

From: [Polly Martin](#)
To: [Kylie Welch](#)
Subject: FW: Public Records Act 2005 Breach Concern
Date: Tuesday, 9 December 2014 12:04:56 PM

Could I please allocate this to you.

Whilst I'm sure you already have an approach given the previous two investigations for which you have been responsible can I suggest the following:

1. Take some time to work out whether the concerns seem to be valid. If not - put together a communication informing this person that no further investigation will take place.
2. If so put together a communication informing the person that further investigation is required
3. You will need to inform the agency concerned that we have received a complaint and will be investigating.
4. Work out the questions that need to be answered and investigate
5. Call a team meeting to work through the issues and for the team to provide feedback
6. Collate and report findings and recommendations to present to Manager/Director
7. Letter to the Chief Archivist

Bex is happy to provide support if needed.

Nga mihi

Polly

-----Original Message-----

From: Polly Martin
Sent: Tuesday, 9 December 2014 11:52 a.m.
To: 9(2)(a)
Subject: FW: Public Records Act 2005 Breach Concern

Kia Ora 9(2)
()

Thank you for your message of concern

This request has been allocated and will need some time to explore the points you have raised.

We should be able to come back to you in the New Year with our response.

Nga mihi

POLLY MARTIN

Manager
Advice & Compliance
Client Capability Directorate

Archives New Zealand
Te Rua Mahara o te Kawanatanga
The Department of Internal Affairs Te Tari Taiwhenua

DDI: 04 894 6067 ext 9267
F: 04 495 6210
T: 04 499 5595

Email: xxxxx.xxxxxx@xxx.xxxx nz

10 Mulgrave Street
PO Box 12 050
Wellington 6144, New Zealand

www.dia.govt.nz
www.archives.govt.nz

-----Original Message-----

From: 9(2)(a)
Sent: Thursday, 4 December 2014 2:49 p.m.
To: Recordkeeping Advice
Subject: Public Records Act 2005 Breach Concern

Greetings,

I've got concerns over what seems to be a breach of the Public Records Act by either Auckland Transport or the Auckland Transition Agency (which my understanding is, would be both covered by the Local Government provisions).

In October I requested under the Local Government Official Information & Meetings Act (LGOIMA) documents from 2009 relating to a public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (ARC). My understanding is that ARTA was treated as a Council Controlled Organization (CCO), and all functions were moved to Auckland Transport when the councils merged in 2010.

A full copy of my LGOIMA request is available online at the FYI website (<https://fyi.org.nz/request/2120-re-release-of-information-from-2009-western-bus-consultation#incoming-7374>), in this request I asked for:

- * Main announcement/information of Consultation Proposal (similar to the quoted text in the CBTF link, but more detailed)
- * Summary and/or Analysis of feedback received
- * Copies of submissions/feedback with appropriate redaction already in place (n.b. if this wasn't made available, then it's okay)
- * Announcement/summary of final decision

These documents were specifically in regards to a public transportation planning consultation focusing on Nor-West Auckland. I know that the first, second and fourth items exist as they used to be available on the ARTA website which either Auckland Transport or the Auckland Transition Agency kept running for a period of time after the merger.

As you can see on the FYI site, on December 3 (yesterday) Auckland Transport rejected my LGOIMA request citing "Auckland Transport has been unable to locate these documents in our archives." and further "contacted Auckland Council Archives who have further confirmed they do not hold this information".

Based on item 14 (pages 5/6) of http://archives.govt.nz/sites/default/files/list_of_protected_records_for_local_authorities_0.pdf (Protected Records for Local Authorities), I observe that "Consultation drafts, and final strategic planning records" which includes submissions and hearing of documents, and 'consultation on policies, strategies and plans' are considered 'protected records' (and based on the Archives website means they cannot be destroyed without permission).

Considering that public transport planning is a strategic function of the former Auckland Regional Transport Authority and the current Auckland Transport, I feel I have the right to expect that these documents should be protected, and that AT's rejection of my request is a sign that they have been somehow lost/destroyed in both physical and digital formats.

I should note that I do currently have a complaint open with the Office of the Ombudsman with regards to this LGOIMA request (originally in regards to the extension that AT sought, but now per agreement with a representative of the Ombudsman, focusing on their rejection reason and other not-directly related issues I have raised. But after a telephone call today with the Ombudsman's office it seems that a complaint under the Public Records Act is potentially more appropriate as there is the suggestion that the records are now missing or potentially destroyed.

I observe that there isn't a particular place where a member of the general public can make a complaint, so I am hoping that this contact address is the most appropriate to bring it to your attention.

If any more details are required, please let me know.

Regards,

9(2)(a)

Released under the Official Information Act 1982

**9(2)(a) – Auckland Transport/the Auckland Transport Agency
Investigation Notes**

Date Received 4 December 2014 **Date Acknowledged** 5 December by Polly Martin
Assigned to Kylie Welch, Advisor, A & C Team
Complainant 9(2)(a)
Organisation Involved Auckland Transport/The Auckland Transport Agency
Topic Public Records Act 2005 Breach Concern

Notes	
Who?	Auckland Transport (or The Auckland Transport Agency)
ACT	LGOIMA (Local Government Official Information & Meetings Act)
What:	2009 Documents relating to the public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (CCO) and all functions were moved to Auckland Transport during 2010 merge
OIA	<ol style="list-style-type: none"> 1. Main announcement info of consultation proposal 2. Summary and/or Analysis of Feedback received 3. Copies of Submissions/Feedback 4. Copies of Submissions/Feedback with appropriate redaction already in place 5. Announcement/Summary of final decision
Focus:	North-West Auckland Western bus route consultation
LGOIMA Response	"Auckland transport has been unable to locate these documents in our archives. We have also contacted Auckland Council Archives who have further confirmed they do not hold this information. We therefore decline your request in accordance with section 17(e) of the LGOIMA in that the documents requested cannot be found.
LGOIMA 17(e)	That the document alleged to contain the information requested does not exist or cannot be found.
Resources	<ol style="list-style-type: none"> 1. List of Protected Records 2. Explanatory Notes 3. ALGIM Schedule 4. LGOIMA 5. New Zealand Web Archive

Notes on documents within OIA

OIA	<ol style="list-style-type: none"> 1. Main announcement info of consultation proposal <i>Not protected – Comes under Communications ALGIM T2 Z4.2.2</i> 2. Summary and/or Analysis of Feedback received <i>Yes – this is a protected record. Need to find out whether this could possibly be found. If not, may need to investigate</i> 3. Copies of Submissions/Feedback <i>More clarification is required from 9(2) - what does he mean by copies?</i> 4. Copies of Submissions/Feedback with appropriate redaction already in place <i>More clarification is required from 9(2) - what does he mean by copies?</i> 5. Announcement/Summary of final decision <i>This depends on how it was announced. ALGIM Schedule T2 - Z23.3.7 mentions that this may be able to be destroyed.</i>
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	223.3.7 Notification	Records of notification process, including: - advertisements - public notices - other records of the notification of affected parties	Destroy	When plan published	When no longer administratively required	
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Next Actions:

1. Email Auckland Transport to advise that we have received a complaint (and will be investigating).
2. Email 9(2)(a) [REDACTED] requesting further clarification regarding 'copies of submissions feedback'. 9(2) [REDACTED] to advise what he means by copies.
3. Draft reply once 9(2) [REDACTED] has clarified what he means by copies.

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Archives New Zealand, 10 Mulgrave Street, Wellington
Phone +64 4 499 5595
Fax +64 4 495 6210

Website www.dia.govt.nz www.archives.govt.nz

19 December 2014

Dr David Warburton
Auckland Transport Authority
Private Bag 92250
Auckland 1142

Dear Dr Warburton,

Notification of Complaint

This letter is to inform you that Archives New Zealand has received correspondence from 9([REDACTED] with regards to 2009 documents relating to the public consultation performed by the former Auckland Regional Transport Authority (ARTA) which was part of the Auckland Regional Council (CCO) regarding the North-West Auckland Western bus route consultation. The Department of Internal Affairs takes all complaints made under the Public Records Act 2005 (the Act) seriously and we are committed to responding to them in a timely manner.

1. Details of complaint

9(2)(a) [REDACTED] specific complaint is that the following documents were no longer available as per his LGOIMA request (Auckland Transport reference CAS-419803-B8C5M6 dated 22 October 2014):

1. Main announcement information of consultation proposal
2. Summary and/or Analysis of Feedback received
3. Copies of Submissions/feedback
4. Copies of Submissions/feedback with appropriate redaction already in place
5. Announcement/summary of final decision

2. Response process

We have agreed to look further into the matter. We may be seeking further information from Auckland Transport to assist in this matter.

Yours sincerely,

Kylie Welch
Archives Advisor
Archives New Zealand

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From: [Kylie Welch](#)
To: 9(2)(a)
Bcc: [Anna Monson](#)
Subject: Auckland Transport
Date: Monday, 22 December 2014 3:28:00 PM
Attachments: [image001.png](#)

Dear 9(2)(a)

While assessing your concerns regarding your email sent on 4 December 2014 can you please clarify what you mean by 'Copies of submissions feedback' and 'Copies of submissions/feedback with appropriate redaction already in place'. Do you mean original version/authoritative versions of records, or do you mean 'duplicates'? The 'main announcement/information of Consultation Proposal' and the 'Announcement/Summary of final decision' are considered Protected Records under Item 14: Consultation drafts and final strategic planning records within the [List of Protected Records for Local Authorities](#) but copies of records; as you have requested; are considered transitory under [General Disposal Authority 7](#) (1.4).

We are assessing whether we will look further into how the main announcement/information of the Consultation Proposal and the Announcement/Summary of final decision documents but would like further clarification on the copies you are requesting.

Regards

Kylie Welch | Archives NZ Advisor | Advice and Compliance Team

Archives New Zealand Te Rua Mahara o te Kawanatanga

Direct Dial: +64 4 894 6055 | Extn: 9255

10 Mulgrave Street | PO Box 12-050, Wellington 6011, New Zealand

www.archives.govt.nz | www.thecommunityarchive.org.nz



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Papers prepared for Chief Archivist sign-off				
Title:	Direction to report regarding loss/disposal of Auckland Transport records regarding 2009 North-West bus route consultations.			
Doc Type:	Letter for Signing			
Prepared by:	Jonathan Newport, Archivist/Advisor, Advice & Compliance			
Peer reviewer:	Polly Martin, Manager Advice & Compliance			
Objective:	A832460	DMS:		IA:
Due date:				
Manager sign-off				
Date:				
Signature:				
Senior Manager sign-off				
Date:				
Signature:				
Comments.				
<p>Please find attached a direction to report to be bent to Dr David Warburton Chief Executive of Auckland Transport (a Council Controlled Organisation). Please also find enclosed an Initial assessment and proposed approach regarding the matter in question.</p> <p>On 4 December 2014 a request was received from 9(2)(a) outlining his concerns that records of the Public Consultations conducted by Auckland Transport about changes to some of the North-West bus routes were unavailable. Under section 14 of the <i>List of Protected Records</i> four of the five record types 9(2)(a) seeks should be considered as Protected records and should have been retained until the permission of the Chief Archivist had been obtained.</p> <p>No evidence could be found that permission to dispose these records had been sought or granted.</p> <p>As it appears that Auckland Transport may have acted counter to its Public Records Act obligations it is appropriate that a report be sought on the matters 9(2)(a) has raised.</p>				

If you agree with these recommendations it is recommended that you sign:

- The enclosed letter addressed to the CEO of Auckland Transport

Chief Archivist sign-off

Approved Yes No **Date:**

Signature:

Marilyn Little
Chief Archivist, Archives New Zealand

Comments

Return to: **Jonathan Newport**

Released under the Official Information Act 1982

22 April 2015

Dr David Warburton
Chief Executive
Auckland Transport
Private Bag 92250
Auckland 1142
Wellington 6145

Dear Dr Warburton

On 19 December 2014 a letter was sent notifying your office that Archives New Zealand has received a complaint under the Public Records Act 2005 (PRA) from 9(2)(a) regarding the unavailability of the records containing the information sought in his request of 22 October 2014 (your reference CAS-419803-B8C5M6).

Archives New Zealand takes all complaints made under the Public Records Act 2005 seriously and we are committed to responding to them in a timely manner. Due to unexpected circumstances our response to this request has not been timely however we are now in a position to give proper consideration to the concerns raised by 9(2)(a)

In the original request of 22 October 2014 9(2)(a) sought the following information regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009:

1. Main announcement information of consultation proposal
2. Summary and/or Analysis of Feedback received
3. Copies of Submissions/feedback
4. Copies of Submissions/feedback with appropriate redaction already in place
5. Announcement/summary of final decision

(Please note 9(2)(a) is aware that requests 3 and 4 are effectively duplicates – his intention was to allow a measure of flexibility as to how the requested information was delivered)

On the basis of the response 9(2)(a) received dated 3 December 2014 from Andrea McKenzie it appears that the information sought could not be located. If these records do not exist it would appear that Auckland Transport has fallen short of the requirements set out in the *List of Protected Records for Local Authorities* which was issued 2 September 2013 or in contravention of the *Local Government Schedule* which was the predecessor to the *List of Protected Records* depending on the date when the information being sought became lost or irretrievable.

