

Records Disposal
Authority
Intellectual Property
Australia
(IP Australia)

**For records that have been copied,
converted or migrated**

**Job no 2002/04941330
27 June, 2002**



NATIONAL
ARCHIVES
OF AUSTRALIA

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INTRODUCTION

The object of the authority is to allow the agency to destroy records, in certain categories, that for all intents and purposes have been made redundant by the production and use of acceptable copies managed to adequate recordkeeping standards. When the originals are destroyed (if not before, in some cases) the copies will become the principal record of the matters concerned, so it is essential to ensure that the copies have the authenticity, integrity, reliability and useability necessary to substitute for the original source records. Some of the copies will need to be retained for lengthy periods or, in some cases, indefinitely as National Archives. The National Archives of Australia has identified exclusions and attached conditions to the use of the authority to help ensure that the agency's copying activities and destruction of source records are undertaken in a controlled and accountable fashion, and with minimum risk to the Commonwealth and the public.

Definitions

Source records means the records or documents that have been copied. Such records may be original records or they may themselves be copies that have become the target of subsequent copying exercises.

Recordkeeping system means an information system, which captures, manages and provides access to records through time (equivalent to *records system* as defined by ISO 15489.)

Scope

This disposal authority may be applied to records in the following categories:

- original paper-based innovation patent application documents
- original paper-based standard or provisional patents application documents.

Specific permission must be sought from National Archives for the destruction or other disposal of:

- original paper-based standard or provisional patent case files created before 24 June 2002.
- other source records that have been, at some point, the principal form of the record that the agency has used and relied on in the normal course of business and are unappraised or included in an National Archives disposal authority for permanent retention or retention as National Archives.

In issuing the authority, the National Archives envisages the use of a wide range of copying processes and storage media where the substantive content, structure, and context of source records are reproduced, reformatted, converted or migrated. The authority therefore covers, but is not limited to, document imaging and microform applications.

Amendment and variation to this authority

The National Archives must approve all amendments or variations to the classes in this authority. Officers who have difficulty using the authority should approach the agency Records Manager. If there are problems with the application of the authority that cannot be resolved by the agency, the Records Manager should contact the National Archives.

CONTACT INFORMATION

Enquiries about this disposal authority should be directed to the Canberra Office of the National Archives of Australia:

Queen Victoria Terrace
Parkes ACT 2600
PO Box 7425
Canberra Mail Centre
ACT 2610

Tel: (02) 6212 3610

Email: recordkeeping@naa.gov.au

Website: www.naa.gov.au

EXCLUSIONS

The authority does not cover the disposal of source records where:

- (a) there is a legal requirement to keep or retain the records in that particular form;
- (b) they are required, or likely to be required, for a current or pending court action, government inquiry or investigation, or they are the subject of a current application for access under Freedom of Information, Archives or other relevant legislation;
- (c) there is a government policy or directive not to destroy them;
- (d) the National Archives has issued a specific authority requiring their retention in a particular form or medium (for example, their original form);
- (e) they are subject to a disposal freeze;
- (f) the copies are generated for convenience of reference only and do not meet accepted standards of adequate recordkeeping; or
- (g) they are on loan to the agency from the custody of the National Archives. The National Archives requires loaned records to be returned in the same form and condition unless otherwise agreed.

CONDITIONS

Application

The disposal authority may only be applied:

- (a) by the agency or agency with current functional responsibility for the records concerned, or their authorised agents;
- (b) in situations where the agency responsible for the source records, or its functional successors, made the copies for administrative or preservation purposes.

The National Archives may withdraw authorisation in cases of non-compliance, if warranted.

Copying standards

The agency must ensure that:

- (a) all copies which are intended to replace source records have the degree of authenticity, integrity, reliability, and useability necessary to meet the identified purposes of the source records;
- (b) the copies are complete and reproduce the information contained in the source records as accurately as possible; and
- (c) the copies can be taken to be true copies.

Copying process management

The agency must ensure that:

- (a) their copying programs are viable and appropriate to the circumstances, and the copying process selected must be suitable for the nature of the records to be copied, for example, if colour is essential for understanding the source records, the process must reproduce colour;
- (b) all material intended to be copied is copied;

- (c) there is no or minimal damage to source records during copying, such as would compromise quality verification;
- (d) adequate quality control and verification procedures are in place and applied;
- (e) errors and defects in the copies made are corrected;
- (f) editorial notes or variations introduced through the copying process are identified so that it is clear they were not part of the source record;
- (g) sufficient documentation is kept to demonstrate that the methods used routinely produce accurate and reliable copies;
- (h) documentation is kept which identifies or describes the records that have been copied. Such documentation may consist of metadata at item, file or series level as appropriate, or statements in agency policies and procedures that define the categories of records approved for or normally subject to copying.

