

21 Huitānguru 2025

Lance D. Lavery  
[fyi-request-29559-  
f81d933b@requests.fyi.org.nz](mailto:fyi-request-29559-f81d933b@requests.fyi.org.nz)

Te Rua Mahara o te Kāwanatanga Archives New Zealand,  
10 Mulgrave Street, Wellington  
Phone +64 499 5595  
Websites [www.archives.govt.nz](http://www.archives.govt.nz)  
[www.dia.govt.nz](http://www.dia.govt.nz)

E te rangatira e Lance, tēnā koe

### **Non-Compliance with the Public Records Act by Government Agencies**

Thank you for your email, received on 15 December 2024 requesting information about compliance with the Public Records Act 2005 (PRA) and related statutory obligations across government agencies under the Official Information Act 1982 (the Act).

You have requested:

**I am requesting information under the Official Information Act 1982 about compliance with the Public Records Act (PRA) and related statutory obligations across government agencies. This request seeks to understand the trends, scope, and actions associated with PRA non-compliance over the past decade.**

**Specifically, I request the following information:**

- 1. Annual Data on PRA Non-Compliance: A year-by-year breakdown of identified instances of PRA non-compliance over the last 10 years.**
- 2. Categories of Non-Compliance: A detailed breakdown of non-compliance types (e.g. missing records, inaccessible records, or failures to document decision-making processes).**
- 3. Agency-Specific Data: A list of the agencies where non-compliance was reported, including details of corrective or enforcement actions taken.**
- 4. Oversight and Audits: Copies of internal reviews, audits, or oversight reports addressing trends in PRA non-compliance.**
- 5. Recommendations and Implementation Status: Details of recommendations provided to agencies to address non-compliance issues and their current implementation status.**

On 28 January, we emailed you to extend the time available to respond to your request under section 15A(1)(b) of the Act by 14 working days to 24 February 2025. Please see our response below.

*Kia pono ai te rua Mahara – Enabling trusted government information*

- 1. Annual Data on PRA Non-Compliance: A year-by-year breakdown of identified instances of PRA non-compliance over the last 10 years.**
- 2. Categories of Non-Compliance: A detailed breakdown of non-compliance types (e.g. missing records, inaccessible records, or failures to document decision-making processes).**
- 3. Agency-Specific Data: A list of the agencies where non-compliance was reported, including details of corrective or enforcement actions taken.**

Please see the information requested at **Appendix A**.

Te Rua Mahara o te Kāwanatanga Archives New Zealand (Te Rua Mahara) is sometimes asked to comment on recordkeeping issues as part of investigations undertaken by the Office of the Ombudsman.

Please note that under section 2(i) of the OIA, official information does not include information contained in any correspondence or communication which has taken place between the office of the Ombudsmen and any public service agency or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under the OIA or under the Ombudsmen Act 1975, other than information that came into existence before the commencement of that investigation.

Accordingly, any instances where Te Rua Mahara has provided comment on recordkeeping practices as part of an Ombudsman investigation has not been included as in scope of your request.

- 4. Oversight and Audits: Copies of internal reviews, audits, or oversight reports addressing trends in PRA non-compliance.**

The annual Report on the State of Government Recordkeeping includes information on trends in government recordkeeping, including compliance with the Public Records Act 2005. The reports can be viewed at <https://www.archives.govt.nz/about-us/publications/report-on-the-state-of-government-recordkeeping>.

The current round of audit reports (2020/21-2024/25) have been published on our website, and can be viewed at <https://www.archives.govt.nz/manage-information/how-we-regulate/monitoring-and-audit/audit/audit-reports>. These measure information management maturity for individual public offices. As the audit is not a compliance audit, it does not produce overall trends in PRA non-compliance.

There are 29 audit reports from the 2010/11 to 2014/15 audit programme that are within the scope of the last decade. These are attached as a zip file.

Some information has been withheld under section 6(c), as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Information has also been withheld under section 9(2)(ba)(i) and (ii), to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied, and (ii) would be likely otherwise to damage the public interest.

As required by section 9(1) of the Act, where information has been withheld under section 9 I have considered whether the grounds for withholding information are outweighed by other considerations which would make it desirable, in the public interest, to make that information available. In this instance, I do not consider that to be the case.

A table of documents released and applied redaction grounds under the Act has been attached as **Appendix B**.

#### **5. Recommendations and Implementation Status: Details of recommendations provided to agencies to address non-compliance issues and their current implementation status.**

**Appendix A** contains information on recommendations provided to public offices and local authorities as part of compliance assessments, and information on implementation if it is available. Recommendations are not given an 'implementation status' in our processes of managing compliance with the PRA. This information is unable to be provided under section 18(e) of the Act, that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

The audit programme gives Te Rua Mahara an insight into the information management maturity of an organisation but is not a compliance audit. The audit produces a report of the organisation with a letter from the Chief Archivist identifying priority recommendations. Audit reports can be viewed at <https://www.archives.govt.nz/manage-information/how-we-regulate/monitoring-and-audit/audit/audit-reports>.

