



GENERAL DISPOSAL AUTHORITY NO. 21

FOR

**RECORDS RELATING
TO THE INTELLIGENCE FUNCTION
IN ANY COMMONWEALTH AGENCY**

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PURPOSE

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

RECORDS RELATING TO THE INTELLIGENCE FUNCTION IN ANY COMMONWEALTH AGENCY

AUTHORISATION BY THE AUSTRALIAN ARCHIVES

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

.....
Director-General, Australian Archives

.....
Date of Issue

.....
Dates Amended

PERSONS TO WHOM NOTICE OF AUTHORISATION IS GIVEN

SECRETARIES OF DEPARTMENTS AND HEADS OF AUTHORITIES

(as listed in Attachment A to the covering memorandum accompanying this Authority; ie. in Attachment A to Australian Archives 95/ 866 dated 26 June 1995)

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INTRODUCTION

1. The Archives Act and the Disposal of Records

1.1 The Australian Archives, under the *Archives Act 1983*, has responsibility for authorising the disposal of Commonwealth records. Disposal includes:

- identifying and retaining records of permanent value;
- destroying records of temporary value;
- arranging transfers of the custody of records; and
- arranging transfers of the ownership of records.

Section 24 of the Act (dealing with disposal) prohibits destruction, transfer, damage or alteration of records unless:

- such action is required by law;
- authorisation has been given by the Archives;
- such action is a 'normal administrative practice' not disapproved of by the Archives; or
- such action returns records to Commonwealth custody.

1.2 The Australian Archives gives permission for the disposal of records through Disposal Authorities. These authorities describe classes of records, state how long they are to be retained and recommend where the records should be kept when no longer in current use. This document is one such authority.

2. Purpose of the Authority

2.1 General Disposal Authority No. 21 authorises the destruction or other disposal of Commonwealth records as required by Section 24(2)(b) of the *Archives Act*. It covers any records relating to the collection, interpretation and analysis, and distribution of intelligence material created by agencies of the Commonwealth Government, or received by Commonwealth agencies from other sources, domestic or foreign.

3. Scope of the Authority

3.1 General Disposal Authority No. 21 authorises the disposal of records which are

created in the course of functional activities of any Commonwealth agency that creates or receives records described. It should be used in conjunction with other General Disposal Authorities which provide disposal coverage for the more common administrative records of agencies. GDA 21 should be used in conjunction with records disposal authorities (RDAs) covering case files held by you.

- 3.2 Unless otherwise specified, both GDA 21 and the RDAs cover all records which perform the function described irrespective of their format. For example, original information held in computer databases which have not been reproduced in another format are subject to this authority in the same way as are files, cards, microfiche.
- 3.3 The authority applies only to the records described in the entries. If you are unsure about the interpretation of a disposal provision, or about the applicability of a description to your records, please contact your agency's archives or records management officer or the Australian Archives, Records Evaluation and Disposal, PO Box 34 Dickson ACT 2602 , Telephone (06) 209 3633.
- 3.4 The disposal actions in this authority give the minimum retention period for the records described and may not be reduced without Archives approval. However, where records are required for the business of your office beyond this time they may be retained longer, but the Australian Archives will not provide free storage for records whose retention period has been extended without its permission. If you wish to change the retention period for an item or class, the archives officer or records manager at your office should be contacted for advice.

4. Preservation of Important Records

- 4.1 Records having to be retained for longer than 10 years should be maintained on, or copied to, paper suitable for long-term retention. Currently the 'Australian Archives Copy 1990/91' (available from DAS) and the 'Perpetuum Wove', 'Perpetuum Copy' and 'Reflex Archival' papers are considered to meet this requirement. It is important that as far as practical this paper is used prior to the transfer of older material to long-term storage (either within the agency or to Australian Archives). It is imperative that records created since the middle of the 1980s be copied to this archival quality paper; this is because of the greater use of recycled papers since that time.

5. Records Creation and Life-Cycle Management

- 5.1 Since most types of recycled and facsimile papers are not suitable for keeping important information and since few agencies have the resources to systematically examine all their paper records annually for deterioration, you are advised to develop and implement procedures which will safeguard your valuable records. Ideally the procedures should embrace all phases of records management from file creation to disposal and should cover such aspects as:
 - how files should be titled and maintained to facilitate their

subsequent retrieval and disposal;

- what control records should be kept and what information is to be recorded on them;
- how reference to files is to be controlled and recorded, including folio numbering;
- information considered to be of long-term value to you or your department or authority and how it could be / should be identified, annotated, protected and/or preserved;
- timing and procedures for closing-off, sentencing, storing and/or disposing of files and other unwanted records.