Specifically both the *List of Protected Records* and the *Local Government Schedule* mandate the retaining of submissions and records relating to a process to a policy, plan

or strategy involving a public consultation process (section 14 in both the *List* and the *Schedule*). On this basis records of the types indicated in requests 2, 3, 4 and 5 should be considered as Protected Records.

I therefore request that Auckland Transport investigate the following questions and report your findings to me.

- The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search.
- Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the *List of Protected Records for Local Authorities* or the *Local Government Schedule* are not disposed of without the consent of the Chief Archivist.
- What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost.
- If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible.

Archives New Zealand is committed to helping Public Offices and Local Authorities meet their responsibilities under the PRA. By establishing the extent of the apparent issue and the measures implemented since then Archives New Zealand will be able to offer detailed advice and assistance should a need for such be identified.

A response to the questions raised above would be appreciated by Thursday 14 May 2015. If additional time is required or if you have any further questions about this request please contact Antony Moss, Director Client Capability (Antony.Moss@dia.govt.nz; 04 496 1392), in the first instance.

Yours sincerely



Marilyn Little
Chief Archivist

Initial assessment of compliance action and recommendation to Chief Archivist

1. The Issue

Background

On 4 December 2014 a complaint was received from 9(2)(a) regarding the fact that records he had requested under the Local Government Official Information and Meeting Act regarding records of the 2009 Public Consultation process about changes to some of the North-West bus routes could not be located by either Auckland Transport or the Auckland Council Archives.

While 9(2)(a) initial complaint was received in early December the initial response from Archives was a request for clarification regarding some aspects of the request. Clarification was received promptly but as this clarification was received directly by a staff member who left Archives New Zealand shortly afterwards it was not realised that the clarification had been received and the enquiry was left unaddressed until 9(2)(a) queried the status of his request on 17 April.

2. Assessment

Chief Archivist's jurisdiction

The Chief Archivist can use direction to report and inspection powers in relation to public offices and public records and archives.

Initial findings

9(2)(a) enquiry included his correspondence with the local authorities. Records of Policy, Planning or Strategy involving a process of public consultation constitute Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule*.

From the evidence presented it appears very possible that Auckland Transport (a Council Controlled Organisation) appears to have acted contrary to its obligations under the Public Records Act (PRA) as consent of the Chief Archivist is required before any Protected Records can be disposed of (section 40, PRA). No evidence of any previous consent to the disposal of these records could be found.

It is felt appropriate that the Chief Archivist request further information from Auckland Transport so that the extent of the issue can be established and so that Archives New Zealand can give appropriate advice and direction on proper practice and the PRA obligations on Local Authorities and Council Controlled Organisations.

3. Risks

It is unlikely that the records being sought will be found. By the nature of the request it is likely that Auckland Transport may consider itself being wronged and burdened by an issue that s9(2)(a) himself notes has become mostly a moot point due to the passage of time.

4. Benefits

If it is the case that a Council Controlled Organisation has acted incorrectly the Chief Archivist can demonstrate leadership and raise awareness of the PRA obligations to the council staff as well as the many Council Controlled Organisations.

5. Recommendation

That the Chief Archivist sign the enclosed letter requesting further information from Auckland Transport so that we can establish whether there has been a breach of their PRA obligations as well as the extent and potential remedies should an issue be identified.

Released under the Official Information Act 1982

From: [Jonathan Newport](#)
To: 9(2)(a)
Subject: Archives New Zealand - complaint under the PRA
Date: Wednesday, 29 April 2015 11:32:17 AM

29/04/2015

Dear 9(2)
()

Thank you for your request for an update on your complaint about Auckland Transport's handling of records documenting the notifications and public consultations around the 2009 'Western Bus Consultation'.

After considering your request the Chief Archivist has requested a report from Auckland Transport regarding the matters raised in your complaint as we share your concerns that Protected Records may have been disposed of without the authorisation of the Chief Archivist. Once the report is received Archives New Zealand should be able to determine an appropriate response.

I would note that unless Auckland Transport is determined to have deliberately disposed of records in knowing breach of its Public Records Act obligations any actions taken by Archives New Zealand are likely to be remedial in nature.

We will keep you advised of further developments.

Yours sincerely

Jonathan Newport
Archivist/Advisor

Archives New Zealand Te Rua te Mahara o te Kawanatanga
The Department of Internal Affairs Te Tari Taiwhenua
Direct Dial: +64 4 931 6981 Extn: 9283
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PO Box 12 050
Wellington 6144, New Zealand
www.archives.govt.nz

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From: [Antony Moss](#)
To: [Polly Martin](#); [Jonathan Newport](#); [Raewyn Vogel](#)
Subject: Auckland Transport / 9(2)(a) issue
Date: Wednesday, 13 May 2015 1:47:36 PM

Not sure if we had this on a bring up.

Had a call from Gerrard at AT records. He ran through their answers to the questions in the requirement to report letter and said that their response, which is due tomorrow, was nearly done and should get through internal sign off within a couple of weeks. I said that was OK, and have noted the spreadsheet.

Direct dial 04 496 1392 - Extn 9392 - Mobile: 027 476 0361

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From: [Jonathan Newport](#)
 To: 9(2)(a)
 Subject: RE: Archives New Zealand - complaint under the PRA
 Date: Friday, 30 October 2015 10:09:18 AM

30/10/2015

Hello 9(2)
 ()

Thank you for your email - at the moment, it appears that we did not receive a report though we were advised back in May that the report was in process. I'm following this up and I hope to advise you more conclusively soon.

Kind regards,

Jonathan Newport
 Archivist/Advisor

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-----Original Message-----

From: 9(2)(a)
 Sent: Thursday, 29 October 2015 6:21 p.m.
 To: Jonathan Newport
 Subject: Re: Archives New Zealand - complaint under the PRA

Hi Jonathan,

It's being a while since your last contact on the issue of Auckland Transport's handling of historical consultation data. I'm just curious if AT ever responded with a report regarding what happened or if it is still ongoing.

Thanks,

9(2)(a)

On Tue, Apr 28, 2015 at 11:32:17PM +0000, Jonathan Newport wrote:

> 29/04/2015

>

> Dear 9(2)

>

> Thank you for your request for an update on your complaint about Auckland Transport's handling of records documenting the notifications and public consultations around the 2009 'Western Bus Consultation'.

>

> After considering your request the Chief Archivist has requested a report from Auckland Transport regarding the matters raised in your complaint as we share your concerns that Protected Records may have been disposed of without the authorisation of the Chief Archivist. Once the report is received Archives New Zealand should be able to determine an appropriate response.

>

> I would note that unless Auckland Transport is determined to have deliberately disposed of records in

knowing breach of its Public Records Act obligations any actions taken by Archives New Zealand are likely to be remedial in nature.

>

> We will keep you advised of further developments.

>

>

> Yours sincerely

>

>

> Jonathan Newport

> Archivist/Advisor

>

> Archives New Zealand Te Rua te Mahara o te Kawanatanga The Department

> of Internal Affairs Te Tari Taiwhenua Direct Dial: +64 4 931 6981

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>

>

>

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From: [Jonathan Newport](#)
To: [Antony Moss](#)
Subject: Regarding a PRA complaint from 9(2)(a)
Date: Friday, 30 October 2015 10:04:29 AM

Hi Tony,

Just checking with you before we pursue things further – months ago back we received a complaint from 9(2)(a) about recordkeeping at Auckland Transport.

They were requested* to respond by 14 May, but you received a call from ‘Gerrard’ at Auckland Transport on the 13th advising that they were finalising their response, but it still needed to go through internal signoff and required a couple more weeks.

As far as I can see, this was the last we heard – is this correct as far as you are aware?

The driver here is that 9(2)(a) has made an enquiry this morning as to whether we ever received a response.

Thanks,

Jonathan

- It wasn't quite a formal S31 direction, since Auckland Transport is considered a Local Authority, but it was intended to be as close as we could reasonably make it.

Released under the Official Information Act 1982

From: [Gerard Rooijakkers \(AT\)](#)
To: [Polly Martin](#)
Cc: [Ian M. Smith \(AT\)](#)
Subject: RE: Interim information regarding Archives New Zealand's enquiry
Date: Monday, 30 November 2015 8:35:11 AM
Attachments: [image001.jpg](#)

Hi Polly,

I have escalated this matter with Ian M. Smith, Enterprise Information Manager:
Ian.M.Smith@aucklandtransport.govt.nz

Kind regards,

Gerard

From: Polly Martin [mailto:Polly.Martin@dia.govt.nz]
Sent: Friday, 27 November 2015 12:09 p.m.
To: Gerard Rooijakkers (AT)
Cc: Antony Moss
Subject: RE: Interim information regarding Archives New Zealand's enquiry

Kia ora ano Gerard

Archives New Zealand has still not received a response from Dr David Warburton.

We have also not heard from yourself about the progress of the report required on 14th May.

I just wanted to give you heads up that further communication from the Chief Archivist is likely due to the lack of response in a timely manner.

As you will know the statutory powers of the Chief Archivist permits her to exercise a leadership role in government recordkeeping.

The Chief Archivist has directed your organisation to report as specifically outlined in Section 31 of the Public Records Act.

Direction to report to Chief Archivist

- The Chief Archivist may give notice in writing directing the administrative head of a public office or of an approved repository to report to the Chief Archivist or to any other person specified by the Chief Archivist on—
 - (a) any specified aspect of its recordkeeping practice;
 - (b) the public records that it controls or (in the case of an approved repository) has possession of.

This direction has been issued in response to our assessment of a complaint received by the Chief Archivist in December of 2014.

Nga mihi

Government Recordkeeping Directorate

Archives New Zealand Te Rua Mahara o te Kawanatanga

Direct dial +64 4 894 6067 | Extn9267 | Mobile: +64 21 685 210 | www.records.archives.govt.nz

Archives New Zealand is part of the Department of Internal Affairs

From: Gerard Rooijackers (AT) [<mailto:xxxxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xx.xx>]
Sent: Tuesday, 10 November 2015 8:22 a.m.
To: Polly Martin
Subject: FW: Interim information regarding Archives New Zealand's enquiry

Hi Polly,

In response to your phone message please see email below.

Cheers,

**Gerard Rooijackers | Information
Management Team Lead**

Business Technology

Level 1, Vodafone Building, Smales Farm
Business Park,

68-76 Taharoto Road, Takapuna
Private Bag 92250, Auckland 1142

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M 021 830977

F +64 9 355 3550

xxxxxx.xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xx.xx

www.at.govt.nz



From: Gerard Rooijackers (AT)
Sent: Tuesday, 3 November 2015 12:39 p.m.
To: 'Jonathan Newport'
Subject: Interim information regarding Archives New Zealand's enquiry

Hello Jonathan,

I indicated in a phone conversation with Anthony Moss in May 2015 that ARTA records are not held by Auckland Transport, the physical records reside with the custodian Auckland Council. In spite of great efforts, Auckland Council's Records and Archives staff have been unable to retrieve the information requested by **9(2)(a)**.

I have initiated extensive research of digital data on back-up tapes, which included data of the old ARTA organisation, resulting in the retrieval of some related information. Based on these research and retrieval efforts I have drafted a response, which is being reviewed by our management, prior to being addressed to the Chief Archivist. I will enquire at what stage the review of the draft response is and inform you of the outcome of my enquiry.

Given AT's continuing formal response process, please regard this information as an update rather than a formal response.

Kind regards,
Gerard

From: Jonathan Newport [<mailto:xxxxxxxxx.xxxxxxx@xxx.xxx.xx>]
Sent: Friday, 30 October 2015 11:36 a.m.
To: Gerard Rooijackers (AT)
Subject: Archives New Zealand - enquiry about status of response

30/10/2015

Hello Gerard,

The Chief Archivist sent a letter addressed to Dr David Warburton dated the 22nd of April 2015 regarding a complaint made by 9(2)(a) (your reference CAS-419803-B8C5M6). The Chief Archivist's letter asked several questions relating to 9(2)(a) enquiry and a response was requested by the 14th of May.

I understand you called the Director of Government Recordkeeping at Archives New Zealand, Antony Moss, on the 13th of May advising that Auckland Transport's response to the Chief Archivist's letter was in process of obtaining internal sign-off and that some additional time was required before the response would be sent (our understanding was that this additional time would be on the scale of a couple of weeks or thereabouts).

As of today, Archives New Zealand has not registered a response to the questions raised in the Chief Archivist's letter. Are you able to advise whether this response was sent? If not, it would be appreciated if a summary of the circumstances that have led to the delay/cancellation of the response would be appreciated.

Archives has received an enquiry from 9(2)(a) as to whether a response had been received by Archives New Zealand and we would like to advise him of the progress made to date.

