



Australian Government



**NATIONAL
ARCHIVES
OF AUSTRALIA**

Records Authority

2013/00024617

**Australian Commission for Law
Enforcement Integrity**

*Law Enforcement Integrity (Corruption Investigation),
Law Enforcement Integrity (Corruption Prevention)*

2013

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INTRODUCTION

The Australian Commission for Law Enforcement Integrity (ACLEI) and the National Archives of Australia have developed this Records Authority to set out the requirements for keeping or destroying records for the core businesses of Law Enforcement Integrity (Corruption Investigation), and Law Enforcement Integrity (Corruption Prevention). It represents a significant commitment on behalf of ACLEI to understand, create and manage the records of its activities.

This Authority is based on the identification and analysis of the business of ACLEI. 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.

The Authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This Authority gives ACLEI permission under the Archives Act 1983, for the destruction of the temporary records described after the minimum retention period has expired. 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.

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.

APPLICATION OF THIS AUTHORITY

1. This Authority is to be used to determine how long records must be kept. Records are matched to the relevant core business and records class in the Authority:
 - Where the minimum retention period has expired and the records are not needed for agency business they should be destroyed as authorised in this Authority;
 - Records that have not reached the minimum retention period must be kept until they do; and
 - Records that are identified as Retain as National Archives (RNA) are to be transferred to the National Archives of Australia for preservation.
2. This Authority should be used in conjunction with general records authorities such as:
 - AFDA Express which covers administrative business processes and records common to many Australian Government agencies;
 - General Records Authority 24 – Records Relating to Data Matching Exercises; and
 - General Records Authority 31 for source (including original) records that have been copied, converted or migrated.
3. The Normal Administrative Practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this Authority but can be used as a tool to assist in identifying records for destruction together with an agency's Records Authority or Authorities, and with AFDA and AFDA Express. The National Archives recommends that agencies develop and implement a Normal Administrative Practice policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop an agency NAP policy is available from the National Archives' website at www.naa.gov.au.
4. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of Information Act 1982* or any other relevant Act must not be destroyed until the action has been completed.
5. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. 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.
6. 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 applied, providing the records document the same core business. The information must be accessible for the period of time prescribed in this Authority. The agency will need to maintain continuing access to the

information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.

7. In general, retention requirements indicate a minimum period for retention. ACLEI 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 ACLEI 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.
8. Records coming within 'Retain as national archives' classes in this Authority have been determined to be part of the archival resources of the Commonwealth under Section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under Section 27 of the *Archives Act 1983*.
9. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need 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 for public access including those records that remain in agency custody.
10. 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.
11. Advice on how to use this Authority is available from ACLEI's 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 records management matters, please contact National Archives' Agency Service Centre.

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

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

AUTHORISATION

RECORDS AUTHORITY 2013/00024617

**Person to whom notice of
authorisation is given:**

Mr Philip Moss
Integrity Commissioner
Australian Commission for Law Enforcement Integrity
GPO Box 605
Canberra ACT 2601

Purpose:

Authorises arrangements for the disposal of records in accordance with Section 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'Retain as national archives' in this Records Authority to be part of the archival resources of the Commonwealth under Section 3C of the *Archives Act 1983*.

Application:

All core business records relating to Law Enforcement Integrity (Corruption Investigation) and Law Enforcement Integrity (Corruption Prevention).

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

Authorised by

Lennard Marsden
Acting Director-General
National Archives of Australia

Date of issue:

11 December 2013

LAW ENFORCEMENT INTEGRITY (CORRUPTION INVESTIGATION)

The core business of providing independent assurance to government about the integrity of prescribed law enforcement agencies and their staff members by detecting and investigating corrupt conduct. Includes ensuring that indications and risks of corruption in law enforcement agencies are identified and addressed effectively. This may involve the investigation of a corruption issue either following notification from an agency or from internal intelligence sources. Investigations may be referred to another agency, undertaken in collaboration with law enforcement agencies or where necessary, by the agency including the use of coercive powers.

