

OPERATIONAL SELECTION POLICY OSP 55

The Pensions Regulator (TPR): Paper and electronic records 2005-2011

December 2011

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Document Authority

The National Archives' Acquisition Policy statement announced the Archives' intention of developing, in consultation with departments, Operational Selection Policies across government. These Policies would apply the collection themes described in the policy to the records of individual departments and agencies.

Operational Selection Policies are intended to be working tools for those involved in the selection of public records. This policy may, therefore, be reviewed and revised in the light of comments received from the users of the records or from archive professionals, the department's experience of using the policy, or as a result of newly discovered information. There is no formal cycle of review and revision will be determined according to the nature of the comments received.

This policy is a presentation version of an appraisal report. Appraisal reports have been developed to implement The National Archives' Appraisal Policy, published in August 2004. They are designed to provide structured information about the responsibilities, work and records of an organisation so that appraisers can identify records of potential historical value. They provide a transparent record of decisions on the selection of records in whatever format for permanent preservation. Selection decisions are based on the requirement both to document the work of the organisation and to provide information about specific topics of potential long-term research interest.

Note that under current legislation information obtained during some of the processes carried out by The Pensions Regulator cannot be disclosed.



If you have any comments on this policy, please e-mail
information.management@nationalarchives.gsi.gov.uk

or write to:

Acquisition and Disposition Policy Manager

Information Management and Practice Department

The National Archives

Kew

Richmond

Surrey

TW9 4DU

APPRAISAL REPORT:

The Pensions Regulator

Paper and Electronic Records

2005-2011

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EXECUTIVE SUMMARY

The Pensions Regulator (TPR) is the regulatory body for occupational and work-based pension schemes in the UK. It has responsibility for protecting the benefits of members of occupational/work-based pension schemes, promoting good administration of said schemes, and working to reduce situations that lead to claims for compensation from the Pension Protection Fund.

The National Archives has selected the following TPR records for eventual transfer:

- Agenda, Minutes and Papers; TPR Governance Board
- Agenda, Minutes and papers; Non-Executive Committee
- Agenda, Minutes and Papers; Senior Management Team
- Notices, Directions, and Orders; Determination Panel
- ECR Programme management records that record key decisions in the implementation of the Employer Compliance Regime
- Policy files; Operational/Statutory¹
- Policy files; European Insurance and Occupational Pensions Authority (EIOPA), formerly the Committee of European Insurance and Occupational Pensions (CEIOPS) Advisory/Working Group

TPR captures and maintains its records electronically. The National Archives and TPR have agreed that arrangements for transfer will commence as soon as is feasible after the completion of First Review, or as soon after any major migration of TPR systems.

¹ [See Table 2, page 12.](#)

SECTION 1: BACKGROUND INFORMATION

1.1 Name of Agency

The Pension's Regulator (TPR)

1.2 Type of Agency

Executive Agency	Non-Departmental Public Body	Trading Fund	Next Steps Agency	Non-Ministerial bodies	Libraries, Museums, Galleries	Research Councils
	*					

1.3 Annual budget (if an Agency)

For 2009/10, TPR's expenditure was £39.3m.

1.4 Number of employees (if an Agency)

As at 31 March 2011, the total number of employees working for TPR was 261. The number of employees may rise or fall between 250 and 370 depending on the contracting of consultants/casual employees and general HR matters.

1.5 Background, functions and activities

TPR is the regulatory body for occupational and work-based pension schemes in the UK. TPR began on 6 April 2005, replacing the Occupational Pensions Regulatory Authority (OPRA).

TPR's principal activities are:

- to protect the benefits of members of occupational/work-based pension schemes
- to promote good administration of occupational/work-based pension schemes
- to reduce the risk of situations arising that may lead to claims for compensation from the Pension Protection Fund²

1.6 Hybrid Records

The records of TPR are captured and maintained in an EDRMS (OpenText software – known internally as DISC). The majority of incoming paper records are scanned and captured onto the relevant electronic file within DISC. If TPR needs to retain the record in paper form [because they are bound, fragile or signed], they are also captured to a paper file. The electronic file is regarded as the original record.

1.7 Name of the parent or sponsoring department (if an Agency)

If none, Minister who lays an annual report before Parliament

The Department for Work and Pensions (DWP) is the parent department for TPR.

