

Residential Tenancies Retention and Disposal Schedule

Responsible public authority: Residential Tenancies Authority

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Scope of Retention and Disposal Schedule

This Schedule applies to core business records generated by the Residential Bond Authority, Residential Tenancies Authority, Residential Tenancies Employing Office, the Residential Tenancies Authority Board and any subsidiary committees and groups formed under the authority of the *Residential Tenancies and Rooming Accommodation Act 2008*, including any records provided to or by the Residential Tenancies Authority to other agencies relating to its core business activities.

This Schedule is to be used in conjunction with the [*General Retention and Disposal Schedule for Administrative Records*](#) (GRDS).

References to repealed legislation within this Schedule may be taken to be a reference to current legislation if the context permits.

The Residential Tenancies Authority is the responsible agency for the Residential Tenancies Authority Retention and Disposal Schedule at the time of approval of the schedule. However, in the event of an administrative change, or the transfer of a function from one public authority to another, this retention and disposal schedule will continue to apply to the records covered by the schedule. For further advice on the currency of approved retention and disposal schedules following administrative change, please contact Agency Services at Queensland State Archives on (07) 3131 7777.

Record Formats

This Schedule applies to records created in all formats, unless otherwise specified in the class description. This includes, but is not limited to, records in business systems, maps, plans, photographs, motion picture and records created using web 2.0 media.

Queensland State Archives

Department of Science, Information Technology, Innovation and the Arts



Authority

Authorisation for the disposal of public records is given under s.26 of the *Public Records Act 2002* (the Act).

No further authorisation is required from the State Archivist for records disposed of under this schedule. However, the disposal of all public records must be endorsed by the public authority's Chief Executive Officer, or authorised delegate, in accordance with *Information Standard 31: Retention and Disposal of Public Records*, and recorded in the public authority's disposal log.

Public records that are not covered by an approved retention and disposal schedule cannot be disposed of by a public authority.

Disposal of public records not covered by an approved retention and disposal schedule is a contravention of s.13 of the Act.

Revocation of previously issued disposal authorities

Any previously issued disposal authority which covers disposal classes described in this retention and disposal schedule is revoked. The Residential Tenancies Authority should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

- QDAN 552 (approved 15/10/2001); and
- QDAN 97/0061 (approved 23/05/1997).

Public records sentenced under revoked retention and disposal schedules should be re-sentenced prior to disposal.

For further advice on the currency of approved retention and disposal schedules, please contact Agency Services at Queensland State Archives on (07) 3131777.

Retention of records

All of the retention periods in this schedule are the minimum period for which the sentenced records must be maintained. Public records cannot be disposed of prior to the expiration of the appropriate retention period. However, there is no requirement for public records to be destroyed at the expiration of a minimum retention period.

Public records must be retained for longer if:

- i. the public record is or may be needed in evidence in a judicial proceeding, including any reasonably possible judicial proceeding
- ii. the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation
- iii. the public record must be retained pursuant to the *Evidence Act 1977*
- iv. there is a current disposal freeze in relation to the public record, or
- v. there is any other law or policy requiring that the public record be retained.

This list is not exhaustive.

Public records which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency regarding another legal entity and any public record which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

Records which are subject to a Right to Information application are to be retained for the period specified in section 8 – INFORMATION MANAGEMENT of the *General Retention and Disposal Schedule for Administrative Records* in addition to their required retention period according to an approved retention and disposal schedule. The two periods run concurrently, and may result in a longer required retention period overall. This is in order to cover all appeal and review processes. Even though the records subject to an application may be ready for disposal according to an approved retention and disposal schedule at the time of the Right to Information application, the additional Right to Information retention requirements must still be applied. See section 8 – INFORMATION MANAGEMENT of the *General Retention and Disposal Schedule for Administrative Records* for records of Right to Information applications.

The disposal of public records should be documented in accordance with the requirements of *Information Standard 31: Retention and Disposal of Public Records*.

For further advice on the retention and disposal of public records under an approved retention and disposal schedule, please refer to the Queensland State Archives website or contact Agency Services at Queensland State Archives on 07 3131 7777.

Records created before 1950

Records described in QDAN706v1 that were created before 1950 should be referred to Queensland State Archives for further appraisal before any disposal action is taken by the public authority. For further advice please refer to the Public Records Brief: *Pre-1950s public records* which is available from the Queensland State Archives' website.

