



Australian Government

National Archives of Australia

Records Authority

**Office of the
Commonwealth Ombudsman**

Job no 2008/00422945

30 September 2008

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INTRODUCTION

The Office of the Commonwealth Ombudsman and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the core business areas of Complaint Investigation, Compliance Audits, International Programs, and Major Investigations and Reports. It represents a significant commitment on behalf of the Office of the Commonwealth Ombudsman to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of the Office of the Commonwealth Ombudsman. It takes into account the agency's legal and organisational records management requirements, and the interests of stakeholders, the agency and the National Archives of Australia.

This Authority gives the Office of the Commonwealth Ombudsman permission under the *Archives Act 1983*, for the destruction, retention or transfer to the National Archives of Australia of the records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that temporary records need to be kept. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations, and are approved by the National Archives of Australia on the basis of information provided by the agency.

The Office of the Commonwealth Ombudsman may use the following tools to dispose of their records:

- this Records Authority covering its agency specific records;
- general disposal authorities, such as the Administrative Functions Disposal Authority (AFDA), covering business processes and records common to Australian Government agencies; and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

As changes in circumstances may affect future records management requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

Advice on using this Authority and other records management matters is available from the National Archives' website at www.naa.gov.au or by contacting the Agency Service Centre at recordkeeping@naa.gov.au or (02) 6212 3610.

APPLICATION OF THIS AUTHORITY

1. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to Australian Government agencies. Note in particular the decision by the Office of the Commonwealth Ombudsman to utilise AFDA - COMMUNITY RELATIONS to cover records relating to generalised contact with the community while treating the records of international engagement under the core business of International Programs.
2. This Authority should be used in conjunction with general disposal authorities issued by the National Archives that cover other types of records that may be created by the Office of the Commonwealth Ombudsman, such as encrypted records and source records that have been copied.
3. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine how long records need to be kept. Advice on sentencing is available from the National Archives.
4. Where the method of recording information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be used to sentence the records created, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. The Office of the Commonwealth Ombudsman will need to ensure that any software, hardware or documentation required to enable continuing access to the information is available for the periods prescribed.
5. In general, retention requirements indicate a minimum period for retention. The Office of the Commonwealth Ombudsman may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where the Office of the Commonwealth Ombudsman believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
6. The Office of the Commonwealth Ombudsman may destroy certain records without formal authorisation as a normal administrative practice. This usually occurs where the records are duplicated, facilitative or for short-term use only. NAP does not replace the arrangements agreed to in authorities. Advice and guidance on destroying records as a normal administrative practice is available from the National Archives' website at www.naa.gov.au.
7. From time to time the National Archives will place a freeze on some groups of records to prevent their destruction. Further information about disposal freezes and whether they affect the application of this Authority is available from the National Archives website at www.naa.gov.au.
8. Records in the care of the Office of the Commonwealth Ombudsman should be appropriately stored and preserved. The Office of the Commonwealth Ombudsman needs to meet this obligation to ensure that the records remain authentic and accessible over time. Under section 31 of the *Archives Act 1983*, access arrangements are required for records that become available to the public after thirty years.
9. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives.
10. Advice on how to use this Authority is available from the Office of the Commonwealth Ombudsman records manager. If there are problems with the application of the authority that cannot be resolved, please contact the National Archives.

CONTACT INFORMATION

For assistance with this authority or for advice on other recordkeeping matters, please contact National Archives' Agency Service Centre.

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

Tel: (02) 6212 3610
Fax: (02) 6212 3989
Email: recordkeeping@naa.gov.au
Website: www.naa.gov.au

AUTHORISATION

RECORDS AUTHORITY

Person to whom notice of authorisation is given:

Professor John McMillan
Commonwealth Ombudsman
Office of the Commonwealth Ombudsman
Ground Floor, 1 Farrell Place
Canberra City ACT 2600

Purpose:

AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983

Application:

Complaint Investigations; Major Investigations and Reports; Compliance Audits; International Programs

This authorisation gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. The authority will apply only if these actions take place with the consent of the agency responsible for the core business documented in the records.