² <http://www.thepensionsregulator.gov.uk/aboutUs/objectives.aspx>

1.8 Relationship with parent department (if an Agency)

The DWP is responsible for developing UK Pensions policy and the law governing UK pension schemes. TPR can suggest changes to the law, but cannot make or change laws or government regulations.

1.9 Relationship with other organisations (agencies / NDPBs / departments / other statutory bodies)

Department for Work and Pensions

DWP provides the overarching regulatory and legal framework that governs the operation of TPR, as well as the Board of the Pension Protection Fund. DWP has a primary role in the Stewardship of TPR and discharges this responsibility through:

- the scrutiny and approval of strategic and annual business plans
- receiving reports on performance and outcome measurements
- receiving annual and quarterly financial reports
- exchanging information and analysis of trends and risk

While DWP has no responsibilities in the operational activities of TPR, there may be circumstances where DWP will need to be informed by TPR about potential issues or cases that raise significant concerns or will attract significant media scrutiny.

TPR has the responsibility of alerting DWP in circumstances where it has identified and has concerns about any:

- serious problem for large numbers of pension schemes
- significant issue that crosses national boundaries

- problem that may require a change of legislation
- issues that compromise the independence of TPR
- other issues that appear to TPR to have a high public or media profile.

These are covered under a Memorandum of understanding between DWP, TPR and the Board of the Pensions Protection Fund, which also covers other arrangements relating to meetings, co-ordination of activities and processes, and the exchange of information.

Board of the Pensions Protection Fund

TPR and the Pension Protection Fund were both established by the Pensions Act 2004. The relationship between the Board of TPR and the Board of the PPF is established under a Memorandum of Understanding and a Partnering Agreement, which covers the exchange of information, service provisions, procurement requirements, clear governance arrangements, board meeting attendance, review of activities, policy development, customer support, levy collection, and appointment of independent trustees – amongst other arrangements.

The Upper Tribunal (previously the Pensions Regulator Tribunal)

The Upper Tribunal is an independent body set up to hear references on determinations made by the Determination Panel. The Tribunal issues its own guidance on the form and content of a reference.

The Tribunal may consider any evidence available to it in relation to the subject of the reference. This includes evidence that was not available at the time of the original determination.

The Tribunal will decide whether to:

- confirm the determination and any order, notice or direction
- vary or revoke the determination and any order, notice or direction
- substitute a different determination, order, notice or direction

TPR must act in accordance with the direction of the Tribunal. The records of the Tribunal are managed by the Tribunals Service, a group within the Ministry of Justice.

National Employment Savings Trust

Up to 5 July 2010, The Personal Accounts Delivery Authority (PADA) was an independent NDPB specifically established under the Pensions Act 2007 to help implement the Personal Accounts scheme. PADA was responsible for designing and introducing the scheme's infrastructure.

From July 2010, the personal accounts scheme has been managed by the National Employment Savings Trust [NEST], a trustee corporation also established under the Pensions Act 2007.

DWP will be responsible for the automatic enrolment policy and for co-ordinating activity for the reform programme, including agreeing policy with ministers and overseeing delivery. TPR will manage employer compliance with the scheme.

Financial Services Authority

The Financial Services Authority is responsible for the regulation of firms that provide, promote, market, advise on or sell personal, including stakeholder, pensions and annuities (occupational pension schemes are specifically

excluded from its remit). It also regulates the establishment, operation and winding-up of personal pension schemes, and regulates the prudential risks of firms who provide personal, including stakeholder, pensions and annuities.

The FSA has an indirect interest in occupational pension schemes because it regulates firms that provide investments and investment services to occupational pension schemes (for example, investment managers, insurers selling insurance-based pension products, advice given to scheme trustees on investments).

Both the FSA and TPR have regulatory responsibilities in relation to work place contract-based schemes. These are personal pension or stakeholder policies where contributions are paid into them through direct payment arrangements, ie the mechanism of employer payments, whether these payments are employer contributions or are employee contributions deducted from pay. A provider may operate one or more personal pension schemes and each work place contract-based arrangement will be a subsection of one of these schemes.

The FSA's main areas of focus are advice to employees and the regulation of providers. They do not have a significant role in relation to employers. TPR's main focus is on promoting good administration, and the requirements on employers around the payment of contributions.