Transfer of public records to Queensland State Archives

Records covered by a class with the disposal action of 'Retain permanently' should be transferred to Queensland State Archives with the approval of the State Archivist. Records covered by a class with the disposal action of 'Retain permanently by the Residential Tenancies Authority' are not eligible for transfer to Queensland State Archives unless re-appraised and assigned a disposal action of 'Retain permanently'.

Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer. Queensland State Archives will assess the transfer proposal before formal approval to transfer is issued. Please refer to the Guideline on *Transferring Public Records to Queensland State Archives* available from the Queensland State Archives' website. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records. Contact Agency Services at Queensland State Archives on (07) 3131 7777 for further details.

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1. BOND MANAGEMENT

The function of lodging, amending, holding and refunding bonds managed by the Residential Tenancies Authority in accordance with the Residential Tenancies and Rooming Accommodation Act 2008. Includes any directions or decisions which may be received from external agencies impacting on the processing of lodgements, refunds, and changes to bond information, such as the Queensland Civil and Administrative Tribunal (QCAT) determinations and Department of Housing and Public Works Bond Loan Payment Scheme.

Reference	Description of records	Status	Disposal action
1.1	<p>AUTHORISATIONS</p> <p><i>The activities relating to seeking and granting permission to undertake a requested action.</i></p>		
1.1.1	<p><i>Lessor's agent signatures</i></p> <p>Records relating to the management of individual authorisations related to lessors and their agents.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • lessor's agent signature record – form 8 or form R8. 	Temporary	Retain for 7 years after form is superseded or agent becomes inactive.
1.2	<p>BOND PROCESSING</p> <p><i>The activities relating to the processing of bond lodgements and refunds in accordance with the Residential Tenancies and Rooming Accommodation Act 2008.</i></p> <p><i>See reference number 2.2.1 for records relating to the bond conciliation process.</i></p> <p><i>See reference number 1.4.1 for records relating to suspicious matter reportings.</i></p>		
1.2.1	<p><i>Rental bond management</i></p> <p>Records relating to the management of rental bonds by the Residential Tenancies Authority, which includes bond lodgements and refunds.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • acknowledgement of lodgement • bad and doubtful requests 	Temporary	Retain for 7 years after finalisation of bond or conciliation process, whichever is latest.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • bond lodgement – form 2, form R2 or form 2C • bond loan records • change of lessor or lessor's agent forms 5 or form R5 • change of shared bond form 6 or form R6 • client contact records including customer identification material • direct deposit nomination form • letters including letters of authority (LOA) • notices including notice of adjournment (NOA), notice of claims (NOC) and notice of hearing (NOH) • part payment of rental bond forms 7 or form R7 • online bond lodgement form (OAF2) • online agreed form 4 (OAF4) refund form • QCAT application receipt, claims and orders • receipts • refund of rental bond forms 4 or form R4 • statutory declarations • rejection notification • transfer of bond form 3 or form 3R. <p><i>See reference number 1.2.2 for records relating to rejected bond forms that have an invalid bond or bond loan number.</i></p> <p><i>See reference number 2.1.1 for records relating to the conciliation process.</i></p>		
1.2.2	<p><i>Rejected bond forms – invalid bond or bond loan number</i></p> <p>Records relating to the management of bond forms lodged with the Residential Tenancies Authority which are not processed because either the necessary requirements under the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> are not met or an invalid</p>	Temporary	Retain for 3 years after last action.