Maintenance of copies

The agency must ensure that:

- (a) the copies are maintained in place of the source records for as long as required by any current disposal authority applying to the source records. (Further copying is permissible to achieve this: however, where there is no current disposal authority, authorisation must be obtained from the National Archives before the latest copies are destroyed);
- (b) the copies are captured into a recordkeeping system before the destruction of the source records proceeds;
- (c) the copies are kept in accordance with relevant recordkeeping standards and guidelines promulgated by the National Archives for Commonwealth use. The management of copies generated before the introduction of particular standards and guidelines should comply to the extent possible. A copy under this Authority is an official record, which should be managed to the same standards as apply to any record;
- (d) additional security copies, if produced, are controlled and documented so that they can be relied on in the event that they are needed.

Access to copies

The agency must ensure that measures are in place to:

- (a) facilitate public access to records in accordance with the Archives Act or other relevant legislation, including measures to restrict access to certain records where necessary; and
- (b) prevent unauthorised alterations or additions to the copies.

For determining access to the first and subsequent generations of copies, the dates that normally would have applied to the source records shall be used.

Electronic systems and reporting

Where the copies are to be kept electronically, the agency must ensure that they have appropriate systems and strategies in place to maintain the records in an accessible condition for as long as required.

Upon written notice, agency shall, within a timeframe that is reasonable in the circumstances, provide information to the National Archives about the recordkeeping systems used, or intended to be used, in relation to the records. This information will be used by the National Archives to assure itself that arrangements for maintaining the records are satisfactory. Agency should be prepared to report on:

- (a) the type of system and equipment used;
- (b) storage media and environmental conditions;
- (c) backup arrangements;
- (d) migration strategies to new platforms;
- (e) measures to prevent unauthorised or accidental alteration;
- (f) measures to preserve record context, meaning and accessibility;
- (g) any other factors relevant to the future upkeep of the records.

The National Archives may seek full and free access to the records in agency custody, in accordance with Archives Act.

The agency will advise the National Archives as early as possible if, for some reason, it can no longer maintain the systems that support the records.

Disposal and management of source records

The agency must ensure that:

- (a) the source records are not disposed of by means other than destruction (for example, transfer outside the Commonwealth) unless such disposal is required by law, or it is authorised by the National Archives, or it is a normal administrative practice of which the National Archives does not disapprove;
- (b) where the source records are eligible for transfer to the National Archives, under National Archives custody policy, they are kept as they would normally have been kept in a recordkeeping system of the agency, to adequate standards;
- (c) they keep documentation that adequately identifies the types and ranges of records they destroy after copying.

The agency shall contact the National Archives if they consider that source records permitted to be destroyed under this authority are worth keeping because they possess a high level of social or historical significance or utility.

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RDA Job Number 2002/04941330


AUTHORISATION

RECORDS DISPOSAL AUTHORITY

Person to whom notice of authorisation is given:	Ms Sarbjit Sidhu Chief Information Officer IP Australia PO Box 2000 WODEN ACT 2606
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Purpose:	AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983
Application:	The authority permits the early destruction after copying of source records that fall within temporary classes of NAA disposal authorities and several other categories, subject to exclusions and conditions.

This authorisation applies to only the disposal of the records described on the authority in accordance with the disposal action specified on the authority. The authority will apply only if disposal takes place with the consent of the agency that is responsible at the time of disposal for the functions documented in the records concerned.

Authorising Officer, National Archives of Australia  Venetia Beale Director Recordkeeping Implementation	Date of Issue 27 June 2002 Date of Amendment Expiry Date
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SUPERSEDED DISPOSAL AUTHORITIES

This authority supersedes *GDA No. 22 for Records of Short Term Value That Have Been Copied*, only in mention to the classes of records covered by this Authority.

The authority does not validate the unauthorised disposal of records carried out before the date of issue of this authority.

PATENT, TRADE MARK AND DESIGN RIGHTS MANAGEMENT

The function of processing applications to register patent, trade marks and designs. Includes maintaining registers of granted intellectual property rights; providing advice on the application of the patents, trade marks and designs legislation; and general administration of the function. Also includes providing advice on World Intellectual Property Organization matters and on other international and bilateral matters pertaining to patents, trade marks and designs.

Copied Source Records

Entry	Description of Records	Disposal Action
4371	Original paper-based records documenting innovation patent applications processing. Includes: <ul style="list-style-type: none"> • requests for substantive examination • notices of opposition • notices of licences and mortgages • requests to amend details. (Date Range: 24 May 2001 -)	Destruction of source records authorised Retain and manage copies in accordance With the Records Disposal Authority for The IP Australia Patent, Trade Mark and Design Rights Management function
4372	Original paper-based records documenting standard or provisional patent applications processing. Includes: <ul style="list-style-type: none"> • complete or provisional specifications • requests for substantive examination • notices of assignments and licences • requests to amend details. (Date Range: 24 June 2002 -)	Destruction of source records authorised Retain and manage copies in accordance with the Records Disposal Authority for the IP Australia Patent, Trade Mark And Design Rights Management function