Authorising Officer



Ross Gibbs
Director-General
National Archives of Australia

Date of issue:

30 September 2008

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COMPLAINT INVESTIGATIONS

The business of investigating complaints made against Australian Government agencies. The work includes:

- Providing information to complainants about the role of the Commonwealth Ombudsman and a number of access channels
- Determining the complaints that will and will not be investigated, and referring out of jurisdiction complaints to alternative oversight bodies
- Developing, refining, promulgating and reviewing associated legislation and policy
- Investigating complaints
- Internal and external liaison to identify and achieve an appropriate resolution for the complainant
- Identifying areas / systems / policies for agency improvement
- Offering internal review of our decisions and mechanisms through which complainants can provide feedback about our service.

Explanatory Note: The approach categories 1-5 used in the class descriptions below are defined in the Commonwealth Ombudsman Work Practice Manual. Approaches are escalated through the categories as their complexity increases. These may from time to time change in substance or detail. For the purposes of this records authority, the category of an approach on closure as described below determines the class to which it belongs.

For investigations initiated by the Ombudsman, use *MAJOR INVESTIGATIONS AND REPORTS*

For litigation and administrative review of the exercise of the Ombudsman powers, use *AFDA LEGAL SERVICES*

For liaison with non-government oversight bodies, use *AFDA COMMUNITY RELATIONS*

For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19524	<ul style="list-style-type: none"> • Records relating to Category 1 and 2 approaches. <p><i>Category 1 approaches are resolved by the receiving officer without any internal or external assistance and without investigation. They include matters that are outside the jurisdiction of the office and requests for general information. They are high volume approaches.</i></p> <p><i>Category 2 approaches require some internal inquiries or research, but do not result in an investigation and the agency involved is not contacted. They are high volume approaches.</i></p> • Periodic internal reports on all general administrative matters used to monitor and document recurring activities supporting all approaches to the agency. 	Destroy 12 months after last action
19525	<ul style="list-style-type: none"> • Records relating to Category 3 and 4 approaches. <p><i>Category 3 and 4 approaches are investigated and involve contact with the agency complained about. Remedies are offered to the complainant, and the office sometimes records administrative deficiency as a result of the investigation. Coercive powers are sometimes used in relation to these approaches, and there is some internal and external consultation.</i></p> • Records of internal reviews of any approach received by the agency. 	Destroy 5 years after last action

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Entry	Description of records	Disposal action
19526	<ul style="list-style-type: none"> • Records relating to a Category 5 approach including: <ul style="list-style-type: none"> - scoping - risk management - internal and external liaison up to the point when the investigation report is finalised. <p><i>Category 5 approaches are serious and involve the use of the Ombudsman's formal reporting powers. Approaches of this nature involve significant internal and external consultation, often at the highest levels, and potentially assertions of serious wrongdoing within an agency, such as fraud or corruption.</i></p> • Records supporting the Complaint Investigations core business including: <ul style="list-style-type: none"> - evaluations of programs and policies - the administration of committees and working groups formed to support the Complaint investigations core business. Includes notices of meetings and working papers - meetings - planning - routine administrative procedures. 	Destroy 7 years after last action

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For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19527	<p>Significant records supporting the Complaint Investigations core business, including:</p> <ul style="list-style-type: none"> - final reports relating to Category 5 approaches including all formal reports made to external agencies relating to the Complaint Investigations core business; records of research and analysis supporting the Category 5 reports; formal advice given in relation to category 5 reports - liaison regarding the implementation of recommendations and suggestions contained in reports - the arrangements for liaison and the exchange of information, including formal and informal agreements, between the Ombudsman's office and agencies - the development and establishment of policies, procedures or legislative reform relating to the role of the Ombudsman's office - registers and master control records of complaints received by or notified to the agency or investigations initiated by the agency - records of committees where the Ombudsman's office provides secretariat support or is the Commonwealth's main representative, including documents establishing the committee, agendas, final versions of minutes, reports and supporting documentation such as briefing and discussion papers - conference proceedings and official reports created for conferences arranged by the Ombudsman's office. 	Retain as national archives

