

# Appraisal Report

## Functions, Activities and Records Evaluation

### Criminal Cases Review Commission

<b>Document ID</b>	APP2021/0023
<b>Agency</b>	Te Kāhui Tātari Ture   Criminal Cases Review Commission
<b>Contact Name and Details</b>	[Name and contact details removed]
<b>Date</b>	25 September 2023

<b>Purpose</b>
<p>The purpose of this appraisal report is to obtain authorisation from the Chief Archivist, as per the requirements of the Public Records act 2005 (PRA). This report documents the information and records created and used by Te Kāhui Tātari Ture   Criminal Cases Review Commission (CCRC), as part of carrying out its core business activities.</p> <p>The report will:</p> <ul style="list-style-type: none"><li>• Ensure on-going coverage for the legal disposal of records created by or for the CCRC in alignment with the PRA and compliance with the 'Information and Records Management Standard 2016', issued by Archives New Zealand</li><li>• Enable the identification of records of high value which will require long-term preservation and transfer, and those records with no archival value which may be destroyed once no longer required for on-going business purposes</li><li>• Obtain legal authority to dispose of records not covered by Archives New Zealand's general disposal authorities (GDA6 and GDA7)</li><li>• Enable the implementation of management systems for information and records</li><li>• Support a culture of best practice recordkeeping within the organisation.</li></ul>
<b>Scope</b>
<p>This appraisal report applies to current, non-current and yet to be created information and records created or received by CCRC, in the conduct of its business, regardless of their format.</p>
<b>Format</b>
<p>All formats of information and records are covered.</p>
<b>Agency and System Information</b>
<p><b>Agency Code:</b> AGWH <b>Public Office's Physical Location:</b> The CCRC Office is in Kirikiriroa   Hamilton <b>Year Criminal Cases Review Commission established:</b> 2020 <b>Year disestablished:</b> Current <b>Website:</b> www.ccrcc.nz</p>
<b>Background</b>

The case for a Criminal Cases Review Commission in New Zealand for people of all ethnicities and backgrounds, arose out of concerns about the independence, timeliness and quality of investigations into miscarriages of justice.

The Criminal Cases Review Commission Bill was introduced in the New Zealand Parliament in September 2018 and passed its final reading on 12 November 2019.

The CCRC was established as an independent Crown Entity for the purposes of the Crown Entities Act 2004, under the Criminal Cases Review Commission Act 2019, based in Hamilton in 2020. The structure of the CCRC includes a Board of Commissioners (see below) including a Kaikōmihana Matua | Chief Commissioner and a Kaikōmihana Matua Tuarua | Deputy Chief Commissioner.

The Kaikōmihana Matua | Chief Commissioner's role is to chair the CCRC Board and lead the implementation of the Criminal Cases Review Commission Act 2019. The Kaikōmihana Matua | Chief Commissioner also leads engagement with key stakeholders from the political, judicial and other spheres, including victims' rights organisations, and is responsible for the relationship with the CCRC's monitoring agency, the Ministry of Justice.

The Kaikōmihana Matua | Chief Commissioner role is separate to that of the Tumu Whakarae | Chief Executive. The Tumu Whakarae | Chief Executive is accountable to the Criminal Cases Review Commission and Board. The Chief Executive must ensure the organisation performs the duties as set out in the Criminal Cases Commission Review Act, the Crown Entities Act and other relevant statutes and legislation. The Chief Executive's core role is to give effect to the CCRC's strategic direction as set by the Board, enabling the organisation to achieve its purpose and deliver its functions.

### **The Board of Commissioners**

The board is made up of seven Ngā Kaikōmihana | Commissioners, including a Kaikōmihana Matua | Chief Commissioner and a Kaikōmihana Matua Tuarua | Deputy Chief Commissioner.

Ngā Kaikōmihana | Commissioners undertake a dual governance role:

- The Commission's role to deliver on its functions as set out in the Criminal Cases Review Commission Act 2019.
- The Board's role to deliver a sustainable organisation as a Crown Entity as per the Crown Entities Act 2004 and other relevant acts, such as the Health and Safety at Work Act 2015.

Ngā Kaikōmihana | Commissioners of Te Kāhui have a range of skills and experience, including experience in community and corporate governance, legal expertise, academia, and in the public sector.

