



NATIONAL ARCHIVES OF AUSTRALIA

Our reference: 2018/3249

Records Retention Notice:

Commonwealth records, including data and information, related to aged care quality and safety

To:

Aboriginal Hostels Limited
Aged Care Complaints Commissioner
Aged Care Pricing Commissioner
Australian Aged Care Quality Agency
Australian Commission on Safety and Quality in Health Care
Australian Federal Police
Australian Institute of Health and Welfare
Comcare
Commonwealth Superannuation Corporation
Department of Defence
Department of Education
Department of Health
Department of Home Affairs
Department of the Prime Minister and Cabinet
Department of Social Services
Department of Veterans' Affairs
Director of Public Prosecutions
Independent Hospital Pricing Authority
Indigenous Land Corporation
Professional Services Review Board
Torres Strait Regional Authority



This document notifies Australian Government agencies and other agents or people in possession of Commonwealth records including data and information (**records**) that I have imposed a retention notice on Commonwealth records that relate to aged care quality and safety. The National Archives of Australia (National Archives) has determined that a retention notice is necessary to ensure that relevant records are protected and available for the purposes of the Royal Commission into Aged Care Quality and Safety and any subsequent actions by the Australian Government, for future reference and accountability purposes and to protect the rights and entitlements of individuals.

This retention notice suspends the National Archives of Australia's permission to destroy any relevant records. Relevant records and any associated drafts and working papers cannot be destroyed using any agency-specific or general records authorities, or through a normal administrative practice (NAP).

Background

On 17 September 2018 the Prime Minister, the Health Minister and the Minister for Senior Australians and Aged Care announced the Government's intention to ask the Governor-General to establish a Royal Commission into Aged Care Quality and Safety.

The Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd), issued [Letters Patent and Terms of Reference establishing the Royal Commission](#) on 9 October 2018. The Honourable Justice Joseph McGrath and Ms Lynelle Jann Briggs AO have been appointed as Royal Commissioners to inquire into and report on aged care quality and safety, in accordance with the terms of the inquiry set out in the Governor-General's Letters Patent. The Royal Commissioners are asked to provide an interim report by 31 October 2019 and a final report by 30 April 2020.

Purpose

This document notifies relevant Australian Government agencies and other agents or people in possession of Commonwealth records that any relevant Commonwealth records must be retained for the purposes of the Royal Commission into Aged Care Quality and Safety, and for any subsequent actions by the Australian Government. Your agency may be responsible for some potentially relevant records.

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

Paper records, if required by the Royal Commission in digital format, are to be scanned consistent with the Archives' [Scanning Specifications](#). Accordingly, [General Records Authority \(GRA 31\)](#) - Destruction of source or original records after digitisation, conversion or migration, is specifically excluded from this retention notice.

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

Records

This retention notice covers records relevant to the Royal Commission into Aged Care Quality and Safety's terms of reference, including:

- Quality and safety including the extent of substandard care;
- How to best deliver care services to people with disabilities residing in aged care facilities including younger people;
- How to best deliver care to the increasing number of Australians living with dementia;
- The future challenges and opportunities for delivering accessible, affordable and high quality aged care services, including people's desire to remain living at home as they age, and aged care in rural, regional and remote Australia;
- What the Government, the aged care sector, Australian families and the wider community can do to strengthen care services to ensure quality and safety;
- How to allow people greater choice, control and independence and how to improve engagement with families and carers;
- How to best deliver sustainable aged care services through innovative care and investment in the aged care workforce and infrastructure; and
- Any matters that the Commissioners believe is relevant to their inquiry.

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

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

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

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

Authority

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

Duration

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

Action required

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

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

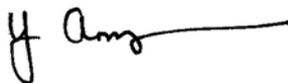
Impact

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

Inquiries

For inquiries about this notice, please contact the National Archives [Agency Service Centre](#) or Eric Swain, Director a/g Commonwealth Information Policy on (02) 6212 3428.

Issued by



Yaso Arumugam
Director-General (Acting)
National Archives of Australia
26 November 2018