

Records disposal schedule

Police Custody

Northern Territory Police, Fire and Emergency Services

Disposal Schedule No. 2021/005

July 2021

For information and advice, please contact
Records Service
Department of Corporate and Information Services
GPO Box 2391
Darwin NT 0801

Email: NTG.RecordsPolicy@nt.gov.au
Telephone: 08 8999 1781
Facsimile: 08 8924 3880
Website: <https://dcdd.nt.gov.au/government-records>

Contents

Preamble	iv
Introduction.....	iv
Structure of a Records Disposal Schedule	iv
Function	v
Activity	v
Record class.....	v
Status and disposal action.....	v
About this Records Disposal Schedule	vii
Purpose	vii
Scope	vii
Responsibility.....	vii
Authority.....	vii
Regulatory framework	vii
Related documents	viii
Normal administrative practice	viii
Acknowledgement.....	viii
Compliance checklist	ix
Disposal Schedule	1
1. Police Custody	1
1.1 Agreements	1
1.2 Bail.....	2
1.3 Control	3
1.4 Inspections	5
1.5 Policy	6
1.6 Prisoner Escorts.....	7
1.7 Prisoner Management and Support	8
1.8 Procedures.....	9
1.9 Reporting	10
1.10 Surveillance.....	11

Preamble

Introduction

The *Information Act 2002* states that public sector organisations must safeguard their records and must not delete or otherwise dispose of a record unless authorised to do so¹. Disposal of records is permitted through the use of records disposal schedules and enable regular, planned and authorised disposal of records controlled by an agency.

Records retention decisions are based on:

- the current and future business needs of the organisation
- compliance with legal and governance requirements of the organisation
- the current and future needs of internal and external stakeholders, including the wider community.

Records disposal schedules provide continuing authorisation for the legal disposal of records and are authorised by the records service, archives service and chief executive officer of the public sector organisation responsible for the schedule.

Records disposal schedules apply to records created and maintained in any format, including electronic records, records in business systems, and parts of records.

In the Northern Territory government there are two types of records disposal schedules:

- General records disposal schedules that apply to records common to most or all NT Government public sector organisations, and
- Functional records disposal schedules that apply to records specific to an NT Government public sector organisation or function.

Functional records disposal schedules should be used in conjunction with general records disposal schedules.

Structure of a Records Disposal Schedule

Records disposal schedules set out minimum requirements for the creation, maintenance, retention or destruction actions to be taken in relation to existing or future records described in each class. Records disposal schedules specify

- a) whether a class of record has temporary or permanent status;
- b) the retention period for a temporary class of record;
- c) authorised disposal actions for a class of record.²

Each class of records created by an agency is described using classifications based on business analysis.

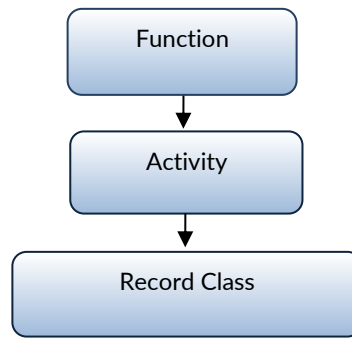
Disposal schedules are developed using the functional structure based on the classification scheme of the *Keyword AAA: A Thesaurus of General Terms* produced by the State Records Authority of NSW and modified for use by NT Government public sector organisations.

Within the schedule, functions are documented as the highest level terms and business activities under the functions, followed by record classes, as shown in diagram 1.

¹ S.145 Information Act 2002

² S.136A(3) Information Act 2002

Diagram 1



Function

The function or keyword is the highest level in the classification scheme in this disposal schedule. The function is indicated at the start of each section and a description (scope note) provided.

Activity

Activities are the processes or operations that make up the business function. This is the second level in the classification scheme in this disposal schedule. The description (scope note) provides details of the transactions that take place in relation to the activity, for example, REPORTING or POLICY.

Record class

A record class is a group of records that relate to the same activity, function or subject and require the same disposal action. The descriptions can relate to one record (such as a register) or a group of records documenting a particular set of business transactions.

Status and disposal action

The appraisal status of a record class is assigned as either permanent or temporary.