These are covered under a Memorandum of understanding between TPR and FSA, which also covers other arrangements relating to meetings, co-ordination of activities and processes, investigation and enforcement, collaboration on guidance, policies and standards and the exchange of information.

UK Actuarial Profession

In the UK, the Actuarial Profession constitutes the **Institute of Actuaries** (established 1848) and the **Faculty of Actuaries** (established 1856).

The UK Actuarial Profession aims include the regulation of members in terms of both an ethical code and professional standards including the enforcement of the code and the standards through disciplinary procedures, and co-operation with government, business, regulators and other professions.

The Profession and TPR recognise that they share a common interest in the good administration of work based pension schemes. This is documented in a Memorandum of understanding between the two parties, which also covers meetings, co-ordination of activities and processes, and the exchange of information.

SECTION 2: MATERIAL TRANSFERRED TO THE NATIONAL ARCHIVES IN THE PAST

Although TPR and its predecessor (OPRA) have not transferred to The National Archives in the past, it is the responsible public authority for records of the Occupational Pensions Board held at The National Archives.

The relevant series are:

DM1 Reports made by the Occupational Pensions Board together with files relating to evidence [both written and oral] submitted by individuals and organizations in connection with these reports [Annual reports of the board are also included]. (1955 - 1982)

DM2 Minutes and papers of the Occupational Pensions Board. (1973 - 1996)

DM3 Registered files of the Occupational Pensions Board relating to the review and administration of occupational pension schemes. (1971 - 1995)

SECTION 3: ANALYSIS OF RECORDS PRODUCED

3.1 Committee structure within the agency or parent department, including statutory committees directing the work of the organisation

Table 1 - Key committees

Name of committee	Terms of reference	Select? Yes / No	Reasons for selection / non-selection, including comments on the quality of information
Governance Board	<p>As required by the Pensions Act 2004, and under the framework document agreed between the regulator and the DWP, the key responsibilities of the Board are as follows:</p> <ul style="list-style-type: none"> • Policy - Overseeing the regulator's strategic direction and making key decisions on policy; • Governance - Ensuring the regulator is properly run as a public body and has effective internal controls; and • Ensuring that statutory and administrative requirements for the use of public funds are complied with. 	Yes	Strategic information is in this series and demonstrates how TPR is led, and the development of its capability.
Non-Executive Committee	<p>The committee's responsibilities are:</p> <ul style="list-style-type: none"> • to keep under review TPR's internal financial controls and to assess whether they secure the proper conduct of its financial affairs; • to determine the remuneration, subject to the approval of the Secretary of State, of the chief executive; • to prepare a report on the discharge of the above functions for inclusion in TPR's annual report. 	Yes	Strategic information contained within the records of the committee – not captured within records of the Board. Records demonstrate how TPR is governed, and the development of its capability.

<p>Determination Panel</p>	<p>If a pension scheme is perceived to be having problems, TPR has a range of powers that can be used to intervene and help put things right. Some of these are reserved powers and the process of deciding whether to use one of these reserved powers is called a determination.</p> <p>A determination will happen if:</p> <ul style="list-style-type: none"> • TPR has investigated a case and believes that a breach may have occurred which it has the power to sanction or prosecute; • a scheme has a problem that can be fixed by TPR using one of its reserved powers; • TPR has been asked to use one of its reserved powers by trustees, managers, members or the employer 	<p>Yes</p>	<p>The Determinations Panel decides whether TPR should use its reserved powers under the Pensions Act 2004, so the records in this series show how TPR has used its reserved powers.</p> <p>Decisions of the Pensions Regulator Tribunal are tabled and noted in Determinations Notices and Orders, which record the Panel's decision, the reasons for it and the background to the case.</p>
<p>SMT (formerly EMT)</p>	<p>The Senior Management Team (formerly the Executive Management Team) is the executive arm of the board and their meetings are formal discussions held twice a month where they:</p> <ul style="list-style-type: none"> • Approve high-level operational / regulatory issues are agreed • Organisational progress is monitored 	<p>Yes</p>	<p>Records demonstrate how the implementation of the Employer Compliance Regime is governed.</p>