The **core tasks** associated with corruption investigation include:

- developing, implementing and reviewing policies, standards, guidelines, frameworks, strategies and plans, including contributions to high-level government initiatives such as integrity frameworks;
- receiving and providing advice and other forms of information;
- managing and participating in external and internal committees, meetings and other forums specifically related to intelligence and investigations;
- undertaking corruption intelligence and investigative activities;
- conducting research and analysing and reporting on patterns and trends in law enforcement corruption;
- reporting on corruption investigations to the Minister and agency head;
- collaborating with law enforcement agencies and other integrity agencies on corruption investigation matters, such as intelligence gathering and sharing arrangements and assessment of corruption risks;
- development and implementation of intelligence gathering, investigative and detection processes and systems, and integrity testing programs;
- conducting and facilitating audits, including assisting with audits conducted by the Commonwealth Ombudsman such as audits of interception and surveillance warrant material;
- arranging, attending or hosting national and international meetings, conferences and delegations relating to corruption investigation;
- negotiating, establishing and maintaining agreements and contracts, including investigation agreements and Memoranda of Understanding;
- collaborating with the Commonwealth Ombudsman on investigations undertaken in response to complaints about the agency; and
- referral of investigations to other agencies.

The performance of the core business is supported by **general administrative tasks** such as:

- developing, implementing and reviewing operational procedures;
- preparing and presenting speeches and addresses;
- receiving and responding to general enquiries;
- delegating powers and authorising actions; and
- evaluating and reviewing.

Cross references to other areas of this records authority

For the development and delivery of Corruption Prevention awareness-raising material such as training programs use LAW ENFORCEMENT INTEGRITY (CORRUPTION PREVENTION).

Cross references to AFDA Express records authority

For complaints relating to public access to records or documents, use INFORMATION MANAGEMENT.

For managing legal services, including legal advice and appeals, use LEGAL SERVICES.

LAW ENFORCEMENT INTEGRITY (CORRUPTION INVESTIGATION)

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For advice, briefs and submissions to the portfolio Minister, cabinet submissions, and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For the development and maintenance of systems used to store and analyse data, use TECHNOLOGY AND TELECOMMUNICATIONS.

For developing and executing contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

Cross references to other records authorities

For records of data matching exercises, use General Disposal Authority No. 24 – Records Relating to Data Matching Exercises.

Class no	Description of records	Disposal action
61399	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing, implementing and reviewing national and high-level policies, plans, frameworks, standards and strategies relating to corruption investigation. Includes national anti-corruption plans and integrity testing frameworks. Includes final versions, working papers, briefs, supporting research reports, stakeholder consultation, discussion papers, risk assessments, action plans and recommendations; • high-level advice provided to, or received from, major stakeholders on corruption investigation matters, including input into legislative reform. Includes position papers, briefs, opinions, reports, submissions and whole-of-government strategic analysis and advice; • high-level internal and external committees, forums or other bodies where the agency provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role (eg United Nations Convention Against Corruption). Includes establishment documentation, agenda, final versions of minutes, reports, and tabled papers; • integrity investigations, including integrity testing operations, undertaken by the Integrity Commissioner either alone or jointly with a law enforcement agency, or by a law enforcement agency with Integrity Commissioner oversight (ie investigation case files). Includes: <ul style="list-style-type: none"> ○ notification of a potential integrity matter from a law enforcement agency; ○ intelligence reports and assessments, including audits of access logs related to the investigation; ○ decision/s to investigate; ○ response to informant on outcome decision; ○ investigation planning and development of integrity testing programs, including financial arrangements and liaison with stakeholders; ○ collection of evidence including arranging affidavits and warrants; ○ investigation activities, such as physical surveillance and telecommunications interception; ○ records of joint management committees established for major investigations or taskforces; ○ management of evidence, including recording of evidentiary hearings; 	Retain as national archives

LAW ENFORCEMENT INTEGRITY (CORRUPTION INVESTIGATION)

