



Responsible Public Authority: Office of the Ombudsman

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| <b>Queensland Disposal Authority Number (QDAN)</b> | <b>: 553</b>       | <b>Version: 2</b> |
| <b>Date of approval</b>                            | <b>: 27/01/09</b>  |                   |
| <b>Approved by State Archivist</b>                 | :                  | (Signature)       |
| <b>QSA File Reference</b>                          | <b>: QSA08/415</b> |                   |

### Scope of disposal schedule

This Schedule applies to core business records created and received by the Office of the Ombudsman including the independent investigation of complaints about the decisions and actions of Queensland public authorities and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

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

### Authority

Authorisation for the disposal of public records is given under, and subject to, the provisions of s.13 of the *Public Records Act 2002* (the Act). Public records must not be disposed of if disposal would amount to a contravention of s.13.

### Revocation of previously issued disposal authorities

Any previously issued disposal authority which applied to disposal classes described in this schedule is revoked. The Office of the Ombudsman should take measures to withdraw revoked disposal authorities from circulation. This includes, but is not limited to:

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### Disposal

All of the retention periods in this approved schedule are the minimum period the sentenced records must be maintained for.

Additionally, any class may be required to be retained longer if subject to the following requirements:

- (i) for any civil or criminal court action which involves or may involve the State of Queensland or an agency of the State; or
- (ii) because 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; or
- (iii) pursuant to the *Evidence Act 1977*; or
- (iv) for any other purpose required by law.

This list is not exhaustive.

Documents which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency viz-a-viz another legal entity and any document 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 freedom of information application are to be retained for a period greater than the time specified to ensure that all avenues for appeals for review under the legislation are exhausted, even though the records may be due for destruction according to this Schedule at the time of the application (see General Retention and Disposal Schedule for Administrative Records).

### Permanent Records

Records of permanent status may be transferred to Queensland State Archives with the approval of the State Archivist. 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. 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) 31317777 for further details.

### Revision history

| QDAN          | Date of Approval | Extent of revision     |
|---------------|------------------|------------------------|
| 553 version 1 | 15 October 2001  | Initial Schedule       |
| 553 version 2 | 27 January 2009  | Comprehensive schedule |

## 1. INVESTIGATION AND COMPLAINT MANAGEMENT

*The function of investigating complaints made to the Office of the Ombudsman into the administrative actions of a public authority in accordance with the Ombudsman Act 2001.*

*See the General Retention and Disposal Schedule for Administrative Records for records of submissions made to external agencies and parliamentary correspondence.*

| Reference | Description of Records  | Status    | Disposal Action                      |
|-----------|---|-----------|--------------------------------------|
| 1.1       | <p><b>COMPLAINTS</b></p> <p><i>The activity of handling expressions of dissatisfaction received by the Office of the Ombudsman into the administrative actions of a public authority in accordance with the Ombudsman Act 2001. This also includes the activities associated with receiving, assessing, investigating, monitoring and resolving those complaints.</i></p> |           |                                      |
| 1.1.1     | <p><b><i>Investigated complaints</i></b></p> <p>Records relating to complaints received that are investigated by the Office of the Ombudsman including cases where no evidence of maladministration is established.</p>   | Permanent | Retain permanently.                  |
| 1.1.2     | <p><b><i>Public Interest Disclosures</i></b></p> <p>Records relating to public interest disclosures investigated by the Office of the Ombudsman in accordance with the <i>Whistleblowers Protection Act 1994</i>.</p>   | Permanent | Retain permanently.                  |
| 1.1.3     | <p><b><i>Reviews</i></b></p> <p>Records relating to requests for the review of a decision about a complaint made by the Office of the Ombudsman. Includes records of the original complaint.</p>  | Permanent | Retain permanently.                  |
| 1.1.4     | <p><b><i>Out of jurisdiction</i></b></p> <p>Records relating to complaints received that are outside the jurisdiction of the Office of the Ombudsman. Includes referrals of complaints to other agencies.</p>   | Temporary | Retain for 1 year after last action. |