Kind regards,

Jonathan Newport
Archivist/Advisor

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Released under the Official Information Act 1982



15 December 2015

Chief Archivist
Archives New Zealand
PO Box 12050
Wellington 6144

Dear Ms Little,

On 22 April 2015 you requested information regarding a complaint received by Archives New Zealand from 9(2)(a).

On 22 October 2014 9(2)(a) had made a request for information regarding proposed changes to the North West Auckland Western bus route consultation instigated in 2009. He received a response from Auckland Transport in December 2014 that the information he sought could not be located.

I have further investigated the matter and come to the conclusion that some of the information requested by 9(2)(a) has been retrieved from back-up tapes still available with an external service provider. However none of the physical records have been located from the ARTA records held in custody by Auckland Council.

The respective records were part of Auckland Regional Transport Authority (ARTA) and after the amalgamation of the seven councils in the Auckland region and Auckland Regional Council in November 2010 have been in custody with Auckland Council since.

In regards to your questions:

- Auckland Transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held at Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.
- Auckland Transport staff receives records and information management training at the start of their employment. We also regularly review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.
- It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.
- Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland Transport.
- We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.

Yours sincerely

Roger Jones
Chief Technology Officer

BUS SERVICE CHANGES FOR NORTH WEST WAITAKERE AND WESTERN RODNEY

Why are we making changes?

In August 2009, we consulted on a new bus network for the North West of Waitakere (Massey, West Harbour, Hobsonville and surrounding areas) and western Rodney (along State Highway 16 from Westgate to Helensville). We appreciate the feedback from customers and, as a result, have made a number of changes to our original proposal.

We have worked closely in partnership with our operator, Ritchies Transport Holdings, to come up with a network that delivers on the objectives we consulted on and to respond to customer feedback from the consultation phase.

To recap, the objectives were to:

- Link your suburb with your nearest shopping centre (Westgate, Lincoln Rd, Henderson)
- Be simple, with routes and timetables which are easier to understand and use.
- Improve reliability.
- Provide connections to other bus and train services.
- Ensure resources are used more efficiently on ratepayers' behalf.

The new network will be implemented on Sunday, 19 September 2010.

What are the key changes?

Changes outlined below are as a direct result of community consultation balanced with the objectives outlined above.

Simplified network

We have simplified the current 25 routes (some of which only operate once or twice a day) to 6 all-day routes and 5 express routes. To further simplify things, we have based the express routes on the all-day routes. See the map on the other side for the new route structure.

Connection to other bus and train services

To allow more opportunities to connect with other buses and trains, buses will now travel through Henderson via the bus/ rail interchange on Railside Avenue. Where possible, services are timed to connect to trains to and from Britomart at Henderson. Most areas retain a direct connection to Downtown Auckland.

More frequent Sunday service

Many areas of Massey and West Harbour will have an hourly bus service on Sunday for the first time.

Te Atatu Road

There will be late evening and improved Sunday bus service on Te Atatu Road between the Te Atatu South and Glendene roundabouts. Weekday services have been retimed to provide two services per hour, with a more even frequency with Go West's 087 service.

Edmonton Road

There will only be limited late evening services on Edmonton Road. Sunday service will be provided by Go West's 049 service via Te Atatu Peninsula. We are working with Go West to extend some late evening service via Edmonton Road to provide coverage in this area.

Whenuapai and Herald Island

In response to feedback about the proposal to withdraw bus service from these areas, we will retain a two-hourly weekday shuttle service to Westgate and a return peak express trip to the Auckland CBD. We will review this after one year to see if patronage has picked up to the extent that justifies ongoing operation. A minimum of 10 passengers per trip averaged across the day is required to continue to run the service.

West Harbour to North Shore

Many customers did not support the proposal to run the crosstown service to the North Shore via Hobsonville Road. As a result of this, the service will continue to operate through West Harbour.

Cross-town services

We received a lot of feedback about the long trip times on the current 133 service between Takapuna, Westgate, Henderson and New Lynn. As a result of this, new route 130 will run from Takapuna to Smales Farm and then via the Northern Busway to Constellation Station and then via Upper Harbour Highway to Greenhithe. We expect this to reduce travel times and improve reliability on the cross-town service.

Riverhead

We consulted on withdrawing the current single daily return trip to Riverhead. As this service is only used by an average of two passengers a day between Riverhead Village and Riverhead Turn-off, we will proceed with discontinuing this service. The last day of operation will be Friday, 17 September 2010. Alternative options are the Helensville services via State Highway 16, which can be accessed at the Riverhead turn-off, where a park and ride area is available.

Greenhithe

The change to the cross-town route (see above) means that there will no longer be a direct connection between Greenhithe and Glenfield Mall. However, customers can transfer on Albany Highway to the 957 service or transfer to the 560 service at Constellation Station.

West Harbour/ Hobsonville

Owing to low patronage on current services, there will be one return express bus service linking Hobsonville and West Harbour with Downtown Auckland. Direct bus services to Downtown Auckland, will operate during the late evening. Alternatives for customers include the West Harbour Ferry; using the 130 service to Constellation Station to connect with the Northern Express; or using the 130, 092 or 093 services to Westgate where transfers are available to other buses to Downtown Auckland.

Massey University

Some customers were not happy with the proposal to end the 132 service to Massey University. There are currently nine daily services (four to Massey and five from Massey). These are poorly patronised and sometimes at inconvenient times. The new 130 crosstown service will provide a half-hourly peak and hourly daytime service to Constellation Station with a good connection to the 887 service direct to Massey University. This gives a good increase in trip choice.

Helleur Road and Kemp Road

Customers did not support the proposal to withdraw bus service from these roads. As a result of this, the 130 crosstown service will run via these roads.

Who is making these changes?

The Auckland Regional Transport Authority (ARTA) has led this project. Key stakeholder Waitakere City Council (WCC) was involved in developing this service proposal. We have worked in partnership with Ritchies Transport Holdings to finalise the service proposal based on customer feedback and the need to responsibly manage public funds.

What happens next?

- We will be working to inform customers about the new bus service structure (and about service alternatives where there have been changes to current routes).
- We will implement the new service structure on Sunday 19 September 2010.

We will be closely monitoring how the new service structure operates.

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NORTH WEST WAITAKERE/ WESTERN RODNEY

Why are all of the bus route numbers changing in the North West?

To help customers understand the system and to minimise confusion, we have renumbered routes where they are different from current routes. We have also simplified the current complex route structure in the area to help customers even further. Instead of the current 22 routes there will be 3 core all-day bus routes, 3 shuttle services to connect to the cores routes and 5 express bus routes. To further simplify things, the express routes are based on the all-stops bus route of the same number. Many current routes run only once or twice a day and sometimes only in one direction. As a result of this exercise, 16 current route numbers will cease to exist. We believe the outcome will be a much simpler, more consistent and easier to understand network in the North West.

Why are buses being re-routed in Henderson?

Customers have told us they wanted better transfer between North West buses and trains at Henderson. To address this and to help build a more integrated public transport network, we have re-routed buses to serve the bus-rail interchange on Railside Ave. The new 130 crosstown service has been retimed to connect with trains to and from Britomart at Henderson. In addition, the 080 service via Don Buck Road connects outbound with trains from Britomart. This means that the bus stops on Great North Road will no longer be served.

Why has the 132 Massey University bus service been cancelled and what alternative are there?

The current Monday to Friday service runs four times a day to Massey Uni and five times a day back from Massey. This service will not operate from Friday 17 September but good alternatives are the half-hourly peak and hourly daytime 130 service between New Lynn, Henderson, Westgate, Greenhithe and Constellation Station (before continuing to Takapuna via the Northern Busway). At Constellation Station, there are good connections to Massey University on routes 555 and 880 and from Massey University on route 880. The reason for the current service's cancellation is because it is very under patronised and operated at inconvenient times for university students and workers in North Harbour Industrial Estate.

Why has the 063 Riverhead bus service been cancelled and what alternatives are there?

A convenient alternative bus service is at the Riverhead Turn-off to State Highway 16 where there is a park and ride and a half-hourly peak express bus service via the Northwestern Motorway from Westgate to Pt Chevalier. In addition, there is a two hourly shuttle service daytimes Monday to Saturday from there to Westgate with timed transfers to buses to Henderson and Downtown Auckland. We consulted in August 2009 on withdrawing this very poorly patronised service. Since then, there has been no evidence of an increase in patronage with an average of only two passengers per day boarding in Riverhead village and between there and State Highway 16. Therefore, the service will not run after Friday 17 September.

Why does Edmonton Road only have limited late evening and no Sunday Ritchies bus service?

To improve Sunday service in Te Atatu South, we had a choice between a two-hourly service on both Edmonton Road (where Go West provides some service) and on Te Atatu Road, where no alternative service is available. Also, the current last bus along Te Atatu Road is a 7.35pm Go West service. We have put in three evening trips on Te Atatu Road at 8pm, 10pm and 11.10pm and retained a 9pm trip via Edmonton Road. On Sundays, Go West route 049 provides a two-hour service between most of Edmonton Road and Downtown Auckland although we do acknowledge that travel times will increase as a result of travelling around the Te Atatu Peninsula loop.

Why is the 104 service being made into a one-way loop?

Feedback from customers, many of whom are elderly, told us that minimising walk distances and avoiding difficult road crossings are more important to them than travel speed. To this end, we designed this loop to have as many pensioner villages on the same side of the road that it serves (Wairau Ave, New Windsor Rd, Blockhouse Bay Road and Ulster Road). Customers who need to travel around the loop beyond New Lynn are welcome to stay on board the bus until it departs New Lynn on its next trip.

MARUA ROAD

Why do Marua Road buses no longer service the bus interchange at Panmure Station?

Passengers are still able to transfer to Eastern Line trains at Glen Innes Station as well as to Southern Line trains at Ellerslie Station. We cannot run the Marua Rd service reliably while still serving the Panmure Station bus interchange, so we have taken the decision to no longer run this service via this station.

Why has the 58F flyer bus been cancelled and what are the alternatives?

Due to changes in travel patterns, rail has become a more attractive option for peak commuters. In addition, motorway congestion meant that the flyer bus did not save significant time over all-stops buses which have bus priority measures on Ellerslie Panmure Highway, peak period bus lanes on Great South Road and use the Central Connector busway to access the central city. We suggest that customers consider either using an all-stops bus or transfer to a train at Ellerslie Station if travelling to Newmarket and Britomart. At peak times, there will be around six trains an hour between Britomart and Ellerslie in the peak direction.

Why will the 585, 586 and 588 buses no longer run via Ellerslie-Panmure Highway?

Owing to the frequent service provided by Howick & Eastern routes 50, 51, 52, 55, 680 and 681 on Ellerslie Panmure Highway, we are reallocating the buses running the 585, 586 and 588 service to improving the current level of bus service on Marua Road.

Released under the Official Information Act 1982

Why is there no direct connection between Greenhithe and Glenfield Mall?

The focus of the new 130 service is on providing a connection between the west and the North Shore. By serving the Northern Busway between Constellation Station and Smales Farm Station, it allows Greenhithe bus customers to connect to a wider variety of other services, including the Northern Express to AUT Akoranga and Britomart. The 130 service will provide faster service from Greenhithe to Takapuna and direct service to Westgate. For customers wanting to get to Glenfield Mall, connections are available at Constellation Station to route 560.

Why is there one direct all-day service between West Harbour and Downtown Auckland?

In the case of West Harbour, we have retained a single direct return express bus trip at 7.10am from Hobsonville, returning from Downtown Auckland at 5.10pm. The 6.10am and 6.40am 130 services from Hobsonville are designed to connect to 060 express buses at Westgate which travel on the North-Western Motorway from there to Westgate. Other alternatives are to use the 130 service to Constellation Station and transfer to the Northern Express or Midtown bus services there. At off-peak times, route 130, 092 and 093 services from Hobsonville have timed-transfers (with through fares) to either the 080 or 090 buses to Henderson and Downtown Auckland at Westgate. For some customers, the West Harbour Ferry may be an alternative worth considering.

What is happening to bus services in Whenuapai and Herald Island?

In August 2009, ARTA consulted on a proposal to withdraw all bus service to Whenuapai and Herald Island. However, in response to concerns expressed by customers and working in partnership with local residents and ratepayers groups, we decided to retain a two-hourly shuttle service between Whenuapai, Herald Island and Westgate with timed-transfers (with through fares) to either the 080 or 090 buses to Henderson and Downtown Auckland at Westgate. In addition, there will still be a single weekday return express bus service to Downtown Auckland, leaving Whenuapai Village at 6.50am and returning from Downtown Auckland at 5.10pm.

GREEN BAY

Why have the bus times all been changed?

Many customers asked us during the public consultation process to better integrate buses and trains in New Lynn. To this end, we have retimed Green Bay buses to connect at New Lynn with train services to and from Britomart. This is especially important in the evenings, where selected train departures from Britomart will connect to a bus heading towards South Lynn and Green Bay.