For clarity, when the term Ngā Kaikōmihana is used in this document, it refers to all seven Ngā Kaikōmihana | Commissioners including the Kaikōmihana Matua | Chief Commissioner and the Kaikōmihana Matua Tuarua | Deputy Chief Commissioner. The Tumu Whakarae | Chief Executive is not a Ngā Kaikōmihana | Commissioner.

### **Functions**

The CCRC role is to review potential miscarriages of justice and refer appropriate cases back to an appeal court. If a person convicted of a criminal offence believes they have been wrongly convicted or sentenced, they can apply to have their conviction or sentence, or both, reviewed. Commissioners review the cases and decide whether a referral to an appropriate court should be made.

The CCRC effectively replaces the referral function previously exercised by the Governor-General under section 406 of the Crimes Act 1961, part of the Royal prerogative of mercy.

The CCRC is an independent Crown Entity that employs specialist staff to investigate possible miscarriage of justice cases. Procedures are in place to ensure the investigation process is responsive to Māori and Pasifika, reflecting New Zealand's diversity.

The CCRC has a degree of separation from the courts and relevant Crown organisations such as Police, the Department of Corrections, the Ministry of Justice, and Crown Law. However, the Minister of Justice oversees the Crown interest in the CCRC and is answerable to Parliament for that responsibility.

The CCRC can refer a case to an appeal court if it is in the interests of justice to do so. There are a range of factors considered when making a referral decision, including whether the convicted person has exhausted all appeal rights, whether there is fresh evidence and the prospects of a referral succeeding.

The CCRC also has the power to conduct their own thematic investigations and report the findings to the Minister of Justice, if it is believed such investigations are required in the interests of justice.

### **Information and Recordkeeping Environment**

CCRC uses SharePoint Online augmented with iWorkplace apps within Microsoft 365 to manage its information and records.

Microsoft Teams is used to provide collaboration and communication functionality. Teams and SharePoint Online have been implemented to ensure that CCRC functional classification metadata is applied to information and records.

An information management policy and procedures provide the CCRC business guidelines for information management.

## **Methodology**

The following processes were used to develop this Appraisal Report and Disposal Schedule:

- Review of appraisal reports of related agencies, Ministry of Justice (DA642), Waitangi Tribunal (DA641), Environment Court (DA680)
- A review of other Ministry appraisal reports was conducted to help provide precedent for record classes not covered in the justice related disposal authorities.
- A draft disposal schedule was developed based on the record classes of the CCRC business classification scheme. The schedule was reviewed by CCRC staff and revised based on feedback. The draft schedule was then reviewed by Te Komiti Haumarū Mōrearea | Risk and Assurance Committee, with feedback incorporated including that of Tompkins Wake (who provided an independent legal review). The schedule was then approved by the CCRC Board of Commissioners.
- An appraisal report was drafted. The value statements were informed by the Archives New Zealand Public sector archival selection statement (2019).
- A first review of the draft disposal schedule and appraisal report by Archives NZ.
- External consultation with key stakeholders.
- Sign off by CCRC of the draft disposal schedule and appraisal report.

A final review of the draft appraisal report and disposal schedule was conducted by Archives NZ.

## Review of Disposal Authorities of Agencies with similar functions and other related Agencies

Item	Why relevant	Relevant classes
<b>Waitangi Tribunal DA641</b>	Justice agency with similar functions to those provided by CCRC	DA641 Class 1 Claim registration and management DA641 Class 5 Research & Inquiry facilitation records DA641 Class 7 Tribunal issued reports DA641 Class 10 Governance DA641 Class 11 Relationships and Partnership management and liaison
<b>Environment Court DA680</b>	Justice agency	DA680 Class 3 Enforcement and Abatement DA680 Class 4 High court
<b>Ministry of Business, Innovation and Employment (MBIE) DA644</b>	Provides useful precedent for accountability, governance and strategic management records	DA644 Class 1 Accountability, governance and strategic management
<b>Ministry of Health DA643</b>	Programme and project records	DA643 Class 2.2 Project management records

## Disposal Schedule Development

### Format of the schedule

The disposal schedule has the following fields:

<b>Records class number</b>	The hierarchy that describes the function / activity or type of information to which a record may belong
<b>Title</b>	Short description of an individual class of records
<b>Description and examples</b>	Describes more fully the types of information and records included in this individual class
<b>Minimum retention period</b>	How long this class of records needs to be retained. This date takes into consideration both legal and business requirements. It starts when records are non-current (i.e. inactive).
<b>Trigger Point</b>	The point in the lifecycle of a record when the records become non-current (i.e. inactive) and the minimum retention period begins and or disposal can be activated. Implementation of the trigger point is decided by CCRC's specific information systems and business requirements.
<b>Disposal action</b>	What to do with the records once the minimum retention period has been met (e.g. Transfer to Archives New Zealand or Destroy)

### **Application of value statements**

The value statements applied to the records have been based on Archives New Zealand public sector archival selection statement (2019).

