



ELECTRONIC DATA RETENTION AND ARCHIVING POLICY

INTRODUCTION

The rise to predominance of electronic communication mandates electronic message management systems and general filing systems comparable to existing hard copy filing systems.

Employees and volunteers of Hobart FM acquire no rights in any material, electronic or otherwise, created by in the course of their volunteering, or accessed on Hobart FM equipment.

PURPOSE

Electronic document retention management needs to meet multiple objectives:

1. that document retention does not materially degrade IT system performance;
2. that important documents and communications remain accessible for operational purposes;
3. that legal document retention requirements are met; and
4. that *Privacy Act* obligations to delete certain personal information is complied with.

To help employees determine what information sent or received by email should be retained and for how long, this policy identifies the broad categories of electronic messages processed by the Hobart FM system and sets out the factors to be considered in setting practice guidelines to be adopted in each case.

CORE POLICY

Material that should be preserved should be clearly distinguished from material that should be purged from the system.

RESPONSIBILITIES

It is the responsibility of the Committee to ensure that:

- staff and volunteers are aware of this policy;
- any breaches of this policy coming to the attention of management are dealt with appropriately.

It is the responsibility of the all employees and volunteers to ensure that their usage of email conforms to this policy.

PROCESSES

The first step is to consider whether there is a particular legal obligation to retain the email for a minimum period of time. The email can then be classified for Hobart FM's internal purposes as one of:

1. Material of permanent significance (perpetual)
2. Administrative correspondence (4 years)



3. Fiscal correspondence (4 years)
4. General correspondence (1 year)
5. Ephemeral correspondence (retain until read and acted upon, then destroy)

The email should then be retained for the longer of the minimum legal period and the period set down in Hobart FM's internal classification.

Classification of Correspondence

1. Material of permanent significance

Material that requires permanent retention include:

- any material required to be retained in accordance with legal obligations (see further explanation below under the heading, 'Legal Requirements');
- items of historical significance to the organisation;
- emails creating or recording permanent legal relationships; and
- items recording significant policies or precedents.

To ensure material of permanent significance is retained in an accessible format, a mailbox is to be created. Users should copy (cc) to this address when receiving or sending such email. Retention of such material will be administered by the Secretary.

2. Administrative Correspondence

Hobart FM's Administrative Correspondence includes, though is not limited to, confidential management information, volunteer-related information, and project-related correspondence.

To ensure Administrative Correspondence is retained in an accessible format, a Server file is to be created. Email users should copy (cc) to this address when receiving or sending such email. Retention of such material will be administered by the Secretary.

3. Fiscal Correspondence

Hobart FM's Fiscal Correspondence includes all information related to revenue and expense for the organisation. To ensure Fiscal Correspondence is retained, a Server file and an email folder/address is to be created. Email users should copy (cc) to this address when receiving or sending such email. Retention of such material will be administered by the Treasurer.

4. General Correspondence

Hobart FM's General Correspondence covers information that relates to customer interaction and the operational decisions of the organisation. The individual employee is responsible for email retention of General Correspondence where this is likely to be of continuing usefulness. General correspondence may include such things as Instant Messenger Correspondence, which may be saved with the logging function of Instant Messenger, or copied into a file and saved. Instant Messenger conversations that are Administrative or Fiscal in nature should be copied into an email message and sent to the appropriate email retention address.

5. Ephemeral Correspondence

Hobart FM's Ephemeral Correspondence is by far the largest category and includes personal emails, emails dealing with the work of the day, and emails containing information outdated by events. Staff may destroy this after reading and acting on the material.

6. Personal Information

Information of a personal nature such as members records will be maintained by the Secretary or Membership Secretary and filed and stored accordingly.

Legal requirements

1. *Australian Charities and Not for Profit Commission Act 2012 (Cth)*

Section 55-5 requires a registered entity to keep for 7 years written records that correctly records its operations, so as to enable any recognised assessment activity to be carried out. Under section 55-10 a recognised assessment activity includes an activity carried out to assess compliance with the *Australian Charities and Not for Profit Commission Act* and Regulations under that Act.

Citing just two examples of obligations under the *Australian Charities and Not for Profit Commission Regulations 2013*:

- a registered entity must take reasonable steps to ensure its board members disclose any perceived or actual material conflicts of interest of any board members. If a board member was to send an email to the rest of the board disclosing a conflict of interest then this would need to be retained;
- a registered entity must take reasonable steps to ensure its board members do not allow the entity to operate while insolvent. Any email discussion between board members regarding the solvency of the entity (ie its ability to pay its debts as and when they fall due) would need to be retained.

2. Destruction of evidence

Various state and territory laws criminalise the destruction or concealment of a document that is likely to be required in evidence in a legal proceeding.

In Tasmania under the *Criminal Code Act 1924 (Tas)* s 99, it is an offence to willfully destroy or conceal any evidence, or anything likely to be required as evidence in any judicial proceeding, with intent to mislead any tribunal in any judicial proceeding or to pervert or defeat the course of justice.

3. Correspondence involving intellectual property

Any correspondence that involves the creation of any significant intellectual property rights shall be retained at the discretion of the CEO. To ensure Administrative Correspondence is retained in an accessible format. Users should copy (cc) to this address when receiving or sending such email. Retention of such material will be administered by the Secretary.

4. Correspondence relating to litigation (or anticipated legal proceedings)

When legal proceedings are in process (or reasonably to be anticipated), particular considerations apply to document retention. This would include correspondence relating to any threatened or likely legal action against Hobart FM, relating to any alleged or likely misconduct by Hobart FM, its members or volunteers. It is the responsibility of the Committee to inform volunteers should these considerations be applicable and to circulate to volunteers any relevant changes in policy and procedures.

5. *Privacy Act 1988 (Cth)*

Under the Australian Privacy Principles implemented in accordance with the *Privacy Act 1988 (Cth)*, an APP entity (ie an entity that is obliged to comply with the Australian Privacy Principles) must take such



steps as are reasonable in the circumstances to destroy personal information, or to ensure that the information is de-identified, if the entity no longer needs the information for any purpose for which the information may be used or disclosed by the entity. The *Privacy Act* only applies to information about an individual (ie a human) it does not apply to information about entities. Furthermore, in determining whether the entity has any continuing need for the information is based upon uses that are permitted under the *Privacy Act*, not all possible uses to which the entity may want to put the information. However, this obligation is expressly subject to any obligation at law to retain the information so that an obligation to retain overrides this obligation to destroy.

Storage

It shall be the responsibility of the Secretary or their nominee to maintain backup discs or cloud back-up, and archiving from the Hobart FM email server. The email server should be backed up at least daily.

Where physical back-up media is used (rather than cloud storage) then at least once a quarter a set of discs shall be taken out of the rotation and be moved offsite. Email shall not be removed from the offsite backup discs.

RELATED DOCUMENTS/POLICIES:

- Code of Conduct Policy
- Committee Confidentiality Policy
- Transparency and Accountability Policy
- Grievance Policy
- Disciplinary Action Policy
- Volunteer Policy

AUTHORISATION

Date approved by the Committee: 17th January 2018
Review Date: January 2020

Committee President: _____
[Name]

[Signature]

Committee Secretary: _____
[Name]

[Signature]