5.2 The Australian Archives provides information for agencies on the basic creation and management of records. This advice is in the '*Agency Disposal Manual*' distributed by the Australian Archives which should be available from your agency's archives or records management officer or your local office of the Australian Archives.

6. Transfer and Storage of Records

6.1 Section 27 of the *Archives Act* provides that records should be transferred to the custody of Australian Archives once they are no longer required to be readily available to the agency which created them. It also provides that records still in the custody of a Commonwealth institution once they have been in existence for 25 years should be transferred to the custody of the Archives as soon as practicable after that date.

6.2 Australian Archives will not accept transfers of unsentenced records (that is records which have not been evaluated against a current records disposal authority issued by the Archives) or of sentenced unclassified records which have a retention period of less than 30 years from creation.

6.3 Australian Archives will accept transfers of sentenced security classified records regardless of their retention period. Such records must not be stored with private contractors or on premises not under the control of a Commonwealth agency.

6.4 Section 29 of the *Archives Act* provides that in certain circumstances it may be determined that records need not be transferred to the custody of Australian Archives in accordance with section 27. These circumstances might include the exceptional sensitivity of the records or the fact that they were still frequently required by the creating agency for administrative purposes.

6.5 In most cases a determination to withhold records from transfer under section 29 of the *Archives Act* requires the concurrence of the Director-General of Australian Archives. However, the Director-General's concurrence is not required for determinations made on behalf of the following agencies:

Australian Security Intelligence Organization

Australian Secret Intelligence Service
Defence Signals Directorate
Defence Intelligence Organization
Office of National Assessments
Inspector-General of Intelligence and Security

6.6 Even in cases in which the concurrence of the Director-General of Australian Archives is not required for the issue of a section 29 determination it would be anticipated that there would be consultation between the Archives and the agency concerned over the issue of the determination.

6.7 Records transferred to the custody of Australian Archives may be withdrawn for further reference by the agency through the Archives' lending service.

7 **Destruction of Records**

7.1 When records are destroyed in accordance with the provisions of an authority, the Australian Archives must be notified on form NAS 45, Notification of Records Destroyed, within 30 days of the date of destruction. Copies of the form are available from Australian Archives offices. Guidelines for completion are shown on the reverse side of the form.

7.2 Temporary value records transferred to the Australian Archives' custody will be destroyed at the appropriate time, subject to the consent of the agency.

8 **Normal Administrative Practice**

8.1 Some records may be destroyed without prior Australian Archives authorisation under the 'normal administrative practice' (NAP) provisions of the *Archives Act*. Records can be disposed of as a normal administrative practice if they are:

- duplicated (eg. an information copy distributed by a state or central office);
- obviously unimportant (eg. most telephone message slips);
- of short term facilitative value (eg. compliments slips); or
- a combination of these.

The guiding principle is that you should always be sure that information of enduring value will not be lost by destroying the record. In addition, files should not be destroyed as NAP unless the reason for their destruction is recorded in full on the relevant control records. NAP can apply to **electronic records** as well as paper records (eg. information on word processing systems where a hard copy has been filed). It is designed to allow sensible business practices to proceed.

8.2 The Australian Archives has issued a booklet which describes NAP and gives some examples. This booklet is called "**Just for the Record**" and is available from the Australian Archives.

9 **Electronic Records (ER)**

9.1 Where this authority identifies information of temporary or long-term value which

is maintained electronically and hard copies are not produced, or where the electronic data is the primary record, then you must liaise with your archives or records management officer to ensure that the data remains accessible for the minimum period specified by the disposal action.

- 9.2 Where data identified as having permanent or long-term value is maintained electronically at your office, you must ensure that the records remain accessible and that they are migrated with each system upgrade. The relevant supporting documentation and software should also be maintained.
- 9.3 The erasure of data from the system does not require authorisation where the data has been superseded and it is not departmental practice to require continued access to previous versions of the data. Otherwise the data should be dealt with according to the retention periods outlined in this authority. It is recommended that audit trails be kept for at least 12 months after erasure.

AUSTRALIAN ARCHIVES

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LEGISLATION AFFECTING HOW RECORDS ARE KEPT

Most records held in agencies are Commonwealth records and are governed by three Acts of the Commonwealth Parliament; the *Archives Act, 1983*; the *Freedom of Information Act, 1982* and the *Privacy Act, 1988*.

The *Archives Act*, gives the Australian Archives responsibility for:

- the efficient and economical record keeping in Commonwealth agencies by the prompt destruction of records no longer needed for legal, financial, administrative or other reasons; and
- the identification and preservation of records which must be kept permanently for accountability and historical reasons.