#### **Principle 1 - New Zealand public sector authority, functions and activities:**

Information and records that provide evidence of the authority and performance of the New Zealand public sector (including all public offices and local authorities as well as public/private partnerships and outsourced providers).

This includes information and records that illustrate and provide clarity on the functions of governing New Zealand, such as the development and implementation of public policies and programmes in response to national as well as international issues.

#### **Principle 2 - Treaty of Waitangi/Te Tiriti o Waitangi:**

Information and records that provide evidence of recognition and respect for, or fulfilment of the Treaty of Waitangi/Te Tiriti o Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil these principles and/or obligations

#### **Principle 3 - Individual and community knowledge, identity and memory:**

Information and records that contribute to the knowledge and understanding of New Zealand, its history, geography, society, culture and achievements, and to all New Zealanders' sense of their local, regional and national identity and legal status, their Māori iwi/hapū and whānau, ethnic or other communities.

## Consultation

### Internal consultation

The draft CCRC Disposal Schedule and Appraisal Report were reviewed by staff at CCRC.

Feedback from the Pou Matua | Engagement and Communications Manager [Name removed], was incorporated into the schedule:

- Updated details of sub class 4.2.1: contact with Victims.
- Updated the description for sub class 2.1.2 to incorporate the recordings of applicants.

The following feedback from the Pou Tātari | Investigation & Review Manager [Name removed], was incorporated into the schedule:

- Changed the sub class title for 2.2.1 from “referral reports” to “Referral Documents”.
- Add the sub class 3.1.3: Interviews, evidence, and research.

The following feedback from Te Komiti Haumarū Mōrearea | Risk and Assurance Committee [Name removed, Chair], [Name removed, Name removed] (Ngāpuhi, Ngāti Whakāue, Te Whakatōhea, Ngāi Tahu) and [Name removed], Independent Member), was incorporated into the schedule:

- Combine the Litigation case file records into a single sub class (1.2.1) as there is a business requirement to retain all these records for 20 years.
- Changed the class title 2.2 by appending “(or otherwise)” to indicate that this also covers decision on cases not referred to the Appeal Court.
- Changed the disposal action for sub class 2.1.3 to “A – retain as public archives” as these records can contain critical evidence if there is a future re-application of the case by or on behalf of the person.

The CCRC draft appraisal report and disposal schedule was approved by the Senior Leadership team and Chief Executive [Name removed] Tumu Whakarāe | Chief Executive, [Name removed], Engagement and Communications Manager, [Name removed], Corporate Manager, [Name removed], Investigations and Review Manager). Following this the document was presented to Te Komiti Haumarū Mōrearea | Risk and Assurance Committee.

A Letter of advice was sought from Tompkins Wake in relation to our draft appraisal report and disposal schedule from Tompkins Wake. The CCRC engaged [Name removed], Senior associate. They state, “in general, we consider that the draft appraisal report and the schedule provide an appropriate approach to the requirements of the Public Records Act 2005 and the Privacy Act 2020 given that they have been updated in accordance with our comments below and the tracked changes and comments in the draft appraisal report which we provided” ([Name removed] - Senior Associate, 11 May 2021). The following feedback was incorporated into the schedule:

- Changed wording to strengthen the justification for decisions and retention periods.

Following this, Te Komiti Haumarū Mōrearea | Risk and Assurance Committee endorsed the draft appraisal report and schedule for the Board to review. The CCRC Board of Commissioners approved the draft appraisal report and schedule on 16 September 2021 for final submission with Archives New Zealand.

### Review by Archives NZ

A first review of the CCRC draft disposal schedule and appraisal report was conducted by Archives NZ before it was sent out for external consultation with stakeholders.

