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Our reference: 2019/1090

## Notice of Disposal freeze:

### ***Commonwealth records, including data and information, related to interactions with people with disability***

**To: All Commonwealth departments and agencies, all Commonwealth authorities, Commonwealth companies, other Commonwealth institutions and any other entity that holds Commonwealth records**

This document notifies Australian Government agencies and other agents or people in possession of Commonwealth records including data and information (**records**) that I have imposed a disposal freeze on Commonwealth records that relate to interactions with people with disability. The National Archives of Australia has determined that a disposal freeze is necessary to ensure that relevant records are protected and available for the purposes of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and any subsequent actions by the Australian Government, for future reference and accountability purposes and to protect the rights and entitlements of individuals.

## **Background**

On 5 April 2019, the Prime Minister, the Hon Scott Morrison MP, and Minister for Families and Social Services, the Hon Paul Fletcher MP, announced the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

The Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd), issued [Letters Patent and Terms of Reference](#) establishing the Royal Commission on 4 April 2019. The Hon Ronald Sackville AO QC has been appointed as Chair of the Royal Commission. Mr Sackville is supported by five other Royal Commissioners:

- Ms Barbara Bennett PSM
- Dr Rhonda Galbally AC
- Ms Andrea Mason OAM
- Mr Alastair McEwin
- The Hon John Ryan AM

The Royal Commission is to inquire into and report on violence, abuse, neglect and exploitation of people with disability, in accordance with the terms of the inquiry set out

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in the Governor-General's Letters Patent. The Royal Commissioners are asked to provide to the Governor-General an interim report no later than 30 October 2020, and a final report of their findings and recommendations not later than 29 April 2022.

### **Purpose**

This document notifies relevant Australian Government agencies and other agents or people in possession of Commonwealth records that any relevant Commonwealth records must be retained for the purposes of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and for any subsequent actions by the Australian Government. Your agency may be responsible for some potentially relevant records.

It is likely that some records have been authorised for destruction under general and agency-specific records authorities issued by the National Archives or using a normal administrative practice (NAP). The purpose of this notice is to prevent any such destruction and to ensure that all relevant existing and future records are available for current and future actions.

In the event that the Royal Commission requires Commonwealth agencies to provide records digitally, General Records Authority 31 (GRA 31) - Destruction of source or original records after digitisation, conversion or migration, may continue to be used to destroy original records if they have been scanned in accordance with the minimum standards set by the Royal Commission.

**This disposal freeze suspends the National Archives of Australia's permission to destroy any relevant records. Relevant records and any associated drafts and working papers cannot be destroyed using any agency-specific or general records authorities (with the exception of destructions authorised by GRA 31 as noted above) or through a normal administrative practice (NAP).**

It is a legal requirement that you apply this notice by protecting any relevant records, and conveying this to the appropriate people in your organisation as a matter of urgency. Penalties for the unauthorised destruction of Commonwealth records are specified in various Commonwealth laws, including the *Archives Act 1983* and the *Royal Commissions Act 1902*.

### **Records**

This disposal freeze covers records relevant to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability terms of reference, including:

- what Australian Government agencies should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- what Australian Government agencies should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation; and

- any matter reasonably incidental to a matter referred to in the previous three dot points.

This disposal freeze covers relevant records in all formats, including paper files and documents, microfilm and magnetic tapes, audio and visual recordings, photographs and records created digitally, including but not limited to:

emails, documents created by word processing and other office applications, residing in designated document and records management systems, on shared work group spaces, on shared, local or personal drives or in any other locations/media, such as thumb drives, laptops and other portable devices.

The freeze also covers relevant information and data in all current and non-current databases and digital business systems such as those used for management of finance and human resources, client relationship or business-specific workflow and case management systems. It also applies to information which has not been captured into formal business systems including emails, SMSs and other communications from personal devices, social media posts, personal notebooks and unregistered files or folders.

All relevant information in digital formats, including information and data in databases and other digital business systems, must be maintained with all the necessary metadata so as to support retrieval and access to authentic and reliable information.

### **Authority**

This action is taken pursuant to paragraphs 24(2)(b) and 24(2)(c) of the *Archives Act 1983*.

### **Duration**

This notice will take effect immediately **and will be in force until further notice by the National Archives**.

### **Action required**

Agencies and other agents or people in possession of relevant Commonwealth records should:

1. Ensure that all workers are informed of the disposal freeze.
2. Conduct a risk assessment to:
  - a. determine if employees, contractors or information service providers have any records due for destruction that come within the scope of the disposal freeze; and
  - b. identify and retain relevant existing and future records subject to this notice.
3. Any records already proposed for destruction that may come within the scope of the disposal freeze must be checked to ensure they are not covered by the disposal freeze.
4. Retain existing and future records subject to the disposal freeze until further notice.

### ***Impact***

The processing, reviewing and storage costs arising from the implementation of this notice will be borne by the agencies or other agents or people concerned.

### ***Inquiries***

For inquiries about this notice, please contact the National Archives [Agency Service Centre](#) or Eric Swain on 02 6212 3428.

Issued by

A handwritten signature in black ink, appearing to read 'David Fricker', with a stylized flourish at the end.

David Fricker  
Director-General  
National Archives of Australia

21 June 2019