COMPLIANCE AUDITS

The business of conducting compliance audits into the use of intrusive powers by Australian Government agencies. Includes:

- The identification of an appropriate record sample
- Analysis of agency records and comparison with statutory, regulatory or policy requirements
- Preparation of a report that identifies areas of non-compliance and areas where there could be a closer alignment with best practice
- Drafting recommendations to help agencies achieve full compliance
- Following-up findings and recommendations in subsequent audits.

For investigations initiated by the Ombudsman, use *MAJOR INVESTIGATIONS AND REPORTS*

For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19530	<ul style="list-style-type: none"> • Records supporting a compliance audit including: <ul style="list-style-type: none"> - scoping - research - analysis, including risk management, and internal and external liaison up to the point when the report is finalised • Records supporting the Compliance Audit core business including: <ul style="list-style-type: none"> - evaluations of programs - the administration of committees and working groups formed to support the Compliance Audit core business. Includes notices of meetings and working papers - meetings - internal and external liaison up to the point when the audit report is finalised - planning - routine administrative procedures. 	Destroy 7 years after report is finalised

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- Analysis of agency records and comparison with statutory, regulatory or policy requirements
- Preparation of a report that identifies areas of non-compliance and areas where there could be a closer alignment with best practice
- Drafting recommendations to help agencies achieve full compliance
- Following-up findings and recommendations in subsequent audits.

For investigations initiated by the Ombudsman, use *MAJOR INVESTIGATIONS AND REPORTS*

For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19531	<p>Significant records supporting the Compliance Audit core business, including:</p> <ul style="list-style-type: none"> - final reports relating to compliance audits, including all formal reports made to external agencies relating to the Compliance Audit core business and formal advice given in relation to compliance audit reports - the arrangements for liaison and the exchange of information, including formal and informal agreements, between the Ombudsman's office and agencies - liaison regarding the implementation of recommendations and suggestions contained in reports - the development, establishment and evaluation of policies, procedures or legislative reform relating to the Compliance Audit core business - records of committees where the Ombudsman's office provides secretariat support or is the Commonwealth's main representative, including documents establishing the committee, agendas, final versions of minutes, reports and supporting documentation such as briefing and discussion papers. 	Retain as national archives

INTERNATIONAL PROGRAMS

The business of improving the quality and performance of ombudsman offices in countries within the Asia-Pacific region. Includes:

- Developing and delivering programs in the Asia-Pacific region to reduce poverty and achieve sustainable development
- Supporting the development and implementation of ombudsman best practice
- Promoting good governance and building capacity in the Asia-Pacific region
- Sharing and transferring skills, values and competencies to strengthen ombudsman functions.

For outreach activities to the Australian public, and liaison with non-government oversight bodies use *AFDA COMMUNITY RELATIONS*

Entry	Description of records	Disposal action
19532	<ul style="list-style-type: none"> • Records supporting the International Programs core business, including: <ul style="list-style-type: none"> - scoping - research - analysis, including risk management - internal and external liaison - planning, bidding for and administration of grants received - internal quality assurance. • Records supporting the International Programs core business including: <ul style="list-style-type: none"> - evaluations of programs and policies - the administration of committees and working groups formed to support the International Programs core business. Includes notices of meetings and working papers - meetings - planning - routine administrative procedures - reviews of programs - training developed or delivered by or for staff of the agency or partner agencies - visits. 	Destroy 7 years after project is finalised

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- Promoting good governance and building capacity in the Asia-Pacific region
- Sharing and transferring skills, values and competencies to strengthen ombudsman functions.