### **External consultation with Stakeholders**

A consultation with external stakeholders was conducted. The following stakeholders were consulted:

Organisation	Name	Position
Courts	[Name removed]	Principal Advisor Court Information   Senior Courts Operations and Service Delivery Group
Ministry of Justice	[Name removed]	Manager, Privacy Assurance
NZ police	[Name removed]	Manager, Information Capability
Law Society	[Details removed]	
Office of the Ombudsman	[Name removed]	Manager, Information and Knowledge Management
Office of the Privacy Commissioner	[Names removed]	Privacy Commissioner General Manager Policy Manager
Crown Law	[Names removed]	Records Manager Director, PDS
Office of the Auditor General	[Names removed]	Manager, Information Management – Information Services Group Information Management Advisor – Information Services Group
Independent Police Conduct Authority (IPCA)	[Name removed]	Corporate Manager
Transport Accident Investigation Commission (TAIC)	[Name removed]	General Counsel, GM Business Services
Law Commission	[Names removed]	General Counsel General Manager

As outlined by the Criminal Cases Review Commission Act 2019, a minimum of one Commissioner with expertise in tikanga and Te Ao Māori must be appointed to the Board of Commissioners. Two Commissioners have been appointed who have expertise in tikanga and Te Ao Māori. Additionally, the CCRC sought to appoint to the Senior Leadership team people with significant Treaty of Waitangi/Te Tiriti o Waitangi and Te Ao Māori expertise and experience. The Tumu Whakarae | Chief Executive and Pou Matua | Manager Engagement and Communications

have extensive experience and expertise in Te Ao Māori are members of the senior leadership team, whose feedback has been incorporated above.

The external consultation resulted in changes to the schedule:

External Stakeholder	FEEDBACK	RESPONSE
<b>Ministry of Justice</b>	<b>2.1.5</b> International law enforcement files - does not seem to align with the intention of DA642 4.1 Extradition requests.	The alignment with DA642 4.1 was tentative and the reference has been removed.
<b>Office of the Auditor General</b>	<b>2.1.1</b> This could be clarified to state whether it includes cases which are later withdrawn (2.1.3), as well as cases which are investigated and proceed (2.1.2).	A note has been included in 2.1.1 to clarify this.
<b>Office of the Auditor General</b>	<b>4.3.1</b> As currently written, the implication is that this applies to all images with descriptive metadata. This sub-class requires scope clarification to only focus on official photos with descriptions should be retained.	The sub-class name and description have been updated to focus on “official” images.
<b>Crown Law</b>	<b>1.1.1</b> For clarity could this include the words in red below, “...that is not a request for information and does not to relate to an investigation.”	The additional wording has been included in the description.
<b>Office of the Privacy Commissioner</b>	<b>1.2.1</b> – is it clear why litigation records relating to judicially reviewed material are destroyed at 20 years? This was the only one that stuck out for us, and there may be a clear established reason for why this is done.	The retention period has been reviewed for these records and reduced to 10 years.



## Class 1: Governance and Corporate

### Description

Records in this class are created or received as part of organisational governance and leadership. They include the provision of legal support for litigation and the conduct of projects to improve how CCRC delivers services to its stakeholders.

The records have been broken into the following sub-classes:

**1.1 Commissioners | Ngā Kaikōmihana and Tumu Whakarae | Chief Executive:** records created by the office of the Tumu Whakarae | Chief Executive and the records about Ngā Kaikōmihana | Commissioners that act on behalf of the Commission.

- *1.1.1 Chief Executive correspondence*
- *1.1.2 Commissioner Records*

**1.2 Legal:** Covers records created during judicial reviews and litigation regarding issues that CCRC has been involved, includes both the completed case files as well as the summaries.

- *1.2.1 Litigation records – case files*
- *1.2.2 Litigation summaries*

**1.3 Project Management:** covers records documenting the corporate and establishment projects conducted.

- *1.3.1 Project deliverable development - records created as part of the process to develop the final deliverable*
- *1.3.2 Project deliverable finals*
- *1.3.3 Project administration and management*

### Value statement

#### 1.1 Tumu Whakarae | Chief Executive and Ngā Kaikōmihana | Commissioners

**Sub-class 1.1.2 Ngā Kaikōmihana | Commissioner records** summarise a commissioner's background, expertise, interests, conflicts of interests, etc. These records are of business value to the Commission. Commissioners have a unique role in conducting the function of the Criminal Cases Review Commission through reviewing potential miscarriages of justice and determining if an appeal is appropriate. These records are recommended for retention as public archives as they meet principle 1 [evidence of the authority, functions and activities of the New Zealand public sector] because these records support the decision-making process conducted by the CCRC in its implementation of public policy. In addition, they also meet principle 3 [contribute to individual and community knowledge, identity and memory] because the decisions made by the CCRC have the potential to impact the fundamental rights of individuals.