Permanent Records: Records appraised with permanent status have been identified as archives and must be transferred to the NT Archives Service for their preservation and eventual public access.

The retention period for permanent records is the maximum period before the records must be transferred to the Archives Service. Permanent records must be transferred no later than 30 years after creation in accordance with the Information Act 2002, unless exemption has been granted (see Archives Management Standards Transfer of Archives, and Exemption from Compulsory Transfer of Permanent Records to the NT Archives Service). An Application to Transfer Records form must be submitted to the Archives Service before records will be accepted for transfer.

Temporary records: The retention period for temporary records is the minimum period before the records can legally be destroyed. The retention period is calculated after an event or a disposal trigger such as 'date of action completed', 'date of audit' or 'date of birth'. Destruction should be done following consultation with relevant operational business employees responsible for the records.

Retention periods for temporary records in a records disposal schedule are minimum periods only and agencies may keep records for a longer period if considered necessary for business requirements.

Reasons for longer retention could include,

- administrative need or agency directives,

- legal requirements such as current or pending legal action,
- relevance to an investigation or inquiry which is in progress,
- is subject to an Information Access application, or
- subject to a disposal freeze.

Records created prior to 1 July 1978 must not be disposed of without the authorisation of the Archives Service in accordance with Archives Management Standard Records Created Prior to 1978, unless specified in a schedule.

Sentence records with this records disposal schedule using the following five steps:

1. Determine the appropriate function and activity of the records. This can be done by examining an existing record or when creating a new record.
2. Identify the disposal class.
3. From the disposal action in the class, identify the trigger event and a date when the record can be disposed of, alternately, identify that the record is to be retained permanently as archives.
4. If the trigger event has already occurred (such as action is completed), confirm and implement the disposal action.
5. If the trigger event has not occurred (e.g. the record is still in active use), set a review date for the future.

About this Records Disposal Schedule

Purpose

The purpose of this Records Disposal Schedule is to enable regular, planned and authorised disposal of records of police custody of the Northern Territory Police, Fire and Emergency Services.

Scope

Application of this Records Disposal Schedule is mandatory for police custody records of the Northern Territory Police, Fire and Emergency Services.

This Records Disposal Schedule applies to police custody records in all formats.

Responsibility

The Chief Executive of the Northern Territory Police, Fire and Emergency Services is responsible for the content and implementation of this Records Disposal Schedule including the provision of advice and training, and for monitoring compliance.

Authority

This Records Disposal Schedule is authorised in accordance with s 136B of the *Information Act 2002*.

Disposal Schedule No. 2021/005 was approved by the Senior Director of Library & Archives NT (the Archives Service), Director of Digital Policy and Data Strategy (the Records Service), and the Chief Executive of the Northern Territory Police, Fire and Emergency Services on 20 July 2021 and is effective immediately.

Regulatory framework

The regulatory basis for this Records Disposal Schedule is defined in:

- *Police Administration Act 1978*
- *Bail Act 1982*
- *Correctional Services Act 2014*
- *Mental Health and Related Services Act 1998*
- *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*
- *Ombudsman Act 2009*
- *Volatile Substance Abuse Prevention Act 2005*
- *Youth Justice Act 2005*
- *Information Act 2002*
- NT Government Records Management Standards
- NT Government Archives Management Standards
- Australian Standards AS ISO 15489:Records Management.

Related documents

This Records Disposal Schedule is to be read in conjunction with:

- NT Government Records Management Standard – Records Disposal
- policies and procedures of the Northern Territory Police, Fire and Emergency Services
- current authorised disposal schedules for Northern Territory Police, Fire and Emergency Services
- current authorised general disposal schedules.

Normal administrative practice

Public sector organisations are permitted to dispose of some short term or ephemeral documents under the authority of the Disposal Schedule for Short Term Value Records. These include:

- duplicate (e.g. information or reference copy)
- obviously unimportant (e.g. telephone message slips)
- of short term facilitative value (e.g. compliment slips)
- a combination of these.

The guiding principle is that organisations should be sure that destroying these records will not destroy evidence that might be needed.