Under Section 24 of the *Archives Act* it is illegal to destroy, transfer, damage or alter a Commonwealth record unless:

- such action is required by law (eg. the destruction of ballot papers);
- authorisation has been given by Archives (eg. a Disposal Authority); or
- such action is a 'normal administrative practice' not disapproved by the Archives (eg. the routine destruction of drafts and photocopies of records).

This General Disposal Authority is issued in accordance with the second of these requirements.

The *Freedom of Information (FOI) Act* prescribes the procedures and substantive principles controlling the granting of access to Commonwealth records. The *FOI Act* also states when and how records (to which access has been granted) may be corrected, updated or annotated. If a request for access under the *FOI Act* has been lodged, all files relevant to the request must be identified and preserved until action on the request, and on any subsequent reviews, is completed.

The *Privacy Act* requires Commonwealth agencies to comply with the 'Information Privacy Principles' (IPPs) contained in it in relation to the collection, storage, accessibility to, correction, use and disclosure of records of personal information. In summary, they require that only necessary information is collected and that the information is accurate, relevant, up-to-date, complete and not misleading. Personal information is to be used only for lawful purposes directly related to functions or activities of agencies, and must be protected from unauthorised use or disclosure. This includes material stored in word processing systems and personal computers. Agencies are required to ensure that

individuals have access to their own records, and that they are entitled to provide attachments to correct any record which they consider is inaccurate or incomplete.

SCOPE NOTES

a) General

This General Disposal Authority (GDA) covers records generated in the process of research and reporting programs conducted to meet Australian requirements for intelligence, both domestic and foreign. The records include those generated by the agencies specifically tasked with the intelligence function (such as the Australian Security Intelligence Organization, the Australian Secret Intelligence Service, the Defence Signals Directorate, the Defence Intelligence Organisation, the Office of National Assessments, and the Inspector-General of Intelligence and Security). It also includes records with an intelligence function created by agencies such as the Australian Federal Police, Customs, the National Crime Authority, the Department of Immigration and Ethnic Affairs, etc. In addition, it covers records of any other agency of the Commonwealth Government that receives material from agencies such as those previously mentioned, as well as foreign intelligence sources. It applies to Commonwealth records (as defined in the Archives Act) created or received in the offices of Ministers.

Note: This authority does not apply to records created prior to 1 January 1946. If you have any records created prior to that date contact the Australian Archives for disposal arrangements .

b) General Disposal Authorities (GDAs) and Specific Authorities (RDAs)

Unlike the situation with most GDAs, GDA 21 supersedes the provisions of RDAs for intelligence-related records. This is designed to ensure that there is consistency in the disposal and subsequent public access treatment of these records.

This GDA does NOT apply, however, to the disposal provisions for dossiers or case files on individuals or organisations. Such dossiers or case files are subject to the provisions of RDAs issued to specific agencies.

Where you encounter records that do not appear to be covered by this GDA, only then should they be sentenced under an appropriate class in other GDAs or specific authorities (RDAs) formulated specifically for your agency.

c) Electronic Records

Any electronic records that are created which relate to the intelligence function are also covered by this GDA. If electronic records are identified as having permanent value, then you must ensure that the records remain accessible and are migrated with each system upgrade. In such instances the relevant supporting documentation and software should also be maintained.

d) Master Set

The master set will comprise discrete series of any formal intelligence report or product issued by the agency (or its predecessors), and recorded in distribution records as being allocated to this set. This set comprises the "archives copies". In cases where the designated archives copy cannot be located (or there is no designated archives copy) another will be substituted in its place. The archives copy should always remain part of its series and should never be placed on a file.

e) Collation Material

Collation material is used for reference in the reporting and provision of intelligence. Usually there is no formal creation, arrangement or control of this material except in very broad terms, and idiosyncratic to its creator. It is selected information gathered from a wide range of random sources. This reference material is accumulated and maintained by individual officers and reflects their areas of interest or priorities. The material is subject to regular culling by the officer as part of ongoing administration, to ensure only current material is retained.

f) Copies

The disposal action authorised by this GDA for copies of formal intelligence reports/product is identical to that provided by the 'Normal Administrative Practices' (NAP) provisions of the Archives Act. However, as these records are usually accountable (numbered) documents and multiple copies often exist within the agency, they have been included in this authority to provide guidance regarding management during their active life (i.e., these records should not be placed on file, but maintained independently to facilitate disposal when reference ceases).

g) Security

The disposal action in this GDA for accountable (numbered) reports/product does not impinge on any security requirements for the management of such records. In accordance with established security procedures, these records should either be destroyed (and the originating agency informed of such destruction) or returned to the originating agency when reference ceases.

h) Foreign Government Material

Where foreign government material has been incorporated in a file, it becomes an integral part of that file, which is a Commonwealth record as defined in the *Archives Act*. The disposal decision applies to the file as an item. Under no circumstances can such material be removed from the file. Nor may a file containing foreign government material be destroyed if it includes any material which is considered worthy of permanent retention.