These priority recommendations are followed up with the organisation over a period of two years but are not given an 'implementation status'.

You can find more about our audit process here at <https://www.archives.govt.nz/manage-information/how-we-regulate/monitoring-and-audit/audit/audit-of-public-office-recordkeeping>.

Please contact [oca@dia.govt.nz](mailto:oca@dia.govt.nz) if you have any questions about this response. I note you have requested to meet with me to discuss record losses; if you could provide my team with more information on what in particular you wish to discuss, they may be able to assist.

Where our response provides information that is identified to be of public interest, the response may also be published on the Department of Internal Affairs website. If we publish our response to your OIA request, all personal information, including your name and contact details, will be removed.

You have the right under section 28 of the Act to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint can be found at <https://www.ombudsman.parliament.nz/> or freephone 0800 802 602.

Ngā mihi, nā

A handwritten signature in black ink, appearing to be 'AR' followed by a stylized flourish.

**Anahera Morehu**  
Poumanaaki Chief Archivist

## Appendix A

### 2024/2025:

Public Office/Local Authority	Category of possible non-compliance identified	Actions taken
Associate Minister of Health (Hon Casey Costello)'s Office	Creation, capture and/or accessibility of information	Assessment ongoing
Fire and Emergency New Zealand (FENZ)	Creation, capture and/or accessibility of information	None – no non-compliance identified
Immigration New Zealand (Ministry of Business, Innovation and Employment)	Retention of information	Assessed, ongoing
Ministry of Business, Innovation and Employment	Creation, capture and/or accessibility of information	Assessment ongoing
New Zealand Defence Force	Missing or damaged records	Assessed; ongoing
Oranga Tamariki	Creation, capture and/or accessibility of information	Assessment ongoing
Oranga Tamariki	Creation, capture and/or accessibility of information	Assessment ongoing
Selwyn District Council	Missing or damaged records	Assessed, ongoing
South Wairarapa District Council	Storage of records	None – no non-compliance identified
Stratford District Council	Unauthorised disposal of records	Assessment ongoing

**Total:** [10]

### 2023/2024:

Agency/organisation	Category of possible non-compliance identified	Actions taken
Auckland Council	Creation, capture and/or accessibility of information	Archives New Zealand reminded Auckland Council of their responsibilities under Section 17 of the Public Records Act 2005 (PRA).
Auckland Transport	Creation, capture and/or accessibility of information	Auckland Transport has assured Archives New Zealand that their information management practice is in accordance with the PRA.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ministry of Education	Inaccurate storage of records/inaccurate recordkeeping	The Ministry is in the process of correcting storage of records.
Ministry of Health	Creation, capture and/or accessibility of information	Assessment ongoing
Ministry of Health	Unauthorised disposal of records	Assessment ongoing
Netsafe	Creation, capture and/or accessibility of information	None – no non-compliance identified
New Zealand Police	Unauthorised disposal of records	Archives New Zealand provided advice on retention period of records.
Porirua City Council	Damaged records / storage of records	Physical compliance assessment was undertaken.
Radio New Zealand	Unauthorised disposal of records	Appropriate disposal of records has been made.
Watercare Services	Lack of policies and procedures around recordkeeping	None – no non-compliance identified
Oranga Tamariki	Creation, capture and/or accessibility of information	Duplicate of one of the 2022/2023 cases where Oranga Tamariki has updated its Practice Policy to ensure full and accurate records are captured.

**Total: [11]**

### **2022/2023**

Agency/organisation	Category of possible non-compliance identified	Actions taken
Oranga Tamariki	Creation, capture and/or accessibility of information	Ongoing
New Zealand Police	Creation, capture and/or accessibility of information	A meeting was requested to understand recordkeeping practices.
Paraparaumu College	Creation, capture and/or accessibility of information	Follow up to understand what progress the school has made to improve its information management practices.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Oranga Tamariki	Unauthorised disposal of records	Case is being monitored by Archives New Zealand around disposal actions.
Whanganui District Court	Government loan - Missing records	Whanganui District Court have put in processes for loans of original records.
New Zealand Police	Inaccurate recordkeeping / Storage of information	Recommended that New Zealand Police proceed with ongoing training across the organisation to ensure future compliance with the PRA and the mandatory Information and records management Standard.
Oranga Tamariki	Creation, capture and/or accessibility of information	Oranga Tamariki has updated its Practice Policy to ensure full and accurate records are captured.
ACC	Unauthorised disposal of records; failure to create and maintain records	From the assessment undertaken, Archives New Zealand is satisfied that disposal of call recordings is in accordance with Disposal Authority DA442 and therefore compliant with the requirements of the PRA.
Department of Corrections	Creation, capture and/or accessibility of information	Follow up to understand what progress the Department of Corrections has made to replace its' Health patient system.
New Zealand Blood Service	Creation, capture and/or accessibility of information	None – no non-compliance identified

Agency/organisation	Category of possible non-compliance identified	Actions taken
Christchurch City Council	Creation, capture and/or accessibility of information	Archives New Zealand agrees that Christchurch City Council is making improvements to ensure information is protected from unauthorised or unlawful access, alteration, loss, deletion and/ or destruction.
Oranga Tamariki	Creation, capture and/or accessibility of information	Archives New Zealand reviewed correspondence and there is nothing substantive in this case that warrants further review around Oranga Tamariki's information and recordkeeping practice.