Records that have been captured into a recordkeeping system should be destroyed using the Disposal Schedule for Short Term Value Records unless the class of records has been identified in a specific disposal schedule.

Acknowledgement

The Archives Service and the Records Service acknowledge that material produced by National Archives of Australia, State Records Authority of New South Wales, State Records of South Australia, Public Records Office of Victoria, Territory Records Office and Standards Australia was used in the development of this schedule.

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission of the Archives Service. Requests and enquiries concerning reproduction and rights should be directed to the Director, Archives Service. The terms in the classification scheme are based on the Keyword AAA: A Thesaurus of General Terms (Government of New South Wales, 1998), and are produced under a licence agreement between the NT Archives Service and the State Records Authority of New South Wales.

Compliance checklist

<p>Implement a records disposal program to ensure regular appraisal, sentencing, destruction and transfer of all records.</p>	<input type="checkbox"/>	<p>Stop applying sentences from previous schedules that have been revoked or amended.</p>	<input type="checkbox"/>
<p>Assign responsibility for the management and application of regular records disposal action using authorised records disposal schedules, to an appropriately skilled records manager who consults with the Archives Service and Records Service.</p>	<input type="checkbox"/>	<p>Retain all records in good order and condition to be available for retrieval during the retention period.</p>	<input type="checkbox"/>
<p>Identify and sentence all records described in this schedule in all formats including electronic records and records in business systems, copies of records and parts of records.</p>	<input type="checkbox"/>	<p>Identify and update control records so that you can demonstrate what happened to each record, whether paper or electronic.</p>	<input type="checkbox"/>
<p>Ensure all copies of temporary records are destroyed in any format (including backups), unless otherwise stated in a disposal schedule.</p>	<input type="checkbox"/>	<p>Dispose of all records sentenced according to this schedule in all formats including electronic records and records in business systems, copies of records and parts of records.</p>	<input type="checkbox"/>
<p>Apply this records disposal schedule to records in the organisation's records management systems, including systems for the management of paper records, electronic records, or records in any other format.</p>	<input type="checkbox"/>	<p>Transfer records of permanent value to the Archives Service for retention as archives not later than 30 years after creation.</p>	<input type="checkbox"/>
<p>Apply this records disposal schedule to records in the organisation's business systems, either directly or by linking the business system to a records management system.</p>	<input type="checkbox"/>	<p>Inactive records can be transferred to offsite service providers providing they have been sentenced.</p>	<input type="checkbox"/>
<p>Implement quality assurance mechanisms to periodically check that the disposal class originally assigned at the creation of the records is still applicable at the time of sentencing of the record.</p>	<input type="checkbox"/>	<p>Destroy time expired temporary records in a secure manner that ensures complete deletion/destruction beyond any possible reconstruction.</p>	<input type="checkbox"/>
<p>Implement review or quality control procedures in recordkeeping systems to ensure disposal actions are implemented correctly.</p>	<input type="checkbox"/>	<p>Do not destroy records that are not described in an authorised records disposal schedule.</p>	<input type="checkbox"/>
<p>Identify records that require re-sentencing where a previous disposal schedule has been superseded.</p>	<input type="checkbox"/>	<p>Do not destroy any records created prior to 1 July 1978 without specific authorisation from the Archives Service.</p>	<input type="checkbox"/>

Disposal Schedule

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.1 Agreements

The processes associated with the establishment, maintenance, review and negotiation of agreements. Includes formal agreements and /or exchange of letters between parties, as well as informal agreements.

Class No.	Description of Records	Status and Disposal Action
1.1.1	Records documenting the establishment, negotiation, maintenance and review of high-level agreements in relation to police custody, such as the North Australian Aboriginal Justice Agency (NAAJA) with regards to the Custody Notification Scheme.	PERMANENT Transfer to the Archives Service 30 years after action completed
1.1.2	Records documenting the establishment, negotiation, maintenance and review of formal agreements in relation to police custody. Includes service level agreements with community services organisations, such as mental health services and provision of support persons particularly for youth and information data sharing agreements with the Department of Health.	TEMPORARY Destroy 7 years after expiry or termination of agreement

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.2 Bail

The activity of providing money as security against the temporary release of a prisoner pending trial. Includes the release of prisoners under surety from police custody.

