

Archives Advice 4

**Public Access to Government Archives in
the Restricted Access Period**

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DEFINITIONS

Appraisal	The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept to meet business needs, to maintain organisational accountability and community expectations.
Archive	A record of permanent value that forms part of the Territory Archives. ¹
Disposal	A range of processes associated with implementing authorised decisions about records retention, destruction, rearrangement, migration or transfer of custody or ownership.
Disposal schedule	A formal policy, authorised jointly by the Chief Executive of an NT Government public sector organisation and the NT Archives Service, that defines the temporary or permanent status, retention period and consequent disposal actions authorised for classes of records.
Open access period	The period during which the public can routinely access government archives held in the custody of the NT Archives Service. The open access period begins after the end of the restricted access period.
Permanent records	Records of permanent value which are in the custody of a public sector organisation. When permanent records are transferred into the custody of the NT Archives Service, they are considered an archive and form part of the Territory Archives (<i>see Archive and Territory Archives</i>).
Public sector organisation	An agency as defined in s.5 of the <i>Information Act</i> .
Record	Recorded information in any form (including data in a computer system) that is required to be kept by a public sector organisation as evidence of the activities or operations of the organisation, and includes part of a record and a copy of a record.
Responsible public sector organisation	Public sector organisation (as defined above) that is responsible for the function to which the record or archive relates.
Restricted access period	The period during which decisions on access to government archives held in the custody of the NT Archives Service are made by the public sector organisation responsible for the archives (s.144 of the <i>Information Act</i>).
Series	Those records or archives having the same provenance which belong together because: <ul style="list-style-type: none">▪ they are part of a discernible filing system (alphabetical, numerical, chronological, or a combination of these);▪ they have been kept together because they result from the same activity, or▪ they are of similar formats and relate to a particular function. A series may consist of only one item. ²
Territory Archives	Records held on behalf of the Territory by the archives service. ³

¹ . s. 4 *Information Act*

² . Judith Ellis (ed.) *Keeping Archives 2nd Edition*, (Australian Society of Archivists and DW Thorpe, Melbourne 1993), p.479

³ . s. 4 *Information Act*

INTRODUCTION

Access to government archives held by the NT Archives Service is determined in accordance with Section 142 of the *Information Act*.

The *Information Act* provides for the transfer of permanent records to the NT Archives Service, where they become part of the Territory Archives. Territory Archives are preserved for their value to the government and the community.

All government archives must be open for public access eventually. The **open access period** is the period during which the public may access the archives. Public access to government archives is restricted prior to the open access period.

The **restricted access period** for government archives in the custody of the NT Archives Service is the period during which decisions on access are made by the public sector organisation responsible for the archives.

The restricted access period is negotiated by the Chief Executive Officer of the responsible public sector organisation and the NT Archives Service at the time of transfer of the records (s.142 (1) of the *Information Act*). An Access Agreement defines when an archives series will be open to the public (see *Archives Advice 1: Access Agreements for Government Archives*).

The *Information Act* provides for an open access period for government archives commencing 30 years after their creation. If it is in the public interest a 45-year restricted

access period may apply. Further extensions of ten-year periods are permissible if it is in the public interest. However, all government archives must be open after a maximum restricted access period of 100 years.

Decisions about access to government archives during the restricted access period are made by the responsible public sector organisation.

PUBLIC ACCESS WITHIN THE RESTRICTED ACCESS PERIOD

During the restricted access period, if the archives have been specifically identified in the custody of the NT Archives Service, an application for access may be made to the responsible public sector organisation through the NT Archives Service.

Individuals may also request access through Part 3 (Access and Correction Rights) of the *Information Act*. Further information about Access to Government Information can be found on the website of the Office of the Information Commissioner (www.infocomm.nt.gov.au).

HOW TO APPLY FOR ACCESS THROUGH THE NT ARCHIVES SERVICE

Researchers who wish to apply for access to restricted government archives through the NT Archives Service must complete a *Form 4 Access to Government Archives: Application for Access to Government Archives in the Restricted Access Period*. NT Archives

Service staff will provide assistance with the completion of this form.

Once the form is completed it will be forwarded to the responsible public sector organisation for action. The public sector organisation will acknowledge receipt of the application and provide contact details for the action officer and nominated timeframe for response.

Public sector organisations should note that this is not a “Freedom of Information” request.

HOW TO COMPLETE AN APPLICATION FORM

The applicant must provide her/his name and contact details and the name of the organisation she/he represents, if applicable.

NT Archives Service staff will assist the applicant to complete the description of records section of the form. This information includes identifying the public sector organisation responsible for the archives series, the series number and title, and any specific items within the series. A detailed explanation of the reason for the request must be provided.

On signing the form, the applicant must agree to use the archives in a responsible manner, including not revealing incidental information discovered in the course of their research. This form is not to be considered permission to publish any information to which access has been granted.

PUBLIC SECTOR ORGANISATION CONSIDERATIONS WHEN PROCESSING APPLICATIONS

The public sector organisation should consult the Access Agreement for the series and the series registration list. It may be useful to review any previous decisions regarding access to the series, and whether access has previously been provided under Part 3 of the *Information Act*. Further information may be sought from the applicant if considered necessary for decision making.

COMPLETED APPLICATION FORM

Once the application form has been actioned by the responsible public sector organisation, copies should be forwarded to the applicant and the NT Archives Service. If access has been granted, the applicant will need to contact the NT Archives Service to make an appointment to access the records in the Public Search Room, as per standard procedures for public access. The applicant must bring her/his approved application form when visiting the NT Archives Service to view the archives.

COPYING

Where the responsible public sector organisation has granted permission to a researcher to copy from the restricted archives series, standard NT Archives Service copying procedures will apply, and the researcher will incur any fees to cover copying costs.

PUBLICATION

Permission to access restricted government archives does not imply permission to publish any information contained in the archives. For further advice on how to apply for permission to publish information from government archives in the restricted access period, contact the NT Archives Service.

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- ▶ Archives Office of Tasmania
- ▶ Public Record Office of Victoria
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- ▶ State Records of New South Wales
- ▶ State Records Commission of Western Australia
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