The remaining sub-class (**1.1.1**) records are only of value to the Commission business and are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

#### 1.2 Legal

**Sub-class 1.2.2 Litigation summaries** are recommended for retention as a public archive because they meet the authority, functions and activities principle as they summarise the judicial reviews that CCRC was involved with.

**Sub-class 1.2.1 Litigation records – case files** are required for business purposes only or are held by the courts. They are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

### 1.3 Project Management

**Sub-class 1.3.2 Project deliverables – finals** are recommended for retention as a public archive as they meet the authority, functions and activities principle as they provide evidence of the implementation of public policy. They document the impact of the Commission on Criminal Case review process in New Zealand.

The remaining sub-classes (**1.3.1, 1.3.3**) records are only of value to the Commission and are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

#### Recommended for retention as public archives

Class	Title	Description	Disposal action
1.1.2	<b>Commissioner Records</b>	Summaries of Commissioner backgrounds, expertise, terms, conflict of interest and length of appointment. Includes: <ul style="list-style-type: none"> <li>- Agreements including terms and length of appointment</li> <li>- Members handbook (outlining the expectations)</li> <li>- Conflicts of interest register</li> </ul>	Retain as public archives 10 years after last action
1.2.2	<b>Litigation summaries</b>	Records summarising or listing litigation cases that CCRC has been involved in. These records will be in form of a register	Retain as public archives 10 years after last action
1.3.2	<b>Project deliverable finals</b> - final versions of the project outputs	Final documentation for project deliverable, includes: <ul style="list-style-type: none"> <li>- deliverable reports</li> <li>- project reviews</li> <li>- project audits</li> <li>- programme reviews</li> <li>- implementation plans</li> </ul>	Retain as public archives 10 years after project completed

#### Recommended for Destruction

Class	Title	Description	Disposal action
1.1.1	<b>Chief Executive correspondence</b>	Records of correspondence to the Chief Executive and/or Deputy Chief Executive where a response is required that is not a request for information and does not relate to an investigation. For example: <ul style="list-style-type: none"> <li>- correspondence from members of the public expressing their view of the agency</li> </ul>	Destroy 10 years after last action
1.2.1	<b>Litigation records – case files</b>	All records of CCRC decisions that have been Judicially reviewed. Includes: <ul style="list-style-type: none"> <li>- copies of court documents</li> <li>- papers prepared by CCRC</li> <li>- evidence</li> </ul>	Destroy 10 years after case completed
1.3.1	<b>Project deliverable development</b> - records created as part of the process to develop the final deliverable	Discussion documents Briefing papers Reports to Board Working papers Legal advice and opinions Related correspondence	Destroy 10 years after project completed
1.3.3	<b>Project administration and management</b>	Project plans Project reports Project financial monitoring Project budget management Project group administrative arrangements	Destroy 7 years after project completed

		Test results Correspondence	
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## Class 2: Criminal Review Applications & Investigations

### Description

This class covers records concerning the activity of reviewing applications by a person convicted of a criminal offence who believes they have been wrongly convicted or sentenced.

The records in this class have been broken into the following sub-classes:

**2.1 Applications and Investigations:** records the applications received by the Commission for a case review and the subsequent investigation that was conducted.

- *2.1.1 Applications registration and management*
- *2.1.2 Application and Investigation case files*
- *2.1.3 Withdrawn case files*
- *2.1.4 Court documents relating to past cases*
- *2.1.5 International law enforcement files*
- *2.1.6 Enquiries and provision of information*

**2.2 Referral to Appeal Courts (or otherwise):** records created when an application has been referred by the Commissioners to an Appeal court as a result of the investigation conducted.

