This retention and disposal authority is approved under section 21(2)c of the State Records Act 1998 following prior approval by the Board of the State Archives and Records Authority of New South Wales in accordance with section 21(3) of the Act.
**State Archives and Records Authority of New South Wales**

**Functional Retention and Disposal Authority**

<table>
<thead>
<tr>
<th>Authority no</th>
<th>DA205</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR file no</td>
<td>99/0201 18/0395</td>
</tr>
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</table>

**Scope**

This functional retention and disposal authority covers records dating from 1974 onwards documenting the function of complaint investigation and oversight of the administrative conduct of government and certain private sector agencies.

**Public office**

New South Wales Ombudsman

**Approval date**

18/08/2005

**Revised**

16/01/2019

Amended to include coverage for records relating to allegations of child sexual abuse (entry 1.5.3)
About the Functional Retention and Disposal Authority

Purpose of the authority

The purpose of this retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the State Records Act 1998 only and does not override any other obligations of an organisation to retain records.

The retention and disposal of State records

The records retention and disposal practices outlined in this authority are approved 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 the State Archives and Records Authority of New South Wales (State Archives and Records NSW) 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 Archives and Records NSW does not disapprove. Advice on the State Records Act can be obtained from State Archives and Records NSW.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. State Archives and Records NSW reviews and approves organisations’ retention and disposal authorities under the State Records Act. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Archives and Records NSW any information which affects the retention of the records covered by the authority.

State Archives and Records NSW’s decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Archives and Records NSW’s functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in Building the Archives: Policy on records appraisal and the identification of State archives. The Policy also explains the roles and responsibilities of State Archives and Records NSW and of public offices in undertaking appraisal processes and disposal activities.

Implementing the authority

This 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 should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.
The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. For further advice see Implementing a retention and disposal authority.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependent records 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 the General Retention and Disposal Authority – Original or source records that have been copied). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

Disposal action

Records required as State archives

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Archives and Records NSW when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Archives and Records NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Archives and Records NSW should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

Records approved for destruction

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are minimum periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, government directives and changing social or community expectations. A public office must not dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) 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. See Destruction of records: a practical guide.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:
• business needs or practices change
• new laws, regulations or standards are introduced
• new technology is implemented
• government administration is restructured and functions are moved between entities, or
• unforeseen or new community expectations become apparent.

State Archives and Records NSW recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved 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 approval of State Archives and Records NSW.

Administrative change

This 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 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 Archives and Records NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Archives and Records NSW to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

Amendment and review of this authority

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

State Archives and Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Archives and Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments 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 Archives Records NSW and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

Contact Information

State Archives and Records NSW
PO Box 516
Kingswood NSW 2747
Telephone: (02) 9673 1788
E-mail: govrec@records.nsw.gov.au
### Functional Retention and Disposal Authority (New South Wales Ombudsman)

**Authority number: DA205**  
**Dates of coverage: 1974+**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Details</th>
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<tbody>
<tr>
<td>1.0.0</td>
<td>COMPLAINTS, AUDITING AND REVIEWS</td>
<td>The function of examining, monitoring, scrutinising and reviewing external agencies' procedural systems, policies and practices, levels of service or business processes from which complaints may arise. Includes monitoring and reviewing specific legislation such as that associated with Police powers. Also includes the investigation of and monitoring and reporting on complaints made about the conduct of public authorities and non government service providers that fall within the Ombudsman's community services and child protection jurisdiction. Includes preliminary inquiries and direct formal investigations by the Ombudsman, the monitoring of investigations undertaken by the Police Service in relation to complaints made against them and the monitoring of investigations and allegations of child abuse against employees. Also includes facilitating dispute resolution between parties and other activities performed under the Community Services Complaints, Reviews and Monitoring Act (Inquiries, Reviews of persons, death reviews and Official Community Visitor Scheme).</td>
</tr>
<tr>
<td>1.1.0</td>
<td>Advice</td>
<td>The activities associated with advice the Ombudsman provides to Departments, Agencies, Services, Councils and non-government community service providers regarding their procedural systems, policies and practices. See Complaints for records of advice to an agency concerning the handling of a complaint</td>
</tr>
<tr>
<td>1.1.1</td>
<td></td>
<td>Records relating to the provision of advice requested by, and in relation to external agencies policies, procedures, standards and practices. Includes requests for advice, responses, commentary etc documenting the Ombudsman's recommendations. Also includes research and copies of external agencies policies, procedures and/or standards. Retain minimum of 5 years after last action, then destroy.</td>
</tr>
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</table>
## Authority number: DA205