For outreach activities to the Australian public, and liaison with non-government oversight bodies use *AFDA COMMUNITY RELATIONS*

Entry	Description of records	Disposal action
19533	<p>Significant records supporting the International Programs core business, including:</p> <ul style="list-style-type: none"> - reports relating to International Programs, including all formal reports made to grant agencies relating to the International Programs core business - the arrangements for liaison and the exchange of information, including formal and informal agreements, between the Ombudsman's office and agencies in the Asia-Pacific region - the development and establishment of policies or procedures of the Ombudsman's office in relation to the International Programs core business - records of committees where the Ombudsman's office provides secretariat support or is the Commonwealth's main representative, including documents establishing the committee, agendas, final versions of minutes, reports and supporting documentation such as briefing and discussion papers - conference proceedings and official reports created for conferences arranged by the Ombudsman's office. 	Retain as national archives

MAJOR INVESTIGATIONS AND REPORTS

The business of conducting an investigation into a major issue, on the Ombudsman's own initiative (own motion), in response to a statutory requirement or at the request of an agency or Minister, affecting one or more Australian Government agencies, and providing a written report on the findings. Includes:

- The identification of issues that should properly be the subject of such a report
- Scanning the environment to ensure all relevant agencies are included in the investigation and looking for cross agency issues
- Undertaking a thorough, fair and impartial investigation
- Preparing a report with recommendations and/or findings, negotiated with agencies where appropriate
- Following-up recommendations with the agency to test whether they have resulted in improved customer service, efficiency or compliance
- Research projects.

For investigations resulting from an approach to the office, use *COMPLAINT INVESTIGATIONS*

For compliance audit analysis and reports required by legislation, use *COMPLIANCE AUDITS*

For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19528	<ul style="list-style-type: none"> • Records supporting the Major Investigations and Reports core business including: <ul style="list-style-type: none"> - initial scoping, planning and risk assessment to determine parameters of investigations - evaluations of programs - the administration of committees and working groups formed to support the Major Investigations and Reports core business. Includes notices of meetings and working papers - meetings - internal and external liaison up to the point when the investigation report is finalised - planning - routine administrative procedures - internal quality assurance of investigations and reports. 	Destroy 7 years after report is finalised

MAJOR INVESTIGATIONS AND REPORTS

The business of conducting an investigation into a major issue, on the Ombudsman's own initiative (own motion), in response to a statutory requirement or at the request of an agency or Minister, affecting one or more Australian Government agencies, and providing a written report on the findings. Includes:

- The identification of issues that should properly be the subject of such a report
- Scanning the environment to ensure all relevant agencies are included in the investigation and looking for cross agency issues
- Undertaking a thorough, fair and impartial investigation
- Preparing a report with recommendations and/or findings, negotiated with agencies where appropriate
- Following-up recommendations with the agency to test whether they have resulted in improved customer service, efficiency or compliance
- Research projects.

For investigations resulting from an approach to the office, use *COMPLAINT INVESTIGATIONS*

For compliance audit analysis and reports required by legislation, use *COMPLIANCE AUDITS*

For training services and products, use *AFDA STAFF DEVELOPMENT*

Entry	Description of records	Disposal action
19529	<p>Significant records supporting the Major Investigations and Reports core business, including:</p> <ul style="list-style-type: none"> - final reports relating to major investigations, including all formal reports made to external agencies relating to the Major Investigations and Reports core business; formal advice given in relation to major investigation reports, and detailed research and analysis underpinning the report - the arrangements for liaison and the exchange of information, including formal and informal agreements, between the Ombudsman's office and agencies - the development, establishment and evaluation of policies, procedures or legislative reform relating to the role of the Ombudsman's office - liaison regarding the implementation of recommendations and suggestions contained in reports - records of committees where the Ombudsman's office provides secretariat support or is the Commonwealth's main representative, including documents establishing the committee, agendas, final versions of minutes, reports and supporting documentation such as briefing and discussion papers - conference proceedings and official reports created for conferences arranged by the Ombudsman's office. 	Retain as national archives