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LIST OF PROTECTED RECORDS FOR LOCAL AUTHORITIES

PURSUANT TO SECTION 40(1) OF THE
PUBLIC RECORDS ACT 2005

List of Protected Records for Local Authorities

Protected records of local authorities – Notice specifying classes of local authority records that may not be destroyed unless prior approval is given by the Chief Archivist.

Explanatory notes approved by the Chief Archivist to assist with interpreting and implementing this notice are available from Archives New Zealand and should be read alongside this list.

Pursuant to section 40 (1) of the Public Records Act 2005 (“Act”), the Chief Archivist gives notice that the classes of local authority records specified in this “List” may not be disposed of by the local authority having custody of them without the prior approval of the Chief Archivist, and without notifying the Chief Archivist of its intention to dispose of those records, identifying the protected record concerned, and specifying how the record will be disposed of.

This requirement is in addition to any other requirements that may exist in law for the preservation of local authority records. The present list includes only those classes of local authority records which, in the opinion of the Chief Archivist, are worthy of preservation for administrative, accountability, heritage or research reasons.

The Public Records Act defines a local authority as:

- o A council-controlled organisation:
- o A council-controlled trading organisation:
- o A local government organisation.

The Public Records Act defines a local authority record as:

“...a record or class of records in any form, in whole or in part, created or received (whether before or after the commencement of this Act) by a local authority in the conduct of its affairs.”

The classes of local authority records specified in this notice (unless specifically stated) apply to records regardless of the media on which they are created and stored. The Public Records Act 2005 defines a record as:

“... information, whether in its original form or otherwise, including (without limitation) a document, a signature, a seal, text, images, sound, speech or data compiled, recorded, or stored, as the case may be, in written form on any material, or on film, negative, tape or other medium so as to be capable of being reproduced, or by means of any recording device, or process, computer, or other electronic device or process.”

If it is intended to maintain records in microform format only, the local authority must provide assurance to the Chief Archivist that the records will be maintained in compliance with international standard practice.

If it is intended to retain digitised records in electronic form only, the local authority must meet the requirements set out in the Electronic Transactions Act 2002. Protected records may be digitised and retained in electronic form only in some circumstances and guidance on this is available from Archives New Zealand.

All previous Local Government Schedule notices by the Chief Archivist published in the *New Zealand Gazette* are revoked and superseded by this “List”.

1. Meeting papers

- o Local authority meeting papers, for meetings as defined by the Local Government Official Information and Meetings Act 1987, consisting of agenda, a set of signed minutes and any other papers presented to and/or tabled.
- o All agenda, minutes and papers of meetings of the senior/executive management team.

2. Electoral records

- o Electoral Records created by the local authority including signed rolls and ratepayers' lists.
- o Returning officers' declarations of results from local authority elections and polls.
- o Reports and submissions relating to representation reviews and boundary changes.

3. Valuation and rating records

- o Valuation and rating records (including permanent data records) created by valuers employed or contracted by the local authority.
- o Rating records, including special rating records but excluding those relating solely to the payment of rates.

4. Bylaws, standing orders and records relating to Local Acts of Parliament

- o One copy of all existing and superseded bylaws.
- o Related legal opinions and submissions.
- o Consultation drafts and working papers only where there was considerable public interest in the particular Local Act of Parliament, bylaw or standing order.

5. Financial accountability

- o Consultation drafts and final funding policies, financial strategies and submissions.
- o Audited financial statements.
- o Significant investment and borrowing management policies.

6. District, Regional and Unitary plans

- o Consultation drafts and final District, Regional and Unitary plans.
- o Significant working papers, submissions and minutes of hearings or hearing documents relating to plans.

7. Property/assets management

Records which relate to property or assets owned by and/or administered by the local authority.

For example:

- o Records relating to the acquisition, development (including design, construction and substantial improvement) management, and disposal of land and buildings.
- o Asset management plans.
- o Asset registers.
- o Contract documents and as-built plans of public utilities and services such as roading, drainage, sewerage and storm water, water supply, flood control, power generation and supply, refuse disposal and public transport.

8. Regulatory records

- o Records of permits, consents and licences issued by the local authority in respect of land, buildings, marine and coastal area or water body and activities associated with these.
- o Land hazards registers.
- o Submissions and evidence presented at resource consent hearings including joint hearings and appeals to the Environment Court and other courts.

9. Policy manuals, procedure manuals, instructions and guides

Records documenting policies and procedures (and the development of these) which inform decision-making.

For example:

- o Policy and procedure manuals.
- o Procedural guidelines.
- o Codes of conduct.
- o Standards of practice.
- o Policy directives, instructions and memoranda.
- o Guidelines for employee relations.

10. Performance of the local authority's statutory or other primary functions

In addition to files and documents affected by the requirements of any other section of this notice, records that document policy development or provide evidence of legal action, controversy, submissions on legislation, legal or administrative precedent, important instances of application of policy and records which provide evidence of performance of primary functions.

For example, including topics such as:

- o Management of the environment.
- o Relations with the community, community organisations, other local authorities and central government with which the local authority has dealings.
- o Historic and heritage matters relating to the local authority and its region.
- o Management of civil defence emergency events.

11. Employee history

Summary information from personnel management information systems documenting employees' name, position, salary, dates of employment, gender and date of birth.

12. Cemetery records

Registers and indexes of burials, cremations and grave plots as well as maps and plans of cemetery plots.

13. Recordkeeping and information systems control records

- o Records used to establish the physical, administrative and intellectual control over records in both paper-based and electronic records systems.
- o Schedules and listings of all records destroyed or archived.

14. Consultation drafts and final strategic planning records

Records of any policy, plan or strategy involving a process of public consultation, including submissions or hearing of documents

For example:

- o Long term plans.
- o Strategic plans.
- o Annual plans.
- o Consultation on policies, strategies and plans.

15. Publications

Official publications by the local authority.

For example:

- o The long term community plan, annual report and annual plan.
- o Publicity material, such as brochures, newsletters, press statements and guides.
- o General informational material such as fact sheets, "how to" guides and books.
- o Internal publications such as staff magazines.

Excludes publications in digital form (not affected by the requirements of any other section of this notice) that are donated under legal deposit to the National Library of New Zealand and made available via the library's website.

16. Visual and sound records of high informational, accountability, administrative, research or heritage value

In addition to visual and sound records affected by the requirements of any other section of this notice, records held in the following formats:

- o Maps.
- o Aerial photographs.
- o Plans.
- o Photographs.
- o Sound recordings or other media.
- o Registers and indexes to these records.

17. In addition to the requirements of any other section of this notice, all records of high informational, accountability, administrative, research or heritage value created prior to 1946 which reflect the core functions of local government.

Protected records outlined in classes 1-17 apply to records covered by the following circumstances:

When formerly held by any public office, or instrument of any kind of the central government of New Zealand, and now in the custody of any local authority.

When local authority functions are or have been contracted to a private company.

When formerly created and maintained by the local authority and transferred to the custody of a private company after 1989.

When belonging to merged, preceding, abolished or other authorities and now in the custody of the local authority.

Dated at Wellington this 28th day of August 2013.

GREG GOULDING, Chief Archivist.