

Retention and Disposal Authority for Records of the Retailing of Energy and Associated Products and Services

Authority number: PROS 15/07



PROS 15/07

Retention and Disposal Authority for Records of the Retailing of Energy and Associated Products and Services

Issued Date: 23/11/2015

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Retention and Disposal Authority for Records of the Retailing of Energy and Associated Products and Services

Retention and Disposal Authority No	PROS 15/07
Scope	This RDA authorises the disposal of records relating to the retailing of energy and associated products and services (gas and electricity) created by the following former Victorian Government agencies: State Electricity Commission of Victoria, Gas and Fuel Corporation of Victoria, Gascor and Generation Victoria.
Status	Issued by Keeper
Issue Date	23/11/2015

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Introduction

Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*. The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

Context of this Authority

Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from www.prov.vic.gov.au. These documents set out the procedures that must be followed by Victorian public offices.

Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard - *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

Under PROS 22/04 Disposal Standard, authorisation to destroy public records is WITHDRAWN and NOT GIVEN (even if specified in an RDA or other authorised disposal instrument) if:

- it is reasonably likely that they will be needed in a current or future legal proceeding. This includes any civil or criminal proceeding or an inquiry where evidence may be given before a court or person acting judicially such as a Royal Commission or Board of Inquiry
- they are required for meeting any Freedom of Information (FOI) applications which are not finalised
- they are required for audits or investigations which are not yet finalised; and/or
- they are subject to disposal freezes applied by government or by the organisation.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

Normal Administrative Practice

PROS 22/04 Disposal Standard authorises the destruction of some public records under Normal Administrative Practice (NAP) principles. Low value facilitative records described below are authorised for destruction by *PROS 22/04* under NAP principles:

- working documents, such as notes or calculations, used to assist in the preparation of other records
- minor drafts and transitory documents, where the content is reproduced elsewhere, and the information will not be needed to show how the work has progressed or actions approved
- minor updates of content, such as those in databases, which will not be needed to show actions, decisions, or approvals
- communications for the purpose of making minor arrangements
- duplicate copies.

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Transfer of records to Public Record Office Victoria

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

Use of Other Authorities

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

Explanation of Authority Headings

Class Number

The class number or entry reference number provides citation and ease of reference.

Description

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

Status

This entry provides the archival status of each class - either permanent or temporary.

Custody

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent records must be managed and transferred in accordance with PROV Standards.

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Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Office of the Administrator. This standard as varied or amended from time to time, shall have effect from the date of issue unless revoked.

[signed]

Justine Heazlewood, Keeper of Public Records

Date of Issue: 23/11/2015

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INTRODUCTION

Administrative Context

Overview

This is a general authority to be used for records created by the former Victorian Government agencies responsible for the retaining of energy and associated products and services (gas and electricity). These agencies included the former State Electricity Commission of Victoria (SECV), Gas and Fuel Corporation of Victoria, Gascor and Generation Victoria.

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No	Function/Activity	Description	Status	Disposal Action
1	Business and Market Development	<p>Developing, marketing and promoting the business and services of the organisation.</p> <p>See COMMUNITY RELATIONS Enquiries for records relating to general enquiries about the organisation and its services</p>		
1.1	Agreements	<p>The processes associated with the establishment, maintenance and review of agreements.</p> <p>See <i>Records of Common Administrative Functions 3.CONTRACTING-OUT</i> for records relating to the engagement of sales agents and marketing firms</p> <p>See Retail services - Product sales and services for records relating to arrangements to the delivery of products and services to customers</p>		
1.1.1		<p>Records relating to the establishment, maintenance and review of agreements or contracts for partnership arrangements with other service providers (e.g. Telco's) for the provision of 'packaged' products or services.</p>	Temporary	Destroy 7 years after expiry of contract or agreement or after last action, whichever is the longer.
1.2	Business planning	<p>The process of formulating ways to develop and achieve the business objectives of the organisation.</p> <p>See <i>Records of Common Administrative Functions 18.STRATEGIC MANAGEMENT--18.2.Planning</i> for</p>		

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No	Function/Activity	Description	Status	Disposal Action
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Business and Market Development - Business planning

		strategic, corporate or business plans for the organisation as a whole.		
1.2.1		Reports prepared or commissioned by the organisation relating to forecast or predicted changes in energy trading climates or markets.	Permanent	Retain as State Archives, Transfer to PROV
1.2.2		Records relating to the development of strategies and concepts for the positioning of the organisation in the marketplace and for entry into or operations within various retail market segments, including commercial and industrial, residential, e-business, etc. Includes strategies and planning for the establishment, location and management of retail outlets, the identification of risks, need or requirement and expected outcomes, aspects of measuring and monitoring business performance against key performance indicators.	Temporary	Destroy 10 years after last action or after superseded, whichever is longer.
1.2.3		Records relating to retail product sales plans, pricing, forecasts and reports.	Temporary	Destroy 5 years after last action.
1.3	Marketing	The process of promoting products and services. Includes market research, sales forecasting, advertising, promotion, pricing and product evaluation.		
1.3.1		Records relating to the management of marketing programs and campaigns. Includes budget	Temporary	Destroy 5 years after last action.