Why will there no longer be bus service in Islington Ave?

The Glenburn Retirement Village requested that we provide them with bus services. To respond to this, we are re-routing 193, 198 and 199 buses via Margan Ave. We realise that this will increase walking distances for some customers in Islington Ave but please note that the maximum additional walk distance will be about 120 metres or approximately a two minute walk. Some customers in the middle of Islington Ave will actually be closer to the new stops on Margan Ave, via the Thom St walkway, than the current stops in Islington Ave.

What is happening with bus service in Hutchinson Ave?

This road will be served by the hourly 185 service between New Lynn and Blockhouse Bay during the day, every day of the week. Route 199 will service the road every evening of the week, as well as some peak Go West routes 182, 183 and 184 services. The Go West routes 180 and 181 will no longer run via Hutchinson Ave.

- The plan includes 3 express services that will operate from Massey to Britomart at peak commuting times.
- Don Buck Rd will have a service to West Harbour and Hobsonville.

Lincoln Rd, Swanson Rd and Central Park

- High frequency of bus services travelling along Lincoln Rd to Henderson.
- One peak commuting time express service to operate up Lincoln Rd to Britomart via the Motorway.
- Universal Dr will have a frequent connection to Henderson as well as a peak commuting time express service.
- Central Park Dr will be accessible by planned bus route 051.
- Lincoln Rd and Universal Dr will have a service to Swanson and Ranui.
- The southern portion of Lincoln Rd and Te Pai Pl will have access to Te Atatu Rd shops and the Te Atatu peninsula.

Te Atatu Peninsula

- Connection to Britomart via the Northwestern Motorway.
- Connection to Henderson via School Rd, Te Pai Pl, and Lincoln Rd.
- The planned bus routes will serve Totara Rd which is currently a significant walk to the existing bus services.

Te Atatu South

- Edmonton Rd will have a frequent connection to Henderson and Britomart (via the M'way).
- Te Atatu Rd will have a frequent connection to Henderson and Britomart (via the M'way).
- Royal Rd area will be connected to Britomart, Lincoln Rd, Te Atatu Peninsula and Henderson.

Swanson and Ranui

- Ranui and Swanson will be connected, by two buses, to New Lynn via Henderson.
- Train services are the direct passenger transport services to Britomart from this area.

Page 2-3

Large Map with frequencies

	M-F peak commuting times	M-F daytimes	Mon-Sun Evenings	Saturday daytimes	Sundays daytimes
110	30 mins	60 mins	60 mins	60 mins	60 mins
111	30 mins	60 mins	60 mins	60 mins	60 mins
115	60 mins	60 mins	60 mins	60 mins	60 mins
116	60 mins	60 mins	60 mins	60 mins	60 mins
117	30 mins	60 mins	60 mins	60 mins	60 mins
118	15-30 mins	60 mins	60 mins	60 mins	60 mins
119	30 mins	60 mins	60 mins	60 mins	60 mins
120	30 mins	60 mins	60 mins	60 mins	60 mins
121	30 mins	60 mins	60 mins	60 mins	60 mins
122	30 mins	60 mins	60 mins	60 mins	60 mins

Express map and frequencies

Bus route	M-F peak commuting times (6:00am-8:00am and
111x – Helensville to Britomart	30 mins
115x – Ranui to Britomart Express	60 mins
116x – Swanson to Britomart Express	60 mins
119x - Massey East and Triangle Rd Express	30 mins
120x-Hobsonville Express	30 mins
121X – Waimumu Rd Express	30 mins
123x – Don Buck Rd and Universal Dr Express	30 mins

Inside back cover

Survey plus additional material to be specified later

Back cover

Free post and ARTA blurb (same as template)

Released under the Official Information Act 1982

This is consistent with other transport projects in the Auckland region as ARTA aims to ensure better value for money for ratepayers.

Why are the bus services changing?

These changes are part of a region-wide review of all bus routes to make the network easier to understand and use. ARTA's strategy for public transport across the Auckland region will see a simpler, more easily understandable network of bus routes operating more directly than currently.

The major centres in Waitakere (Westgate, Henderson, and New Lynn) are becoming increasingly popular destinations for work, shopping and play. In addition to this, the rail services have become increasingly popular changing the way in which people are using the bus network. The proposed new network reflects these changes.

The proposed changes will not suit everyone, but we hope that the new network will be more attractive to more people so that fewer people will be dependent on their cars for all their travel needs.

If I have to transfer between services will I have to buy two tickets?

Because the proposed bus network will require some passenger transport users to transfer services (bus to bus or bus to train) it is imperative that passengers can do this with ease and without financial disincentive. An integrated ticket will be implemented in conjunction with the proposed service changes.

Why aren't some of the buses more frequent?

Once we have a simpler network in place we hope to be able to afford to run buses more frequently so that they will be more convenient for more people to use in the future.

Who is making these changes?

Auckland Regional Transport Authority (ARTA), Ritchies, Go West, Waitakere City Council and Rodney District Council are all involved in this project.

Here's what the new network will mean for your neighbourhood....

Helensville, Kumeu, Huapai and Waimauku

- A regular service (7 days a week) between Helensville and Henderson via Westgate.
- Peak commuting time services to Britomart via the North Western Motorway.

Hobsonville and West Harbour

- A regular service between Hobsonville, West Harbour, Westgate and Henderson.
- A regular service along Hobsonville Rd to Henderson, Westgate, and Takapuna (via the Northern Busway).
- Peak commuting time express services will operate from Hobsonville and West Harbour to Britomart via the North Western Motorway.

Massey

- Three bus routes are planned to serve the area between Westgate and Henderson via the various areas in Massey.
- Central Park Dr will be accessible by planned bus route 051.

Cover Page

What is in this booklet?

Page 1 – Introduction of changes

Page 2 – What the proposed changes will mean for your neighbourhood

Page 3,4 – Map of proposed bus network and proposed frequencies

Page 5 – Map of proposed express bus network and proposed frequencies

Page 6 - ???? and FREE POST FEEDBACK FORM

Inside Cover and Page 1

We're planning a new network of bus services in you area, which are designed to:

- Link your suburb with your nearest town centre (Westgate, Henderson).
- Provide a simpler network that is easier to understand and use.
- Provide connections to other passenger transport services (rail and bus) to increase your travel opportunities throughout the Auckland region.
- Improve reliability and service directness.
- Achieve better value for money for ratepayers – achieving better results with current resource allocations.

What bus routes are being reviewed?

The following bus routes are included in this review:

130, 131, 132, 133

051-058

061-067

090-095

048-049

121-123

13f

36f

98f

079

085

087

089

097

134-136

140

If I have a bus service now, will I have one under the current plan?

A number of areas currently served by bus are going to lose their service under the proposed plan. For example if you live in Riverhead, Whenuapia or Herald Island this proposal sees the removal of bus service in your area.

The services are proposed for removal because of low demand and/or low patronage on the current services.

Resources from these services will be redirected into other bus services in the area.

Compliance Assessment report to Chief Archivist

1. The Issue

Background

On 4 December 2014 a complaint was received from 9(2)(a) saying that the records he had requested under the Local Government Official Information and Meeting Act regarding the 2009 Public Consultation process about changes to some of the North-West bus routes could not be located by either Auckland Transport or the Auckland Council Archives. These records were created by the Auckland Regional Transport Authority (ARTA) which as an entity that no longer exists. Auckland Transport now performs the functions previously performed by the ARTA. All records were transferred to the control of Auckland Council as part of the 2010 merger of all Auckland Regional Councils.

While 9(2)(a) initial complaint was received in early December the initial response from Archives was a request for clarification regarding some aspects of the request. Clarification was received promptly but this clarification was received directly by a staff member who left Archives New Zealand shortly afterwards. It was not realised that the clarification had been received and the enquiry was left unaddressed until 9(2)(a) queried the status of his request on 17 April 2015.

1. Assessment

Chief Archivist's jurisdiction

The Chief Archivist can use direction to report and inspection powers in relation to public offices, local authorities, public and protected records and archives.

Initial findings

9(2)(a) enquiry included his correspondence with the local authorities. Records of Policy, Planning or Strategy involving a process of public consultation constitute Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule (in force in 2009)*.

From the evidence presented it appears very possible that Auckland Transport (a Council Controlled Organisation) appears to have acted contrary to its obligations under the Public Records Act (PRA) as consent of the Chief Archivist is required before any Protected Records can be disposed of (section 40, PRA). No evidence of any previous notification of the disposal of these records could be found.

It was felt appropriate that the Chief Archivist request further information from Auckland Transport so that the extent of the issue could be established and so that Archives New Zealand gives appropriate advice and direction on proper practice around the PRA obligations for Local Authorities and Council Controlled Organisations.

2. Decision to Direct Auckland Transport to report

The following questions were put to Auckland Transport as part of the Chief Archivist's direction to report:

1. The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search.
2. Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the *List of Protected Records for Local Authorities* or the *Local Government Schedule* are not disposed of without the consent of the Chief Archivist.
3. What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost.
4. If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible.

3. Response from Auckland Transport

"Search for records"

Auckland transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held by Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.

"Training on records covered in the List of Protected Records for Local Authorities"

Auckland Transport staff receives records and information management training at the start of their employment. We also regular review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.

"Cause of the records loss is identified and if possible the date and timeframe"

It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.

"Actions to ensure Protected Records are retained and accessible"

Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland transport.

We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.

Assessment

Four of the five record types **9(2)(a)** was seeking are considered Protected Records under section 14 of the *List of Protected Records*. These records should have been retained; however, these records are no longer in the control of Auckland Transport (AT) and are now in the control of Auckland Council since the merger in 2010. No evidence could be found that notification of the disposal of these records to the Chief Archivist had been made.

The Records and Document Management project component of the Business Process and Systems workstream as part of the Auckland Transition Authority had developed a Service Level Agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. No evidence of the implementation of the SLA has been provided.

Recommendations

It is therefore recommended that

- a request be made to Auckland Council for the procedures and processes that are in place to ensure accessibility, any deficiencies in the procedures and the plans to address them.
- a request for a progress update of the implementation of the SLA between Auckland Transport and Auckland Council.

Approved: Yes No **Date:**

Signature:

Marilyn Little

Chief Archivist, Archives New Zealand

Papers prepared for Chief Archivist sign-off				
Title:	Response to Auckland Transport re: Direction to report regarding loss/disposal of Auckland Regional Transport Authority records regarding 2009 North-West bus route consultations.			
Doc Type:	Letter for Signing			
Prepared by:	Rebecca Smart, Senior Audit Advisor, Advice & Compliance			
Peer reviewer:	Polly Martin, Manager Advice & Compliance			
Objective:	A871104	DMS:		IA:
Due date:				
Manager sign-off				
Date:				
Signature:				
Senior Manager sign-off				
Date:				
Signature:				
Comments.				
Please find attached a response letter to Auckland Transport re: the direction to report on the loss/disposal of Auckland Regional Transport Authority (ARTA) records in 2009.				
Background Info				
On 4 December 2014 a request was received from 9(2)(a) outlining his concerns that records of the Public Consultations conducted by ARTA about changes to some of the North-West bus routes were unavailable. As it appears that during the merger of ARTA with Auckland Council records were loss/disposed of without permission of the Chief Archivist. The attached letter is a response with recommendations to the direction to report from Auckland Transport.				
Recommendations				
If you agree with these recommendations it is recommended that you sign:				
<ul style="list-style-type: none"> ➤ The enclosed letter addressed to the Chief Technology Officer of Auckland Transport 				

Chief Archivist sign-off	
Approved	Yes No Date:
Signature:	
Marilyn Little Chief Archivist, Archives New Zealand	
Comments	
Return to:	Rebecca Smart

DRAFT
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29 February 2016

Roger Jones
Chief Technology Officer
Auckland Transport
roger.jones@aucklandtransport.govt.nz

Dear Mr Jones

Thank you for your response dated 21 December 2015 received under the direction of section 31 of the Public Records Act 2005 (PRA) to report to me on the loss of the records containing information sought by 9(2)(a) in his request of 22 October 2014 to Auckland Transport.

I have made an assessment and taken into account the information provided in your response to our direction. Your main points were;

1. that further searches for the records had been undertaken and you provided evidence as attachments (with your letter) to show that some of the records were able to be retrieved from backup tapes held by Auckland Transport;
2. that Auckland Transport staff receive records and information management training at the start of their employment and that guidelines for records and information management are regularly reviewed and published on the Auckland transport intranet;
3. that when Auckland Regional Transport Authority (ARTA) ceased to exist, the management of records and processes at this time was insufficient;
4. that ARTA records are now managed by Auckland Council; and
5. that Auckland Transport's records management processes and procedures are currently being reviewed based on this case.

I am concerned that four of the five record types 9(2)(a) was seeking are considered Protected Records under section 14 of the *List of Protected Records*. I understand these records are not controlled by Auckland Transport (AT) and were transferred into the control of Auckland Council since the merger in 2010.