Class No.	Description of Records	Status and Disposal Action
1.2.1	Records documenting bail reporting sheets.	TEMPORARY Destroy 7 years after bail conditions expire
	Use POLICING AND CRIME DETECTION for records documenting investigations into breaching bail, such as absconding whilst on bail, and failing to comply with a condition of a bail order. Includes original bail reporting sheets of the offender.	

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.3 Control

The activities associated with creating, maintaining and evaluating control mechanisms.

Class No.	Description of Records	Status and Disposal Action
1.3.1	<p>Primary control records for the management of persons held in police custody, such as the Integrated Justice Information System (IJIS), WebEOC, PROMIS and SERPRO.</p> <p>Includes:</p> <ul style="list-style-type: none"> - person's/prisoner's name - date of birth - IJIS number - Medical information, care and support - Transfer of persons/prisoners - Admission details - Inspection details / cell checks - Release details - Police officer details - Person's/prisoner property particulars <p>May include information where a volatile substance has been involved.</p>	<p>PERMANENT</p> <p>Transfer to NT Archives Service 30 years after action completed, unless exemption granted under the <i>Information Act 2002</i></p> <p>(manage and migrate data to new media / platform during system upgrades)</p>
1.3.2	<p>Watch house journals used for reporting daily activities including cell checks, prisoner admissions and custody incidents.</p> <p>Includes prisoner illness/injury, attempts of self-harm, attempts to escape, assaults on members or other prisoners.</p>	<p>PERMANENT</p> <p>Transfer to NT Archives Services 30 years after action completed</p>
1.3.3	<p>Forensic Procedures Register in relation to police custody, including fingerprinting, facial recognition, DNA samples, dental impressions and medical examinations.</p> <p>Includes:</p>	<p>PERMANENT</p> <p>Transfer to NT Archives Services 30 years after action completed</p>

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.3 Control

The activities associated with creating, maintaining and evaluating control mechanisms.

Class No.	Description of Records	Status and Disposal Action
	<ul style="list-style-type: none">- Name of offender- Personal details- Type of forensic procedure- Authorising officer (ie police officer, judge)- Date and time of procedure- Police Officer name and details that carried out the procedure	

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.4 Inspections

The process of official examinations of facilities, equipment, vehicles and vessels to ensure compliance with agreed standards and objectives.

Class No.	Description of Records	Status and Disposal Action
1.4.1	Records documenting compliance inspections into declared police custody centres (police prisons) by the Commissioner of NT Correctional Services or his delegate as required under the Correctional Services Act 2014 where there has been a legal or procedural precedent set. Includes external inspections of police custody centres (police prisons) by independent bodies, including independent bodies such as the National Preventive Mechanisms under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Includes final audit reports and related correspondence.	PERMANENT Transfer to the Archives Service 10 years after action completed
1.4.2	Records documenting compliance inspections into declared police custody centres (police prisons) by the Commissioner of NT Correctional Services or his delegate as required under the <i>Correctional Services Act 2014</i> where a legal or procedural precedent has not been set. Includes final audit report and related correspondence between NT Police and NT Corrections.	TEMPORARY Destroy 30 years after action completed
1.4.3	Records documenting internal audit inspections into police watch houses conducted periodical to ensure compliance with the NT Police General Orders and Instructions, including court cells that are managed by the NT Police, such as Katherine and Tennant Creek. Includes final inspection report, business memoranda, file notes, witness statements, photographs and related correspondence.	TEMPORARY Destroy 15 years after action completed

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.5 Policy

The activities associated with developing and establishing decisions, directions and precedents which act as a reference for future decision making, as the basis from which the organisation's operating procedures are determined.

Class No.	Description of Records	Status and Disposal Action
1.5.1	Master set of policy documents relating to the custody function, such as NT Police general orders and instructions. Includes master set of policy records endorsed by the agency Executive, formal draft versions, consultation papers, policy proposals, research papers and related correspondence.	PERMANENT Transfer to the Archives Service 10 years after action completed

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.6 Prisoner Escorts

The activities associated with taking persons held in custody from one place to another.

