



Australian Government



NATIONAL  
ARCHIVES  
OF AUSTRALIA

# Sentencing

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## WHAT IS SENTENCING?

Sentencing is the process of identifying and classifying records according to a disposal authority and applying the specified disposal action. The difference between sentencing and appraisal is that appraisal makes generalised decisions about groups of records, while sentencing applies these decisions to individual records. Together, appraisal and sentencing help you identify how long records should be retained, and ensure the process of disposing of records is completed in an authorised and managed way.

## WHY SENTENCE RECORDS?

Business efficiencies relating to disposal

The main reason to sentence records is to authorise their disposal. Disposal can mean a number of different actions:

- destroying records that are no longer needed;
- transferring records:
  - to the National Archives of Australia as 'retain as national archives' material;
  - to another Australian Government or private organisation because responsibility for the business they document has changed; or
- keeping records in your agency because they are still needed to complete everyday business.

There are efficiencies to be gained when you are able to dispose of records that are no longer needed:

- resources are not wasted on storing records for longer than necessary; and
- retrieval is much easier because you only have a limited number of records.

These efficiencies can be applied to both paper and electronic records. With paper records you can arrange cheaper offsite storage; for electronic records you can organise online, near line or offline storage.

Legal requirements for managed disposal

Under the *Archives Act 1983*, Australian Government agencies cannot dispose of records without authorisation from the Archives. The Archives provides this authorisation by issuing disposal authorities. By sentencing your agency's records with the right disposal authorities, and documenting the process, your agency can demonstrate that it has legally disposed of records under the Archives Act.

However, changes to the context of records can mean that they become legally important in a way they had not been previously. If any judicial proceedings are likely, an agency must ensure that any possibly related records are kept accessible.

Agencies need to manage their records disposal in order to comply with the Archives Act, but also to cooperate with the spirit of the law in the event of potential legal cases.

## WHEN SHOULD I SENTENCE RECORDS?

In the lifecycle approach to records management, the sentencing process is carried out after records have finished their active life. However, under records continuum methodologies, as promoted in the Australian Standard for Records Management, AS ISO 15489 – 2002, sentencing is more than a process related to determining destruction at the end of the active life of a record. It can also be used as an integral part of the recordkeeping task and assist in the overall management of records from the point of creation.

### Sentencing on creation

If the records you are creating are covered by a current disposal authority, you can sentence them on creation. This means applying a sentence to the file according to the type of records that are likely to be held in it. This can be automated if you are creating records in an electronic system, or it can be linked to your business classification scheme and the title you are attributing to the file.

The Archives encourages sentencing on creation whether your agency is using an electronic recordkeeping system or not. Sentencing on creation allows your agency to treat the records according to their value, and to make sure that they are preserved and managed for as long as they are needed. If you sentence files as you create them, you need to check that the sentence still applies when it is time to destroy or transfer them. In other words, there will need to be a review before disposal. However, this is likely to be more of a quality assurance check than the full review required to sentence the record for the first time.

## HOW TO SENTENCE RECORDS

There is a series of basic steps that need to be followed when sentencing records. This process applies regardless of the format or content of the records you are sentencing. However, you will find that it takes you varied lengths of time to sentence different kinds of records, depending on their complexity.

For example, a file that has a concise and clear title based on function and activity, and that contains material clearly relating to that title, will not take very long to sentence. Alternatively, a file that is not well titled or contains material on a wide range of activities, will take some time to sentence.

### Sentencing steps

#### **Know the records and your agency**

Before you can properly sentence records you need to be familiar with:

- your agency's role, structure, functions and activities, now and at the time the records were created;

- the system of arrangement of the records;
- any indexes, thesauruses or other control records;
- relevant legislation;
- your agency's records management policy; and
- the relevant disposal authorities.

Before sentencing you need to know the history of your agency and any other agencies or organisations that may have created or used the records. This is especially the case if you are working with very old records that your agency may have inherited from an earlier agency. You may find the information you need in:

- legislation relating to the agency;
- functional statements of the agency;
- annual reports;
- administrative arrangements orders (AAOs);
- the Archives series and agency registrations on RecordSearch; or
- official histories.