**Total: [12]**

**2021/2022:**

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Defence Force	Creation, capture and/or accessibility of information	Recommendations to be followed by the Expert Review Implementation Steering Group.
Oranga Tamariki	Creation, capture and/or accessibility of information; deletion of records	Archives New Zealand monitoring.
Ministry of Justice	Creation, capture and/or accessibility of information	Archives New Zealand followed up on the development of their client management system.
Ara Institute of Canterbury	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied that Ara Institute of Canterbury are currently meeting their recordkeeping requirements under the PRA and the Information and records management standard.
Ministry of Education	Creation, capture and/or accessibility of information	No evidence to support reported recordkeeping issues.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Wellington High Court	Government Loan - near loss of a record	Wellington High Court will retain the loaned files until one of their local Justices is the Duty Judge.
Southern Response/Earthquake Commission	Unauthorised disposal	None – no non-compliance identified
Commerce Commission	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied that the Commerce Commission has met its recordkeeping obligations under the PRA and Information and records management standard.
Office of Privacy Commissioner	Inability to provide information under the Official Information Act 1982 due to missing records	From the assessment undertaken, Archives New Zealand is satisfied that the Office of the Privacy Commissioner has met its recordkeeping obligations under the PRA and Information and records management standard.
ACC	Creation, capture and/or accessibility of information	PRA does not apply and did not take further action on the case.
Ministry of Health	Creation, capture and/or accessibility of information	Ministry of Health to make a business decision around vaccination records.
Multiple (x4) –Ministry of Education, Education Review Office, Teaching Council and Oranga Tamariki	Creation, capture and/or accessibility of information	Case suspended until further information provided by the complainant.
Orillion (Animal Control Products Ltd)	Unauthorised disposal	Orillion will work with the Disposal and Acquisition team to generate their own organisation’s Disposal Authority.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Southern District Health Board	Inaccurate storage of records/inaccurate recordkeeping	Southern District Health Board worked with the Disposal and Acquisition team to maintain the records and destroy them after the disposal moratorium comes to an end.
Ministry of Foreign Affairs and Trade	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied with the actions that the Ministry has taken to ensure its ongoing compliance with the PRA and the Information and records management standard.
Stratford District Council	Creation, capture and/or accessibility of information	Archives New Zealand will take no further action at this time. Improvements that Stratford District Council is planning on making in 2022 appear to be sufficient to prevent a similar incident from occurring again.
Department of Conservation	Storage of archival records	No response from the complainant after seeking further information on the case.
Ministry of Business, Innovation and Employment (MBIE)	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied that the MBIE/Managed Isolation and Quarantine (MIQ) has met its recordkeeping obligations under the PRA and Information and records management standard.
Department of Corrections	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied with the actions that Corrections has taken to ensure its compliance with the PRA and Information and records management standard.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Royal Commission of Inquiry into Abuse in Care	Creation, capture and/or accessibility of information; inconsistencies around disposal of records	No further action taken until the release of the final report on the Royal Commission of Inquiry into Abuse in State Care.
Mid Central District Health Board	Creation, capture and/or accessibility of information	None – no non-compliance identified
Independent Police Conduct Authority	Loss of a USB drive containing private information	While the loss of the USB drive has resulted in a contravention of the mandatory Information and records management standard (Principle 3.4), Archives New Zealand is satisfied at this time that the incident was not caused by a 'gap' in, or inadequate, information management policies.
Department of Corrections / Southern and Canterbury District Health Boards	Inadequate transfer of information within or between one service and another – differing systems to record information.	From the assessment undertaken, Archives New Zealand is satisfied with the actions that Corrections, Southern and Canterbury DHBs have taken to ensure its compliance with the PRA and Information and records management standard.
New Zealand Police	Creation, capture and/or accessibility of information	Archives New Zealand recommended New Zealand Police to consider implementing a review of its use of evidence.com to ensure that it is meeting business needs.
New Zealand Police	Creation, capture and/or accessibility of information	None – no non-compliance identified

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ministry for Pacific Peoples	Creation, capture and/or accessibility of information	Archives New Zealand recommended that the Ministry develop its policies and processes for the use of the Signal app, and also recommended that the Ministry incorporate the published guidance that is available on the <a href="http://archives.govt.nz">archives.govt.nz</a> website.
New Zealand Defence Force (NZDF)	Storage of physical records.	From the information that has been provided, NZDF appears to be already taking meaningful steps to lift its compliance of the PRA and the Information and records management standard, with the overall goal of improving accessibility to the records requested.
Auckland Council	Creation, capture and/or accessibility of information	Archives New Zealand recommended to the Auckland Council to complete regular testing to verify that systems can locate information and records which are complete; ensure all appropriate metadata is loaded onto the systems to ensure information and records are identifiable, accessible, and useable.
Civil Aviation Authority	Managing and maintaining physical information during business and system changes	This issue was managed and addressed during the PRA audit programme.
Ministry of Justice and ACC	Creation, capture and/or accessibility of information	Ministry of Justice has outlined a number of steps to improve information and records management; ACC is working with Datacom to expand Dynamic 365 to its Media team.
ACC	Creation, capture and/or accessibility of information	Duplicate of above case