<p>Employer Compliance Regime Programme Board</p>	<p>To carry out its requirements under the Pensions Act 2008, TPR is establishing an 'Employer Compliance Regime' based on engaging stakeholders, increasing employer understanding, automating enrolment and registration, and enabling compliance and enforcement.</p> <p>The Programme Board is responsible for the design, development and implementation of the Regime, which will be used to ensure that employers are complying with the Personal Accounts pension requirements.</p>	<p>No</p>	<p>The Senior Management Team (SMT) is responsible for the direction of the new regime, and the ECR Programme and Procurement Boards refer any decisions to the SMT for approval.</p>
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<p>Audit Committee</p>	<p>In carrying out this function, the audit committee will advise the accounting officer and the board on:</p> <ul style="list-style-type: none"> • the strategic processes for risk management, internal control and governance and the Statement on Internal Control; • the accounting policies, the accounts and the annual report of the organisation, including the process for review of the accounts prior to their submission for audit, the levels of error identified, and management's letter of representation to the external auditors; • the planned activity and the results of both internal and external audit; • the adequacy of management responses to issues identified by audit activity, including external audit's management letter; • assurances relating to the corporate governance arrangements for the organisation; • the effectiveness and independence of the external auditor and internal audit service, and; • proposals for tendering internal audit services or for the purchase of non-audit services from contractors who provide audit services. 	<p>No</p>	<p>Any records or decisions of note will be included in the Board papers, Senior Management Team papers or in the Annual Report.</p>
<p>Remuneration Committee</p>	<p>The committee's responsibilities:</p> <ul style="list-style-type: none"> • to advise the Secretary of State in relation to the pay of the chief executive including base salary, bonus and any other components, under the terms of his contract, and his performance against agreed objectives, and in relation to pay levels for relevant comparable public and private sector roles, and pay increases awarded to TPR's staff, • within the terms of TPR's pay remit agreed with the Secretary of State, to review the pay and performance of the executive directors and approve their annual bonuses, and; • to keep TPR's reward strategy under review. 	<p>No</p>	<p>As above</p>

3.2 Areas of policy work undertaken in the Agency

The development of policy relating to TPR's operational interaction between schemes, trustees, employers and employees, including how it operates and how it investigates schemes/trustees, is captured in TPR's Strategy/Policy Development files. The files are managed in TPR's EDRMS and are retained for Second Review by TPR's Records Management Unit.

The records managed within the EDRMS are classified according to function and activity, and Retention and Disposal Schedule (approved by TPR's Senior Executive) is mapped according to this file classification (see attached). While most of the files within the EDRMS would be exhibit temporary retention value (short to long term) there are certain files that may exhibit permanent retention value.

Table 2: Policy work in the Agency

Type of policy	Yes / No	Notes
All policy is made in parent department (DWP)	Yes	Strategic policy for the regulation of pensions is managed and captured by the parent department; therefore no strategic policy files would need to be selected from TPR.
Agency plays major consultative role in the development of policy	Yes	The parent department is responsible for capturing comments and input from TPR relating to strategic policy, therefore no strategic policy files would need to be selected from TPR.
Agency represents the parent department/ UK govt at international conferences/ on	Yes	The European Insurance and Occupational Pensions Authority (EIOPA), previously The Committee of

European or International bodies		<p>European Insurance and Occupational Pensions (CEIOPS), is an advisory body set up to implement European Union (EU) insurance and pensions legislation.</p> <p>TPR is a member of the EIOPA working group considering effective implementation of the European Directive Activities and supervision of institutions for occupational retirement provisions (Directive 2003/41/EC), and the practical issues that will arise from the provisions for cross border pension schemes. The group is working towards a common understanding of the Directive, so that it can consider the systems needed for appropriate co-operation and co-ordination. TPR is represented on EIOPA by the chief executive.</p> <p>Files which document TPR's input on working group policy and direction would need to be selected.</p>
Agency develops operational	Yes	TPR is responsible for the development and review of policy relating to its

<p>policy only</p>		<p>operational interaction between schemes, trustees, employers and employees.</p> <p>Files which document development of such policy would need to be reviewed for possible selection.</p> <p>Those relating to its interaction with customers, such as handling complaints, will not be selected for transfer to TNA, because if these are important they will be included in papers submitted to the Board.</p> <p>Internal policy will not be selected for transfer to TNA.</p>
<p>Policies around statutory function</p>	<p>Yes</p>	<p>Policies around TPR's approach to exercising its statutory powers, including how TPR interacts with scheme providers are all retained in DISC. These would not be captured in the Board papers, and would therefore need to be reviewed for possible selection.</p>

3.3 Operational work undertaken by the agency

The broad scope of TPR's activities is outlined under 1.5 and 1.9.

