of those offenders who have a sentence of greater than three years and the option of a community-based sentence following completion of their non-parole period. The Parole Board/Authority Secretariat creates and maintains records relating to and supporting the determinations of the Parole Board/Authority in respect of an offender’s suitability for parole or the revocation of parole. These records are:  
- Offender Files and  
- Members Papers  
These include records of a “highly protected” nature such as those relating to witness protection offenders managed in the Special Program Centre,  
**Scope of the Offender File**  
Reports form the Probation and Parole Service, Custodial Case Management Teams, Justice Health, Police and professional staff  
Advice to the Commissioner in relation to a serious or public interest offender participating in external, unescorted, pre-release leave programs  
Records of routine administrative matters and correspondence.  
Submissions or details of victims and/or victim’s families  
Submissions of an extremely sensitive or Highly Protected nature, general access to which would pose significant risk to individuals. |
Scope of the Members Papers

The Parole Board Secretariat compiles a series of copies of the significant records found on the Offender File for distribution to the Parole Board/Authority Members for review in making the of determinations.

The Members Papers do not include:

- Records of routine administrative matters relating to the offender

The Members Papers will include:

- Annotations, notes and summaries made by the member in the course of making determinations

Many of these reports will also be found on the individual offender’s DCS Case File and where appropriate the Serious Offender File generated and maintained by the Serious Offender Review Council.

01.01.00 Offender Case Files

Records of individual case management of offenders who are serving a sentence of greater than three years with the option of a community-based sentence following completion of their non-parole period.
<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
<td>01.01.01</td>
<td></td>
<td>case management records for all serious offenders and sample of records of individual case management of:</td>
<td>Required as State archives</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Offenders who are serving a custodial term of more than twelve months (long-term custody)</td>
<td></td>
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<td></td>
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<td>• Offenders requiring protection such as offenders under the Witness Protection Scheme, who might be at risk given general access to their case file.</td>
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<td></td>
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<td>Sample to comprise case records of offenders:</td>
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<tr>
<td></td>
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<td>• With high profile</td>
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<td>• Whose case has generated significant public interest or controversy</td>
<td></td>
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<td></td>
<td></td>
<td>• Who have died in custody</td>
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<tr>
<td>01.01.02</td>
<td></td>
<td>All other records of individual case management of offenders other than those required as State archives in 01.01.01 above</td>
<td>Retain a minimum of 12 years after release or end of order, then destroy</td>
</tr>
<tr>
<td>01.02.00</td>
<td>Members Papers</td>
<td>The Parole Board Secretariat compiles a series of copies of the significant records found on the Offender File for distribution to the Parole Board/Authority Members for review in making the determinations of the Board/Authority.</td>
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<tr>
<td>01.02.01</td>
<td></td>
<td>Papers compiled for members for the purposes of making determinations</td>
<td>Retain a minimum of 12 years after release or end of order, then destroy</td>
</tr>
<tr>
<td>01.03.00</td>
<td><strong>Meetings</strong></td>
<td>The activities associated with gatherings held to formulate, discuss, update, or resolve issues and matters pertaining to the management of the section, department, or organisation as a whole relating to parole board. Includes arrangements, agenda, taking of minutes etc. This includes meetings of committees, working groups and task forces.</td>
<td></td>
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<tr>
<td>1.03.01</td>
<td></td>
<td><strong>External - Minutes, agenda papers and background information of meetings, working parties etc. with other bodies where the Parole Board/Authority is the representative or is the convenor/Chairperson.</strong></td>
<td>Required as State archives</td>
</tr>
<tr>
<td>1.03.02</td>
<td></td>
<td><strong>External - Minutes, agenda papers and background information of meetings, working parties, etc. with other bodies where the Parole Board/Authority has only minor involvement.</strong></td>
<td>Retain a minimum of 6 years after action completed, then destroy</td>
</tr>
<tr>
<td>1.03.03</td>
<td></td>
<td><strong>Internal - Strategic. Minutes, agenda and papers of internal meetings held for the purposes of making parole determinations or to address strategic management matters.</strong></td>
<td>Required as State archives</td>
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<tr>
<td>1.03.04</td>
<td></td>
<td><strong>Internal - Operational. Minutes, papers and agenda of internal operational meetings. Operational meetings are defined as those carried out for operational purposes such as program implementation, project management, staff meetings etc</strong></td>
<td>Retain a minimum of 6 years after file closed, then destroy</td>
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</tbody>
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