The Records and Document Management project component of the Business Process and Systems workstream as part of the Auckland Transition Authority had developed a Service Level Agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. Records providing information about the implementation of this SLA would provide some assurance that Auckland Transport is able to access records originally created by the ARTA.

In light of this, I request:

- Auckland Transport Authority provide information about the implementation of the aforementioned SLA to provide assurance that they are able to access records originally created by the ARTA.

I ask that this information be provided by Friday 8 April 2016.

I recommend

- regular records and information management training is undertaken and that it must cover the processes Auckland Transport have in place for protected records to ensure that these are well managed.

If you have any queries please contact Antony Moss, Director Government Recordkeeping (027 476 0361) at Archives New Zealand.

Yours sincerely

Marilyn Little
Chief Archivist

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Compliance Assessment report to Chief Archivist

Purpose

This assessment outlines action taken in response to a complaint from 9(2)(a) about Auckland Transport recordkeeping and proposes a subsequent request for information from Auckland Council.

Original complaint from 9(2)(a)

On 4 December 2014 9(2)(a) complained that the records he had requested regarding the 2009 public consultation about changes to some Auckland bus routes could not be located by either Auckland Transport or the Auckland Council Archives (document A). These records were created by the Auckland Regional Transport Authority (ARTA) which no longer exists. Auckland Transport now performs the functions previously performed by ARTA. All ARTA records were to be transferred to the control of Auckland Council as part of the 2010 merger of Auckland councils.

9(2)(a) sought records of policy, planning or strategy involving a process of public consultation. These are Protected Records under section 14 of the *List of protected records for local authorities* and an identical provision existed in section 14 of the preceding *Local Government Schedule* (in force in 2009).

Archives New Zealand sought clarification about an aspect of 9(2)(a) complaint, which was received from him promptly. Our consideration of the matter did not resume until April 2015, prompted by an update request from 9(2)(a) and following the resignation of the initial case officer.

Chief Archivist's jurisdiction

The Chief Archivist has the function of protecting certain local authority records [section 11(1)(d)(i)]. Audit and direction to report powers do not extend to local authorities, though inspection of local authority records is provided for by section 29.

Information requested from Auckland Transport

While unable to issue a direction to report, the Chief Archivist requested further information from Auckland Transport on 22 April 2015 (document B) to assess the extent of the issue and to inform any remedial action or need for advice to local authorities and council-controlled organisations. The table below contains the questions put to Auckland Transport in April 2015 and their responses, which were not received until December 2015.

Question	Response
1. The extent of the search originally undertaken in response to the original request of 22 October 2014. It is indicated that the archives of Auckland Transport and the Auckland Council were searched. It is not clear whether the search extended any further, or if there would be any merit to a further search.	<i>Auckland transport and Auckland Council have undertaken further searches. We have been able to locate some electronic records regarding the 2009 Bus Review in West Auckland from back-up tapes of a decommissioned shared drive, which was held at Auckland Transport. However, I have been unable to source the relevant physical records from ARTA's archive held by Auckland Council.</i>
2. Whether Auckland Transport staff are briefed and trained around the obligation to ensure that records of the types set out in the List of Protected Records for Local Authorities or the Local Government Schedule are not disposed of without the consent of the Chief Archivist.	<i>Auckland Transport staff receives records and information management training at the start of their employment. We also regular review and communicate records and information management guidelines, which are published on Auckland Transport's intranet.</i>
3. What was the cause of the loss of the records sought, and (if possible) the date or timeframe in which the records were lost.	<i>It's my conclusion from our investigations that when ARTA ceased to exist, efforts to consolidate records from individual ARTA staff and contractors had been insufficient.</i>
4. If the cause of the loss of records is identified as being due to inadequate or absent policy around the retention of records of this nature, what actions Auckland Transport proposes to take or has since taken in order to ensure that Protected Records are retained and accessible.	<i>Unfortunately I am not in a position to comment on any of your queries regarding the retention of ARTA records as these are not managed by Auckland Transport.</i> <i>We are reviewing our current records management processes and procedures based on this case and will be taking measures to ensure that our records continue to be managed in accordance with the Public Records Act 2005.</i>

Advice to complainant

Archives New Zealand understood that 9(2)(a) was also aware of Auckland Transport's efforts with Auckland Council to retrieve electronic records from back-up tapes (question 1 above) and had received the records. 9(2)(a) OIA request to Archives New Zealand on 1 September 2016 indicates that this was not the case. It is proposed that 9(2)(a) receives an update, including this report and the proposed letter to Auckland Council, through our response to that OIA request.

Further assessment and proposed action

Four of the five record types 9(2)(a) was seeking are considered Protected Records under section 14 of the *List of Protected Records*. These records should have been retained. No evidence could be found that notification of the disposal of these records to the Chief Archivist had been made. However, they are no longer in the control of Auckland Transport and should now be in the control of Auckland Council, following the council merger in 2010.

The Records and Document Management project within the Auckland Transition Authority had developed a service level agreement (SLA) to have been signed in October 2010. This SLA was intended to provide linkages to existing council information bases, historical records, and legacy systems to ensure ongoing continuity. We are not aware of how the implementation of the SLA proceeded.

The inability of Auckland Council to retrieve the records requested by 9(2)(a) could indicate that these records have been disposed of without providing notification to the Chief Archivist or that they are poorly managed and cannot be retrieved. However, since Auckland Transport has already recovered some of the information sought by 9(2)(a) a narrow focus on these records alone is unlikely to be of great benefit. Instead, asking wider questions about the management of Auckland local authority records since the merger of 2010 is proposed.

As noted above, the direction to report power does not apply to local authorities. Archives New Zealand generally has lower levels of information about recordkeeping in local authorities than in central government (in part because the audit mandate does not extend to local authorities). Asking further questions of Auckland Council could, however, help to clarify the confidence Archives New Zealand can have in the integrity of Auckland's local authority records. The questions can be considered part of the Chief Archivist function of monitoring and reporting on local authority compliance with the PRA.

The proposed questions are general and designed to provide an initial picture of Auckland Council's approach to the management of its predecessor organisations. The responses from Auckland Council may inform further work.

Recommendations

It is therefore recommended that a request be made to Auckland Council for:

- an outline of how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council;
- an outline of the procedures and processes that are in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations; and
- any information about identified deficiencies in those procedures and processes, and plans to address the deficiencies.

Approved: Yes No

Date: 8/9/16

Signature:



Marilyn Little
Chief Archivist, Archives New Zealand

Papers prepared for Chief Archivist sign-off				
Title:	Action subsequent to complaint about Auckland Transport recordkeeping			
Doc Type:	Compliance assessment report and Chief Archivist letter to Auckland Council			
Prepared by:	Polly Martin, Manager Advice and Compliance			
Peer reviewer:	Lillie Le Dorre – coordinate with related OIA response.			
Objective:	2014/5905	DMS:		IA:
Due date:				
Manager sign-off				
Date:				
Signature:				
Senior Manager sign-off				
Date: 8 September 2016				
Signature: Antony Moss Director Government Recordkeeping				
				
Recommendations				
<p>The attached Compliance Assessment proposes a request for information from Auckland Council, as action subsequent to an original complaint about Auckland Transport recordkeeping from 9(2)(a). It is recommended that you sign the enclosed letter addressed to Auckland Council's Chief Executive.</p> <p>The assessment also proposes we update 9(2)(a) through our response to his recent OIA request.</p>				
Chief Archivist sign-off				
Approved	Yes	No	Date: 6/9/16	
Signature:				
	Marilyn Little Chief Archivist, Archives New Zealand			
Comments				
Return to:	Antony Moss			

9 September 2016

Stephen Town
Chief Executive
Auckland Council
Stephen.town@aucklandcouncil.govt.nz

Dear Mr Town

Archives New Zealand received a complaint in late 2014 about Auckland Transport's inability to locate information regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009.

These records were created by Auckland Regional Transport Authority (ARTA). Most of the information is considered protected under section 14 of the List of Protected Records issued under the Public Records Act 2005.

In response to my questions, Auckland Transport, working with Auckland Council, recovered some of the records from back-up tapes but could not source the physical records from the Auckland Council's holdings of ARTA records. My letter to Auckland Transport of 22 April 2015 and their response of 15 December 2015 are attached for your information.

I understand that ARTA records have been in the control of Auckland Council since the council merger in 2010. I understand that, as part of the transition process, a service level agreement was developed between Auckland Council and Auckland Transport. This was intended to provide linkages to predecessor council information, historical records, and legacy systems to ensure continuity.

I am concerned at the apparent difficulty in obtaining ARTA records from 2009. I am therefore requesting information from Auckland Council so I can be assured that Auckland Council is maintaining records from before the Council's 2010 establishment in line with the requirements of the Public Records Act. I would be grateful if you would provide me with:

- an outline of how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council;
- an outline of the procedures and resources that Auckland Council has in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations; and
- any information about identified deficiencies in those procedures and resources, and plans to address the deficiencies.

I would be grateful to receive a response to this request by 14 October 2016. If you or your staff have any queries please contact Antony Moss, Director Government Recordkeeping (04 496 1392, 027 476 0361, antony.moss@dia.govt.nz) at Archives New Zealand.

Yours sincerely

A handwritten signature in black ink, appearing to be 'ML', enclosed within a large, loopy circular scribble.

Marilyn Little
Chief Archivist

Released under the Official Information Act 1982

21 September 2016

Marilyn Little
Chief Archivist
Archives New Zealand
PO Box 12 050
Wellington 6144

Dear Ms Little

Thank you for your letter of 9 September 2016 regarding records held by Auckland Council regarding proposed changes to the North-West Auckland Western bus route consultation instigated in 2009.

In reply to the three questions asked, I respond as follows:

- An outline of how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council

The approach taken to transfer and ensure continuity of records and information during the amalgamation of the legacy Auckland councils and CCOs (including LATEs) is attached, *Business Systems and Processes Workstream, Records Management Project: Transfer of Records Work package – Transfer of Records Strategy* (12 February 2010).

This approach led to the creation of a Memorandum of Understanding (MOU) between the transferring agency, the Auckland Transition Agency (on behalf of the Auckland Council), and the receiving agency, be they a Council Controlled Organisation, existing local authority, or Watercare (who at the point of amalgamation were not a CCO) to:

1. identify the roles and responsibilities of each party as they relate to the transfer of existing records held by the Transferring Agency to the Receiving Agency
2. identify the access rights of Transferring Agency and the Receiving Agency following the transfer of records.

The service level agreement to be used at the establishment of the Auckland Council is in Schedule 7 of the attached MOU example, in this instance for the Transport CCO.

Both the approach/strategy and MOU were discussed at the time with Archives New Zealand staff who endorsed this course of action.

At amalgamation the Auckland Council's Records & Archives team were part of the Information Services (IS) department. IS had a master services agreement (MSA) used with each of the CCOs, detailing services that could be provided by IS and associated costs and KPIs. Records management and archives management were both included in the MSA. In the case of Auckland Transport (AT), they only selected the archives management service as they already had a team designated to manage their records. Post-amalgamation, this team worked closely with Auckland Council's Records & Archives team to identify records of ongoing use to AT, and these were transferred to their custody.

Records from legacy councils, including their predecessor organisations, continued to be managed in existing systems. Change of entity was identified in hard copy systems through the use of page dividers in active files, example attached, and addition/updating of metadata in electronic control systems and on file

covers. Where appropriate other files were closed and open/re-opened to denote the relevant change of entity.

Requests for access to information from any legacy organisation were, and continue to be, channelled via the Auckland Council Records & Archives team who manage these records on behalf of the whole organisation.

- An outline of the procedures and resources that Auckland Council has in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations

The records of the immediate predecessor councils are either:

- o still active – managed in legacy systems (EDRMS consolidation project underway expected completion 2017) by the Records Management team
- o inactive – stored off-site with a commercial provider. Auckland Council is consolidating all legacy off-site holdings from three providers to. As part of this process an inventory project is underway to review and validate all off-site holdings
- o archival – all records of permanent or long-term value, as determined by the approved Retention and Disposal Schedule, are held and managed by the Archives Management team. Where space allows these are managed on-site, otherwise they are held and managed as part of the off-site holdings.

The records of other predecessor councils and organisations are either:

- o inactive – as detailed above
- o archival – as detailed above

Records that have been appraised and accessioned as archives are searchable via our website at <http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/HowCouncilWorks/councilarchives/Pages/councilarchives.aspx>. All other records are managed by the records team in the respective legacy area:

- o Orewa – ex Rodney District Council
- o Takapuna – ex North Shore City Council
- o Henderson – ex Waitakere City Council
- o Central – ex Auckland Regional Council and Auckland City Council
- o Manukau – ex Manukau City Council
- o Papakura – ex Papakura District Council
- o Pukekohe – ex Franklin District Council

Requests for information, research and access are made via a central email inbox and directed to the appropriate records team.

