



DOCUMENT RETENTION AND DISPOSAL POLICY

1. PURPOSE

- 1.1 The purpose of this policy is to outline for employees, how to manage retain and dispose of company documents and records. It is to also ensure all AOA staff, are aware of and comply with our statutory obligations for the retention and disposal of electronic and paper-based records.
- 1.2 All documents created or received by the Australian Orthopaedic Association (AOA) deemed to be of a nature that requires keeping for a period of time will be managed according to this policy. This will ensure a considered and consistent AOA approach to document handling, retention and destruction.

2. SCOPE

- 2.1 This policy applies to all AOA employees and contractors and covers both physical and electronic records generated in the course of AOA operations. This includes but is not limited to:
 - paper documents – both originals and copies;
 - digital documents and records such as emails, slack, teams and zoom posts and records, videos, audio and photographs;
 - contracts, invoices, orders and insurance policies;
 - corporate documents such as the AOA Board and Board Committee agendas and minutes;
 - financial and tax documents;
 - employee records; and
 - data generated from AOA systems.

3. RESPONSIBILITY

- 3.1 It is the responsibility of all AOA Staff to manage and ensure practices comply with this policy and its revisions from time to time.

4. POLICY

- 4.1 There are legal obligations upon AOA and/or its staff to ensure documents are stored securely, and in some cases, for prescribed periods of time.

For the abundance of caution and to ensure, where applicable, the relevant legal requirements are complied with, it is recommended that all records generally be kept for a minimum period of seven (7) years after the matter/issue to which they relate has been completed or finalised. Ideally, if possible electronic records should be retained for a longer period, at least 10 years.



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- 4.2 It is noted that some types of documents may be retained for a shorter period of five (5) years as per the **Appendix 1** Those documents may be stored electronically provided they can be printed out in hard copy if required.

STRATEGIES:

- Legal Requirements
- Business Records
- Taxation Records
- Employee Records
- Privacy
- Other documents
- Document destruction/archiving

5. Legal requirements

- 5.1 In accordance with legal requirements (National Archive Notice of Disposal Freeze) and the Final Report Recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, the following records must be retained indefinitely (this may be most relevant in any Registry data collated):
- 5.1.1 All records of Aboriginal and Torres Strait Islander clients
 - 5.1.2 All records in relation to patients who, at the time the record was created, were aged less than 18 years. These records must not be disposed of even if the relevant minimum retention periods have been reached, and the patient is no longer aged less than 18 years.
- 5.2 There are various record retention and management requirements imposed in relation to certain classes of documents and in some cases, upon organisations or individuals.
- 5.2 If unsure advice must be sought (through the COO) from the AOA insurer in relation to its views regarding whether it is sufficient to simply keep electronic copies of documents, as in the event of a complaint or claim it will be the insurer who will be required to make a decision as to whether to indemnify AOA.
- 5.3 AOA enters into several different types of contracts/agreements with third parties, such as Sponsorship Agreements and Service Agreements. It is considered best practice to keep the hard copy (original) and a scanned copy of such documents for at least 7 years after the execution of the document or the finalisation of the issue the document relates to (whichever is later). However, if there is no residual risk relating to any such document, then it may be decided (on a case-by-case basis) that only a scanned copy of the document needs to be retained.

6. Business Records



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- 6.1 The Corporations Act 2001 (Cth) (section 286) requires companies to retain general accounting records for a minimum of seven years (7) after completion of the transactions to which they relate (explaining the transactions and financial position of the company, to enable true and fair accounts to be prepared).
- 6.2 Under section 289 of the Corporations Act, a company may decide where to keep records. However, if records are kept outside the jurisdiction, sufficient written records about those matters must be kept within the jurisdiction to enable a true and fair financial statement to be prepared. Additionally, a company must give ASIC written notice of the place where the information is kept. Generally, electronic records are kept at the place where the server on which they are stored is located.
- 6.3 Business records may be kept in paper or electronic form. However, records kept electronically must be found to be secure and accurate. It is understood that the Australian Taxation Office ('ATO') accepts an image (scan) of paper business records, which are kept on an electronic storage medium, provided that the electronic copies are a true and clear reproduction of the original paper records. Once documents are stored in the electronic storage medium, the ATO does not require businesses to keep original paper records.
- 7. Taxation Records**
- 7.1 The Income Tax Assessment Act 1997 ('ITAA') requires taxpayers to retain records for five (5) years after the date on which they were prepared or obtained, or the date of completion of the transactions or acts to which they relate, whichever is the later. There is however scope for the retention period to be extended where the period in which the Commissioner may amend an assessment has been extended. All taxation records must be kept in a form that tax officers can access and understand in order to determine a taxpayer's tax liability.
- 7.2 Other retention obligations relate to specific parts of the ITAA. For example, record-keeping obligations with respect to capital gains tax are more onerous, with records required to be kept over the life of the asset, as well as for five (5) years after the final relevant capital gains tax event relating to that asset.
- 7.3 Records relating to payroll tax must be retained for five (5) years after completion of the transactions to which they relate.
- 7.4 Records relating to fringe benefits tax must be retained for five (5) years from the date they are prepared, obtained or the transactions completed.
- 7.5 Failure by a taxpayer company to retain required records may be an offence incurring penalties. Furthermore, any person who is concerned in or takes part in the management