| 1.2.0 | Agency Auditing & Systems Review | The activities associated with assessing the performance of an agency or its systems. Includes assessing compliance with statutory requirements, customer service standards, complaints handling systems, policies etc.  
For records relating to assessments and investigations into allegations and/or complaints concerning the conduct of an individual or agency, see COMPLAINTS, AUDITING & REVIEWS - Complaint Cases. |
| 1.2.1 | Records relating to the conduct of audits of agencies concerning controlled operations or telecommunications interception. | Required as State archives. |
| 1.2.2 | Formal reports to Parliament relating to the conduct of audits or reviews of agency systems or practices | Required as State archives. |
| 1.2.3 | Records relating to the conduct of audits or reviews of agency systems or practices. This includes records supporting the development of final audit and review reports including copies of external agencies policies, procedures and standards, research documentation and project papers. | Retain minimum of 10 years after last action, then destroy. |
| 1.3.0 | Agency Liaison | The activities related to ongoing liaison with external agencies within the Ombudsman's jurisdiction (public authorities, service providers and designated government and non-government agencies) about matters relating to the Complaints, Auditing and Reviews function.  
For correspondence with external agencies concerning death reviews, see COMPLAINTS, AUDITING & REVIEW - Review of Deaths.  
For records of established committees see General Retention and Disposal Authority - Administrative records COMMITTEES |
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<th>Authority number: DA205</th>
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<tr>
<td><strong>1.3.1</strong></td>
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<td><strong>1.4.0</strong></td>
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<td><strong>1.4.1</strong></td>
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<td><strong>1.4.2</strong></td>
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### Authority number: DA205

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.5.0</td>
<td><strong>Complaint Cases</strong>&lt;br&gt;The activity of handling complaints, notifications, investigations, referrals and reviews.&lt;br&gt;Complaint cases are created to hold all documents associated with a particular complaint, investigation or review. Also includes reviews of decisions regarding the Ombudsman's handling of complaint investigations. These will always be related to a case in resolution and investigation systems such as Resolve, Catsi / CM or Complaints Resolution &amp; Investigation Database (CRI).</td>
</tr>
<tr>
<td>1.5.1</td>
<td>Records relating to complaints and notifications where the Ombudsman has exercised formal powers (eg section 16 and Section 25G of the Ombudsman Act)</td>
</tr>
<tr>
<td>1.5.2</td>
<td>A representative sample (1 in 10 boxes) of records relating to complaints and notifications that have been acted upon but where the Ombudsman has not exercised formal powers.</td>
</tr>
</tbody>
</table>
| 1.5.3 | All other records relating to complaints and notifications that have been acted on by the Ombudsman or to complaints and allegations that involve a child or young person that have not been acted on by the Ombudsman. This includes requests for reviews where the initial decision is upheld. | Retain minimum of 10 years after last action, or where the complaint, notification or allegation involved a child or young person, until the child or young person would have attained the age of 25 years, whichever is the longer, then destroy.  

For records relating to complaints and notifications involving allegations of child sexual abuse:  
Retain minimum of 45 years after action completed, then destroy. |

| 1.5.4 | Records relating to complaints or allegations where no action has been taken and the accusation has not involved a child or young person. Includes complaints and allegations which are:  
- outside the Ombudsman's jurisdiction  
- covered under Section 122 of the Police Act  
- declined on outset  
- false, vexatious, misconceived or not proven. | Retain minimum of 5 years after last action, then destroy. |
### 1.6.0 Inspections & Visits

The activities involved in the regular inspection of correctional, juvenile justice and other detention facilities, and visits to accommodation services by official community visitors (as appointed under legislation, currently the Community Services Complaints, Review and Monitoring Act 1993) to identify systematic procedures, improve their administration and address concerns of individuals.

See General Disposal Authority - Financial and Accounting Records, PERSONNEL for payment of salaries and allowances of statutory appointees.

See General Disposal Authority - Administrative Records - RISK MANAGEMENT - Insurance for matters associated with the insurance of statutory appointees.

See General Disposal Authority - Administrative Records, COMPENSATION for injury claims made by statutory appointees.

For complaints raised as part of the inspection and visit, see COMPLAINTS, AUDITING & REVIEWS - Complaint Cases.