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Defence Force	Creation, capture and/or accessibility of information	New Zealand Defence Force is in the process of managing their media request log and combining four organisational-specific disposal authorities into one.
Inglewood High School (Board of Trustees)	Deletion of school records/accessing information	Recommended Inglewood High School to consider developing some written guidance (i.e., Standard Operating Procedures) for staff based on the school's recordkeeping policies and procedures and to develop a process to record when disposal actions occur and to what records.
Ministry of Justice	Government Loan taken apart	Reminded Ministry of Justice about the process for managing loans. Disposal and Acquisition Team to work with Ministry of Justice about status, access and/or restrictions.
Ministry of Business, Innovation and Employment (MBIE)/Ministers for Tourism Recovery	Creation, capture and/or accessibility of information	From the assessment undertaken, Archives New Zealand is satisfied with the actions MBIE has/will take to ensure its compliance with the PRA and Information and records management standard as a result of the Auditor-General's report.
Waitematā District Health Board	Creation, capture and/or accessibility of information	Te Whatu Ora (Health NZ) – Waitematā implemented changes in 2018 around documenting decisions to changing levels of observation. No further action taken.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Department of Conservation (DOC)	Government Loan – missing records	Archives New Zealand acknowledged DOC updating staff guidance documentation to increase government loans process and requirements; Archives New Zealand recommended DOC implement procedure to mitigate further risk of government loans going missing in the future.
Ministry of Business, Innovation and Employment (Immigration NZ)	Creation, capture and/or accessibility of information; unauthorised disposal	Ongoing monitoring and communication with the Ministry of Business, Innovation and Employment.
Oranga Tamariki	Creation, capture and/or accessibility of information	Archives New Zealand reviewed correspondence and found nothing substantive that warrants further review around Oranga Tamariki's information and recordkeeping practice.

**Total [39]**

**2020/2021:**

Agency/organisation	Category of possible non-compliance identified	Actions taken
Department of Internal Affairs	Creation, capture and/or accessibility of information	DIA started implementing the discovery phase around improving management of Ministerial records.
Waitematā District Health Board	Damage of records; unauthorised destruction of records	Waitematā perform ongoing monitoring of their storage of records; Policy and procedures reviewed to include property checks during long periods of business inactivity.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ministry of Justice	Unauthorised disposal of records	To stop future disposal of records relating to the Royal Commission, Ministry of Justice provided training to staff around records, updating disposal guidance and knowledge bases and communicating to all staff about moratorium through multiple channels.
Department of Corrections	Damage of records	Department of Corrections completed safety assessments and was in the process of recovering asbestos contaminated records. Mitigations put in place to ensure records are not recontaminated in the future.
Southern Response and the Earthquake Commission	Creation, capture and/or accessibility of information; storage of records	Archives New Zealand concluded that this is not a breach of PRA and consider this matter closed.
Department of Conservation	Creation, capture and/or accessibility of information; storage of records	From the assessment undertaken, Archives New Zealand is satisfied with the actions that the Department of Conservation has taken to ensure its compliance with the PRA and the Information and records management standard.
New Zealand Transport Agency and Porirua City Council	Creation, capture and/or accessibility of information	The complainant did not respond to request for additional information to further the complaint – case closed.
Local City Council	Creation, capture and/or accessibility of information	None – no non-compliance identified.
Ministry of Health	Creation, capture and/or accessibility of information	Improvements made to the collection and recording of information about deaths of people with intellectual disabilities. Timelines provided for implementation; recordkeeping practices addressed.