The Records & Archives team hold detailed listings of all records, this includes those at off-site storage. The team are the only staff members with access to off-site storage vendors' management databases, and the only staff who can request or lodge holdings. Where we manage a separate account for a CCO, such as Auckland Transport, their records management staff have requested and been granted access to search and request their own records. However, any legacy records falling under the stewardship of Auckland Council can only be requested by one of the Records & Archives team, and standard viewing conditions then apply.

- Any information about identified deficiencies in those procedure and resources, and plans to address the deficiencies

The main problem with records from predecessor organisations is the quality of descriptive information, such as listing details created by these agencies for off-site storage lodgement, that inhibits discovery. As the vast

majority of these records are held in hard-copy format at off-site storage, this is being addressed through the off-site storage inventory project, which also includes a reappraisal by one of the Archives Management team.

Where the condition of legacy records is not conducive to frequent handling, and/ or is part of a series identified as having wider or ongoing value, these will be included in the Records & Archives team digitisation programme.

If you have any further questions about any of the response above, or require more information about council's management of legacy records and information, please contact Jacqueline Davidson on Jacqueline.Davidson@aucklandcouncil.govt.nz.

Yours sincerely



Stephen Town
Chief Executive

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**Business Systems and Processes Workstream
Records Management Project
Transfer of Records Work Package**

Transfer of Records Strategy

Date: 12 February 2010

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1 Introduction

Advance planning for the transfer of information is critical, as the consequences of getting this wrong can be far-reaching. Failure to transfer information and knowledge effectively, and a lack of preparedness on both sides of the transfer, can make it impossible to maintain business continuity. The consequences could include the loss of vital information and incur substantial additional costs such as staff unable to locate files or having to use time-consuming processes to reconstruct the original information.

2 Key Principles

Records relating to a function are transferred with the function. This allows the receiving agency to start managing the function effectively and with as little disruption as possible. The records of transferred functions cover all forms of business activities, in any format.¹

The transfer of records entails the transfer of ownership and/or responsibility for those records, and may involve the physical transfer of records to a new location(s).

3 Purpose

The purpose of this strategy is to provide guidance on the efficient planning, management and transfer of records between organisations so as to ensure avoidance of:

- loss of information
- interruption to business continuity
- reduction in services provided

The strategy outlines:

- Best practice recommendations for the transferral of records
- Actions to be taken by receiving, transferring and hosting agencies
- Considerations for physical and electronic records

4 Key Terms

- *Disposal*: Under the PRA, "disposal, in relation to a public record or local authority record, means:
 - (a) the transfer of control of a record; or
 - (b) the sale, alteration, destruction, or discharge of a record." (PRA, s4)
- *Hosting agency*: an organisation that maintains, stores and/or provides access to records owned by another agency, or where there is a 'shared' interest
- *Transferring agency*: the organisation which transfers (exports) a function/records/information to another

¹ Archives New Zealand. *Guide to Managing Records during Administrative Change in Public Offices and Local Authorities*. Wellington : Archives New Zealand, 2008. p.4.

- *Receiving agency*: the organisation which receives (imports) a function/record/information from another
- *Records*: refers to records in any format, i.e. paper, electronic, or artefact, unless specifically denoted as, for example, electronic records.

5 Types of Transfer Activities

- Relocation of records within the new Auckland Council
- Transfer of records to local authorities owing to boundary changes
- Transfer of records to CCO's owing to transfer of functions from existing local authorities
- Transfer of records from a CCO to another CCO owing to disestablishment and transfer of functions
- Hosting agency arrangements

6 Legislative Requirements

Public Records Act 2005

Section 34 (1) requires that if a controlling local authority ceases to exist, or ceases to undertake a function, its public records are to be transferred to:

- a public office or local authority that has taken over responsibility for those public records

Section 40 requires that local authority protected records are not disposed of without the authority of the Chief Archivist

Local Government (Tāmaki Makaurau Reorganisation) Act 2009

Section 27

- (1) the Transition Agency is dissolved on the close of 31 October 2010
- (2) Any assets and liabilities of the Transition Agency remaining at the time of its dissolution become assets and liabilities of the Auckland Council

Section 35 Dissolution of existing local authorities

- (1) On 1 November 2010 each existing local authority is dissolved and-
- (c) all information held by each existing local authority is held by the Auckland Council

Local Government (Auckland Law Reform) Bill

Part 1 Section 35B Dissolution of certain council-controlled organisations

- (b) all information held by each terminating organisation is held by the receiving entity

See Schedule 4 Dissolution of council-controlled organisations

- | | |
|-----------------------------------|-------------------------|
| - <i>Terminating organisation</i> | <i>Receiving entity</i> |
| - Manukau Water Ltd | Watercare Services Ltd |
| - Metro Water Ltd | Watercare Services Ltd |

Part 3 Section 50 Disestablishment of Auckland Regional Transport Authority

- (1) On 1 November 2010
- (b) all information held by the Auckland Regional Transport Authority is held by Auckland Transport

Part 3 Section 52 Disestablishment of Auckland Regional Transport Network Ltd

- (1) On 1 November 2010
- (b) all information held by Auckland Regional Transport Network Limited is held by Auckland Transport

Schedule 3 Part 1 Amendments of Public Acts

- Hauraki Gulf Marine Park 2000
- Section 27 Powers and obligations of Auckland Council.
- The Auckland Council must store the Forum's records and make them available when the Forum requires

7 Best Practice Basics

The Transfer team should be guided in its work by ensuring:

- Senior management commitment to resourcing the transfer
- Identification of all stakeholders
- Transfer of records must be accompanied by appropriate finding aids
- Transfer of records, and protocols specifying action to be taken, must be precisely documented
- All decisions on the movement, disposal and destruction of records must be documented, including the development of Transfer Plans to be agreed between agencies
- Handover notes should be prepared to ensure continuity
- Transferred records should not be:
 - Renumbered or re-titled
 - Recovered
 - Combined or split
 - Added to
- Priority must be given to planning communication with customers, staff and end-users to meet their information needs during and after the transfer.

8 Transferring Agency transfer actions

- Obtain senior management commitment to resourcing transfer of records and information
- Identify functions and activities affected by administrative change in order to identify record series and systems to be transferred or provided access to, and identify who in organisation is responsible/owners of these records series or systems, including functions and activities currently undertaken by contractors or third parties
- Identify records to be transferred and prepare inventory
- Identify other relevant information (including administrative records, formats, location, access and security levels, and control systems)
- Identify any informal knowledge crucial to the effective management of the records
- Consult owners of processes affected by transfer
- Inform stakeholders of the changes and new contact details
- Undertake risk assessment to highlight information security issues
- Carry out joint options appraisal with receiving agency, and agree a cut-off date (records of transactions should be closed at or before date of transfer)
- Review records not required by either agency

- Plan transfer of records with receiving agency, including access or availability of records during transfer
- Document staff responsibilities and organisation of records pre-transfer
- Populate transfer agreement with all records and information being transferred, agreed and signed off before physical transfer commencement
- Update control systems, classification scheme, indexes and other finding aids, and disaster recovery and business continuity plans (vital records)

9 Receiving Agency transfer actions

- Obtain senior management commitment to resourcing transfer of records and information
- Discuss with transferring agency records identified for transfer
- Consult owners of processes affected by transfer
- Inform users and customers of the changes and new contact details
- Carry out joint options appraisal with transferring agency, and agree a cut-off date (records of transactions should be closed at or before date of transfer)
- Review records not required by either agency
- Plan transfer of records with transferring agency, including access or availability of records during transfer
- Document staff responsibilities and organisation of records post-transfer
- Plan space requirements for both internal and external customer-facing information services and records
- Agree and sign off transfer agreement, before physical transfer commencement
- Check and sign receipt of all physical records and accessibility of electronic records
- Update, or establish, control systems, classification schemes, indexes and other finding aids, retention and disposal schedule, disaster recovery and business continuity plans (vital records).

10 Hosting Agency transfer actions

Where the Hosting agency is acting as a transferring or receiving agency, the relevant actions in sections 8 and 9 (above) should be referred to.

Additionally, the owner, or co-owner of the records must agree to the transfer and sign the transfer agreement.

11 Transfer Agreement

The transfer agreement should include, but not necessarily be limited to:

- Description of the records being transferred, including all additional information
- Current location(s) of records being transferred and destination
- Description of any records retained by transferring agency
- Assigned roles and responsibilities
- Access and security arrangements
- Details of records held in secondary storage
- How the transfer of records of different formats will be managed
- Confirmation of ongoing ownership of the records

- Agreement on process for transfer if additional records are found
- Details on cost allocation

See Appendix: *Records Transfer Schedule*

12 Issues and Risks

Issues:

- Ongoing maintenance of transferred vital records
- Appropriate resourcing for storage and relocation activities, and specialised work, such as electronic data migration, must be allocated
- Limitations of resourcing
- Prioritisation of records for transfer, i.e. high value high risk
- Identification of agreed 'cut-off' dates
- Identification of access to records during transfer and contingency plan
- Cost allocation
- Ownership of records

Risks:

- Not all records are transferred with their function
- Unauthorised disposal of records belonging to function being transferred
- Unauthorised access to sensitive records once transferred
- Ability to access information about where a record is stored after transfer
- Lack of technical expertise on electronic records

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MEMORANDUM OF UNDERSTANDING
for the Transfer of Local Government Records

Dated this day of 2010

PARTIES:

Auckland Transition Authority on behalf of the Auckland Council ("**Transferring Agency**")

AND

Transport Council Controlled Organisation ("**Receiving Agency**")

PURPOSE AND SCOPE

The purpose of this Memorandum of Understanding (MOU) is:

1. to identify the roles and responsibilities of each party as they relate to the transfer of existing records held by the Transferring Agency to the Council Controlled Organisation (Receiving Agency).
2. to identify the access rights of Auckland Council and the Receiving Agency following the transfer of records.

INTRODUCTION

On 1 November 2010 the existing Auckland-wide Regional and City Councils will be disestablished and the Auckland Council will come into existence. Under the Public Records Act 2005 an existing local government organisation such as the Transferring Agency has a duty to collect, maintain and store its Records. This MOU is not intended to be a legally binding document and describes the activity to be undertaken by the parties leading up to the transfer of the Records on 1 November 2010 and the subsequent access to those Records following 1 November 2010.

1. DEFINITIONS

Archives means Records of long-term value that have already been appraised as archives and are currently under the management of archives staff.

Archival Value means the values, evidential and informational, that justify the continuing retention of Records as Archives.

Confidential Information means any material, knowledge, or information, or restricted information contained within Records, that the parties wish to share with one another for certain purposes, but wish to restrict access to by third parties.

Hosting Agency means the agency that is maintaining and providing access to the record on behalf of another agency who is the actual owner of that record

Protected Records as defined by the Public Records Act 2005.

Ownership means the legal title to any Record coupled with the exclusive legal right to possession of the Record.

Receiving Agency means Auckland Transport CCO.

Records means any documented information created, received and maintained as evidence and information in pursuance of legal obligations or in the transaction of business, whether in physical or electronic format.

Relationship Champion means the persons designated by the parties to manage the relationship under this MOU.

Shared Records means

- The Records required to be accessed by the Receiving Agency but remain in the Custody of the Transferring Agency, or
- The Records that are transferred to the Receiving Agency and to which the Transferring Agency may require access in the future.

Transferring Agency means prior to 1 November 2010 the Auckland Transition Authority who represents the 8 existing Local Authorities: Auckland City Council (including ATRNL), Auckland Regional Council (including ARTA), Franklin District Council, Manukau City Council, North Shore City Council, Papakura District Council, Rodney District Council, and Waitakere District Council. From 1 November 2010 onwards the term "Transferring Agency" will mean Auckland Council.

2. TERM

This MOU, and the transfer of Records, commences on the date it is signed by both parties and remains in effect until both parties have fulfilled all their responsibilities and obligations outlined in this MOU.

3. RECORDS TRANSFER

To facilitate the transfer of Records the following must occur:

1. Both parties will nominate a Relationship Champion; refer Schedule 1 for a list of key contacts. Both parties will notify the other if there is a change in any key contact.
2. The Transferring Agency will:
 - prepare the Records for transfer as outlined in Schedule 5.
 - agree to transfer Records to nominated locations within the agreed time frame for giving notice and taking into account the steps outlined in Schedule 5.
3. Both parties should ensure the transfer of Records occurs in accordance with the legislative provisions contained in the following Acts:
 - Public Records Act 2005 (including standards issued by Archives New Zealand under this Act)
 - Local Government (Tamaki Makaurau Reorganisation) Act 2009
 - Local Government (Auckland Council) Act 2009
 - Local Government (Auckland Transitional Provisions) Act 2010
 - Privacy Act 1993
 - Local Government Official Information and Meetings Act 1987
4. The rights and responsibilities of the Transferring Agency following the transfer of Records are outlined in Schedule 7.

4. TRANSFER OF OWNERSHIP

Ownership of all Records to be transferred to the Receiving Agency occurs on 1 November 2010.

The Receiving Agency may take Custody of any Records prior to 1 November 2010.