You need to be familiar with this kind of information so that you and your sentencers can tell the difference between core records and administrative records, and between matters that concern the agency directly and those that other agencies send to it for information or comment.

### **Read the record and determine what is being documented**

If you have a functions-based disposal authority this would include understanding the function and activity the record documents. If you have a disposal authority based on core business, then you will need to determine to which core business it is related.

### **Identify the appropriate disposal class**

Identify the appropriate disposal class using a current General Disposal Authority (GDA), such as the Administrative Functions Disposal Authority (AFDA), or your agency's Records Authority (RA). The disposal class describes the record and is associated with a disposal action.

### **Determine the appropriate disposal action**

Determine the appropriate disposal action from the disposal class. Usually, the disposal action will indicate that the record:

- should be kept for a period of time, then destroyed;
- should be destroyed when reference ceases; or
- should be retained as a national archive.

At this point, it is a good idea to separate the records identified as retain as national archives from those that will be destroyed.

**Confirm the disposal action and implement it**

Determine the various dates on which certain records are to be destroyed and ensure that these dates, known as trigger events, are documented. If you are sentencing physical records, it is good practice to indicate retain as national archive or the destruction date on the front of the record. Make sure you update your control records. This will ensure you know what has happened, or will happen, to any record you have sentenced.

**Set a review date**

For those records that are to be destroyed in the future, make sure you review the decision before the file is destroyed. This will confirm your original assessment is still appropriate.

**WITHDRAWING RECORDS FOR SENTENCING**

If your agency has unsentenced records stored with the Archives, you may want to withdraw them to sentence them. If you intend to send your records to a service provider, you will need the Archives' permission to store the records with the service provider for the duration of the project.

The process of withdrawing records is different from the usual Lending Service, and you should contact the Archives for advice.

**RETURNING RECORDS AFTER SENTENCING**

After a sentencing project, you may find that some of the records you withdrew from the Archives for sentencing need to be returned. You should not return these records through the Lending Service. Instead, you will need to transfer them to the Archives as part of a new consignment.

**MANAGING A SENTENCING PROJECT**

If you are responsible for implementing a records sentencing project in your agency, this section will help you with some of the practical issues that may arise.

**Resources**

The first issue to consider is resourcing. You will need the support of your agency's management and the right resources, including money, staff and training. You may decide to engage a contractor to do the work.

**Project size**

If you are dealing with existing records, it is better to tackle several small projects than one big one. Between 25 and 30 hours a week for 35 to 40 weeks a year is about as much as the average sentencer can work before they 'burn out', so you need to plan your projects so that your sentencers will have a break. The ability to assess disposal authorities, to decide how they can best be implemented and to know the extent and

type of records you are dealing with, are all essential and required skills you will need. The more the project manager/sentencer understands about the functions of the agency and how the records were kept, the more they will be able to segment the project. Standard groups of records such as case files are much easier to work with than very complex groups such as correspondence files.

#### Priorities

If your priority is to quickly clear as much space as possible, you may want to choose the simplest group of records. If you are concerned about the safety of valuable records, you may need to choose a more complex group to work with. Whatever your priorities, set yourself a finite goal to sentence a specific group of records.

#### Managing the records after sentencing

Decide before you start sentencing how you will manage the sentenced records. You will need to transfer eligible records to the Archives, but you may decide to keep others in your custody until destruction. Complete a Notification of Records Destroyed form for records subject to destruction. You may also decide to store some records with a service provider. Much of the work preparing records for transfer to the Archives can be done as you sentence the records (for example, making up the lists and boxing paper files).

#### Sentencing officers

Remember that sentencers can 'burn out'. If you are looking for people to do sentencing work, consider using part-time APS 3 or APS 4 staff rather than full-time APS 1 or APS 2 staff. Part-time staff won't 'burn out' as quickly, and experienced staff may have a better understanding of your agency's role than a newly recruited APS 1. They should be able to do the job better and faster over longer periods of time than a full-time less-experienced staff member.