Management of foreign government material is most readily achieved if the material is maintained independently.

i) Transfer

Following access examination of records of agencies listed in s.29 (8) of the Archives Act, if records are determined to be available for public access, they should be transferred to the Australian Archives in accordance with the terms of the Archives Act. Any archival records which are retained in agency custody must be registered with the Australian Archives in accordance with a determination under s.29.

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Entry	Description of Records	Disposal Action	Recommended Custody
1	INTELLIGENCE POLICY Records documenting the development of intelligence functions and policy		
1.1	Records documenting the development of intelligence functions and the formulation of policy and precedent directed towards the achievement of the functions	Retain permanently	Discuss transfer arrangements with Australian Archives
1.2	Routine administrative, working and background material generated as a result of implementation of policy	Destroy 10 years after action completed	Hold in agency pending destruction
2	INTELLIGENCE PRODUCT Formal intelligence reporting/product generated by the agency and predecessor agencies		
2.1	Master set (see Scope Note e)	Retain permanently	Discuss transfer arrangements with Australian Archives
2.2	Any other copies held within the agency, including accountable (numbered) copies and duplicate copies	Destroy when reference ceases (see Scope Notes f and g)	Hold in agency pending destruction
3	Records documenting the preparation and distribution of formal intelligence product		
3.1	Records documenting development of policy and procedures	Retain permanently	Discuss transfer arrangements with Australian Archives

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Entry	Description of Records	Disposal Action	Recommended Custody
3.2	Records comprising only background material, work programs and routine administrative material	Destroy 5 years after action completed	Hold in agency pending destruction
4	Formal intelligence reporting/product generated and/or distributed by other agencies	Destroy, or return, as determined by originating agency, when reference ceases (see Scope Notes f and g)	Hold in agency pending destruction or return
5	INTELLIGENCE LIAISON Records documenting co-operation and liaison between the agency and other agencies in support of intelligence functions/activities		
5.1	Records documenting the development of policy and procedures for co-operation and liaison	Retain permanently	Discuss transfer arrangements with Australian Archives
5.2	Routine administrative and working material generated as a result of co-operation and liaison arrangements, including requests to other agencies for information and details received in response	Destroy 5 years after action completed	Hold in agency pending destruction
6	Records documenting the provision of, or comment on, intelligence information by the agency in response to a specific request from a customer agency		

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Entry	Description of Records	Disposal Action	Recommended Custody
6.1	Cases involving significant effort and/or provision of a substantial reply by the agency	Retain permanently	Discuss transfer arrangements with Australian Archives
6.2	Cases involving routine action, provision of a routine reply, or where the case is unable to be fulfilled by the agency	Destroy 5 years after last reference	Hold in agency pending destruction
7	<p>INTELLIGENCE SUPPORT</p> <p>Records documenting the deployment of collection resources and the management of sources of intelligence</p>		
7.1	Records documenting the development of policy and procedures	Retain permanently	Discuss transfer arrangements with Australian Archives
7.2	<p>Routine administrative and working material generated as a result of deployment and management of sources of intelligence</p> <p>[NOTE: This GDA does not apply to dossiers or case files as defined in Scope Note b]</p>	Destroy when reference ceases	Hold in agency pending destruction
8	Random collations of material used for reference in the reporting and provision of intelligence (see Scope Note e)	Destroy when reference ceases	Hold in agency pending destruction

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Entry	Description of Records	Disposal Action	Recommended Custody
9	Material provided by foreign governments, including material governed by specific conditions of access and control	Return, or destroy, as determined by the foreign government, when Australian government reference ceases (see Scope Note i)	Hold in agency pending destruction or return
10	Records relating to research and development for provision of equipment and facilities to support the intelligence function		
10.1	Records on reporting and implementation of the outcome of the research and development process	Retain permanently	Discuss transfer arrangements with Australian Archives
10.2	Records of the research and development process including experimentation and testing	Destroy when reference ceases	Hold in agency pending destruction
11	Records relating to provision of equipment and facilities (including property) to support the intelligence function		
11.1	Records documenting the development of policy on the legal aspects of: acquisition and disposal, leasing, management, and environmental issues (except as where property matters are covered by GDA 13 for Accommodation, Property and Works Records)	Retain permanently	Discuss transfer arrangements with Australian Archives

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Entry	Description of Records	Disposal Action	Recommended Custody
11.2	Records relating to maintenance, servicing, staffing and use of equipment and facilities (except as where staffing matters are covered by GDA 17 for Staff and Establishment Records)	Destroy 5 years after action completed	Hold in agency pending destruction

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