Do Schools need to comply?

You are required to keep some records. There are specific requirements regarding some employee records in the Fair Work Act (Commonwealth) and the Long Service Leave Act (SA). The retention of many records, however, is optional, although in many cases highly recommended.

Conditions of compliance:

Certain records are retained or archived to meet legal and fiscal requirements or future administrative needs, or because of historical significance. The retention period for some records is determined by legal or system requirements. For other records retention periods are determined by practice, precedent or accountability. The length of retention varies with the nature of the record.

If you have to comply, what do you have to do?

Consideration must be given to:

- The types of records to be kept
- The length of time for which the records should be kept
- Suggested methods of disposal and destruction of records
- Records created and stored in digital formats are available for the specified period of retention
- Appropriateness of destroying records

What are the consequences if you don’t comply?

There is the possibility of prosecution and of fines being imposed if some records are not maintained. Where records contain personal information the Privacy Act is also relevant.

Useful links:

DECD Records Management Reference Guide: Roles and Responsibilities
Privacy Manual September 2013