

Thanks very much for your time [REDACTED].

AGS may consider publishing an express law (an informative circular email) on this issue in the coming weeks. It will be modelled closely on this content but we will run that by you prior to publication if we go ahead with that.

Regards

[REDACTED] s47F

[REDACTED] s47F
Senior Executive Lawyer
Australian Government Solicitor
[REDACTED] s47F

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From: [REDACTED]
Sent: Tuesday, July 30, 2013 1:04 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: TRIM: RE: Draft advice on disposal of IGBs - NAA response [DLM=Sensitive:Legal]

Sensitive: Legal

Dear [REDACTED] s47F

Thanks for a chance to look at the latest draft. We have no further comments.

Cheers

[REDACTED]
Assistant Director
Agency Accountability
Government Information Assurance and Policy
National Archives of Australia
Queen Victoria Terrace, Parkes ACT 2600
PO Box 7425, Canberra Business Centre ACT 2610

[REDACTED] s47F

www.naa.gov.au

Tuesday, Thursday and Friday



From: [REDACTED] s47F
Sent: Monday, 29 July 2013 5:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: TRIM: RE: Draft advice on disposal of IGBs - NAA response [DLM=Sensitive:Legal]

Dear [REDACTED]

Enclosed is an updated draft that takes account of your feedback. Note changes to para 12 and paras 16-17.

Please let me know if this is appropriately balanced.

Regards

[REDACTED] s47

[REDACTED] s47F
Senior Executive Lawyer
Australian Government Solicitor

[REDACTED] s47F

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From: [REDACTED]
Sent: Thursday, July 25, 2013 2:57 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft advice on disposal of IGBs - NAA response [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks [REDACTED] s42(1). Our concern, particularly in [REDACTED] s42(1) case, is that not all of the records that should be covered by a records authority and the absence of a records authority does not mean they can automatically use NAP to destroy the remainder.

The wording about drafts and working papers is quoted from standard advice that we provide to agencies. Our aim is to publish this advice to our website in due course to further assist agencies.

Thanks again for the consultation. Happy to answer any questions – hear from you in due course.

Best

[REDACTED]

[REDACTED]

Assistant Director
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Wednesday, Thursday and Friday



From: [REDACTED] s47F

Sent: Thursday, 25 July 2013 2:46 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Draft advice on disposal of IGBs - NAA response [SEC=UNCLASSIFIED]

Dear [REDACTED]

Thank you very much for those comments. I appreciate the input.

Para 12 is a paraphrase of the first sentence of the NAP policy under the heading 'What kinds of records can an agency apply a NAP to?'

Records created and received as part of agency business that are not covered and don't need to be covered under a Records Authority can be considered for destruction using a NAP.

[REDACTED] s42(1)

I'm also happy to contextualise the examples in para 16 along the lines you have suggested. Are you quoting something there, or is that your own wording?

I'll re-work this and then send you another draft.

Cheers

[REDACTED] s47F

[REDACTED] s47F

Senior Executive Lawyer
Australian Government Solicitor

§47F

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From: [REDACTED]
[REDACTED] Thursday, July 25, 2013 2:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Draft advice on disposal of IGBs - NAA response
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear §47F

[REDACTED] asked me to respond on her behalf. Thank you for the opportunity to make comments or suggestions on your draft advice – we appreciate the consultation.

Two comments:

- §42(1)
[REDACTED]
This statement is not correct and contradicts advice on our website at <http://naa.gov.au/records-management/agency/keep-destroy-transfer/nap/NAP-detail.aspx>
Records not covered by a records authority may only be destroyed using NAP when the records are not required for accountability purposes, not required to support the ongoing efficient administration of agency business and are not linked to community expectations about records providing rights and entitlements and/or do not have cultural or known historical value for the agency or the archives.
- §42(1)
[REDACTED]
We think that the example may be misleading and suggest that the advice refer to the need to take a risk-based approach to deciding what constitutes a record that can be destroyed under NAP, regardless of where in the portfolio the record is created. It needs to be clear that not only is the brief required to be captured, but also the records which show how the content was developed. The following additional advice on drafts and working papers may be of assistance:
If the draft or working paper contains significant or substantial information, changes, annotations, decisions, actions or reasons that are not contained in a later document, or has been assessed as being

required to document business activities or significant decisions, and/or has not been finalised for whatever reason it cannot be destroyed using NAP. In these cases it is a record that supports your agency's business, and/or may reveal the agency's or agency officers' views about aspects of its business that may be relevant for future reference and accountability purposes. Your agency's records authority or a general records authority will provide an appropriate retention period or authorisation will need to be provided by the National Archives before it can be destroyed.