- *2.2.1 Referral documents*
- *2.2.2 Report production material*
- *2.2.3 Appeal Court cases*

### Value statement

#### 2.1 Applications and Investigations

**Sub-classes 2.1.1 and 2.1.2 Applications registration and management and Application and Investigation case files** are recommended for retention as a public archive. These records meet the principle 1 [evidence of the authority, functions and activities of the New Zealand public sector] as they document how applications, from a person convicted of a criminal offence, were treated and investigated forming a record of the review of criminal cases undertaken in New Zealand.

**Sub-class 2.1.5 International law enforcement** files are essentially case files containing information not known to New Zealand justice agencies. It is recommended that these records are also retained as a public archive as they meet principle 3 [contribute to individual and community knowledge, identity and memory]. These records provide knowledge about persons of historical interest – persons important in New Zealand’s social and political history.

The remaining sub-classes (**2.1.3, 2.1.4, 2.1.6**) are required for business purposes only or are held by the courts. They are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

Withdrawn case files (**sub class 2.1.3**) have a disposal action of destroy 75 years after last action. An application may be made to the CRCC by a person convicted of a criminal offence in New Zealand (the Applicant), or through a representative selected by the Applicant, such as a whānau/family member, friend, supporter, advocate, or lawyer. As outlined by the Criminal Cases Review Commission Act 2019, an Applicant must be alive at the time the application is lodged. An application may be withdrawn for many reasons, and at any stage in the review process. A person can apply to the Commission for review of the same conviction/s more than once so long as

they meet the criteria for review as outlined in the Criminal Cases Review Commission Act 2019, specifically, they are alive at the time of the application, and they have been convicted of a criminal offence. Given this, an application received and/or accepted by the Commission could contain vital information and evidence that would be highly beneficial to any future review of the same application. The term of 75 years has been selected to ensure that files are retained for the lifetime of a potential applicant, noting that there is no minimum age for applicants and the Commission may accept repeated applications from applicants, or their representatives, regarding the same conviction/s.

## 2.2 Referral to Appeal Courts (or otherwise)

**Sub-class 2.2.1 Referral documents** that result from the Commissioners decision to refer a criminal review case to an appeal court are recommended for retention as a public archive. These records meet the authority, functions and activities principle as they provide evidence of why a case was referred by the Commission to the Appeal court.

**Sub-classes 2.2.2 and 2.2.3 Report production material and Appeal Court cases** are required for business purposes only or are held by the courts. They are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

### Recommended for retention as public archives

Class	Title	Description	Disposal action
2.1.1	<b>Applications registration and management</b>	<ul style="list-style-type: none"> <li>- Records of the receipt</li> <li>- Registration and acknowledgement of the application</li> <li>- Progress and management of received applications through the process</li> </ul> <p><i>Note: This does not apply to cases that are later withdrawn or include records of the investigation conducted</i></p>	Retain as public archives 10 years after last action
2.1.2	<b>Application and Investigation case files</b>	<ul style="list-style-type: none"> <li>- The application documents received for a case review</li> <li>- Recordings of interviews with applicants</li> <li>- Records created by CCRC in review of the application</li> <li>- Recommendation provided to the Commissioners</li> <li>- Records created in the subsequent investigation of the criminal case review</li> </ul>	Retain as public archives 10 years after last action
2.1.5	<b>International law enforcement files</b>	Case files relating to applicants that were requested from international law enforcement organisations	Retain as public archives 10 years after last action
2.2.1	<b>Referral documents</b>	Referral documents resulting from the Commissioner decision to refer the case back to an appeal court	Retain as public archives 10 years after last action

### Recommended for Destruction

Class	Title	Description	Disposal action
2.1.3	<b>Withdrawn case files</b>	<p>Application and Investigation case files where the applicant withdraws from the process prior to acceptance and initial assessment. This includes:</p> <ul style="list-style-type: none"> <li>- The applications documents received for a case review</li> <li>- Records created by CCRC in review of the application until the application was withdrawn</li> </ul>	Destroy 75 years after last action

2.1.4	<b>Court documents relating to past cases</b>	The copies of court documents that were created as part of the original court cases under review.	Destroy 5 years after review concluded
2.1.6	<b>Enquiries and provision of information</b>	Responding to enquiries from applicants including: - correspondence - provision of information - contact details	Destroy 7 years after last action
2.2.2	<b>Report production material</b>	Routine administrative records and working papers in provision of report writing services including detailed information summarised in report form such as progress reports	Destroy after referral documents have been released
2.2.3	<b>Appeal Court cases</b>	Records covering the Judgments on cases referred by CCRC to the appeal court.	Destroy after date of Appeal Court hearing closed