Class no	Description of records	Disposal action
61399 (cont.)	<ul style="list-style-type: none"> ○ agency reports on investigation activities and findings, including finalised investigation report to the Minister and agency head; ○ procedures specifically relating to the investigation; ○ support for legal proceedings, such as briefs of evidence and witness statements; ○ referral of an investigation to another agency; and ○ agreements on matters relating specifically to the investigation (eg for sharing of information and assessment of corruption risks). <p><i>[For assessments of notifications and referrals that do not result in investigations (ie investigations are not proceeded with), use class 61402.</i></p> <p><i>For the publication of investigation reports, use PUBLICATION.]</i></p> <ul style="list-style-type: none"> ● master set of investigation reports; ● summary records supporting corruption investigation activities, such as those consolidating information on cases and the evidence exhibit register. Includes registers/datasets and associated information (for further advice refer to National Archives technical guidelines); ● investigations by the Commonwealth Ombudsman relating to complaints about the Integrity Commissioner, other than routine audits; ● development of national and high-level reports. Includes final versions, stakeholder consultation and supporting research; ● major research and analysis supporting corruption investigation, including analysing patterns and trends in law enforcement corruption. Includes final reports, intelligence products, research proposals, statistical analysis, research findings, modelling, and related research and intelligence datasets and associated information (for further advice refer to National Archives technical guidelines); ● final versions of significant agreements and contracts and supporting documents, that: relate to substantial funding arrangements and/or the establishment of policy and jurisdictional roles with other governments, agencies or organisations; are controversial, of public interest or ground-breaking in nature; or, have major implications for agency corruption investigation policies and activities (eg intelligence sharing agreements). ● final versions of speeches presented by the portfolio Minister, the Integrity Commissioner or senior agency officers in support of corruption investigation; ● national and high-level reviews, including strategic reviews and major internal reviews. Includes final review reports, recommendations, stakeholder consultations, submissions, and supporting research; and ● final versions of proceedings, reports and papers from corruption investigation related national and international conferences, seminars and workshops hosted or co-hosted by the agency. 	

LAW ENFORCEMENT INTEGRITY (CORRUPTION INVESTIGATION)

Class no	Description of records	Disposal action
61400	<p>Records documenting:</p> <ul style="list-style-type: none"> research, collection, receipt and assessment of information for intelligence purposes where no corruption issue is raised or investigation instigated, other than those records covered in class 61399. 	Destroy 75 years after last action
61401	<p>Original evidence received from stakeholders to support integrity investigations that is not required to be retained as part of the case file, and is either:</p> <ul style="list-style-type: none"> no longer wanted by the owner; or unable to be returned to the owner after reasonable efforts have been made for its return. <p>Records documenting routine Commonwealth Ombudsman audits of telecommunications interception material and applications for surveillance warrants. Excludes Commonwealth Ombudsman investigations covered under class 61399.</p>	Destroy 15 years after last action
61402	<p>Records documenting:</p> <ul style="list-style-type: none"> routine operational administrative tasks supporting the core business; and corruption investigation activities, other than those covered in classes 61399 to 61401. 	Destroy 7 years after action completed

LAW ENFORCEMENT INTEGRITY (CORRUPTION PREVENTION)

The core business of providing independent assurance to government about the integrity of prescribed law enforcement agencies and their staff members by undertaking collaborative risk reduction activities aimed at preventing corrupt conduct. Includes education, awareness and training activities in Federal, State and Territory agencies, and supporting domestic and foreign relations through visits, speeches and addresses, and the hosting of foreign delegations.

The **core tasks** associated with corruption prevention include:

- developing, implementing and reviewing policies, plans, standards, strategies and frameworks;
- developing, delivering and reviewing training, education and awareness programs;
- collaboration and information-sharing with national and international law enforcement agencies and other integrity agencies on matters relating to corruption prevention, including joint initiatives on corruption prevention education and awareness activities;
- providing and receiving advice and other forms of information;
- managing and participating in external and internal committees and meetings, including corruption prevention related inter-governmental or inter-agency committees and working groups;
- arranging and attending conferences, seminars, workshops and discussion forums relating to corruption prevention, including hosting national and international conferences;
- awareness raising about risk reduction activities aimed at preventing corrupt conduct in law enforcement agencies, including integrity and anti-corruption marketing activities;
- conducting research in support of corruption prevention activities;
- preparing and presenting speeches and addresses; and
- managing visitors, arranging visits and hosting delegations.