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No	Function/Activity	Description	Status	Disposal Action
<i>Business and Market Development - Marketing</i>				
		administration, internal communications, plans and strategies, programs, research and projects.		
1.3.2		Marketing and promotional material relating to the organisation and its services. Includes presentation packages and marketing material for the promotion of corporate objectives to customers and records of campaigns designed to raise promote services and products.	Temporary	Destroy 2 years after last action or after campaign materials superseded.
1.3.3		Qualitative and quantitative research used as market intelligence for the development and evaluation of products, services, markets etc. Includes customer profiling achieved via sales, surveys, economic and commercial information and research.	Temporary	Destroy 2 years after last action.
1.3.4		Information collected by marketers in relation to contact or dealings with customers or potential customers for marketing purposes e.g. name, address, date and time of visit, contact or call, customer acknowledgements.	Temporary	Destroy 12 months after date of last contact with customer for marketing purposes.
1.3.5		Details of customers who have indicated they do not wish to be contacted for marketing purposes.	Temporary	Destroy after regulatory requirements have been met.
1.4	Procedures	Standard methods of operating.		

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Business and Market Development - Procedures

		See Retail services - Service standards for standards, charters, codes etc. for the provision of services to customers		
1.4.1		Business procedures, rules and workplace instructions relating to the conduct of business and market development processes. Includes approved scripts for conduct of marketing.	Temporary	Destroy 7 years after superseded.
1.5	Product development	The development of products and services for sale to end use customers		
1.5.1		Records relating to research into and the identification and approval of new products and services. Includes assessment of capabilities and requirements to enter into the market, intelligence and information regarding competitors within the markets, scoping studies, briefs and project plans for the development of new products and services.	Temporary	Destroy 10 years after last action.
1.6	Reporting	The provision of reports relating to the conduct of activities and operations as required. See Market operations and trades Licensing and registration for records relating to periodic reporting in compliance with licence or registration requirements		

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No	Function/Activity	Description	Status	Disposal Action
<i>Business and Market Development - Reporting</i>				
		See Business and Market Development Marketing for reports and evaluations of marketing campaigns See GOVERNMENT RELATIONS Reporting for records relating to external reporting to the Minister or Parliament in relation to an organisation's performance		
1.6.1		Reports and evaluations of marketing campaigns and business initiatives.	Temporary	Destroy 10 years after last action.
1.6.2		Statistical records and routine (periodic or adhoc) internal reporting relating to marketing activities.	Temporary	Destroy 5 years after action completed.
1.6.3		Records relating to the submission of reports, data, plans etc to regulatory authorities as required.	Temporary	Destroy 7 years after action completed.
2	Market operations and trades	Participation in the energy market. Includes the licensing and registration of operations, compliance with State and national regulatory regimes, business dealings and agreements with market participants for the purchase, supply or trade of energy. See Retail services for records relating to the sale of energy supplies and services to end-use retail customers		

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No	Function/Activity	Description	Status	Disposal Action
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Market operations and trades - Agreements

2.1	Agreements	The processes associated with the establishment, maintenance and review of agreements.		
2.1.1		Records relating to the negotiation and establishment of master agreements with counterparties for the conduct of transactions and trades.	Temporary	Destroy 12 years after agreement expires or is terminated.
2.1.2		Negotiated counterparty agreements for the purchase of energy.	Temporary	Destroy 7 years after agreement expires or is surrendered.
2.1.3		Records relating to applications for and the provision of prudential guarantees.	Temporary	Destroy 7 years after guarantee expires.
2.2	Authorisations	The activities associated with managing authorities and permissions to conduct and negotiate trades and agreements.		
2.2.1		Records of delegations and authorisations to conduct and negotiate trade agreements, including financial delegations, authorisations to deal with external authorities, e.g. ISDA's, brokerage houses, etc.	Temporary	Destroy 10 years after delegation or authorisation expires or is superseded.
2.3	Counterparties	The activities associated with managing counterparties with whom the organisation can trade. See Market operations and trades - Agreements for records relating to master and negotiated agreements with counterparties.		

