

Identifying Permanent and Temporary Cabinet-in-Confidence Departmental Records

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This fact sheet provides information about which Cabinet-in-Confidence (CiC) records are PERMANENT and which records are TEMPORARY and outlines what actions to take regarding these records during the Caretaker period.

It should be used by departmental staff who have responsibility for the management of CiC records in their department and affiliated portfolio agencies. Reference to departmental records includes records held by portfolio agencies, entities and statutory bodies.

About CiC records

CiC records are held by departments in either hardcopy or digital form.

In summary, as outlined in S28 of the *Freedom of Information Act 1982*, a document is classified as CiC if it:

- discloses or details a deliberation or a decision by Cabinet or a Cabinet Committee
- has been prepared for consideration by Cabinet or a Cabinet Committee
- provides advice on a Cabinet or Cabinet Committee submission.

When a State election is called, departments must prepare departmental CiC records for the Caretaker period¹ in accordance with Cabinet Office advice.

It is recommended that departmental CiC records be arranged and managed according to their archival status (permanent or temporary) to streamline the Caretaker period process.

Departments are responsible for ensuring they identify and sentence their digital and hardcopy CiC records appropriately using [PROS 07/01 Common Administrative Functions Retention and Disposal Authority](#).

¹ Caretaker commences at the time the Legislative Assembly expires or is dissolved. Section 38(1) of the *Constitution Act 1975* sets out that the Assembly shall expire on the Tuesday which is 25 days before the last Saturday in November, which is closest to being four years from the last election. Caretaker continues until the election result is clear (Cabinet Handbook 2017).

Identifying permanent Cabinet records

Permanent departmental CiC records are required as State Archives. Records classified as having *permanent* value are those original CiC documents prepared by departments for Cabinet or a Cabinet Committee consideration or contain policy critical content.

For full information defining this classification see class 7.4.0 Cabinet Business Management in [PROS 07/01](#).

For example permanent CiC records can include:

- the original signed departmental submission approved by the Minister
- draft submissions and supporting attachments
- department-internal or inter-departmental consultation and briefing notes, memos and comments
- background materials that contain policy critical content.

What to do with permanent CiC records during the Caretaker period?

When a State election is called and the Caretaker period has commenced, the custody of all existing permanent digital CiC records must be transferred to the Cabinet Office for safe keeping. The physical hardcopy permanent CiC records must be securely stored in the department (under control and custody of the Cabinet Office) until the election outcome is known.

All post-election outcomes must be actioned only upon the formal advice of the Cabinet Office.

If a new Government is elected:

- custody of all permanent CiC digital records will be formally transferred by the Cabinet Office to Public Record Office Victoria (PROV)
- all permanent CiC hardcopy records will be physically transferred by the departments to PROV
- access to all CiC records at PROV will be closed to the public for a period as determined by the Premier
- all digital CiC records must be purged from departmental systems.

If the incumbent Government is returned to office:

- all permanent digital CiC records will be transferred to PROV
- permanent hardcopy may be retained in the department until the next election (departments may transfer hardcopy records to PROV on a case-by-case basis if no they are no longer required by the department)
- copies of digital CiC records will be retained in department systems as 'view only'. Documents must not be edited or modified.

Identifying temporary Cabinet records

Temporary records are of ephemeral value and are either duplicates or notes of short term administrative value.

For full information defining this classification see class 7.4.0 Cabinet Business Management in [PROS 07/01](#).

For example temporary CiC records can include:

- duplicates of Cabinet/Committees agendas, briefs, minutes circulated by Cabinet Office
- duplicates of submissions and supporting attachments circulated by Cabinet Office
- duplicates of decision extracts circulated by Cabinet Office
- notes made by agency officials attending Cabinet or Cabinet committee meetings to give advice.

What to do with temporary records during Caretaker period?

When a State election is called and the Caretaker period has commenced, departments must prepare temporary value records in accordance with [PROS 07/01](#).

What to do with hardcopy CiC records that have been digitised?

Hardcopy CiC records that have been digitised can be disposed of after quality assurance procedures have been completed and in accordance with Cabinet Office advice.

For further information see [PROS 10/01 Converted Source Records Retention and Disposal Authority](#).

Additional information

Please refer to Department of Premier and Cabinet's *Advice to Cabinet, Liaison and Legislation Officers—Management of Cabinet in Confidence material during Caretaker 2018*.

If you have a question on PROV specific matters, please contact us via our [online enquiry form](#).

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