3.4 Electronic formats

Table 3 - Datasets

Name of database	Information contained of historical value	Selection Yes/ No	Reasons for selection / non-selection
SCORE (Register of Schemes)	General information of every occupational Pension Scheme in UK	No	The data held in this set is updated on a continual basis. Anything of note will be recorded in Board/Panel papers (dataset not employed as a case management system).
DISC (Corporate EDRMS)	<ul style="list-style-type: none"> ▪ Minutes of Board meetings ▪ The use of TPR Powers under the Pensions Act. 	No	This is a data set for every document saved into TPR's EDRMS.
MSCRM	Records of contact with stakeholders and details about the nature of the contact. The records link directly to records held in DISC	No	High Volume and anything of note will be recorded in Board papers
NOVA	Information generated through the process of conducting a case such as risk assessments, key dates, priorities and outcomes to support the process	No	Anything of note will be recorded in Board/Panel

	and provide management information and case tracking		papers.
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Email systems

All business emails are captured in relevant files within TPR's ERMS.

Other electronic systems and information

TPR only maintains its own website. It does not have an Image Library or any Geographic Information Systems.

3.5 Publications produced by the organisation

Table 4: Types of publications and preservation strategies

1. Types of publications	2. Important to preserve? Yes / No	3. Reasons for answer in column 2	4. Preservation at The National Archives or British Library?
Standards	Yes	The standards that TPR has set for occupational pension schemes	Pensions Archive Trust
Inspections	No	Use of power will be sufficiently recorded in Determinations Panel records	-
Guidance / codes of	Yes	Guidance that TPR has produced for providers of	Pensions Archive Trust

practice		occupational pension schemes	
Training manuals, curricula	No	Trustee toolkit would be the only one in this series, and is updated on a regular basis.	-
Annual reports	Yes	A good snapshot of TPR and the pensions environment for the year	British Library

TPR has established an agreement with the Pension Archive Trust, whereby an annual tranche of TPR publications is forwarded to the Trust at the completion of the Calendar year.

3.6 Scientific records

TPR does not create and has not created any scientific records.

3.7 Significant policy issues for the period of appraisal

The only relevant change to the management of TPR or the regulation of pension schemes relates to the establishment of the Regulator itself, and the transition of functions from the Occupational Pensions Regulatory Authority to TPR. Information relating to the transition is captured in the minutes and papers of the OPRA Board and the Board for the TPR. The papers of the OPRA Board have already been selected for permanent preservation at The National Archives.

3.8 Internal administration records

All internal administrative records, including those records which document the management of the CEO's office, the Press Office, Human Resources, Freedom of Information, Data Protection, and ICT are captured within TPR's ERMS (DISC).

The receipt and payment of money is tracked through the purchasing system, Purchase to Pay, P2P and the accounting system, Sage.

SECTION 4: PROPOSALS FOR THE SELECTION OF RECORDS

Aspects of The National Archives's Acquisition and Disposition Policies that are relevant to the records of TPR are

Section 6.1, The state's interaction with its citizens and the physical environment, specifically:

- 3.1 Policy and administrative processes of the state: the formulation of policy and its execution
- 3.1.5 Formulation and delivery of social and cultural policies, including the benefit system, health, sport, education and the arts
- 3.2 Interaction of the state with its citizens and its impact on and documentation of the physical environment

The National Archives would expect in such circumstances to take the records of TPR's Governance Board and Determination Panel, (Agenda, Minutes and Papers) as well as certain policy files created by TPR.

Board/Panel records (Agenda, Minutes and Papers)

The Governance Board is responsible for the strategic direction of the organisation; therefore the records demonstrate how TPR is led, and the development of its capability.

The Determinations Panel decides whether TPR should use its reserved powers under the Pensions Act 2004. The records of the Panel show how TPR is using its powers, which are summarised within Notices and Orders.

