

State Records Authority of New South Wales

General authority for transferring records out of NSW for storage with or maintenance by service providers based outside of the State (GA35)

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

State Records Authority of New South Wales

General Authority

Authority no GA35

SR file no 06/0265

Scope This authority applies to records transferred out of the State for the purposes of storage with or maintenance by service providers as required for the conduct of business operations.

Public office This authority applies to all public offices as defined under the *State Records Act 1998*.

Approval date 19/10/2009

Alan Ventress
Director
State Records Authority of New South Wales

Date

1 Overview

1.1 Purpose of the Authority

The purpose of this Authority is to provide approval for NSW public offices to transfer records out of the State for the purposes of storage with or maintenance by service providers based outside of NSW.

This Authority establishes the conditions under which approval for this practice is given.

1.2 What records does the Authority cover?

The Authority applies to all records, irrespective of format.

It is likely that the main uses of the Authority will be for the:

- storage of paper records with cross-border service providers within Australia
- transfer and storage of digital records with service providers whose data management facilities or servers are based outside of NSW, or
- temporary transfer and storage of records outside of NSW but within Australia while certain processes are being conducted e.g. conversion or copying of the records to other formats.

1.3 Authorisation

The taking and sending of records out of the State for storage with or maintenance by service providers based outside of NSW is approved provided that an appropriate risk assessment has been made and the records are managed in accordance with all the requirements applicable to State records under the *State Records Act 1998*.

In particular public offices must:

- assess and address the risks involved in taking and sending records out of the State for storage with or maintenance by service providers based outside of NSW
- ensure the service providers facilities and services conform to requirements in standards issued by State Records
- ensure contractual arrangements and controls are in place to ensure the safe custody and proper preservation of records
- ensure that the ownership of the records remains with the public office
- monitor the arrangement to ensure the service provider is meeting relevant requirements.

Note: This Authority should be applied with caution, bearing in mind that the authorisations for taking and sending records out of the State are given in terms of the *State Records Act 1998* only. Care must be taken not to take or send record out of the State in contravention of any legal responsibilities or business interests the public office may have. Part of the public office's risk assessment should involve the identification of all statutory or other limitations on their actions.

For further advice and guidance see Recordkeeping in brief *Storage of State records with service providers based outside of NSW*. Agencies must refer to this guidance when implementing this authority.

1.4 Records excluded from this Authority

This Authority does not apply to records that are:

- taken interstate temporarily for business purposes e.g. for a business meeting. These are covered under the Normal Administrative Practice (NAP) provisions of the State Records Act. For more information see State Records' guidelines *Normal administrative practice*, section 3.1.2 and *State Records Regulation 2010*, Schedule 2, *Guidelines on what constitutes normal administrative practice*, Part 12
- to be transferred out of the State as a result of the transfer of administrative responsibility for a function or service to the Commonwealth or another State or Territory government or to a non government body or organisation. This would require a separate authority to approve the transfer of ownership or other arrangements
- over 25 years of age and identified as required as State archives in a retention and disposal authority approved by State Records
- inaccessible because they are not adequately controlled (i.e. not sufficiently described or tagged with metadata in compliance with standards issued by State Records)
- not covered by a current retention and disposal authority
- required for exhibitions or displays held interstate. In this case separate permission from State Records is required.

1.5 Status of this Authority

This Authority for the disposal of State records has been approved by the Board of the State Records Authority of New South Wales and may be implemented without further reference to State Records.

1.6 How long is the Authority in force?

This Authority will remain in force until it is superseded or withdrawn from use by State Records.

1.7 For more information

To suggest amendments or alterations to this Authority, or to obtain assistance in the interpretation or implementation of the Authority, contact State Records.