It is almost impossible to say how long sentencing should take. Complex factors will influence this, including:

- the type, age and arrangement of the records;
- the experience of the sentencers; and
- the extent of disposal coverage.

#### Facilities

If you are dealing with a large quantity of paper records you will need plenty of room for the sentencing project. Sentencing can be very demanding work, and you should try to provide comfortable facilities for your sentencers. They will need:

- plenty of desk space to spread out records, disposal authorities, control records and paperwork;
- shelving to store records before, during and after sentencing;
- the relevant control records, including access to any computerised control records or indexes;

- the relevant disposal authorities;
- a telephone to contact action officers and the Archives;
- equipment such as trolleys and stools for moving records around;
- stationery supplies such as pencils, erasers and forms; and
- air conditioning, to keep sentencers comfortable and the records in good condition.

## SENTENCING FAQs

How do I determine the function/activity of the record?

If the records in your agency are titled according to a functional thesaurus, these titles should reflect the functions and activities being performed in your agency. If an older classification system has been used, you may find several functions and/or activities are represented in a record. In this case, read the record closely and cross-check with disposal classes that you think are appropriate to the material you have read.

What if more than one disposal class looks relevant?

If you find that one or more disposal classes applies to the record you are sentencing, always use the longest retention period. This will ensure that you keep the file for as long as it might be needed.

How do I know when to use a GDA as opposed to an RA?

GDAs, or general disposal authorities, are designed to cover generic records created by all areas of the Australian Government, for example, functions such as personnel or information management. The most commonly used GDA is the Administrative Functions Disposal Authority (AFDA), which can be used to sentence records that are created as the result of these general activities.

An RA, or records authority, is designed to be used for the core records created by your agency. This means those records that are created only by your agency for work that no other agency does.

What happens if I cannot find an appropriate disposal class?

If there appears to be no appropriate disposal class in your agency's RA, or in the GDA you are using, put that record aside. You will need more information to be able to sentence that record. Talk to colleagues or other records management professionals, or contact the Archives.

What happens if I cannot find classes to cover all activities in the record?

If you find that the record has many different activities, and your disposal authority does not cover all of these activities, you cannot sentence the record. Put the record aside and raise the issue with the Records Manager in your agency or contact the Archives. Your agency may need to update its RA.

How do I sentence a record with more than one part?

Some files have more than one part. Generally, you can sentence each part as a separate item and either destroy or keep them according to the instructions in the disposal authority. However, it may be that the parts you plan to destroy contain information that is needed to understand the remaining parts of the record. In this case, retain all parts of the record until the part with the longest retention period is due for destruction.

Can I use an old disposal authority?

Many old GDAs are now expired; the Archives' website lists the current GDAs. RAs created after 2000 can be used both to destroy and transfer records to the Archives. Pre-2000 authorities can generally be used to destroy records but not to transfer records to the Archives. If you are not sure if you can use an authority, check with the Records Manager of your agency.

How do I sentence electronic records?

The process for sentencing electronic records is the same as for paper records. You should still be able to determine the function and activity of the record by looking at the title and examining the contents. Many electronic recordkeeping systems will allow you to determine a disposal class for a record at the time that it is created. Electronic systems will often automate the sentencing process by alerting you to a trigger event, that is, when a disposal action is due to take place.

What is NAP and when can I apply it?

NAP stands for Normal Administrative Practice. This practice allows you to destroy records that are not covered by a specific law or an approved records authority. Such records will be short-term, facilitative or duplicated records that do not document your agency's business decisions or are not significant records of your agency's activities. The Archives provides guidelines on the effective use of NAP. Your agency should also develop procedures for using NAP specifically for its records. If you have any doubt as to the ongoing need for a record, do not destroy it using NAP. Get advice from your agency's Records Manager.

## FURTHER INFORMATION

If you need more information about sentencing, it is recommended that you attend the Archives' training course, Introduction to records management in the APS.

If you have further questions concerning sentencing issues, please contact the Archives through its website at [naa.gov.au](http://naa.gov.au).