Reference	Description of records	Status	Disposal action
	bond number or bond loan number. Records may include, but are not limited to: <ul style="list-style-type: none"> • bond lodgement form 2 or form R2 or form 2C • change of lessor lessors agent form 5 or form R5 • change of shared bond form 6 or form R6 • online bond lodgement form (OAF2) • online agreed form 4 (OAF4) refund form • part payment of rental bond form 7 or form R7 • refund of rental bond form 4 or form R4 • rejection notification • transfer of bond – form 3 or form R3. <i>See reference number 1.2.1 for records relating to processed bond forms.</i>		
1.3	DATA MANAGEMENT <i>The activities relating to the management of data and extract files provided to or by other government agencies, for the purpose of processing rental bonds and for legislative requirements.</i>		
1.3.1	<i>Electronic data interchange file</i> Records relating to the management of data and extract files provided to and by other government agencies and private organisations that is migrated into or out of the Residential Tenancies Authority's bond management system. Records may include, but are not limited to: <ul style="list-style-type: none"> • Australian Electoral Commission <ul style="list-style-type: none"> ○ forwarding addresses details ○ new data or new tenancies ○ old data or bonds finalised 	Temporary	Retain for 1 year after transfer.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • Bond Loan Payment Scheme <ul style="list-style-type: none"> ○ bond numbers created for loan contracts ○ changes to the tenant names on a contract ○ confirmation of tenancy information received ○ new loan contracts ○ pay (amount of bond money sent to RTA) ○ real estate agents listing ○ termination / finalisation of bond record ○ transfer of bond money ○ update the current bond balance • CommBank / CommBiz <ul style="list-style-type: none"> ○ daily bond refund payment file • Computershare <ul style="list-style-type: none"> ○ RTA001 operational services ○ RTA002 dispute resolution services ○ RTA003 claims • QCAT case data file <ul style="list-style-type: none"> ○ QCAT case data file ○ rejected date emails ○ processing emails. 		
1.3.2	<p><i>Queensland rental data</i></p> <p>Datasets recorded in the bond management system forming a historical summary of Queensland rental data.</p> <p>Information captured may include, but is not limited to:</p> <ul style="list-style-type: none"> • bonds held data 	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • bond lodgement data • median rents statistics. 		
1.4	<p>REPORTING</p> <p><i>The activities associated with reporting to the Australian Transaction Reports and Analysis Centre (AUSTRAC) in accordance with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 s.41, s.107 and s.108.</i></p>		
1.4.1	<p>Suspicious matter reporting</p> <p>Records relating to the reporting of suspicious matters to the Australian Transaction Reports and Analysis Centre in accordance with s.41 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • acknowledgement of lodgement • bond lodgement – form 2 • direct deposit nomination form • letters including letters of authority (LOA) • memos • online bond lodgement form (OAF2) • online agreed form 4 (OAF4) refund form • part payment of rental bond forms 7 • receipts • refund of rental bond forms 4 or form R4 • statutory declarations • rejection notification. 	Temporary	Retain for 7 years after last action.

2. DISPUTE RESOLUTION

The function of providing a conciliation service to parties of residential tenancy and/or rooming accommodation agreements to assist in the resolution of bond and tenancy disputes. Excludes disputes referred to the Queensland Civil and Administrative Tribunal (QCAT) for review.

Excludes unresolved disputes, refer to the Queensland Civil and Administrative Tribunal (QCAT) for determination of rental tenancy or bond.

Reference	Description of records	Status	Disposal action
2.1	<p>DISPUTE CASES</p> <p><i>The activities associated with receiving, acknowledging, processing and assessing requests. Includes requests for dispute resolution from agents, lessors and tenants as well as disputes that are unsuitable for conciliation.</i></p> <p><i>See section 4 for records relating to investigation cases.</i></p>		
2.1.1	<p>Conciliation</p> <p>Records relating to the management of the conciliation process for tenancy and/or bond disputes raised through the Residential Tenancies Authority in accordance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Includes disputes considered either unsuitable for conciliation or withdrawn in accordance with the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • change of lessor or lessor's agent form 5 or form R5 • change of shared bond form 6 or form R6 • agreements, eg conciliation, tenancy • dispute resolution request form 16 or Form R16 • letters • notice of unresolved dispute (NURD) • refund of rental bond form 4 or form R4 • transfer of bond form 3 or form R3 	Temporary	Retain for 7 years after finalisation of conciliation process or bond, whichever is latest.

Reference	Description of records	Status	Disposal action
	<ul style="list-style-type: none"> • change of name and marriage certificate • deceased estate information • enduring power of attorney • entry and exit condition reports • letter of authority (LOA) • notices • receipts, quotes and invoices • extract from a rental ledger. <p><i>See section 4.1 for records relating to alleged breaches of offence provisions under the Residential Tenancies and Rooming Accommodation Act 2008.</i></p>		
2.1.2	<p><i>Conciliation – conciliator notes and recordings</i></p> <p>Notes and recordings made by a Residential Tenancies Authority conciliator during a conciliation process in accordance with s.409 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p>	Temporary	Retain until conciliation process completed.