<b>Class 3: Systemic Inquiries</b>
<b>Description</b>
<p>This class covers records of systemic reviews of areas that were identified as re-occurring themes during application investigations. Systemic reviews are inquiries into a general matter where CCRC identify a practice, policy, procedure or other matter they consider may be related to cases involving a miscarriage of justice or may give rise to such cases. If CCRC feels there are reasonable grounds and it would be in the public interest, an inquiry will be conducted into that matter and the outcome reported to the Minister of Justice.</p> <p>The records in this class have been broken into the following sub-class:</p> <p><b>3.1 Systemic Inquiries:</b> records created by CCRC when conducting a Systemic Inquiry.</p> <ul style="list-style-type: none"> <li>▪ 3.1.1 <i>Systemic Inquiry reports released by the Commissioners</i></li> <li>▪ 3.1.2 <i>Report production material</i></li> <li>▪ 3.1.3 <i>Interviews, evidence and research</i></li> </ul>
<b>Value statement</b>
<p><b>3.1 Systemic Inquiries</b></p> <p><b>Sub-class 3.1.1 Systemic Inquiry reports released by the Commissioners</b> are recommended to be retained as public archives. These records meet principle 1 [evidence of the authority, functions and activities of the New Zealand public sector] as they record the findings in investigations into agencies involved in the New Zealand justice system in relation to cases involving a miscarriage of justice.</p> <p><b>Sub-class 3.1.3 Interviews, evidence and research</b> records are recommended to be retained as public archives. These records meet principle 1 [evidence of the authority, functions and activities of the New Zealand public sector] as they document the evidence collected by CCRC in the review of practices, policy or procedure of agencies involved in the New Zealand justice system in relation to cases involving a miscarriage of justice.</p> <p><b>Sub-class 3.1.2 Report production material</b> records are required for administrative purposes only and are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.</p>

Recommended for retention as public archives			
Class	Title	Description	Disposal action
3.1.1	<b>Systemic Inquiry reports released by the Commissioners</b>	Records of the development of Systemic review reports relating to the justice system released by the Commissioners Records may include: - final reports provided to the Commissioners - correspondence with the entity about the findings - documentation of the release and handover of the Commissioner issued report (or advance or preliminary parts) - the distribution of Commissioner issued reports	Retain as public archives 25 years after last action
3.1.3	<b>Interviews, evidence and research</b>	The research and evidence collected for Systemic Inquiries. This includes: - records of interviews conducted - evidential records collected	Retain as public archives 10 years after last action
Recommended for Destruction			
Class	Title	Description	Disposal action
3.1.2	<b>Report production material</b>	Routine administrative records and working papers in provision of report writing services including: - Analysis of research collected - draft reports - travel plans - contact details - detailed information summarised in progress reports	Destroy 5 years after report released

## Class 4: Engagement and Communication

### Description

This class covers records that document how the Commission interacts and communicates with iwi, agencies and victims. It covers records of the development and management of relationships with stakeholders and partners that are created as part of conducting its criminal case review function.

A comprehensive set of design principles guides the work of CCRC. These principles include the concepts of manaakitanga – ensuring that the Commission protects and enhances the mana of all in the way we work – and whanaungatanga, ensuring that the Commission involves applicants’ families and support networks, and is transparent with the original victims of the crimes.

The records in this class have been broken into the following sub-classes:

**4.1 Stakeholder Engagement:** records of the development and management of strategic relationships with external stakeholders.

- *4.1.1 Relationships with stakeholders and partners*
- *4.1.2 Operational relationship management records*

**4.2 Victims:** records of contact with victims to provide them with updates of an application.

- 4.2.1 *Contact with Victims*

**4.3 Multimedia:** records of multimedia resources (photographs, video, audio, images) created or collected by the Commission, including official photographs and video taken at events, of people including Commissioners and CCRC officials, audio recordings of meetings, posters, etc. These multimedia records are held in online storage.

