



Sentencing legacy records

What are legacy records?

Legacy records are those records made before the functional approach to classifying and titling was introduced into ACT Government agencies. These records used the subject method of file titling. There will often be omnibus, bucket or general files containing folios that would now be filed on different files because they are different business functions or activities.

What is sentencing?

Sentencing is the process of identifying and classifying records according to a Records Disposal Schedule and applying the disposal action specified in it.

General rules for sentencing legacy records

Although sentencing is generally done at the file/folder level, the general rule for sentencing legacy records is to examine at the folio level.

Only use the current approved Records Disposal Schedules to sentence records. Do not attempt to locate a schedule that would have been in place when the records were made.

If the file is separated into different sections sentence the whole file and dispose of it as described in the Records Disposal Schedules.

Once you have identified all the record classes for each function/activity on the file, you need to use the disposal class that has the LONGEST retention period requirement. This will ensure that the records are kept for as long as they are legally required

Specific procedures for sentencing legacy records

Identify the context and purpose of the records and the organisation to which the records relate.

Examine the file beginning with the cover and then folio 1.

The file title might indicate the file contents; however, it is necessary to examine the contents of the file to determine which function/activity or even which functions or activities apply to the file.

For example:

83/1496 Part 2 - National Capital Development Commission Narrabundah Long Stay

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Version 2.0
Last update 10/01/2011

Caravan Park Extension

- The file has 93 folios and was closed on 7 May 1983.
- 17 of the folios are engineering plans for utilities and individual sites drawn by Weir and O'Neil Pty Ltd Consulting Engineers.
- 1 published brochure on delivering utilities to individual caravan sites
- Folios on contract variations
- Folios on accommodation for contract workers
- 1 geotechnical investigation report
- Folios on claims for fees for producing the geotechnical report
- 1 signed copy of approval of the final design
- 1 file note stating that part 3 of the file be made to hold the drawings "forever"

Determine what business activity the file documents. This will lead to the correct Records Disposal Schedule or in this example a couple of different possibilities.

Search the relevant Records Disposal Schedules for a class of records that describes the records you have on the file. Then identify the reference and the retention requirements for the records class.

For example, in relation to the file above, the following could apply:

ACCOMMODATION SUPPORT SERVICES – Assessing 1.5.1 Destroy 7 years after residence vacated

DEVELOPMENT APPROVALS & ASSET ACCEPTANCE – Approvals 1.4.2 Destroy 10 years after last action

FINANCIAL MANAGEMENT – Accounting 5.2.1 Destroy 7 years after last action

LAND DEVELOPMENT – Certification (Construction) 2.10.1 Retain as Territory Archives

LAND DEVELOPMENT – Infrastructure Implementation & Coordination 2.28.1 Retain as Territory Archives

PROPERTY MANAGEMENT – Construction 13.24.1 Retain as Territory Archives

PROPERTY MANAGEMENT – Contracting-out 13.25.1 Destroy 7 years after completion or other termination of contract

Identify the trigger event as determined by the Records Disposal Schedules.

Calculate the year in which the disposal action can take place.

Record the information on the file cover.

In the example, the longest retention period is Retain as Territory Archives so there is no trigger.

After sentencing

Depending on the sentence, records will either be stored or sent for destruction. (See also *Records Advice No.52 – Disposing of parts of files – Active and Legacy files.*)