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of the company (whether or not an officer), is taken to have personally committed the offence and may be personally liable.

8. Employee Records

8.1 All employee and contractor records must be kept for five (5) years. For employees and/or contractors the ATO requires the following information to be kept:

- copies of tax file number declarations or withholding declarations;
- copies of any contracts with contractors;
- records of wages, allowances and other payments made to workers;
- copies of payments and reports provided to the ATO;
- copies of payment summaries;
- superannuation records, including payments made and records that show choice of super fund obligations have been met;
- records of fringe benefits provided, tax calculations, worksheets, declarations, elections and supporting details.

9. Privacy

9.1 The Privacy Act 1988 (Cth) requires that records containing personal information must be destroyed or permanently de-identified when no longer needed for any purpose for which the information may be used or disclosed.

10. Other documents

10.1 A range of other documents may be dealt with by AOA and their recommended retention period below:

- company documents (including minutes of meetings) – in perpetuity;
- original certificates of title (including real property title and share certificates) – in perpetuity;
- trust deeds – during the life of the trust and for 13 years following the end of the trust; and
- any type of deed, including Confidentiality Deeds – not less than 13 years after the deed's execution or the finalisation of the issue to which it relates.

11. Document destruction/archiving

11.1 The Financial Controller is responsible for the ongoing process of identifying AOA records, which have met the required retention period, and overseeing their destruction.

11.2 Destruction of financial and personnel-related documents will be accomplished by shredding.

11.3 Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon the conclusion of the investigation.



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- 11.4 Items that are currently in storage adhere to this policy; any records that have exceeded the time limits are destroyed. Other items, which may be considered significant for historical or other value, will be digitally archived where possible, with the hard copies destroyed.
- 11.5 Historically valuable and original documents will be retained. Where possible they will also be scanned. The hard copies will also be maintained in storage.
- 11.6 The Financial Controller will maintain an accurate and up-to-date Record Retention and Disposal Register detailing record retention, and a destruction schedule.
- 12. Performance Indicator/s**
- 12.1 Documents to be kept for specified time frames will be available when required.

POLICY DOCUMENT MANAGEMENT			
Principal Policy Owner		CEO	
Secondary Policy Owner		COO	
Board Endorsed		October 2022	
Reviewing Authors		Evelyne Tadros ELG	
Reviewed		August 2022	
Board Endorsed		February 2017	
Original Author		Kathy Hill	
Date Developed		December 2016	
Approved by CEO	Name: Adrian Cosenza	Signature: 	Date: October 2022



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APPENDIX 1

Dept.	Document	Description	Person Responsible	Hard Copy, Soft Copy or Both	What is the retention requirement for this document?	Can this document be scanned and the hard copy destroyed?
E&T	Selection Applications	Selection applications, received electronically, printed and then marked by hand on hard copy.	Executive Manager, National Education & Training	Hard Copy	7 years (although they should be retained in electronic form in perpetuity)	Yes
E&T	Contracts for Education Fund Sponsorship		Executive Manager, Regional & Education Development	Both	7 years after end of contract term	preferably not
Fellowships	Service Agreements	Executed agreements are often signed by one party and then emailed through to AOA. These are then printed for the CEO to sign.	Fellowships Manager	Both	7 years after end of contract term	preferably not
Fellowships	Application forms	Fellowship accreditation application forms are received electronically	Fellowships Manager	Both	7 years after commencement of Fellowship (although they should be retained in	Yes



