Brolly

FREE GUIDE · UPDATED AUG 2026

STATE RECORDS ACT 1998 (NSW)

New South Wales

Archiving Social Media: A Guide For NSW Government

NSW LAW | ACCESS LAW | RETENTION & DISPOSAL | CHECKLIST | ARCHIVE-READY

Everything your council or agency needs to know about social media recordkeeping: the records Act, the access regime, retention and disposal, and a ready-to-use readiness checklist.

Captured. Searchable. Defensible.

NSW LEGISLATION · PDF

Photo: sv1ambo, CC BY 2.0, via Wikimedia Commons

SOCIAL MEDIA ARCHIVING FOR NSW GOVERNMENT

NSW social media records, ready when a GIPA request arrives.

Ready to find it, review it and export it. Posts, comments, replies, edits, deletions and associated media on official accounts can be government records when they evidence official business — and when a GIPA application arrives, the response duty is statutory. The statutory period governs the decision and notice; locating the complete record set is the operational work needed to make that decision defensibly.

GIPA Act 2009 No 52 — Within five working days after receiving an access application, an agency must acknowledge a valid application or notify the applicant that it is invalid (s 51). The agency must then decide the application and give notice of the decision within 20 working days after receipt (s 57) — the five-day stage sits inside that period, not before it. The period can extend by up to 10 working days for third-party consultation or retrieval from archives (15 if both apply), with further extension by agreement.

THE LEGAL CONTEXT

Social media records carry legal obligations. A reliable archive helps your team meet them.

State Records Act 1998 (NSW). Public offices must make and keep full and accurate records of their activities and keep them in accessible form for as long as they are required. Records may only be disposed of under an authorised retention and disposal authority.

Retention in New South Wales. Retention periods depend on the function the record documents, not the channel it was made on. Social media records follow the same authority as the business activity they evidence. Confirm the class with State Records NSW or your records team.

Primary sources

- State Records Act 1998 (NSW)
- GIPA Act 2009 (NSW)
- State Archives and Records NSW — social media
- Information and Privacy Commission NSW
- IPC — timeframes and extensions under the GIPA Act

Reviewed against current official sources: 30 August 2026 · General information, not legal advice.

Brolly

CORE LEGISLATION & REGULATIONS

The NSW framework

Four things shape the social media record in New South Wales: the records Act, the access regime, retention and disposal, and the consequences of getting disposal wrong.

RECORDS ACT

State Records Act 1998 (NSW)

State Records Act 1998 No 17

State Records NSW guidance confirms that social media information falls within the Act's definition of a record, while capture and retention remain risk- and value-based decisions for the public office.

ACCESS TO INFORMATION

Government Information (Public Access) Act 2009 (NSW)

GIPA Act 2009 No 52

Within five working days after receiving an access application, an agency must acknowledge a valid application or notify the applicant that it is invalid (s 51). The agency must then decide the application and give notice of the decision within 20 working days after receipt (s 57) — the five-day stage sits inside that period, not before it. The period can extend by up to 10 working days for third-party consultation or retrieval from archives (15 if both apply), with further extension by agreement.

RETENTION & DISPOSAL

Retention and disposal authorities issued by State Records NSW

Retention and disposal authorities

Retention periods depend on the function the record documents, not the channel it was made on. Social media records follow the same authority as the business activity they evidence.

CONSEQUENCES

Unauthorised disposal can be an offence

State Records Act 1998 (NSW) ss 21–22

Section 21 of the State Records Act 1998 prohibits abandoning, disposing of, transferring, damaging or altering State records, or negligently damaging them, with a maximum penalty of 100 penalty units — subject to the s 21(2) exceptions and the s 22 normal-administrative-practice regime. Under the GIPA Act, no timely decision and notice is a deemed refusal, with internal, Information Commissioner and NCAT review available.

If it was posted, commented on, edited or deleted on an official channel — it can be a government record when it evidences official business.

Brolly

GUIDANCE & OVERSIGHT

Who oversees the record

The authorities that set the recordkeeping standards, publish the social media guidance and review how requests are handled in New South Wales.

RECORDS AUTHORITY

State Records NSW

Social media recordkeeping FAQ

Sets the recordkeeping standards and publishes the guidance that applies to official social media in New South Wales. Your retention and disposal decisions are made under its authorities.

OVERSIGHT

Information and Privacy Commission NSW

www.ipc.nsw.gov.au

Reviews how GIPA applications are handled, including complaints about delay or refusal — which makes a findable, exportable record the easiest way to keep a request routine.

WHO IS COVERED

NSW agencies · Councils & county councils · Joint organisations

The GIPA Act's 'agency' includes a local authority — a council, county council or joint organisation (Sch 4 cl 1).

NSW AUTHORITY

Walton v Eurobodalla Shire Council [2022] NSWCATAD 46

IPC fact sheet — timeframes and extensions under the GIPA Act

The GIPA archive-retrieval extension requires additional retrieval difficulty — routine electronic storage does not by itself activate the extension. A searchable social-media archive keeps routine retrieval routine.

Without a complete archive, responding with confidence to a request, audit or inquiry gets harder every day.

READY TO GET STARTED

Social Media Records Readiness Checklist.

A social media archive is a critical part of your recordkeeping strategy — one shared source of truth for your records, legal, IT and communications teams.

- **Get the right people involved.**
  Bring together records, communications, legal, governance and IT.
- **Understand what laws apply.**
  Know your records Act, access regime and retention authorities.
- **Know your formats.**
  Preserve original content, context, metadata, links and attachments.
- **Think about privacy.**
  Protect personal information and control access appropriately.
- **Know which accounts are in scope.**
  Identify every account used to conduct official business.
- **Define what needs to be captured.**
  Include posts, comments, replies, edits, deletions and media.
- **Set your retention rules.**
  Sentence records under your retention and disposal authority.
- **Capture edits and deletions.**
  Preserve content even after it changes or disappears.
- **Plan for information requests.**
  Make records easy to search, retrieve and export.
- **Protect record integrity.**
  Maintain authentic, complete and defensible records.
- **Control access to your archive.**
  Set clear permissions and maintain an audit trail.
- **Test your process regularly.**
  Make sure you can find and export records when needed.

Captured. Searchable. Defensible.

Ready to see how Brolly supports the capture, search, integrity and export steps on this list? Turn the page.

Brolly

TRUSTED BY GOVERNMENT

Keep the social record ready before the request arrives.

Social content can change or disappear long before an information request is received. Brolly gives authorised teams a searchable archive of supported content from connected official accounts, preserving available context so records can be found, reviewed and exported when needed.

"Find a tool you can trust, especially when working in the public sector. We have that with Brolly – if you ever need those records, you know they're there."

Anthony, Manager Marketing & Campaigns — NSW Department of Communities and Justice

Read the NSW DCJ story →

GOVERNMENT ORGANISATIONS THAT USE BROLLY

Willoughby City Council

bega valley shire council

The Hills Shire Council

THE HILLS Sydney's Garden Shire

FairfieldCity Celebrating diversity

CITY OF SYDNEY

- **Capture supported posts, comments, edits & deletions automatically**
- **Search and export response-ready record sets with metadata intact**
- **Nothing disposed of without your instruction**

Book a free demo →

The NSW law guide

Captured. Searchable. Defensible.