The performance of the core business is supported by **general administrative tasks** such as:

- developing, implementing and reviewing operational procedures;
- receiving and responding to enquiries;
- evaluating and reviewing;
- planning and reporting;
- negotiating, establishing and reviewing agreements and contracts;
- administering training and education events; and
- identifying, assessing and managing risks.

Cross references to other areas of this records authority

For the detection and investigation of corrupt conduct, including collection, analysis and management of intelligence, use LAW ENFORCEMENT INTEGRITY (CORRUPTION INVESTIGATION).

Cross references to AFDA Express records authority

For production and distribution of agency publications, use PUBLICATION.

For the provision of internal staff training to support the core business, such as ethics training or intelligence analyst training, use STAFF DEVELOPMENT.

For development of new legislation and amendments to existing legislation, use GOVERNMENT RELATIONS and/or STRATEGIC MANAGEMENT.

For advice, briefs and submissions to the portfolio Minister, cabinet submissions, and the organisation's participation in formal inquiries, use GOVERNMENT RELATIONS.

For developing and executing contracts under seal or deeds, use CONTRACTS UNDER SEAL/DEEDS.

LAW ENFORCEMENT INTEGRITY (CORRUPTION PREVENTION)

Class no	Description of records	Disposal action
61403	<p>The following significant records documenting:</p> <ul style="list-style-type: none"> • developing, implementing and reviewing high-level policies, plans, standards, strategies, frameworks and programs relating to corruption prevention. Includes final versions, major drafts and supporting records; • high-level internal and external committees, working groups and other bodies where the agency provides the secretariat, is the Australian Government's main representative, or plays a prominent or central role. Includes establishment documentation, agenda, final versions of minutes, reports and tabled papers; • high-level advice given to, or received from, major stakeholders. Includes final versions, opinions, submissions, supporting research and briefs; • final versions of speeches presented by the portfolio Minister, the Integrity Commissioner or senior agency officers in support of corruption prevention; • major research and analysis supporting corruption prevention. Includes final reports, intelligence products, research findings, statistical trends and analysis, data modelling, and related research and intelligence datasets and associated information (for further advice refer to National Archives technical guidelines); • national and high-level reviews, including major internal reviews, of corruption prevention. Includes final reports, major drafts, stakeholder consultations, submissions and supporting research; • final versions of unpublished proceedings, reports, speeches and papers from corruption prevention related conferences, seminars, and workshops hosted or co-hosted by the agency; • high-level liaison, collaboration and representation with national and international peak bodies, governments, law enforcement agencies and other major stakeholders relating to corruption prevention education, compliance and enforcement issues that are controversial or of major significance to the agency or the community; • final versions of significant agreements and contracts and supporting documents, that: relate to substantial funding arrangements and/or the establishment of policy and jurisdictional roles with other governments, agencies or organisations; are controversial, of public interest or ground-breaking in nature; or, significantly contribute to agency corruption prevention policies and activities. • final versions of marketing and educational material for major campaigns which raise awareness of corruption prevention policies and practices; and • master versions of agency publications produced to support corruption prevention, including brochures, pamphlets and webcasts. 	Retain as national archives
61404	Records documenting implementation of law enforcement integrity risk reduction strategies , other than those covered in class 61403.	Destroy 15 years after last action

LAW ENFORCEMENT INTEGRITY (CORRUPTION PREVENTION)

Class no	Description of records	Disposal action
61405	Records documenting: <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• corruption prevention activities, other than those covered in classes 61403 to 61404.	Destroy 7 years after action completed