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Police	Creation, capture and/or accessibility of information; unauthorised disposal	Determined that the Disposal Authority outlines the justification for the retention and disposal of Video and Digital evidence.
Privacy Commissioner	Creation, capture and/or accessibility of information	Archives New Zealand concluded that this is not a breach of PRA and consider this matter closed.
KiwiRail	Creation, capture and/or accessibility of information	KiwiRail provided assurance that they are aware of their responsibilities under the PRA. They will be undertaking a further search as advised. No further action required.
New Zealand Police	Creation, capture and/or accessibility of information	With the organisational redesign, the way the Māori Focus Forum engages with the Commission is being rethought and New Zealand Police will ensure robust recording and filing processes are in place.
Wellington City Council	Creation, capture and/or accessibility of information	Archives New Zealand reminded Wellington City Council of their responsibilities under Section 17 of the PRA specifically around managing text messages; Archives New Zealand also initiated a response to the local government sector, about how to best manage communications specifically with regards to text messages.
Royal Commission of Inquiry into Abuse in Care	Unauthorised release information	No further action taken. A comprehensive review of the incident was completed; no specific failures in information management processes have been identified; refresher training focusing on Privacy elements is underway; implementation of wider IT system solutions are being considered.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Waikato District Health Board	Creation, capture and/or accessibility of information; unauthorised disposal; alteration of records	Archives New Zealand reminded Waikato District Health Board of their responsibilities under the PRA, specifically Section 17, and the requirement to maintain full and accurate records.
Tauranga City Council	Creation, capture and/or accessibility of information; unauthorised disposal;	From the information available, Archives New Zealand cannot determine whether there was a specific breach in the PRA in the event described. However, appropriate steps have been taken by the Council and that the suggested updates to procedures will assist in ensuring that full and complete records, specifically with regards to elected member text messages, are maintained.
Oranga Tamariki	Creation, capture and/or accessibility of information	No further action taken. No specific information and/or evidence provided to complete an assessment.
Department of Corrections	Government loan - Missing records	Worked with the Department of Corrections and the Government Loans Team to put procedures in place for the future management of Government Loans.
Department of Corrections	Creation, capture and/or accessibility of information	Reported as a compliance case in the Chief Archivist Annual State of Government Recordkeeping 2020/21.
Paraparaumu College	Creation, capture and/or accessibility of information	An Advisory Notice was issued to the Board of Trustees. The notice included advice on the issues raised, highlights of any risks that are apparent to Archives New Zealand at this time.
Education Review Office and Board of Trustees (unnamed schools)	Creation, capture and/or accessibility of information; missing records	Recommended concerns regarding the school in question should be raised with the Ministry of Education.

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Defence Force	Creation, capture and/or accessibility of information; inaccurate recordkeeping	Comprehensive assessment undertaken to understand the extent of the enquiry. An expert review group was set up with oversight of recordkeeping practice and systems.
Victoria University of Wellington	Unauthorised disposal of records	Reported as a compliance case in the Chief Archivist Annual State of Government Recordkeeping 2020/21.
Multiple agencies	Creation, capture and/or accessibility of information	No further action taken as the complainant did not provide further evidence.
Court of Appeal / Ministry of Justice	Creation, capture and/or accessibility of information	No breach in the PRA. Archives New Zealand does not direct a public office to correct or amend a record. No further action taken.
New Zealand Transport Agency	Creation, capture and/or accessibility of information	The complainant did not get back with further information to support the complaint. No further action taken.
Ministry of Education	Unauthorised disposal of records	Archives New Zealand notes that the Ministry of Education provided the complainant with a copy of circular 98/25; Archives New Zealand doesn't have the circulars that were requested (98/25 and 94/31) in its holdings.
Department of Internal Affairs	Creation, capture and/or accessibility of information	This is a historical event that happened 20 years ago before the passing of the PRA. No further action taken as there was no breach.
New Zealand Police	Breaches to the Public Records Act 2005, Privacy Act 2020 and Electronic Transactions Act 2002	Archives New Zealand concluded that this is not a breach of the PRA and will not be taking any further action in this matter unless new information can be provided by the complainant to reassess the matter.

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Customs Service	Creation, capture and/or accessibility of information	Archives New Zealand is satisfied with the direction of information management at the New Zealand Customs Service and the actions that it has taken, plans to take, to further improve its information management maturity.
Auckland District Health Board	Creation, capture and/or accessibility of information	Archives New Zealand reminded Auckland District Health Board of their responsibilities under Section 17 of the PRA, and specifically those around creating and maintaining records.
WorkSafe	Creation, capture and/or accessibility of information	Archives New Zealand notes that recordkeeping concerns were addressed and that the new technology solution is being developed to improve Information Management (IM) at WorkSafe.
Ministry for Business Innovation and Employment (Immigration NZ)	Creation, capture and/or accessibility of information; unauthorised disposal	Ongoing assessment over the years. Same case as the one recorded in 2022/2023 year.

**Total [34]**

**2019/2020:**

Agency/organisation	Category of possible non-compliance identified	Actions taken
New Zealand Security Intelligence Service and Government Communications Security Bureau	Creation, capture and/or accessibility of information; unauthorised disposal	This case was managed as part of the Operation Burnham Inquiry. An Expert review group was set up with oversight of recordkeeping practice and systems.
Unknown District Health Board	Creation, capture and/or accessibility of information	Monitored