3. EXTERNAL RELATIONS

The function of administering the relationship with external bodies, such as community and other government bodies.

Reference	Description of records	Status	Disposal action
3.1	<p>CLIENT SERVICE</p> <p><i>The activities associated with establishing standards of client service and administering specialised services provided to clients by the Residential Tenancies Authority.</i></p>		
3.1.1	<p>Call recordings</p> <p>Recordings of client calls received through the Residential Tenancies Authority client contact centre and recorded for quality and coaching purposes.</p> <p><i>Refer to the General Retention and Disposal Schedule for Administrative Records for transcripts made from the recordings for staff quality and coaching purposes.</i></p> <p><i>See reference number 2.1.2 for records relating to recordings made during a conciliation process.</i></p>	Temporary	Retain until reference ceases.

4. INVESTIGATIONS

The function of administering, maintaining, revising, enforcing and investigating breaches of the Residential Tenancies and Rooming Accommodation Act 2008, the Residential Tenancies and Rooming Accommodation Regulations 2009 and any previous legislation administered by the Residential Tenancies Authority.

See the General Retention and Disposal Schedule for Administrative Records for records relating to education and training provided by the Residential Tenancies Authority.

Reference	Description of records	Status	Disposal action
4.1	<p>CASES</p> <p><i>The activities associated with receiving, acknowledging, processing and assessing requests from clients relating to possible breaches of the offence provisions contained in the Residential Tenancies and Rooming Accommodation Act 2008. Includes substantiated and unsubstantiated investigations.</i></p> <p><i>Also includes fraud claims lodged with Queensland Police Service and any other alleged illegal activity that is referred to another agency.</i></p> <p><i>See section 2 for cases relating to dispute resolution between parties to a rental bond or tenancy agreement.</i></p>		
4.1.1	<p><i>Investigations - significant</i></p> <p><i>Records relating to breaches of the Residential Tenancies and Rooming Accommodation Act 2008 and Residential Tenancies and Rooming Accommodation Regulations 2009 that are investigated by the Residential Tenancies Authority.</i></p> <p><i>Includes investigations that lead to prosecution.</i></p> <p><i>Significant investigations are those which:</i></p> <ul style="list-style-type: none"> • <i>result in changes and/or have major impact on the Residential Tenancies Authority's policies and standards</i> • <i>result in changes to the Residential Tenancies and Rooming Accommodation Act 2008 and/or Residential Tenancies and Rooming Accommodation Regulations 2009</i> • <i>result in major public interest or controversy.</i> 	Permanent	Retain permanently.

Reference	Description of records	Status	Disposal action
	<p>Records may include, but are not limited to:</p> <ul style="list-style-type: none">• bond receipts• certificate of conviction• complaint• copies of associated correspondence• court decision• court transcript• entry condition report• entry notices• evidentiary certificate• field visit• file note• information notice• infringement notice• investigation request• legal advice• rent receipts• Residential Tenancies Authority forms such as bond lodgement forms, notice to remedy breach etc• summons• tenancy agreement• title certificate• witness statement. <p><i>See reference number 4.1.2 for records relating to other investigations.</i></p> <p><i>See reference number 2.1.1 for records relating to breaches of non-penalty provisions or</i></p>		

Reference	Description of records	Status	Disposal action
	<i>breaches that are dealt with under the dispute resolution process.</i>		
4.1.2	<p><i>Investigations – other</i></p> <p>Records relating to breaches of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> and <i>Residential Tenancies or Rooming Accommodation Regulations 2009</i> which are not covered by reference number 4.1.1.</p> <p>Includes investigations that lead to prosecution.</p> <p><i>See reference number 4.1.3 for records relating to complaints that have not been actioned.</i></p>	Temporary	Retain for 15 years after last action.
4.1.3	<p><i>Complaints not actioned</i></p> <p>Records relating to complaints received by the Residential Tenancies Authority regarding alleged non-compliance of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> and <i>Residential Tenancies or Rooming Accommodation Regulations 2009</i> which are not investigated as the complaint does not relate to any offence provisions under these Acts.</p> <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • copies of associated correspondence • field visit • file note • investigation request. <p><i>See reference number 2.1.1 for records relating to breaches of non-penalty provisions or breaches that are dealt with under the dispute resolution process.</i></p>	Temporary	Retain for 2 years after last action.