PER 0075

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The Manager
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PERSONNEL RECORDS

From time to time the department has attempted to establish some ground rules regarding its personnel records, particularly those which should be retained and those which may be destroyed.

The department like many others, has just completed a major restructuring and it is appropriate that we again address some issues of information retention/destruction.

Some years ago the department drafted proposed guidelines for the retention/destruction of personal and vacancy files. In your response (21 January 1993) you said personal files for SES employees (NB: SES no longer operates) and those in senior positions should be passed on to you. For other employees "a random sample" should be sent to you. In addition you suggested the printouts attached to the front of all employee files should be removed and transferred to National Archives before they are destroyed.

For vacancy files it was suggested a sample should be retained as they provided information on the market place as well as the department's recruitment policy and selection criteria.

While some vacancy files have been `culled' no personal files have been destroyed. The department has been in existence for a little over 10 years and at this stage we plan to retain personal files for all staff.

In addition to the legislation which provides for you to retain information the Privacy Act has been introduced since we last corresponded.

The purpose of my writing at this stage is to refine our guidelines regarding retention/destruction of vacancy files. As you will appreciate with the recent restructuring we have a large number of vacancy files resulting from the appointment round. In addition our structure, and the changed method of operation demand that guidelines be issued to regions and conservancies. Prior to restructuring vacancy files were held by Head Office only. In future they will be held by Head Office, regional offices and conservancies.

The Privacy Act, Principle 9, states that an agency shall not keep personal information for longer than is required for the purposes for which it may lawfully be used, while Principle 10 constrains the use of information to that for which it was obtained, in the case of vacancies to appointments to the vacancy. Consequently I am caught somewhat in a quandary when on the one hand we are really obliged to destroy the schedules after an appointment has been made while on the other you want to retain a sample number of files.

Under the State Sector Act we are obliged to notify appointments and most are open to review. Our review procedures provide for review applications to be lodged within 14 days of notification so we are obliged to retain all papers at least that long.

Under the Employment Contracts Act an employee has up to 90 days within which to lodge a personal grievance while the Limitations Act allows for a Judicial Review to be sought within 6 years.

In the latter two cases it would most likely become well known early on in proceedings that someone is not happy with an appointment or the process etc, and that some form of review is likely to be sought and therefore a particular vacancy file should be retained.

Our practice to date has been to destroy all application papers of the successful applicant. after a period of 2 years. We have however retained the write-up and the application of the successful appointee. This we feel is adequate as the write-ups generally indicate the number of applications received, the number interviewed etc. We would like to continue along these lines but before any instructions are issued to regions and conservancies, with whom future applications will be lodged and held, I would like to formalise with you a simple and practical arrangement which not only meets the legal requirements placed on the department but also meets yours.

I would be happy to discuss the matter at a convenient time.

[name removed]
Manager Human Resources Operations
for Director-General