Agency/organisation	Category of possible non-compliance identified	Actions taken
Tasman District Council	Unauthorised disposal of records	The Council completed an independent review for structure and processes. Protective measures have been implemented to ensure staff awareness of the process and approval required before documents are destroyed.
New Zealand Defence Force, Trentham	Intention to dispose records	Archives New Zealand worked with the New Zealand Defence Force to help with their Disposal Authority. No further support needed.
Southern District Health Board - Seacliff Mental Hospital	Creation, capture and/or accessibility of information; unauthorised disposal of records	Case added for monitoring.
Television New Zealand (TVNZ)	Unauthorised disposal of records	Archives New Zealand reminded TVNZ to ensure staff are reminded about the use of third-party technologies; consider its policies and guidance on the use of social media; continue working on developing a Disposal Authority and implementation mechanisms.
Porirua City Council (PCC)	Creation, capture and/or accessibility of information	No other evidence or issues of concerns raised from PCC response. No further action taken.
Ministry of Social Development	Unauthorised disposal of records	Reported as a compliance case in the Chief Archivist Annual State of Government Recordkeeping 2019/20.
ACC	Missing or damaged records	Monitored
New Zealand Police	Creation, capture and/or accessibility of information	Monitored
New Zealand Police	Creation, capture and/or accessibility of information; unauthorised disposal of records	Assessment completed with no further action to be taken.
Toi-Ohomai Institute of Technology Limited	Creation, capture and/or accessibility of information; unauthorised disposal of records	Advisory Notice sent to Toi-Ohomai, which included advice and recommended actions for Toi-Ohomai to consider.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ruapehu District Council	Alteration of public records	The Council acknowledged their errors; they have undertaken an independent investigation into the issues raised by the complainant and adopted new procedures in response to events.
Rotorua Lakes Council	Missing or damaged records	Improvements and steps have been taken by the Council to ensure the Council has systems in place to provide confidence that information relating to trees is being appropriately managed.
Inland Revenue	Creation, capture and/or accessibility of information	An Advisory Notice was sent to Inland Revenue to ensure they meet their obligations when it comes to outsourcing; disposal actions must be approved by their governance; PRA obligations should be fully considered whether during formal governance meeting or other.
New Zealand Defence Force	Creation, capture and/or accessibility of information	New Zealand Defence Force is implementing its Safety Event Management Systems to improve reporting mechanisms; Disposal and Acquisition is helping them with a new Disposal Authority.
Oranga Tamariki	Creation, capture and/or accessibility of information	No evidence that PRA has been breached. No further action taken.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Prime Minister, Director-General of Health and Minister of Health	Creation, capture and/or accessibility of information	The epidemic notice has subsequently been renewed twice and Archives New Zealand is satisfied that the structured procedure to ensure appropriate oversight of this decision-making process was observed; Archives New Zealand reminded the Ministry of Health of their responsibilities under the Public Records Act 2005, specifically, Section 17 and the requirement to create and maintain full and accurate records.
Kaipara District Council	Unauthorised disposal of records	Not enough evidence provided for Archives New Zealand to make comment on the accuracy of the records in question; the Council advised that it will be reviewing its recordkeeping practices, specifically focusing on ensuring that external parties that have arrangements with the Council, keep full and accurate records; Archives New Zealand reminded the Council of their responsibilities under the PRA specifically around Section 17, and the requirement to maintain full and accurate records.
Whanganui District Council	Charging for access to records	The Council contacted the complainant to say that the information he sought will be provided free of charge. Additionally, the Council stated that they will change their processes in response to charging access to records.

