



Disposal

Sentencing

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Contents

.....	1
1 Introduction	4
2 How to sentence.....	4
2.1 Points to note when sentencing.....	4
3 General rules for sentencing	5
3.1 Core versus administrative	5
3.2 Finding a disposal class or group	5
3.3 Use the longest retention period	5
3.4 Never cull information and records from physical files	5
3.5 Physical files with more than one part	5
3.6 Copies or duplicates.....	5
3.7 Handle with care	6
3.8 Sentencing problem information and records	6

1 Introduction

Sentencing is the process of applying a disposal authority (DA) and its disposal actions (which are most commonly, destruction or transfer to us) across your organisation's information and records. A DA provides a 'sentence' that specifies the recommended minimum amount of time information and records need to be kept before being approved by your organisation's administrative head or delegated Executive Sponsor for disposal.

2 How to sentence

Sentencing at the point of creation allows you to manage your information and records according to their value and ensure they are preserved and retained for as long as required. However, sentencing should be an ongoing activity as purpose and values may change over time and as DAs are reviewed and updated.

2.1 Points to note when sentencing

1. Be familiar with your organisation's functions and activities, now and at the time the information and records were created.
2. Determine the current DA to be used.
3. Identify the relevant disposal class or group for the information and records being sentenced.
 - Look at the description or examples in the DA authority. Remember that any list of examples is not exhaustive, so try to link the information and records to the activities being described in the DA.
 - Examine the contents, or scope notes for any classification system in which the information and records were created.
 - If more than one class or group is appropriate, choose the one with the longest retention period.
4. Ensure that the information and records are linked to metadata about their retention periods, disposal triggers (i.e., the action/event/date that starts the retention countdown) and disposal actions as outlined in the DA. For digital information and records, this can be attached in an electronically managed system. For physical information and records, this can be written on a file cover or other container.
5. Confirm whether the disposal trigger has already taken place, for example, "date of last action". If the disposal trigger has not yet taken place (i.e. the information and records are still being used), then set a review date for the future.
6. Confirm that the minimum retention period has been met. If the retention period has not been reached, then set a review date for the future. Check whether the information and records need to be retained beyond this period for any other legal or organisational requirements, for example, if they are:
 - part of a request under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987
 - part of a complaint to an Ombudsman under the Ombudsmen Act 1975, and/or

- required by a Commission of Inquiry under the Inquiries Act 2013.

7. Obtain internal approval from the appropriate level of management according to your organisation's procedures and implement the disposal action.

8. Disposal control records need to be updated with the disposal action/date and authorisation, for example, a disposal register that documents what happened to information and records, when and under what authority they were disposed of.

9. When legacy information and records are sentenced, points 5 and 6 may both be relevant. For example, a property management record that was closed nine years ago matches a disposal class in a DA with a disposal action to destroy seven years from closure; it can be destroyed immediately.

3 General rules for sentencing

3.1 Core versus administrative

General disposal authorities (GDAs) cover common administrative information and records and are not to be used for your organisation's core information and records (i.e. those documenting your primary functions and activities). Use your organisation specific DA if you have one, or a sector general disposal authority (GDA) or a functional disposal authority (FDA) if your organisation is signed up to use one.

3.2 Finding a disposal class or group

If you cannot find a disposal class that fits with the information and records being sentenced, then put them to one side. Consult with colleagues or the business unit responsible for creating them to help clarify which class fits.

3.3 Use the longest retention period

If information or record fits into more than one disposal class, always use the class with the longest retention period. For example, if examination suggests the information or records could fit into a class that recommends "destroy seven years after date of last action", or into another class that recommends "destroy 10 years after date of last action", then retain for 10 years.

3.4 Never cull information and records from physical files

Culling or removing information and records destroys the integrity of a physical file or collection by breaking the transactional chain of evidence. That is, a document by itself may be of very little value, but in the context of other information and records in the same file or collection, it may hold significant evidence.

3.5 Physical files with more than one part

When physical files have more than one part, you can generally sentence each part as a separate item and destroy or retain them according to the DA. However, it is possible that file parts being sentenced will contain information and records that your organisation requires to understand the active file part. Use your own judgement and common sense. For example, an *Official Information Act* request file opened in 1999 has a new part started each year, so parts 1999-2001 can be destroyed in 2008 under class 7.3.1 of General Disposal Authority 6 (DA558), which authorises destruction after seven years.

3.6 Copies or duplicates

Make sure you can identify the original information or record documenting a particular activity of your organisation. For example, copies of a contract may be held with a business unit for reference purposes, but the original signed contracts are retained by the finance department. Copies can be destroyed using class 1.3 of General Disposal Authority 7 (DA576).

3.7 Handle with care

When sentencing legacy information and records, you may be handling fragile formats. Please ensure the person carrying out the sentencing project understands any specific handling requirements. Similarly, for older audio-visual or digital material held on portable storage formats, such as microfiche or CD, make sure that you have the correct equipment to view them. Do not try and force a format to read on unsuitable equipment.

3.8 Sentencing problem information and records

During sentencing, you may come across information and records that are difficult to fit within a disposal class. Here are some tips:

- Look at the physical file covers or the file structure or classification description. It tells you which business classification system, series or group the information and record comes from, or which business unit created it. There may also be a date, giving you some idea of the age. Be aware that titles, especially for older information and records, can be misleading. If unsure, check the contents.
- Consult the business unit responsible for creating the information and records. If recent, they may be able to tell you why the information and records were created and what aspect of business activity they relate to.
- Check to see if anyone consulted the information and records after closure. They may be able to provide guidance for sentencing. This may also indicate that the information and records contain active reference material and should not be disposed of yet.
- If the information and records could fit into a class recommended for retention as archives and a class recommended for destruction, then choose the archival class.
- If you come across information and records which do not fit into any disposal class, it is possible that they have not been appraised. Rather than forcing these into a disposal class, they should be appraised separately.