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Ross Francis

Via www.fyi.org.nz

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Dear Mr Francis

Official Information Act 1982 (OIA) request 17/18-0108

Thank you for your request under the Official Information Act 1982, received by Archives New Zealand on 19 September 2017. You have asked:

In its response to me dated 11 September 2017, Archives says it has received 43 formal requests for intervention since introduction of the Public Records Act. Archives says "[a]lleged failure to create a full and accurate record has also been identified as an issue".

Among the 43 formal requests for intervention, how many of those requests related to the alleged failure to create a full and accurate record?

After requesting Archives' intervention, how many requestors received the full and accurate record they were seeking to obtain?

How many requestors failed to obtain the full and accurate record they were seeking, despite your intervention, and what were the reasons for that failure?

Please send me all communication – both formal and informal – relating to record-keeping that Archives has had with the Justice Ministry since the introduction of the Public Records Act. Please also provide me with the details of the formal complaint it received in regards to the Ministry of Justice which was referred to in Archives' response of 11 September 2017.

You provided a clarification for the last portion of your request on 25 September 2017. Your amendment was:

I am interested in communication between the Justice Ministry and Archives NZ as it relates to compliance, auditing of records, and guidance to improve record-keeping.

Your request has been broken into five sections, which are addressed below.

1. *Among the 43 formal requests for intervention, how many of those requests related to the alleged failure to create a full and accurate record?*

Of the 43 formal requests for intervention made under the Public Records Act 2005, seven related to an alleged failure to create a full and accurate record.

2. *After requesting Archives' intervention, how many requestors received the full and accurate record they were seeking to obtain?*
3. *How many requestors failed to obtain the full and accurate record they were seeking, despite your intervention, and what were the reasons for that failure?*

Questions 2 and 3 above are being refused under s 18(e) as the information requested does not exist. Archives New Zealand does not hold information on the records obtained by individuals from other agencies.

We are able to comment on the outcome of these from our perspective. In all but one case, Archives New Zealand was satisfied that obligations under the PRA were either being met, or that improvements had been or were being made since the request for intervention was received. In two of these cases, Archives New Zealand provided guidance on how to make improvements. The remaining case was in relation to a dispute between an individual and a university, and was closed after the dispute was resolved.

4. *Please also provide me with the details of the formal complaint it received in regards to the Ministry of Justice which was referred to in Archives' response of 11 September 2017.*

This formal request for intervention was in relation to the retrieval of a deleted email from the former Legal Services Agency (now part of the Ministry of Justice) and was received by Archives New Zealand on 3 December 2014. The findings of the investigation note that the requestor was informed that some public records can be legally disposed of using the General Disposal Authorities (GDA), and that if the content destroyed in this case came under the criteria set out within a GDA, then no further action is required by the Chief Archivist.¹ The case was closed on 2 February 2015 and no further correspondence was received about this request.

5. *Please send me all communication – both formal and informal – relating to record-keeping that Archives has had with the Justice Ministry since the introduction of the Public Records Act. I am interested in communication between the Justice Ministry and Archives NZ as it relates to compliance, auditing of records, and guidance to improve record-keeping.*

We are releasing to you all correspondence with the Ministry of Justice relating to compliance and auditing of records. These documents have been provided in bundles that reflect the structure of our electronic document management system.

¹ See the Records Toolkit website for further information on General Disposal Authorities www.records.archives.govt.nz.

Some information is being withheld under the OIA:

- Section 9(2)(a) – email addresses and phone numbers of Ministry of Justice staff and mobile phone numbers of Archives New Zealand staff are being withheld to protect the privacy of natural persons; and
- Section 9(2)(ba)(ii) – some information, such as security access codes and the location of physical files, is being withheld as this information was provided under an obligation of confidence. A PowerPoint presentation provided by the third party auditor is also being withheld under this section, as it was provided to Ministry staff as a reference document and cannot be released without the express permission of the auditor.

I do not consider that the withholding of this information is outweighed by the public interest in the matter.

Your request for all correspondence as it relates to guidance to improve recordkeeping is being refused under section 18(f), because the information requested cannot be made available without substantial collation or research. Archives New Zealand's role as the regulator of the public recordkeeping system means that most of our correspondence with agencies is in relation to guidance to improve recordkeeping. This can include queries about disposal, acquisition, specific elements of the PRA, or recordkeeping systems design, among others. If you are able to further refine this element of your request, we may be able to better assist you in finding the information you seek.