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No	Function/Activity	Description	Status	Disposal Action
<i>Market operations and trades - Counterparties</i>				
2.3.1		Reference and background information maintained on counterparties. Includes annual reports, financial papers and reference information regarding counterparties.	Temporary	Destroy after reference use ceases.
2.3.2		Records relating to the analysis and review of counterparty credit exposure limits and counterparty guarantees.	Temporary	Destroy after counterparty becomes ineligible.
2.4	Distribution networks and connection services	<p>Business to business transactions between network service providers and retail suppliers.</p> <p><i>See Records of Common Administrative Functions</i> 5.FINANCIAL MANAGEMENT for records documenting financial transactions</p> <p><i>See Records of Common Administrative Functions</i> 10.LEGAL SERVICES for records relating to disputes that proceed to arbitration or further legal action</p>		
2.4.1		Records relating to the exchange of customer details and information for the purposes of facilitating customer connections or transfers between suppliers.	Temporary	Destroy 7 years after action completed.
2.4.2		Records relating to billing, adjustments, reconciliation of usage and write offs regarding arranged connection services.	Temporary	Destroy 7 years after action completed.

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No	Function/Activity	Description	Status	Disposal Action
<i>Market operations and trades - Licensing and registration</i>				
2.5	Licensing and registration	Maintenance of the organisation's registration, operating licence, certification, accreditation etc for the purposes of operating or participating in energy markets.		
2.5.1		Records relating to the registration, licensing or accreditation of the organisation as required by market operators, regulatory bodies, under schemes etc. Includes records relating to the issue, amendment, transfer, cancellation and revocation of licences or registration or accreditation.	Temporary	Destroy 7 years after expiry, transfer, cancellation or surrender of licence, registration or accreditation.
2.5.2		Annual operating statistics reporting to IPART (or equivalent regulatory body) on customer service indicators.	Permanent	Retain as State Archives, Transfer to PROV
2.5.3		Periodic reporting (other than annual reporting on customer service indicators) in compliance with licence or registration requirements.	Temporary	Destroy 7 years after action completed.
2.6	Procedures	Standard methods of operating.		
2.6.1		Business procedures, rules and workplace instructions relating to provision or conduct of market operations, trading or business to business dealings.	Temporary	Destroy 7 years after superseded.
2.7	Reporting	The provision of reports relating to the conduct of activities and operations as required		

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Market operations and trades - Reporting

		<p>See Market operations and trades - Licensing and registration for reporting required in compliance with licensing or registration requirements</p> <p>See Market operations and trades - Risk management for reports relating to the monitoring of compliance with risk management policy</p> <p>See GOVERNMENT RELATIONS Reporting for reporting to the Minister, Parliament, etc</p>		
2.7.1		Records relating to the submission of reports, data, plans etc required to be routinely submitted to regulatory authorities.	Temporary	Destroy 7 years after action completed.
2.8	Risk management	The activities associated with managing and monitoring risks associated with trading.		
2.8.1		Records relating to risk benchmarks for market transactions and trading.	Temporary	Destroy 5 years after superseded.
2.8.2		Reports relating to the monitoring of exposure to risk (e.g. credit, interest rates, liquidity, and foreign exchange, etc) and of compliance with risk exposure policies.	Temporary	Destroy 5 years after close of audit or annual reporting period.
2.8.3		Daily exception and/or analysis reports relating to trades generated for monitoring purposes.	Temporary	Destroy 2 years after action completed.

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No	Function/Activity	Description	Status	Disposal Action
<i>Market operations and trades - Settlements and trades</i>				
2.9	Settlements and trades	The purchase and sale of energy and other tradeable items. Includes the settlement of trades.		
2.9.1		Summaries and reports relating to settlements. Includes daily, weekly, residue and residue action reports.	Temporary	Destroy 5 years after last action.
2.9.2		Records documenting sales deals or purchases of energy. Includes copies of approvals and offers, market sheets, correspondence, confirmations, adjustments, schedules, dealing docket, telephone recordings, etc.	Temporary	Destroy 7 years after action completed.
2.9.3		Records relating to the recording and reporting of market rates for the purposes of settling and calculating trade debt and credits. Includes close of day market rates, rate reset reports and forms, etc.	Temporary	Destroy 5 years after close of audit or annual reporting period.
2.9.4		Records relating to the issue, purchase, sale or exchange of energy saving or emission reduction certificates.	Temporary	Destroy 7 years after action completed.
3	Retail services	The provision of energy supply and related products and services to end use consumers. This includes the retailing of goods and services such as gas and electricity supply (residential, commercial and other) and related consumer products and services, management of customer accounts and consumer demand for energy.		