## Total [20]2018/2019

Agency/organisation	Category of possible non-compliance identified	Actions taken
Radio New Zealand (RNZ)	Creation, capture and/or accessibility of information	There is insufficient evidence to prosecute RNZ for a breach of the Act, as there is no evidence that shows its actions in not retaining voicemail messages were not normal prudent business practice.
Tauranga City Council	Unauthorised destruction of records	Recommended to the complainant to seek own legal advice and consider oral/written complaint to the Office of the Ombudsman to investigate decision or actions of public bodies including local authorities.
Christchurch City Council *This case is related to Sport New Zealand (refer below)	Creation, capture and/or accessibility of information	Recommended to review its policy, procedures and guidance on recording meetings that apply to elected members.
Sport New Zealand	Creation, capture and/or accessibility of information	Requested records were found and provided to the complainant as requested; records have been migrated from the Shared Drive over to the new SharePoint system.
Massey University	Creation, capture and/or accessibility of information	Massey University has been reminded text messages are public records and need to meet their obligations under section 17 of the PRA.
Department of Corrections and SERCO	Missing or damaged records	Department of Corrections updated its policy to ensure recordkeeping requirements are met under the PRA.
Ministry of Justice	Stolen laptop - potential privacy breach	Assessment completed – no outcome recorded or reached.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Department of Internal Affairs	Creation, capture and/or accessibility of information	The Information Management work programme provided to Archives New Zealand gives confidence that issues identified by the Deloitte's report had been addressed and improvement measures and programme had been put in place to resolve issues, or mitigate the risks associated with it (90 days).
Accident Compensation Corporation	Creation, capture and/or accessibility of information	Assessment completed.
Southern Response	Unauthorised destruction of records	Previous of no non-compliance confirmed, no action required
Department of Labour (now WorkSafe), Pike River	Creation, capture and/or accessibility of information	The Police provided current <i>Debriefs – Policy Statement and Principles</i> from the Police Instructions. They now use the Investigative Management Tool (IMT), that provides a centralised database for the secure management and control of information for all types of investigations. This did not exist at the time of the initial Pike River Mine investigations.
Southern District Health Board	Creation, capture and/or accessibility of information; privacy breach	Update provided on a compliance case recorded in 2016.
West Coast/Canterbury District Health Boards (WCDHB)	Creation, capture and/or accessibility of information; unauthorised disposal of records	WCDHB reported they have clear policies and expectations about access, storage and use of patient information. It acknowledges that this was an employment issue, that the employee did not follow WCDHB policies, and did not honour the employee's own assurance that the information would remain on site. The employee no longer works here.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Police/Ministry of Health/District Health Inspector/Ministry of Social Development/Child, Youth and Family Services	Creation, capture and/or accessibility of information; missing records	Addressed as part of the Royal Commission of Inquiry into Abuse in Care.
Television New Zealand (TVNZ) Archives	Creation, capture and/or accessibility of information; use of archival collection	The access and use of the records are the responsibility of the Ministry of Culture and Heritage as the controlling organisation. No action to be taken.
Southern District Health Board	Potential privacy breach	Not a PRA breach, referred to Privacy Commissioner.
New Zealand Transport Agency	Creation, capture and/or accessibility of information	New Zealand Transport Agency developed an action plan to address issues that have been identified during the PRA audit.
New Zealand Police	Creation, capture and/or accessibility of information; unauthorised disposal of records	Archives New Zealand followed up with Police and they provided the files that were requested by the complainant
Dunedin City Council	Storage of records	Archives New Zealand provided the archives.govt.nz website link to Dunedin City Council for information on protection and preservation of protected records.
ACC	Creation, capture and/or accessibility of information	ACC reported that no business records relating to the matter have been disposed of; ACC provided an overview of policies, procedures and practices.
Audit New Zealand	Missing or damaged records	Not enough evidence to support that the records of concern are local authority records.
Wellington City Council	Deletion of records	Provided a media response about local authority records covered by the list of protected records for local authorities.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Invercargill City Council	Creation, capture and/or accessibility of information; unauthorised disposal of records	Chief Executive initiated a strategic review of records and archives management which identified areas for improvement and recommendations being worked on.
Te Puni Kōkiri	Government Loans – missing records	Issued a fine. New processes were implemented for managing Government Loans by Te Puni Kōkiri.
Horowhenua District Council	Creation, capture and/or accessibility of information	Documents of concern were held in the Councils EDRMS system. The Council had a current Retention and Disposal schedule and provided reports and updates at Council meetings.
New Zealand Security Intelligence Service and Government Communications Security Bureau	Creation, capture and/or accessibility of information	Monitored and ongoing work with agencies
Reserve Bank of New Zealand	Government Loans – missing records	Suspension of access to original files from Archives was put in place. This was lifted after the Reserve Bank completed its risk assessment.
New Zealand Defence Force	Creation, capture and/or accessibility of information	Addressed as part of the Operation Burnham Inquiry report.
Court of Appeal	Government Loan – addition of records	Discussion with Ministry of Justice about government loan process.
Office of the Clerk of the House of Representatives/Parliamentary Service	Creation, capture and/or accessibility of information	The Officers of Parliament Committee should be advised to complete and table the report to the Controller and Auditor General.
Parliamentary Service/Department of Internal Affairs' Ministerial Services/Office of the Clerk of the House of Representative (all agencies are part of what is known as the Francis Review)	Creation, capture and/or accessibility of information	Chief Archivist recommended that agencies work together to review records held by commissioning agencies and the independent reviewer.

**Total [31]**

## 2017/2018

Agency/organisation	Category of possible non-compliance identified	Actions taken
Central Agencies Shared Services (CASS)	Damaged records	Advice and guidance to manage volumes that had mould due to water damage from a suspected leak while being stored in the sub-basement at 1 The Terrace. Archives conservator visited the office to view the books concerned and gave advice and guidance on remedy and prevention.
Ministry of Business Innovation and Employment (Immigration NZ)	Government Loans – destruction of records	Missing file was found. No further action taken.
Health and Disability Commissioner	Creation, capture and/or accessibility of information	No indication of intentional misreporting. Health and Disability Commission has maintained the original document in full. No further action taken
New Zealand Police	Creation, capture and/or accessibility of information	No indication that records are not being created and maintained in accessible form; the ground of refusal to provide statistics does not constitute non-compliance with the PRA.
Ministry of Social Development	Use of pseudonyms	The case was under appeal to the High Court. Chief Archivist requested a copy of the Solicitor-General's opinion following its completion.

**Total [5]**

## 2016/2017

Agency/organisation	Category of possible non-compliance identified	Actions taken
Department of Corrections	Unauthorised disposal of records	Department of Corrections did not negligently dispose of records; Archives is working with the Department of Corrections to improve its recordkeeping capability
Auckland Police	Creation, capture and/or accessibility of information	Complaint did not reveal issues with recordkeeping processes; disposal was authorised.
Accident Compensation Corporation (ACC)	Creation, capture and/or accessibility of information	No evidence of PRA breach. No further action.
Wellington City Council	Creation, capture and/or accessibility of information	No evidence of PRA breach, more appropriate for the Auditor-General to consider the funding issue. No further action.
New Zealand Police	Unauthorised disposal of records	Records in question were disposed of lawfully and there is no breach to the PRA. No further action taken.
Auckland University of Technology	Creation, capture and/or accessibility of information	AUT has maintained full set of Council minutes and that the minutes have been provided to the Archivist (Special Collections) at the AUT Library.