The Records being transferred are listed in Schedules 3 and 4.

Any Records identified for transfer after this MOU has been signed must be documented in a new Schedule, signed by both parties, and attached as an additional Schedule to this MOU.

The ownership and possession of all shared records that originated in the Transferring Agency shall remain with the transferring agency after 1 November 2010.

5. COSTS OF RECORDS TRANSFER

Requests for transfer or access to Records will be at the expense of the Receiving Agency as outlined in Schedule 7.

Costs of access to Records that are already in third party storage and that are to remain there will become the responsibility of the Receiving Agency.

6. COMPUTER ACCESS AND SECURITY

The Receiving Agency agrees to adhere to the regulations and policies for the appropriate use of any systems in which the Transferring Agency's electronic Records are stored.

Details of the transfer, use or access to electronic systems and documents are set out in Schedule 4.

Where a system listed in Schedule 4 is proposed to be decommissioned by one of the parties, that should be discussed with the other party.

7. ACCESS TO SHARED RECORDS

Both parties agree to make all Shared Records available to the other party on request. Where access is required to a Shared Record, the party in possession of the original record will provide a copy, in an agreed format (where reasonable), to the other party within an agreed number of working hours/ days.

Access rights and agreed timeframes are set out in Schedule 7.

8. RETURN OF RECORDS INADVERTENTLY TRANSFERRED

Where either party identifies Records they should have Ownership of and they have been inadvertently transferred to the other party, they will inform the other party in writing and agree return of the Records within a reasonable timeframe.

9. USE OF INFORMATION SHARED FOR EASE

Where a record holds additional information that has been shared with the receiving agency as it is part of the original record, but the receiving agency is not the owner of that information, the

receiving agency must seek permission from the transfer agency if they wish to use the information.

10. ARCHIVES

The Archives of the local authorities remain in the Ownership and Custody of the Transferring Agency's Archives Team.

The Receiving Agency may access archives held by the Transferring Agency by following standard business procedures.

11. RETENTION AND DISPOSAL

Any disposal must comply with the Disposal Standard s27 of the Public Records Act 2005.

The Receiving Agency must not destroy, dispose or otherwise lose control over transferred protected records that it has obtained, without seeking written advice and consent from the Transferring Agency's Archives Team. After 1 November 2010, the Receiving Agency will transfer the ownership of any Records deemed to be of archival value at no cost to the Transferring Agencies Archives Team.

12. CHANGE OF OWNERSHIP OR LEGAL STATUS

If the Receiving Agency changes ownership or status and is no longer governed by the Public Records Act 2005, the Records will be transferred to the Transferring Agency who will become the owner of all Records. At such time both parties will agree the processes for listing and transfer of all Records to the Transferring Agency.

13. DISPUTES

In the event of a dispute arising out of or in relation to this MOU:

- Both parties agree to continue to perform the obligations contained in this MOU until a resolution is agreed between their respective chief executives.

14. CONFIDENTIALITY

All Records accessed or transferred, which have been identified as sensitive or confidential, will be handled appropriately when in the possession of either party. It is the responsibility of both parties to identify the security classification of records when providing access or transferring the record to the other party.

15. SCHEDULES

For the avoidance of doubt, the parties agree the Schedules attached to this MOU form part of the MOU. Execution of the MOU indicates acceptance of the form of the Schedules and each page of the Schedules will be initialed.

SIGNED

On behalf of Auckland Council

Doug McKay, Interim Chief Executive
Date:

SIGNED

On behalf of Auckland Transport CCO

[insert name of signing authority]

Date:

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Schedule 1: Key contacts

The tables below detail the contact information for the Relationship Champion(s) and other key contacts from both agencies who will manage the transfer and ongoing records relationship.

Transferring Agency (Auckland Council)

Contact Role	Position Title	Contact details
Relationship Champion – primary	<i>Records Administrator,</i>	
Relationship Champion – secondary	<i>Teal Leader Records, Auckland Council</i>	
Escalation Manager	<i>Records & Archives Manager</i>	

Receiving Agency (Transport CCO)

Contact Role	Position Title	Contact details
Relationship Champion – primary		
Relationship Champion – secondary		
Escalation Manager		

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Schedule 2: Records listing – Transfer Guidelines

Transfer Guidelines Both parties must complete the following tables identifying actions and responsibilities of either or both parties that will govern the identification and transfer or access to each record series.

- Table A: Complete for all Hard copy records
- Table b: Complete for all records held in electronic systems

Comments Please note that this schedule is a relatively high-level document – there should be an inventory for each series and system providing more detail i.e. individual record/file listings or system data tables.

The following provides an explanation of the column headings in the excel file, of the information to gather in this schedule of records.

Note the aim is to capture as much historic or situational information about the series as possible. There is no limit on the volume of series you capture, it is a subjective decision based on a value judgment of how the records are best managed/ found/ grouped.

Complete a line in the spreadsheet for each series of records to be transferred: Hard copy records/ discrete series of electronic media ie CDs DVDs ...

All column headers in yellow should be carried out prior to any discussions with a Receiving Agency.
All column headers in green should be carried out in discussion with the Receiving Agency.

Table A: Both parties should complete and agree the following for all Hard Copy Records

Column Header	Description	Action /Responsibility
Series	<p><i>Record series title</i></p> <p><i>A series is a group of similar records that are arranged according to a filing system and that are related as the result of being created, received, or used in the same activity</i></p> <p><i>General rule/ hint: a new series is indicated where the hard copy files have their own unique filing number system</i></p> <p><i>The following are all <u>examples</u> of valid series (note: this is not an exhaustive list):</i></p> <ul style="list-style-type: none"> • <i>Minute books – or group these by committee meeting type</i> • <i>Aerial Photos – maybe classify further by specific</i> 	<p><i>Indicate any actions, who is responsible and a date if applicable</i></p> <p>Records Team</p> <p><i>Tip: Use the organisation chart and where necessary work with individual business units to clarify potential records series.</i></p>

	<p>date ranges Aerial Photos 1971-1980; Aerial Photos 1981-1990, etc.</p> <ul style="list-style-type: none"> • Deeds • Cemeteries – you can separate out these records into their own series; Cemetery Plans; Burial warrants • Building consents • Resource consents • Property files • Subdivisions • Microfiche • Memorabilia • Mayors • Finance (use ALGIM schedule as a guide to series here) • DVD's • General series 	
Description	<p>List the types of documents captured under this series. Include any distinctions of why something is or is not included in the series. For example: "All permits included in this file after June 2006, prior to this permits captured in XX series."</p>	Records team working as required with business units
Series Date Range	The date the first record starts from/ to date of the last record in the series	Records team working as required with business units
Status	Indicate if series is vital, or a protected archival record and if active, semi-active, or inactive.	Records team working as required with business units
Location	State where the series is located, name of agency and team, building and address location, if stored with a third party i.e. commercial off site storage –indicate provider name and account code For example: records held at Recall	Records team working as required with business units
Format	Indicate record format and if electronic storage media the file format.	Records team working as required with business units
Quantity	State physical quantity of records, for hard copy records indicate if they are boxed or details of storage equipment and if storage equipment is being relocated or needs to be returned	Records team working as required with business units
Dependencies	Indicate any rending/viewing equipment and software dependencies Does the record series have any dependencies e.g. Building consents could be linked to the property files Also make note of any equipment needed to re-house / view this series	Records team working as required with business units
Controlling System (access point in to records)	<p>Detail any controlling system that provides access to hard copy records i.e. records management system or database that records are registered in or hard copy access system i.e. card index –</p> <p>Note: a <u>controlling system</u> represents a series in its own right and must have its own entry in the records transfer schedule</p> <p>An example of a controlling system is a spreadsheet which is a searchable list of all records in the series. If records are stored in commercial off-site storage</p>	Records team working as required with business units

	<p>indicate if records are "carton" or "file managed" If records are not registered or listed indicate here</p>	
Disposal	<p>Indicate if series is a protected record under Local Government Schedule name class or covered by a disposal schedule –name the schedule (e.g. ALGIM)</p>	Records team
Access	<p>Indicate if series is subject to access restrictions or confidentiality considerations in current council organisation</p>	Records team working as required with business units
Records Inventory	<p>This is a more detailed listing at actual file level and format of record</p>	Records team working as required with business units
Transfer status	<p>Indicate if the record/ file is staying, moving, copies being provided or access only being given</p>	Transferring Agency and Receiving Agency
Transfer format	<p>Detail what inventory will be transferred with records and how it is to be provided to receiving agency i.e. on CD or DVD, via email, hard copy, electronic file transfer/import ...</p>	Transferring Agency and Receiving Agency
Requirements pre transfer	<p>Indicate any pre transfer requirements i.e. that inventory is to be sent prior to physical transfer of records, that records are to be copied and or boxed prior to transfer, that controlling records system is updated i.e. volumes closed, end dates ...</p>	Transferring Agency and Receiving Agency
Transfer arrangements	<p>Detail physical transfer arrangements i.e. how records are to be move –by whom and when Indicate any other work that may be required to be undertaken by Receiving Agency to enable access, i.e. records are relocated into storage equipment, control system is updated with location details etc. ...</p>	Transferring Agency and Receiving Agency
Destination	<p>Where records are to be relocated to name of agency and team, building and address location or details regarding off site storage provider</p>	Transferring Agency and Receiving Agency
Use	<p>Outline conditions of access to records once transferred for Transferring Agency – may refer a separate document</p>	Transferring Agency and Receiving Agency

Date completed
Completed by

Table B Both parties should complete and agree the following for each electronic records system to be transferred or to which access is to be provided

Column Header	Description	Action /Responsibility
		Indicate any actions, who is responsible and a date if applicable
System	System name	
Status	Indicate if system is current or legacy or archival	

Transfer or Access	<i>Indicate if system is being transferred or if Hosting Agency is providing access</i>	
Location	<i>State where the system is located, name of agency and team, server location</i>	
Third Parties	<i>Indicate if system is hosted by a third party</i>	
Data in system	<i>Identify the electronic data to be transferred/ accessed from this system (all, a certain series, etc.)</i>	
Delivery	<i>Indicate how access is to be delivered</i>	
Back ups	<i>State frequency at which back ups are made, where they are stored, for how long and in what format</i>	
Disposal	<i>Indicate if system contains protected records ie is covered by the Local Government Schedule –indicate class or is covered by a disposal schedule –name the schedule</i>	
Access	<i>Indicate if system is subject to access restrictions, confidentiality considerations or public access requirements and ownership and intellectual property considerations</i>	
Requirements pre transfer or provision of access	<i>Indicate any pre transfer requirements i.e.</i>	
Transfer arrangements	<i>Detail physical transfer arrangements i.e. how system is to be migrated, by whom and when Indicate any other work that may be required to be undertaken by Receiving Agency to enable access</i>	
Destination	<i>If system is to be transferred where is the system to be relocated to; name of agency and team, building, server location</i>	
Use	<i>Outline conditions of access to system once transferred or access provided for transferring agency – may refer to a separate document</i>	
Charging/service level agreement	<i>Detail any service levels re provision of access etc and charging</i>	

Date completed
Completed by

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Schedule 3: Records listing – Hard Copy Transfer Schedule

Transfer Listing

Enclosed within this schedule is the full listing of records series held in hard copy format and the agreement of each party as to what is to be transferred versus what can remain with the Transferring Agency under their ownership but made accessible to the Receiving Agency.

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Schedule 4: Records Listing - Electronic Transfer Schedule

Transfer Listing

Enclosed within this schedule is the full listing of records series held in electronic systems and the agreement of each party as to what is to be transferred versus what can remain with the Transferring Agency under their ownership but made accessible to the Receiving Agency.

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Schedule 5: Guide to Preparing Records for Hard Copy Transfer

Identification and Preparation of Records

Identification of records should include an agreement on series of records required as agreed and tabled below.

Both parties have agreed to:

- a set of standard criteria to prepare each record for transfer
- how Agencies require records to be prepared for receipt
- the transfer process.

Column Header	Description	Action /Responsibility <i>Indicate any actions, who is responsible and a date if applicable</i>
Identifier (file #/ ref)		
Creator (division)		
Title/ description		
Start and end dates		
Container reference (box #)		
Location		
File Formats (exist in vs want to receive in)		
What is to be transferred		
Agreeable formats to receive electronic records		
Timelines for transfer by key classification of record types		
Classification by which to box records		
Container types to be used for transfer		
Labeling standards expected on all records to be transferred		
Require an		

electronic and hard copy of a comprehensive Records Transfer schedule (see below)		
Authorised companies to use for physical transfer		
Details of single point of contact nominated by both parties		
Issue and receipt procedures		
Access to records by Receiving Agency ahead of any actual transfer		
Confirmation of receipt procedure		
List of agreed transfer to locations		
Acceptable timelines for transfer from issue and to receipt confirmation		

Process steps recommended

Step	Action
1	The transferring agency provides the Receiving Agency with a series listing of records. The Receiving Agency identifies the records they will require prior to 1 November (or in the longer term).
2	Both agencies review the listing and agree on the records that are to be physically transferred on 1 November. Focus should be on the records that will be critical to provide customer service on day one.
3	Both parties agree on a transfer date
4	Transferring agency locates the hard copy records and starts listing and packing them ready for transfer
5	Transferring agency arranges the transport for the records
6	The transportation company collects the records and both the Transferring Agency records personnel and transportation company sign a records release form
7	The hard copy records are transported and delivered to the Receiving agency and a receipt of delivery of

	shipment is signed.
8	A representative from both the Transferring Agency and the Receiving Agency unpack and carry out stock take of the boxes and confirm all records listed have been received.
9	Both parties sign the confirmation of transfer receipt
10	The transferring agency forward the signed transfer receipt to legal services to attach to the MOU agreement.

