What is a records disposal freeze?

Purpose
This Records Advice provides ACT Government records and employees with guidance on recordkeeping requirements for disposal freezes. This advice should be used in managing ACT Government records, and can also be applied to other government information and data holdings.

Background
The Director of Territory Records authorises the destruction of some ACT Government records after specified periods of time. That authorisation is set out in the various records disposal schedules issued by the Territory Records Office, and it is illegal to destroy an ACT Government record except in accordance with an approved records disposal schedule.

Sometimes circumstances arise that temporarily change the period for which a category of records must be retained. When this occurs the Director of Territory Records may suspend a previous approval for the destruction of some types of records. This process is sometimes known as a disposal freeze.

What is the aim of Records Disposal Freeze?
The aim of a records disposal freeze is to minimise the risk of losing evidence that has become important for an unforeseen and temporary reason. This may be in response to a legal case applicable to a wide range of government organisations, such as the superannuation disposal freeze, which relates to the superannuation entitlements of government employees. A records disposal freeze is issued over defined record types, and overrides any previous disposal action specified in the relevant Records Disposal Schedule. Records that are subject to a disposal freeze may not be destroyed until the freeze is lifted, even if another records disposal schedule says that the records may be destroyed.

Issue of disposal freezes
Section 19A of the Territory Records Act 2002 gives the Director of Territory Records the power to suspend the approval of a records disposal schedule. A disposal freeze is usually issued through the notification of a new records disposal schedule, which describes the categories of records that may no longer be destroyed.

Alternatives to Disposal Freezes
Disposal freezes usually apply to broad issues that apply to many organisations across government. There may also be times when issues relevant to only one organisation mean that some individual records must not be destroyed. See the Retain Principle for more information about retention of records that may be subject to legal proceedings.

For more information
For further guidance and information, please contact the Territory Records Office.