For in-care reviews resulting from an inspection or visit, see COMPLAINTS, AUDITING & REVIEWS - Review of Persons.

#### 1.6.1 Records of inspections and visits to correctional institutions and detention facilities by Ombudsman personnel. Records include:

- reports
- interview transcripts
- liaison with agency representatives concerning matters raised during the inspection or visit

Required as State archives

#### 1.6.2 Records relating to arrangements and rosters for visits or inspections by Ombudsman personnel

Retain minimum of 10 years after last action, then destroy.

#### 1.6.3 Records of inspections and visits to accommodation services by community visitors or Ombudsman personnel. This includes records relating to correspondence with and receipt of activity reports, advice and other documentation from community visitors.

Retain minimum of 10 years after last action, then destroy.
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<th>Authority number: DA205</th>
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<tr>
<td>1.6.4</td>
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<td>1.7.0</td>
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<td>1.7.1</td>
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<td>1.7.2</td>
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<tr>
<td>1.8.0</td>
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<td>1.8.2</td>
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<tr>
<td>1.9.0</td>
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<tr>
<td>1.9.1</td>
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<tr>
<td>Authority number: DA205</td>
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<tr>
<td><strong>1.9.2</strong></td>
</tr>
<tr>
<td>Records relating to the routine administrative correspondence with external agencies relating to death reviews.</td>
</tr>
<tr>
<td><strong>1.9.3</strong></td>
</tr>
<tr>
<td>Register of deaths of persons with a disability in full-time residential care and certain children.</td>
</tr>
<tr>
<td><strong>1.10.0</strong></td>
</tr>
<tr>
<td>Review of Persons in care</td>
</tr>
<tr>
<td><strong>1.10.1</strong></td>
</tr>
<tr>
<td>Records relating to reviews (individual or group) of people in care. Includes conduct of the review and preparation of both preliminary reports and final reports to the Minister. Also includes monitoring the implementation of review recommendations.</td>
</tr>
<tr>
<td><strong>2.0.0</strong></td>
</tr>
<tr>
<td>CONSULTANCY SERVICES</td>
</tr>
<tr>
<td><strong>2.1.0</strong></td>
</tr>
<tr>
<td>Assignments</td>
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<td><strong>2.1.1</strong></td>
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</tbody>
</table>
| Records relating to projects and assignments undertaken by the Ombudsman supporting the consultancy services function. Records include:  
  - contracts  
  - project briefs  
  - travel and accommodation bookings and arrangements  
  - interview transcripts  
  - working documents and reference material  
  - draft and final versions of reports. | Retain minimum of 10 years after completion of the assignment/project, then destroy. |
| **2.2.0**                |
| Consultancy Enquiries    | The activities associated with handling requests for information about the Ombudsman's consultancy services by the general public or another organisation. |
### 2.2.1 Records relating to consultancy enquiries which have lead to the provision of a consultancy service by the Ombudsman. Includes letters, quotes etc.

Retain minimum of 5 years completion of the assignment/project, then destroy.

### 2.2.2 Records relating to consultancy enquiries which have not resulted in the provision of a consultancy service by the Ombudsman. Includes letters, quotes etc.

Retain minimum of 1 year after last action, then destroy.

### 2.3.0 Marketing

The process of analysing, creating and selling products and services. Includes market research and promotion.

For records relating to formal agreements associated with external Departments providing marketing services for the Ombudsman, see General Disposal Authority - Administrative Records: GOVERNMENT RELATIONS - Agreements.

Retain minimum of 5 years after last action, then destroy.

### 2.3.1 Records relating to correspondence with central agencies including the Department of State and Regional Development relating to the promotion of the Ombudsman's consultancy services.

Retain minimum of 5 years after last action, then destroy.

### 2.3.2 Copies of publications and other reference material provided by external agencies relating to the promotion of the Ombudsman's consultancy service.

Retain until superseded, then destroy.

### 3.0.0 EDUCATION & TRAINING

The function of educating and training public sector agencies, non-government service providers and individuals in complaints handling, negotiation and investigative skills on a fee for services basis and for free. Also includes seminars for government service providers on reviewable deaths issues and seminars for consumers about their right to quality services.

For records documenting the activity of Conferences, see General Disposal Authority Administrative Records.

### 3.1.0 Programs

The activities involved in the development, preparation and general marketing of education and training programs.