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No	Function/Activity	Description	Status	Disposal Action
<i>Retail services - Agreements</i>				
		<p>See <i>Records of Common Administrative Functions 1.COMMITTEES</i> (advisory) for records relating to the establishment, meetings etc of customer consultative groups</p> <p>See <i>Records of Common Administrative Functions 7.GOVERNMENT RELATIONS--7.9.Submissions</i> for records relating to submissions to IPART regarding retail pricing</p> <p>See Market operations and trades - Licensing and registration for records relating to the organisation's operating licence</p>		
3.1	Agreements	The processes associated with the establishment, maintenance and review of agreements.		
3.1.1		Contracts to supply customers with energy. This includes records relating to the development of standard form contracts and records documenting contractual agreements with individual customers, including recordings of phone calls confirming customer agreement to proceed with a contract (e.g. such as where a contract has been arranged by a door-to-door agent).	Temporary	Destroy 7 years after expiry or amendment of contract.
3.1.2		Records relating to the establishment, maintenance and review of agreements or contracts with State or other regulatory bodies for the purposes of retail	Temporary	Destroy 7 years after expiry of contract or agreement or after last

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Retail services - Consumer awareness and demand management

		supply e.g. energy rebate or concession arrangements		action, whichever is the longer.
3.2	Consumer awareness and demand management	Strategies, plans, programs and initiatives to manage consumer demand for energy or raise consumer awareness of energy usage and resource issues. See Business and Market Development - Marketing for records relating to the marketing of products and services		
3.2.1		Publications (such as brochures, pamphlets, web pages etc) produced as part of campaigns or programs to raise awareness or to provide advice to customers with respect to use of energy resources. This includes information about energy efficiency, managing demand or the use of renewable energy sources.	Permanent	Retain as State Archives, Transfer to PROV
3.2.2		Records relating to the determination of plans, strategies and initiatives to reduce customer demand for or consumption of energy. Includes reports and recommendations relating to the assessment and investigation of options, consultation papers, submissions or comments concerning proposed options, initiatives etc and evaluations, reviews or assessments of the effectiveness of proposed or implemented plans, strategies and initiatives.	Permanent	Retain as State Archives, Transfer to PROV

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No	Function/Activity	Description	Status	Disposal Action
<i>Retail services - Consumer awareness and demand management</i>				
3.2.3		Records supporting the development of strategies, plans etc for reducing customer's energy consumption or demand and the management of specific campaigns, projects or programs to support their implementation. This includes records of programs, of action or project plans, compiled data, presentation materials, correspondence or liaison to coordinate the conduct of activities or processes. Note: Where data or records may have potential value for ongoing research into or the monitoring or evaluation of patterns of energy usage, consideration should be given to retaining these records for longer than the minimum period identified.	Temporary	Destroy 10 years after last action.
3.2.4		Records relating to the conduct of energy usage audits. Includes records relating to requests and bookings for services, analysis and reports of usage history, site visits and recommendations or advice to customer.	Temporary	Destroy 10 years after action completed.
3.3	Customer accounts and enquiries	Processes associated with the management of customer accounts and enquiries. <i>See Records of Common Administrative Functions</i> 5.FINANCIAL MANAGEMENT for records relating to issue of invoices and receipt and processing of payments		

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Retail services - Customer accounts and enquiries

		<p>See <i>Records of Common Administrative Functions</i> 10.LEGAL SERVICES--10.4.Litigation for records relating to legal proceedings for the recovery of debt</p> <p>See <i>Records of Common Administrative Functions</i> 2.COMMUNITY RELATIONS--2.3.Complaints for records relating to the handling of complaints</p>		
3.3.1		Records relating to arrangements for the operation of customer accounts. This includes records relating to customer connection or supply details, security deposits, guarantees, credit checks, rebates, payment arrangements (e.g. direct debit, payment plans), participation in elective programs, customer transfers, connection and disconnection requests and notices etc.	Temporary	Destroy 7 years after arrangement ceases or after action completed, whichever is the longer.
3.3.2		Records used for the calculation of customer usage and charges (includes consumption data supplied by network operators for customer billing purposes).	Temporary	Destroy 7 years after last action.
3.3.3		Records relating to debt recovery processes (including via debt collection agencies) not involving litigation. Includes arrangements with customers for payment of overdue accounts, repayment schemes etc.	Temporary	Destroy 7 years after monies recovered or debt written off.
3.3.4		Records relating to the handling of enquiries from or the provision of advice or information to customers regarding accounts or rebates, programs, initiatives	Temporary	Destroy 7 years after action completed.