**Total [6]**

## 2015/2016

Agency/organisation	Category of possible non-compliance identified	Actions taken
Southern District Health Board and the audit and compliance unit of the National Health Board	Creation, capture and/or accessibility of information	Southern District Health Board made some improvements to its information and records management. Recommended that the organisation test its policies and procedures about records management

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ministry of Justice/Department for Courts	Creation, capture and/or accessibility of information	No breach in the PRA. Archives New Zealand does not direct a public office to correct or amend a record. No further action taken
Auckland University of Technology (AUT)	Creation, capture and/or accessibility of information	Report required by AUT around compliance with subsequent recommendations on improved metadata.
Education Review Office	Creation, capture and/or accessibility of information	Complainant's request managed through an Official Information Act request.
Ministry of Business, Innovation and Employment (Immigration NZ)	Creation, capture and/or accessibility of information	Included concerns raised in the post audit phase and a new Disposal Authority to be implemented with the Ministry.
Ministry of Health/Needs Assessment and Service Co-ordination Agencies)	Creation, capture and/or accessibility of information	Ministry of Health's legal team is working through the issue.
New Zealand Police	Creation, capture and/or accessibility of information	Not a PRA breach. No further action taken.

**Total [7]**

## 2014/2015

Agency/organisation	Category of possible non-compliance identified	Actions taken
Manukau District Court	Creation, capture and/or accessibility of information	Action not warranted.
Kaipara District Council	Breach of the PRA outlined in the Auditor-General's report	May have been a breach but unable to prosecute due to the timeframe the event happened. Worked with the council to ensure it doesn't happen again
Auckland District Health Board	Deletion of records	Deletion happened in accordance with normal prudent business process.
Employment Relations Authority	Unauthorised disposal of records	This case is connected to the case below regarding Immigration NZ.

Agency/organisation	Category of possible non-compliance identified	Actions taken
Ministry of Business, Innovation and Employment (Immigration NZ)	Creation, capture and/or accessibility of information	Direction to report sent; pursued as a separate project on call centres by the Disposal and Acquisition team.
Christchurch City Council	Missing or damaged records	Followed up with the Council. No further action required.
Auckland University of Technology	Creation, capture and/or accessibility of information	Recommended that the university maintains an audit trail in the future.
Prime Minister	Unauthorised disposal of records	<a href="#">"Managing text messages under the Public Records Act"</a> report September 2015 and follow up on recommendations.
Ministry of Justice	Deletion of records	Provided information that some public records can be legally disposed using the General Disposal Authorities.
Auckland Council/Auckland Transport	Unauthorised disposal of records	Further information requested of the complainant. Follow up action taken by Archives. Compliance assessment completed and Chief Archivist letter sent.
Tauranga City Council	Creation, capture and/or accessibility of information	No action taken.
Ministry of Social Development	Creation, capture and/or accessibility of information	Ministry reminded of relevant standards and guidance, no other action warranted

**Total [12]**

## Appendix B – table of documents released

Document released	Redaction grounds applied
ACC - Final Audit Report (A821383)	Released in full
Antarctica New Zealand (A834314)	Released in full
Canterbury Earthquake Recovery Authority - Final Audit Report (A828898)	Released in full
Christchurch Polytechnic Institute of Technology - Final Audit Report (A839169)	Released in full
Crown Irrigation Investments Limited - Audit Findings Report (A823257)	Released in full
Department of Corrections - Final Audit Report (A841883)	Released in full
DIA Final Report (A843570)	Released in full
Final Audit Report - Coroners Court (A832337)	Released in full
Final Audit Report - Court of Appeal (A832338)	6(c)
Final Audit Report - Disputes Tribunal (A832342)	Released in full
Final Audit Report - District Court (A832340)	6(c)
Final Audit Report - Employment Court (A832343)	Released in full
Final Audit Report - Environment Court (A832344)	Released in full
Final Audit Report - Family Court (A832345)	Released in full
Final Audit Report - High Court (A832348)	Released in full
Final Audit Report - Judicial Authorities (A840679)	Released in full
Final Audit Report - Maori Land Court (A832347)	Released in full
Final Audit Report - Ministry of Justice (A832421)	Released in full
Final Audit Report - Non- Judicial Authorities (A832773)	Released in full
Final Audit Report - Supreme Court (A832341)	Released in full
Final Audit Report - Tenancy Tribunal (A832781)	Released in full
Final Audit Report - Waitangi Tribunal (A832339)	Released in full
Final Audit Report - Youth Court (A832346)	Released in full
MBIE - Final Audit Report (A843520)	Released in full
Solid Energy - Final Audit Report (A841832)	Released in full
Tai Poutini - Final Audit Report (A826937)	Released in full
TVNZ - Final Audit Report (A841865)	Released in full
University of Canterbury - Final Audit Report (A836292)	9(2)(ba)(i), 9(2)(ba)(ii)
University of Otago - Final Audit Report (A839491)	9(2)(ba)(i), 9(2)(ba)(ii)