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Ref No: POL007
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		and are printed in order for finance to process payment fee			electronic form in perpetuity)	
Fellowships	Supervisor and Fellow Reports	Reports are completed at the end of a fellow's tenure by both the fellow and the supervisor. These are then saved electronically.	Fellowships Manager	Both	7 years after finalisation of any issue arising therefrom, otherwise 7 years from date of document	Yes
Comms	Bulletins, Annual Reports	Printed and bound publications	Chief Member Experience Officer	Hard copy	in perpetuity (for historical purposes)	Yes
Comms	Ad contracts	Scanned ad contracts	Chief Member Experience Officer	Both	7 years after end of contract term	preferably not
Comms	Folders of print communications collateral	Four shelves worth of folders filled with various publications, such as ASM events	Chief Member Experience Officer	Hard Copy	in perpetuity (for historical purposes)	Yes
E&T	Bone School attendance records	sent via email	Executive Manager, National Education & Training	both	7 years	Yes



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E&T	Director training nomination forms	filled in, emailed, printed in folder	Executive Manager, National Education & Training	both	5 years after nomination or cessation of appointment (whichever is later)	Yes
E&T	Training supervisor nomination forms	filled in, emailed, printed in folder	Executive Manager, National Education & Training	both	5 years after nomination or cessation of appointment (whichever is later)	Yes
E&T	Trainee welcome/fare well dinner registration forms	2014 reg forms including CC details	Executive Manager, National Education & Training	both	5 years	Yes
E&T	IMG specialist assessment forms	IMG assessment forms 2013 only - 2014/15 ones are always soft	Executive Manager, National Education & Training	both	7 years (although they should be retained in electronic form in perpetuity)	Yes
E&T	FTC Papers	a hard copy version of the FTC agenda items and papers	Executive Manager, National Education & Training	both	in perpetuity (in electronic form)	Yes
E&T	Past QAR Assessments	QAR assessments not completed via the online assessment suites	Executive Manager, National Education & Training	both	7 years (although they should be retained in electronic form in perpetuity)	Yes



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E&T	Past DOPS assessments	DOPS assessments not completed via the online assessment suites	Executive Manager, National Education & Training	both	7 years (although they should be retained in electronic form in perpetuity)	Yes
E&T	Training Agreements	Trainee sign the agreement as contract when selected for training	Executive Manager, National Education & Training	both	7 years after completion of training	Yes
E&T	Trainee files for Training Completed		Executive Manager, National Education & Training	both	7 years after completion of training	Yes
E&T	Trainees hardcopy files for dismissed trainees		Executive Manager, National Education & Training	both	7 years after finalisation of issue	Yes
E&T	Training correspondence	Letters correspondence from Trainees / Fellows / Other external bodies	Executive Manager, National Education & Training	Hard copy / soft copy	7 years after completion of training	Yes
E&T	Accreditation Applications	Application from hospitals for new / additional / existing training posts	Executive Manager, National Education & Training	Hard copy / soft copy	ideally, in perpetuity	preferably not



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E&T	Training Agreements / Letters of Offer	Signed training agreements received annually from Trainees	Executive Manager, National Education & Training	Hard Copy	7 years after completion of training	Yes
E&T	CPD Peer Verification Forms	Declarations verifying that audit data has been presented as recorded	Executive Manager, National Education & Training	Both	7 years after finalisation of issue	Yes
E&T	CPD Annual Summary Forms	CPD self declarations, completed by hand on hard copy, that have been entered into the data base	Executive Manager, National Education & Training	Both	7 years after relevant training year	Yes
E&T	CPD Meeting accreditation applications	Application form and supporting documents for allocation of CPD points to meetings	Executive Manager, National Education & Training	Both	7 years after relevant training year	Yes
E&T	CPD Audit documentary evidence	Evidence submitted by members who are randomly audited for CPD in support of their CPD claim	Executive Manager, National Education & Training	Hard Copy	7 years after finalisation of issue	Yes



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E&T	AOA 21 Confidentiality Deeds	Confidentiality deeds in relation to the AOA 21 project, completed by hand on hard copy	Chief Member Experience Officer	Hard Copy	Not less than 13 years after signing or finalisation of issue	No
E&T	Evaluation Forms	Evaluations of workshops or events, completed by hand on hard copy	Executive Manager, National Education & Training	Hard Copy	5 years after evaluation completed (electronic form sufficient)	Yes
Events	Sponsorship Agreements	Sponsorship Agreements for conferences and events	Executive Manager, Conference and Events	Soft Copy	7 years after end of contract term	Yes
Events	Service Agreements	Service Agreements for conferences and events	Executive Manager, Conference and Events	Soft Copy	7 years after end of contract term	Yes
Events	Venue Contracts	Contracts with venues for the purposes of conferences and events	Executive Manager, Conference and Events	Soft Copy	7 years after end of contract term	Yes
Events	Registrations	Guests and member registrations for attendance at AOA	Executive Manager, Conference and Events	Soft Copy	7 years after end of contract term	Yes



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		Conferences and Events				