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Schedule 6: Confirmation of Records Transferred

**Confirmation
of Receipt of
Records
transferred**

Enclosed within this schedule are the fully signed listings of all records series physically transferred from the Transferring Agency to the Receiving Agency.

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Schedule 7: Service Level Agreement

This service level schedule deals with key records management activity after the 1st November 2010.

1) Access to, preparation, and delivery of records

Service	Boundary / Constraint	Service Standard / KPI	Measurement (Data / Information) & Responsibility	Cost
<p>Provide a single point of contact to manage record requests and retrieve records:</p> <p>Email to RECORDS@aucklandcouncil.govt.nz</p> <p>Phone: TBC</p>	<p>Auckland Council records team will be the first point of contact for all records requests.</p> <p>Requests will include hard and electronic documents/ records.</p> <p>The Auckland Council records team will provide the requestor with copies of all available records requested. If the original is required this needs to be specified at the time of request and the approval for the release of any original documents will be negotiated with the requestor.</p>	<p>Auckland Council: Records requests are acknowledged within 2 hours for requests received prior to 3pm. For requests received after 3pm, the acknowledgement will be within the first working hour of the following working day.</p> <p>Records will be delivered within 3 working days (unless otherwise negotiated)</p>	<p>Auckland Council will track all requests and response timeframes. These KPI's will be reviewed after 6 months</p>	<p>Auckland Council: The requestor shall pay for the retrieval and delivery costs on request for records held at Offsite storage.</p> <p>The requestor shall pay for all digitisation and delivery costs for records held in hard copy format.</p> <p>The requestor shall pay for all reformatting and delivery costs for records held in electronic format.</p> <p>The requestor shall pay for the physical delivery of records held onsite.</p>
Transport CCO:		Transport CCO:	Transport CCO:	Transport CCO:

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Identification of records

Service	Boundary / Constraint	Service Standard / KPI	Measurement (Data / Information) & Responsibility	Cost
Where possible, provide/maintain a listing of all records that are not transferred prior to 1 November or are shared records.	<p>The requestor will be responsible for providing "complete" information to Auckland Council to assist in the identification of documents/ records</p> <p>All shared records will remain in the possession and under the ownership of Auckland council. Auckland council will provide the requestor with access to these records as appropriate.</p>	<p>Auckland Council: Records requests are acknowledged within 2 hours for requests received prior to 3pm. For requests received after 3pm, the acknowledgement will be within the first working hour of the following working day.</p> <p>Records will be delivered within 3 working days (unless otherwise negotiated)</p>	<p>Auckland Council will track all requests and response timeframes.</p> <p>These KPI's will be reviewed after 6 months</p>	<p>Auckland Council: There shall be no charge for the identification of records.</p> <p>There shall be no charge for the preparation of records for transfer unless otherwise specified. (For example, there may be a requirement to charge for the preparation of electronic records that are required in certain formats)</p>
		Transport CCO:	Transport CCO:	Transport CCO

Transfer of records

Any requirements to transfer records after 1 November will form part of the 6 monthly service level review.

Invoicing for costs associated with records access/ delivery or transfer

Invoicing for costs incurred	Transport CCO Invoicing Details
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Both parties agree to pay all reasonable expenses incurred.

Invoicing details:
Address:
Vendor code:
Payment terms:

Invoicing details:
Address:
Vendor code:
Payment terms:

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Assessment of agency response and recommendation to Chief Archivist

Purpose

1. This is an assessment of the response received from Auckland Council regarding a request for information by the Chief Archivist on 9 September 2016.
2. It is recommended that Auckland Council be informed that the Chief Archivist is satisfied with its response and 9(2)(a) be advised that a final decision has been made regarding Auckland Council.

Parties involved and origins of the complaint

3. Auckland Transport is a council-controlled organisation (CCO) that performs transport functions for Auckland Council. It was established on 1 November 2010 and combines the transport functions of the eight former Auckland local authorities and the Auckland Regional Transport Authority (ARTA).
4. The Auckland Transition Agency (ATA) managed and oversaw the transition process of amalgamating the eight former Auckland councils until the establishment of Auckland Council.
5. The request for information was in response to a complaint from 9(2)(a) about Auckland Transport's recordkeeping and the management of ARTA records. 9(2)(a) was concerned about the inability of Auckland Transport to locate protected records relating to a 2009 public consultation on bus route changes.
6. The Chief Archivist requested information from Auckland Transport on 22 April 2015. Auckland Transport responded on 15 December 2015 to the effect that some electronic records had been located from back-up tapes but that physical ARTA records were managed by Auckland Council. This response prompted the Chief Archivist's information request to Auckland Council.

Summary of Auckland Council's response

7. Attachments:
 - a) the Chief Archivist's information request to Auckland Council dated 9 September 2016 (item a);
 - b) response from Auckland Council dated 21 September 2016 (item b); and
 - c) appendices to the response (item c).
8. Auckland Council was asked to describe:
 - a) how the service level agreement and other measures to ensure continuity of records and information were implemented at the establishment of the Auckland Council;

- b) the procedures and resources that Auckland Council has in place to ensure the maintenance and accessibility of records created by predecessor councils and organisations; and
- c) any information about identified deficiencies in those procedures and resources, and plans to address the deficiencies.

Question 1: The service level agreement

- 9. The transfer of records during the amalgamation of legacy Auckland councils and CCOs was managed through a *Transfer of Records Strategy* and a memorandum of understanding (MOU) between ATA and Auckland Transport. Both documents were discussed with Archives New Zealand at the time.
- 10. At amalgamation, Auckland Council's Information Services (IS) established a master service agreement (MSA) with each of the CCOs. Under the MSA with Auckland Transport, IS provides an archives management service. IS and Auckland Transport worked together to identify and transfer records of ongoing use.
- 11. Legacy records continue to be managed in existing systems. Change of entity was identified for hard copy records. Requests for access to legacy records are managed by the Auckland Council Records and Archives team.

Question 2: Maintenance and accessibility of records

- 12. Active legacy records are still managed in existing systems. An EDRMS consolidation project is currently underway.
- 13. Inactive legacy records are stored off-site. A consolidation and inventory project is currently underway.
- 14. Archival legacy records are managed both on- and off-site by the Archives Management team. Appraised and accessioned archives are searchable via the Auckland Council website.
- 15. Any legacy records falling under the stewardship of Auckland Council can only be requested by the Records and Archives team. The team holds detailed listings of all records.

Question 3: Deficiencies and plans to address them

- 16. The discovery of legacy records is inhibited by the quality of descriptive information created by the legacy agencies. The majority of records with this issue are held at off-site storage. The issue is being addressed as part of the inventory project, during which records will also be reappraised.

Assessment of Auckland Council's response

17. ATA and Auckland Council had strategies and agreements in place to guide continuity of records and information. Information on *implementation* of those strategies and agreements is limited.
18. In 2010, there was no immediate change to the location of electronic records, change of entity was documented for hard copy systems, and access to legacy records was, and continues to be, through a single channel. There is no indication of unauthorised disposal resulting from the transition.
19. ATA's *Transfer of Records Strategy* and memoranda of understanding are robust documents but it is clear from the difficulty both Auckland Transport and Auckland Council have had in locating ARTA records that some of the risks these documents were designed to mitigate have in fact transpired.
20. There is insufficient information to draw conclusions about the effectiveness of the implementation of strategies and agreements for the transfer and management of records. However, at this point in time it is unlikely that Archives New Zealand can influence or affect change in this area for the organisations concerned.
21. Auckland Council has identified an issue with inadequate description of legacy records. This is the likely cause of the difficulties Auckland Transport and Auckland Council had in meeting 9(2)(a) information request. Auckland Council has remedial action underway that will improve management and retrieval of legacy records, and thereby its ability to identify protected records and respond to information requests.

Conclusion and recommendations

22. Auckland Council should be informed that the Chief Archivist is satisfied with its response and is reassured to see that it has work underway to improve discovery of legacy records.
23. 9(2)(a) should be advised that the Chief Archivist is satisfied with the response from Auckland Council and that the Council is working to improve management of legacy records.
24. Our advice on administrative change is currently being updated. The need to address the long tail of implementation that results from administrative change can be included in that advice.
25. It is recommended that the Chief Archivist:
 - a) sign the attached response to the Chief Executive of Auckland Council; and
 - b) sign the attached response to 9(2)(a).

Papers prepared for Chief Archivist sign-off				
Title:	Assessment of response from Auckland Council to request for information			
Doc Type:				
Prepared by:	Vanessa King			
Peer reviewer:	Polly Martin			
Objective:	A908646	DMS:		IA:
Due date:	11.11.2016			
Manager sign-off				
Date:	3 11 16			
Signature:				
Senior Manager sign-off				
Date:	4/11/16			
Signature:				
Comments				
Chief Archivist sign-off				
Approved	Yes	No	Date:	8/11/16
Signature:				
	Marilyn Little Chief Archivist, Archives New Zealand			
Comments				
<p>A request for information was sent to Auckland Council on 9 September 2016 in response to a complaint received from 9(2)(a) [REDACTED]</p> <p>9(2)(a) [REDACTED] complaint concerned the recordkeeping practices of Auckland Transport and Auckland Council in relation to the maintenance of records created by Auckland Regional Transport Authority (ARTA) in particular a bus route consultation from 2009.</p> <p>The Chief Archivist sent a request for information to Auckland Transport on 22 April 2015. Auckland Transport responded on 15 December 2015 to the effect that some</p>				

electronic records had been located from back-up tapes but that physical records are managed by Auckland Council.

Auckland Council has provided a satisfactory response and has commenced work that will improve discovery of legacy records.

The following documents are attached:

- Assessment of agency response and recommendation to the Chief Archivist.
- Response from Auckland Council to request for information.
- A response to the Chief Executive of Auckland Council.
- A response to 9(2)(a)

Return to:	Vanessa King
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11 November 2016

9(2)(a)

Dear 9(2)(a)

Thank you for providing me with information about the recordkeeping practices of Auckland Transport and Auckland Council in regard to the maintenance of records created by Auckland Regional Transport Authority (ARTA).

I have now considered Auckland Council's response to my request for information about maintenance of records created by its predecessor agencies, including ARTA.

Auckland Transition Agency had robust strategies and agreements in place to guide continuity of records and information during transition to the Auckland Council. Auckland Council worked with Auckland Transport to identify and transfer records of ongoing business use. Auckland Council continued to manage all other records from the predecessor agencies in the original systems. There is no indication of unauthorised disposal resulting from the transition.

Auckland Council has identified an issue with the quality of the listings created by its predecessor organisations for their records, which inhibits the Council's ability to locate the records. The Council has commenced a consolidation and inventory project. This project should, if successful, reduce the barriers to responding to information requests like yours. I am satisfied with the steps that the Council is taking to improve management and discovery of records created by its predecessor agencies and I will be taking no further action on this matter. A copy of my response to Auckland Council is attached.

Once again thank you for bringing this matter to my attention.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'M Little', written over a large red watermark that reads 'Released under the Official Information Act 1982'.

Marilyn Little
Chief Archivist
Archives New Zealand

PO Box 12 050, Wellington 6144, New Zealand
T +64 4 499 5595 E rkadvice@dia.govt.nz
www.archives.govt.nz



11 November 2016

Stephen Town
Chief Executive
Auckland Council
stephen.town@aucklandcouncil.govt.nz

Dear Mr Town

Maintenance of records created by Auckland Council's predecessor agencies

Thank you for your response, dated 21 September 2016, to my request for information on Auckland Council's maintenance of records created by its predecessor agencies.

Auckland Transition Agency's *Transfer of Records Strategy* and memoranda of understanding were robust documents. Their implementation was the key to ensuring business continuity during and after amalgamation. Clearly, some of the risks that the *Transfer of Records Strategy* was designed to mitigate have transpired, in particular the inability of staff to locate information.

I am grateful for the full description of the management of records by predecessor agencies and I am reassured to see that Auckland Council has commenced work that will improve management and discovery of legacy records. This information sufficiently addresses my concerns about the matter. I am copying this letter to **9(2)(a)** in my final response to his complaint.

Once again thank you for your cooperation.

Yours sincerely



Marilyn Little
Chief Archivist
Archives New Zealand