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No	Function/Activity	Description	Status	Disposal Action
<i>Retail services - Customer accounts and enquiries</i>				
		or incentives, etc offered by the organisation e.g. such as those concerning customers' bills or connection services arranged by the supplier.		
3.3.5		Requests to update contact or mailing details.	Temporary	Destroy 2 years after action completed.
3.3.6		Retail pricing lists, tariffs and charging schedules.	Permanent	Retain as State Archives, Transfer to PROV
3.3.7		Records relating to the setting of retail prices, tariffs and charges. Includes notice of advice to customers of changes to rates and charges, price guides, etc.	Temporary	Destroy 7 years after action completed or information is superseded.
3.3.8		Enquiries from government agencies regarding habitation or occupation of premises.	Temporary	Destroy 2 years after action completed.
3.4	Procedures	Standard methods of operating. See Retail services - Service standards for standards, charters, codes etc. for the provision of services to customers		
3.4.1		Business or workplace procedures, rules and instructions relating to the provision or conduct of retail services.	Temporary	Destroy 7 years after superseded.

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No	Function/Activity	Description	Status	Disposal Action
<i>Retail services - Product sales and services</i>				
3.5	Product sales and services	<p>The activities associated with the retail sale of goods, appliances, products or services (other than energy supply). Includes provision of household and commercial installation, repair and maintenance services e.g. solar or hot water system installation, home safety audits, electrical repairs and servicing etc. and other services such as LPG, Greenpower, internet services etc. and the operation of retail outlets, service centres and showrooms.</p> <p><i>See Records of Common Administrative Functions</i> 4.EQUIPMENT & STORES for records relating to stock and inventory control</p> <p><i>See</i> Business and Market Development - Business planning for strategies and planning relating to service centres and outlets and to sales planning, pricing and forecasts</p> <p><i>See Records of Common Administrative Functions</i> 18.STRATEGIC MANAGEMENT--18.5.Risk management for records relating to the identification, assessment and monitoring of organisational risk associated product and service liability</p>		
3.5.1		Product information on appliances sold by the organisation. Includes suppliers catalogues, pricing information and specifications etc.	Temporary	Destroy after products no longer sold.

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<i>Retail services - Product sales and services</i>				
3.5.2		Records relating to works and services carried out for customers e.g. safety audits, installation and repairs to appliances or service systems (hot water, solar etc.)	Temporary	Destroy 7 years after action completed.
3.5.3		Records relating to agreements or contracts for the supply or provision of retail goods and other services e.g. hire purchase or sales agreements, warranties or guarantees for appliances, repairs etc.	Temporary	Destroy 7 years after expiry of contract or agreement or after last action, whichever is the longer.
3.5.4		Records relating to the routine administration and operation of retail stores or service centres.	Temporary	Destroy 2 years after action completed.
3.6	Reporting	The activities associated with the collection and collation of information on customer service levels and campaigns. See Market operations and trades - Licensing and registration for records relating to compliance reporting in accordance with operating licence or registration requirements		
3.6.1		Statistical records and routine (periodic or adhoc) internal reporting of retail sales, customer service levels etc.	Temporary	Destroy 5 years after action completed.
3.7	Service standards	The activities associated with establishing and managing service standards.		

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No	Function/Activity	Description	Status	Disposal Action
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Retail services - Service standards

		<p>See RETAIL SERVICES - Agreements for records relating to service standards within the provisions of contracts</p> <p>See <i>Records of Common Administrative Functions</i> 7.GOVERNMENT RELATIONS for submissions to or involvement in IPART reviews or inquiries</p> <p>See <i>Records of Common Administrative Functions</i> 18.STRATEGIC MANAGEMENT for records relating to the development and implementation of benchmarks for the evaluation of services</p>		
3.7.1		Records relating to the monitoring of services provided by the organisation's service officers or contracted service providers e.g. recordings of calls maintained by call centres and/or marketing service providers, system logs re calls dropping out, timing of calls etc.	Temporary	Destroy 2 years after last action.
3.7.2		Records relating to the development of standards, charters, codes or guarantees relating to the provision of services to customers.	Temporary	Destroy 7 years after superseded.