Non-Executive Committee (Agenda, Minutes and Papers)

The Non-Executive Committee acts as a review and reporting body for the Board. It is jointly responsible for the strategic direction of the organisation. The information it generates show how

TPR reviews and decides how it is managed, which provides additional context to the information generated by the Governance Board.

Senior Management Team records

Senior Management Team records will be selected for transfer to The National Archives, because these show how the Employer Compliance Regime capability has been delivered as part of the Personal Accounts pension requirement, a central requirement of the Pensions Act 2008. Selected records will show the direction of the programme and the implementation of the regime.

ECR programme management records

ECR Programme management records that record key decisions in the implementation of the Employer Compliance Regime will only be selected if they are not captured within the records of the Senior Management Team.

Policy records

Strategic policy for the regulation of pensions is managed and captured by the Department for Work and Pensions, including any comments and input from TPR. Therefore no strategic policy files would need to be selected from TPR.

Operational policies that document how TPR interacts with the public and scheme providers and how it exercises its statutory powers are the responsibility of TPR, therefore files that document significant development and review of such policies would normally be accepted by The National Archives.

Relevant policy files would be created and captured within the files classified under Strategic Development Executive - Strategy/Policy & Knowledge within TPR's ERMS, and should be identified at the earliest possible stage for review and transfer to The National Archives.

EIOPA working group

As TPR is a member of the EIOPA working group, files which document TPR's input on working group policy and direction would need to be selected.

Research records

TPR maintains files and records on projects which research potential changes to the economy, society, government, and policy, and how these potential changes may impact on the management and regulation of schemes/funds within the UK.

Although these records provide information on how the Executive and Board made decisions on the operation of TPR, most reports are limited in detail and contain statistical data only. Any research reports of significance would form part of the records of the TPR or ECR Boards, so these will not be selected separately for transfer to The National Archives.

SECTION 5: ADDITIONAL INFORMATION AND FOLLOW-UP

5.1 Additional Checks

OSPs

OSP 30 (Government and people: interaction of the state with the citizen) and OSP 35 (Board and committee records).

BOARD AND COMMITTEE PAPERS

Governance Board – composition and remit

The board of TPR comprises one non-executive chair, five non-executive members, the chief executive and three executive directors.

The board sets our strategic direction and makes formal decisions about pension schemes and employers that are alleged to have breached the law.

Governance Board:- policies and strategies considered
Strategic functions and the overall direction of TPR and its services

Physical check - information quality	Capture	Maintenance	Retention
Agenda	DISC (eDRMS)	Classified	Identified as permanent record
Papers	As above	As above	As above
Minutes	As above	As above	As above

Non-Executive Committee:- policies and strategies considered
Strategic functions and the overall direction of TPR and its services

Physical check - information quality	Capture	Maintenance	Retention
Agenda	DISC (eDRMS)	Classified	Identified as permanent record
Papers	As above	As above	As above
Minutes	As above	As above	As above

PANEL PAPERS

The structure of the Panel is set out in Section 9 of the Pensions Act 2004. Section 9(1) requires that the Determinations Panel is made up of:

- a chairman (appointed by the Regulator) and
- at least six other persons (nominated by the chairman of the Panel and then appointed by the Regulator)

The panel decides whether TPR should use its reserved powers under the Pensions Act 2004.

Determination Panel - policies and strategies considered
The Panel does not consider or comment on policies and strategies of TPR.

Physical check – information quality	Capture	Maintenance	Retention
Determinations Notices	DISC (eDRMS)	Classified	Identified as permanent record
Contribution Notices	As above	Classified	As above
Orders	As above	Classified	As above

Policy files

Physical check – information quality	Capture	Maintenance	Retention
Operational	DISC (eDRMS)	Classified	Identified for review
CEIOPS Advisory / Working Group	As above	As above	Identified for review

Checking - conclusions

5.2 Implications of this report for the selection of records held in related departments / agencies

There are no envisioned impacts on the records of the Department for Work and Pensions.

5.3 Implications of the report for the review and selection of paper records relating to the functions covered here

TPR did not inherit any material from any agency other than its direct predecessor, and there are no hybrid records for those created post 2005. There are no records that were created prior to 1991. It is not envisaged that there are any significant impacts in relation to the review and selection of paper records.

5.4 Follow-up

This Appraisal Report will be reviewed two years from the date of its approval, or if TPR undergoes major machinery of government change which affects its function and activities.