Class No.	Description of Records	Status and Disposal Action
1.6.1	Records relating to the request and authorisation for use of police aircraft and road transport for the purpose of transporting persons in police custody. Includes authorised memos by the Commander and/or the Superintendent.	TEMPORARY Destroy 10 years after action completed

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.7 Prisoner Management and Support

The activities associated with maintaining the safety and welfare of persons held in police custody.

Class No.	Description of Records	Status and Disposal Action
1.7.1	Records documenting the management of minors held in police custody for the purpose of arrest or protective custody. Includes watch house reception cards and custody health assessment forms. Includes medical treatment provided, complaints, management of personal property, and court details. May include records documenting the transfer of persons between police stations and records of arrests that do not proceed to charges or any associated reports.	TEMPORARY Destroy 45 years after date of birth or 7 years after last access
1.7.2	Records documenting the management of adult persons held in police custody for the purposes of arrest or protective custody. Includes watch house reception cards and custody health assessment forms. Includes medical treatment provided, complaints, management of personal property, and court details. May include records documenting the transfer of persons between police stations and records of arrests that do not proceed to charges or any associated reports.	TEMPORARY Destroy 25 years after last access
	Use POLICING AND CRIME DETECTION – POLICE INVESTIGATIONS for records documenting the investigation of custody incidents, including documenting associated with the application, authorisation and execution of search warrants.	

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.8 Procedures

Standard methods of operating laid down by an organisation according to formulated policy.

Class No.	Description of Records	Status and Disposal Action
1.8.1	<p>Master standard operating procedures in relation to police custody for police custody centres.</p> <p>Includes the development and review of procedures, working papers, formal draft versions, proposals, background research and consultation notes with relevant stakeholders.</p> <p>May include protocol arrangements with local service providers and community groups.</p>	<p>PERMANENT</p> <p>Transfer to the Archives Service 30 years after action completed</p>

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.9 Reporting

The processes associated with initiating or providing a formal response to a situation or request (either internal, external or as a requirement of corporate policies), and to provide formal statements or findings of the results of an examination or investigation. Includes agenda, briefing, business, discussion papers, proposals, reports, reviews and returns.

Class No.	Description of Records	Status and Disposal Action
1.9.1	Records documenting reports provided to the Executive or senior management regarding significant custody issues or serious custody incidents. Includes incident reports, ministerials and briefing notes.	PERMANENT Transfer to NT Archives Service 30 years after action completed
1.9.2	Records documenting reports provided to the Executive or senior management regarding custody issues or incidents that are not considered serious. Includes incident reports, briefing notes and internal memoranda.	TEMPORARY Destroy 30 years after action completed
1.9.3	Records documenting routine statistical reports regarding the apprehension and number of persons held in police custody. May also include returns of arrest reports.	TEMPORARY Destroy 7 years after action completed
1.9.4	Records documenting notifications concerning parole. Includes copies of parole orders, revocation reports and orders.	TEMPORARY Destroy 7 years after action completed

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.

1. Police Custody

The function of managing the custody of persons, including youth who have been deemed to present a risk to themselves or to the order and safety of the community. Includes persons detained under statutory authority, who have been arrested with or without a warrant or who are in lawful custody by order of the court. Includes the care and management of persons in protective custody.

Note: Excludes records documenting investigations into custody incidents.

1.10 Surveillance

The activities associated with the management of cell and custody centres surveillance camera footage.

Class No.	Description of Records	Status and Disposal Action
1.10.1	Images, audio and information in relation to police custody captured by closed circuit television (CCTV) cameras, including body worn footage and audio that are not used as evidence to support an investigation.	TEMPORARY Destroy 12 months after date of capture
	Use POLICING AND CRIME DETECTION - POLICE INVESTIGATIONS for records used to support the investigation of serious and non-serious custody incidents.	
	Use POLICING AND CRIME DETECTION - SECURITY for images and information captured by other digital recording devices.	

Note: All entries apply to records in any format, including electronic media, unless otherwise specified. It is the responsibility of all public sector organisations to ensure that all records are readily accessible for the retention periods specified.