Please note that the majority of our general recordkeeping guidance is published online through our Records Toolkit website (www.records.archives.govt.nz). Prior to the publication of this website, recordkeeping guidance was published on our general website (www.archives.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Richard Foy
Chief Archivist (acting)
Archives New Zealand

Appendix A

Schedule of documents released under the Official Information Act 1982 – Ref: 17/18-0108

File Reference	Document number	Document type	Document title	Notes	Withhold or Release
02 - Client Engagement (2014-0808)	1	Email	Notification of Public Records Act Audit A789825)	Includes attachment	Release
	2	Email	RE PRA audit of Ministry of Justice (A804371)		9(2)(a)
	3	Email	Public Records Act Audit Information (A763452)	Includes 4 attachments	Release
	4	Email	Ministry of Justice - rating changes (A832989)	Includes attachment	9(2)(a)
	5	Email	Timeline for Final Report (A832990)		9(2)(a)
	6	Email	Non-Judicial Authorities - Rating Changes (A834557)	Includes attachment	9(2)(a)
03 – Senior Responsible Officer Visit (2014-1604)	1	Email	RE Public Records Act Audit Programme Please provide tentative dates for Engagement Meeting (A798738)		9(2)(a)

04 – Audit Confirmation (2014-1614)	1	Email	Terms of Audit Engagement (A801978)	Includes attachment	9(2)(a)
	2	Email	New SRO for Ministry of Justice Audit (A806994)		Release
	3	Email	Ministry of Justice PRA audit - updated judicial non-judicial list (A808807)		9(2)(a)
07 – Onsite Audit (2014-1861)	1	Email	Non-Judicial Authorities - Documentation Request (A832996)	Includes attachment	9(2)(a)
08 – Audit Report (2014-1880)	1	Email	Response to and Concerns from MoJ Chief Information Officer re audit process (A833166)		9(2)(a)
	2	Email	Public Records Act - Final Audit Findings Report - Ministry of Justice and non-Judicial Authorities (A833470)	Includes 4 attachments	9(2)(ba)(ii)
02 – Client Engagement (2014-4169)	1	Email	Re Audit Information (A831377)	Includes 2 attachments	PowerPoint attachment explaining PRA Audits provided in bundle 2014-0808 as it is a duplicate

	2	Email	RE PRA audit of Ministry of Justice (A831380)		9(2)(a)
	3	Email	RE Follow up to audit meeting (A831382)		9(2)(a)
	4	Email	Public Records Act Audit Information (A831379)		Release
	5	Email	RE Court and Tribunal records and PRA audit (A831381)		9(2)(a)
	6	Email	FW: Notification of Public Records Act Audit - Min of Justice (A831779)	Includes attachment	Attachment - 9(2)(a)
	7	Email	RE PRA audit self-assessment spreadsheet (A798720)		9(2)(a)
04 – Audit Confirmation (2014-4170)	1	Email	RE Terms of Audit Engagement - from Bolger Eamonn (A802143)	Includes attachment	9(2)(a)
	2	Email	Terms of Audit Engagement-returned from Ministry of Justice (A802142)	Includes attachment	Release

03 – Senior Responsible Officer Visit (2014-4171)	1	Email	FW Public Records Act Audit Engagement Meeting (A798740)		9(2)(a)
05 – Client Self-Assessment (2014-4172)	1	Email	RE Courts audit self-assessment access key code (A810951)		9(2)(ba)(ii)
07 – Onsite Audit (2014-4174)	1	Email	RE Courts audit self-assessment access key code (A862557)		9(2)(ba)(ii)
	2	Email	PRA audits for courts and tribunals (A862555)		Release
	3	Email	Courts Audits - Focus Questions and System Access required (A820891)	Includes attachment	9(2)(a)
	4	Email	RE PRA Audits - next actions (A862554)		9(2)(a)
	5	Email	RE contacts for systems (A862553)		9(2)(a)
	6	Email	Allman R email with Estimate of audit times for Courts (A823120)	Includes attachment	9(2)(a)
	7	Email	Public Records Act audit of Hamilton Youth Court (A862550)	Includes attachment	9(2)(a) Attachment withheld under 9(2)(ba)(ii)

	8	Email	Public Records Act audit of Hamilton Family Court records (A862549)	Includes attachment	9(2)(a) Attachment withheld under 9(2)(ba)(ii)
	9	Email	Public Records Act recordkeeping audit of MLC (Waikato) (A862524)		9(2)(a)
	10	Email	Onsite audit update (A862522)	Includes attachment	9(2)(a)
	11	Email	RE: PRA Audit Questions (A823116)		9(2)(a)
	12	Email	Public Records Act Audit - Rating changes and closing meeting presentations (A830395)	Includes 2 attachments	9(2)(a) PowerPoint (Court closing presentations) attachment withheld under 9(2)(ba)(ii)
	13	Email	RE: PRA Self-assessment question (A833627)		9(2)(a)
	14	Email	Re Tenancy Tribunal audit findings - info re storage (A833703)		Release
	15	Email	RE: Public Records Act audit for courts and tribunals (A834520)	Includes attachment	9(2)(a) Some information from attachment withheld under s 9(2)(ba)(ii)