- 4.3.1 *Official event multimedia accompanied with a description of the content*
- 4.3.2 *Event multimedia - with no description of the content*

## Value statement

### 4.1 Stakeholder Engagement

**Sub-class 4.1.1 Relationships with stakeholders and partners records** are recommended for retention as a public archive. These records meet principle 1 [evidence of the authority, functions and activities of the New Zealand public sector] as they document the impact and leadership CCRC provides in dealing with its stakeholders and partners in the criminal justice system in relation to miscarriages of justice. The iwi relationship records meet principle 2 [Treaty of Waitangi/Te Tiriti o Waitangi] as they document the communications and relationship that Te Kāhui has with Iwi in relation to miscarriages of justice of Māori.

**Sub-class 4.1.2 Operational relationship management records** are required for administrative purposes only and are recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

### 4.2 Victims

**Sub-class 4.2.1 Records of contact with victims** are recommended for destruction as they are of administrative value only. Victim engagements are completed to ensure that, in appropriate circumstances, victims are notified of CCRC work. These records are distinctly different from victim interviews, which would create an evidentiary record and sub class 2.1.2 would apply. Contact with victims through engagements ensure a victim is aware of our work and understands what is happening with an application. These records do not have any evidentiary value to an application as they are only a copy of information already held by CCRC. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

### 4.3 Multimedia

**Sub-class 4.3.1 Official event multimedia – with descriptive metadata** are recommended for retention as public archives. They meet the Individual and Community Knowledge principal because they provide a rich visual history of how CCRC undertook their functions and contributed to the community over time. These records also meet principle 2 [Treaty of Waitangi/Te Tiriti o Waitangi] as they provide a visual history of relationship the Guardians has with Iwi in relation to miscarriages of justice of Māori.

**Sub-class 4.3.2 Event multimedia - with no metadata description** are of administrative value only and have no long-term value, therefore, they have been recommended for destruction. They do not meet the principles of Archives New Zealand public sector archival selection statement (2019) for retention as archives.

## Recommended for retention as public archives

Class	Title	Description	Disposal action
4.1.1	<b>Relationships with stakeholders and partners</b>	Records of relationship management activities that document the relationship between the Commission and strategic stakeholders. Examples of such stakeholders include: - MOJ - Courts	Retain as public archives 10 years after last action

		<ul style="list-style-type: none"> <li>- Crown Law</li> <li>- Department of Corrections</li> <li>- Iwi</li> <li>- Records may include: <ul style="list-style-type: none"> <li>- memoranda of understanding</li> <li>- meeting records</li> <li>- speeches and presentations</li> <li>- relationship strategy records</li> <li>- correspondence</li> <li>- internal notes about the relationship</li> </ul> </li> </ul>	
4.3.1	<b>Official event multimedia</b> - with descriptive metadata	Official multimedia records of events run by CCRC with descriptive metadata, including photographs, video, audio, and images	Retain as public archives 10 years after last action

### Recommended for Destruction

Class	Title	Description	Disposal action
4.1.2	<b>Operational relationship management records</b>	Includes records created that reflect an operational-level relationship with external organisations, i.e. working closely with a stakeholder as part of everyday work activities or projects that are not covered by any other class in the retention and disposal schedule. Examples of records include: <ul style="list-style-type: none"> <li>- correspondence</li> <li>- contact details</li> <li>- drafts of documents</li> <li>- meeting records</li> </ul>	Destroy 7 years after date of last action
4.2.1	<b>Contact with Victims</b>	Records of contact with victims to provide updates of applications. Records may include: <ul style="list-style-type: none"> <li>-contact details</li> <li>-correspondence with victims</li> <li>-working documents</li> </ul>	Destroy 7 years after date of last action
4.3.2	<b>Event multimedia</b> - with no descriptive metadata	Official multimedia records of events run by CCRC with no descriptive metadata and also covers unofficial digital images of events run by CCRC	Destroy 7 years after date of last action

### Access Recommendations

[Details removed]



## **Caveat**

Refer to any sentencing guidelines accompanying this report for specific recommendations:

- **Records must be kept for the minimum period specified.**
- **The retention periods in the disposal schedule do not override any other retention period required by law.**
- **Records may be destroyed at any point once the minimum retention periods have passed. Records do not have to be destroyed; the agency may keep them for longer if required.**
- **No disposal action may be taken under this authority to any record in respect of which an OIA request has been made under the Official Information Act 1982 until such time as access has been granted to the requestor, or in the case where access is denied, an appeal against refusal has been determined or, in the case where no appeal is made, 3 months after the refusal.**

This authority is valid for a period of 10 years from date of signing, unless previously agreed with the Chief Archivist.