For records relating to the marketing of education and training programs and services provided by the Ombudsman, see General Disposal Authority - Administrative Records: COMMUNITY RELATIONS - Marketing.
| Authority number: DA205 | 
|------------------------|-------------------------------------------------|-------------------------------------------------|
| 3.1.1                  | Records relating to final versions of program material. Includes the program session plan, PowerPoint presentations, handouts, participant workbooks etc. | Retain until superseded, then destroy. |
| 3.1.2                  | Records relating to draft copies and working documents associated with the development of program material. | Retain until administrative use ceases, then destroy. |
| 3.1.3                  | Training needs analysis surveys. | Retain minimum of 5 years after last action, then destroy. |
| 3.2.0                  | Training Enquiries | The activities associated with the handling of requests for information from the general public or another organisation about the education and training services provided by the Ombudsman. |
| 3.2.1                  | Records relating to training enquiries which have lead to the provision of education and training services by the Ombudsman. | Retain minimum of 5 years after last action, then destroy. |
| 3.2.2                  | Records relating to training enquiries where education and training services have not been provided as a result by the Ombudsman. Includes information relating to contact details, change of address etc. | Retain minimum of 2 years after last action, then destroy. |
| 3.3.0                  | Workshops & Seminars | The activities involved in arranging and managing specific individual workshops and seminars held by the Ombudsman for external agencies. Includes acceptances, registration, catering etc. For records relating to and development, production and distribution of flyers, brochures etc., see General Disposal Authority - Administrative Records: PUBLICATION. |
### 3.3.1

**Records relating to arrangements for and the delivery of workshops and seminars supporting the education and training function.**

Records include:
- accommodation and venue bookings
- travel and catering arrangements
- registrations
- participant lists
- agency contact details
- feedback sheets
- evaluation forms
- copies of program material.

**Retain minimum of 5 years after last action, then destroy.**

### 4.0.0

**INTELLIGENCE**

The function of identifying, collecting, analysing, researching and value-adding to information derived from the complaints, reviews, visits and other business processes to support the Ombudsman’s oversight and monitoring responsibilities.

See Agency Liaison for records relating to maintaining regular contact with relevant bodies to support this activity.

### 4.1.0

**Analysis**

The activities associated with the detailed examination of complaints, complaint histories, policy and procedural impacts on issues, other documentation such as statistics, research etc. to assist the identification of trends or issues potentially requiring further review or investigation.

For intelligence analysis records which lead to further review and assessment in relation to the performance of an external agency or system, see COMPLAINTS, AUDITING & REVIEWS - Agency Auditing & Systems Review.

For intelligence analysis records which lead to further investigation relating to complaints and allegations about an individual, external agency or system, see COMPLAINTS, AUDITING & REVIEWS - Complaint Cases.
### 4.1.1 Analysis of Individuals, External Agencies, Regions, Locations, and Issues

Records relating to detailed analysis of individuals, external agencies, regions, locations and issues of interest or concern, in order to gather information to support the Intelligence function. Records include:

- intelligence checklists
- research and background material
- lists of relevant cases or issues
- risk assessments
- trend analysis
- interview transcripts
- statistics

| Retain minimum of 10 years after last action, then destroy. |

### 4.2.0 Policies & Procedures

The activity of developing rules and standard methods of operation.

| 4.2.1 | Master copies of procedure manuals or guidelines supporting the Intelligence function. | Required as State archives |
| 4.2.2 | Records relating to the formulation and implementation of procedures. | Retain minimum of 5 years after last action, then destroy. |

### 5.0.0 Appeals

The function of determining appeals from those people refused entry to or removed from the Witness Protection Program or appeals against the Police Commissioner's decision not to make an order under the Child Protection (Offenders Registration) Act.

| 5.1.0 Appeal Cases | The activities involved in handling appeals made to the Ombudsman. Includes hearings and determinations. |
| 5.1.1 | Records relating to appeals cases. Records include:
- application forms
- police reports
- intelligence documentation
- copies of criminal records
- tapes and audiovisual material of interviews
- analysis reports
- determinations of outcome. | Required as State archives. |

### 5.2.0 Policies & Procedures

The activity of developing rules and standard methods of operation.

| 5.2.1 | Master copies of procedure manuals or guidelines relating to the conduct of appeals | Required as State archives |

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State Archives and Records Authority of New South Wales 16 of 17
| 5.2.2 | Records relating to the formulation and implementation of procedures. | Retain minimum of 5 years after last action, then destroy. |