Please do not hesitate to contact [REDACTED] or myself if you need further clarification.

Kind regards

[REDACTED]

Ref 2010/3519

[REDACTED]

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[REDACTED]

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Wednesday, Thursday and Friday



From: [REDACTED] s47F

Sent: Thursday, 18 July 2013 12:47 PM

To: [REDACTED]

Subject: Draft advice on disposal of IGBs - your comments sought [DLM=Sensitive:Legal]

Dear [REDACTED]

Thank you for your time on the phone a moment ago. As discussed, we enclose our draft advice. We look forward to any comments or suggestions you may have.

Regards

[REDACTED] s47F

[REDACTED] s47F

Senior Executive Lawyer
Australian Government Solicitor

[REDACTED] s47F

s47F

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RkS 2013/3521 & 2014/13

Hi [REDACTED],

Under section 24 of the Archives Act 1983, records can be destroyed:

- as required by law or
- with the permission of the National Archives using a Records Authority or
- in accordance with normal administrative practice NAP

NAP is a normal practice that your agency has usually codified and formally approved.

Records authorities, such as AFDA 2010 and AFDA Express are issued by the National Archives and set out requirements for keeping or destroying records.

The examples of the video footage you provided already have coverage under AFDA 2010:

- Internal training videos - Staff Development, class 2018; Working papers documenting the development of training material for courses run internally by the agency (Destroy 1 year after training material is produced)
- Video footage of Secretary addresses to staff of DIBP – Staff Development, class 1962; Final versions of addresses delivered to conferences and training courses supporting the staff development function (Destroy when reference ceases) or class 1963; Records documenting the preparation of addresses; includes working papers and drafts (Destroy when reference ceases)

This AFDA 2010 coverage provides the minimum retention periods for these records and negates the use of Agency NAP for shorter retention periods.

NAP practices and disposal under a records authority may be suspended if the records are covered by a [current disposal freeze](#). If you consider any of the records in question may be subject to a current disposal freeze please contact us for further advice.

I hope this information is helpful. Do not hesitate to contact the Agency Service centre with any further queries.

Kind regards,

[REDACTED]

Project Officer

Agency Service Centre
Government Information Assurance and Policy
National Archives of Australia
Queen Victoria Terrace, Parkes ACT 2600
PO Box 7425, Canberra Business Centre ACT 2610

[REDACTED] s47F

| ✉ recordkeeping@naa.gov.au | 🌐 www.naa.gov.au

From: s47F
Sent: Friday, 11 April 2014 10:19 AM
To: recordkeeping
Subject: With [REDACTED] - NAA-03311 - Attention please [REDACTED] re disposal of raw footage [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED]

I refer to your response to my query regarding NAP and disposal of raw footage.

Our legal area has asked me to send you the following response:

"We are seeking some clarification from the National Archives of Australia (NAA) about 'normal administrative practice' (NAP) as outlined in section 24(2)(c) of the *Archives Act 1983*, as we are looking to incorporate your views into a body of work that we are drafting.

Essentially the Department of Immigration and Border Protection (DIBP) routinely creates a number of video products, for example internal training videos and video footage of Secretary addresses to the staff of DIBP. In order to create these products, DIBP uses a number of cameras, in order to capture different angles of the same event, and then edits this raw footage to create a final video product.

The NAA website provides that records can be destroyed in accordance with NAP where they fall into one of the five broad categories. We consider that the raw video products may fall into the broad categories of either being facilitative, transitory or short-term, or similar to a draft not intended for further use. This is because the raw footage is created for the sole purpose of creating a final, edited video product. It is short-term in the sense that it serves a short-term purpose and is transitory in the sense that it is not intended for further use. It is also similar to a draft in the sense that, while a draft and a final product are two unique products and not entirely a copy or duplicate like the raw footage and the final, edited video product, a draft is only intended to serve a short-term purpose and is transitory in nature.

Your views on whether you agree with our interpretation and reasoning would be greatly appreciated.

Alternatively, if NAP is not appropriate, can DIBP instead initiate an agency-specific records authority identifying the raw footage as temporary value records?

We have also considered AFDA – Publications Class 1938 and AFDA - Community Relations and do not think they are appropriate in the circumstances as the video products are internal training videos and internal staff addresses.”

Please let me know if you have any questions or require any further information.

Kind Regards

§47F

Recordkeeping Advisor
Records Management and Library Information Services Section
NatO FAO Coordinator
Department of Immigration and Border Protection

§47F

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