| Reference | Description of Records  | Status    | Disposal Action                       |
|-----------|---|-----------|---------------------------------------|
| 1.1.5     | <b>Withdrawn</b><br>Records relating to complaints received by the Office of the Ombudsman that are withdrawn by the complainant.   | Temporary | Retain for 2 years after last action. |
| 1.1.6     | <b>Declined</b><br>Records relating to complaints received by the Office of the Ombudsman that do not warrant further investigation.  | Temporary | Retain for 2 years after last action. |
| 1.1.7     | <b>Discontinued</b><br>Records relating to complaints received by the Office of the Ombudsman that are discontinued once an investigation has commenced.  | Temporary | Retain for 5 years after last action. |
| 1.1.8     | <b>Enquiries</b><br>Records relating to requests for information and assistance that are not specifically complaint related.  | Temporary | Retain for 2 years after last action. |
| 1.2       | <b>INVESTIGATIONS</b><br><i>The activity of investigating administrative actions of a public authority at the request of the Assembly or a committee of the Assembly or on the Ombudsman's own initiative in accordance with the Ombudsman Act 2001.</i>                        |           |                                       |
| 1.2.1     | <b>Parliamentary Referral</b><br>Records relating to investigations of administrative actions of a public authority referred to the Office of the Ombudsman by the Assembly or a statutory committee of the Assembly in accordance with s.19 of the <i>Ombudsman Act 2001</i> . | Permanent | Retain permanently.                   |
| 1.2.2     | <b>Ombudsman's Initiative</b><br>Records relating to investigations of administrative actions of a public authority undertaken at the Ombudsman's own initiative.   | Permanent | Retain permanently.                   |



| Reference | Description of Records  | Status    | Disposal Action                        |
|-----------|---|-----------|--|
| 1.3       | <b>EDUCATION AND TRAINING</b><br><i>The activity of providing information and training to individuals and organisations on their responsibilities for administrative actions and practices. It also includes the provision of information to the broader community to build awareness of administrative actions and practices. Includes organising workshops, training programs, and the development of newsletters and fact sheets etc.</i>  |           |  |
| 1.3.1     | <b>Master copies of capacity development material</b><br>Master copies of capacity development tools and materials, for example, educational kits, newsletters and planning models or frameworks.   | Temporary | Retain for 10 years after last action. |
| 1.3.2     | <b>Development records</b><br>Records supporting the development of capacity initiatives. Includes circulated drafts, research and associated correspondence.   | Temporary | Retain for 2 years after last action.  |
| 1.4       | <b>POLICY</b><br><i>The activity of drafting and releasing policies, standards, instructions and guidelines relating to complaints management, and/or administrative practice for public sector agencies.</i><br><i>See the General Retention and Disposal Schedule for Administrative Records for records relating to the formulation and promulgation of internal operating policies and procedures.</i><br><i>See also the General Retention and Disposal Schedule for Administrative Records for legal deposit requirements for publications.</i> |           |  |
| 1.4.1     | <b>Master set</b><br>Master set of policies and guidance products relating to enhanced administrative practices for public authorities. Includes final versions of compliance indicators, frameworks and risk assessment tools.   | Permanent | Retain permanently.                    |

| Reference | Description of Records  | Status    | Disposal Action                                    |
|-----------|---|-----------|--|
| 1.4.2     | <b>Development records</b><br>Records relating to the development of policies and guidance products. Includes drafts and records of stakeholder consultation.   | Temporary | Retain for 10 years after last action.             |
| 1.5       | <b>RESEARCH</b><br><i>The activities involved in reviewing or undertaking research into the business of the Office of the Ombudsman, including complaint related matters, administrative improvement activities, communication activities and surveys.</i>  |           |  |
| 1.5.1     | <b>Original Unpublished Research – Summary/Final Reports and Evaluations</b><br>Records of original unpublished research into activities relating to the business of the Office of the Ombudsman, including complaint related matters, improved administrative practices, and communication activities. Includes research reports developed or commissioned by the Office of the Ombudsman. | Permanent | Retain permanently by the Office of the Ombudsman. |
| 1.5.2     | <b>Original Research – Other Records</b><br>Other records relating to original research (published and unpublished) performed by the Office of the Ombudsman into activities relating to the business of the Office of the Ombudsman, including complaint related matters, improved administrative practices, and communication activities.   | Permanent | Retain permanently by the Office of the Ombudsman. |