

Core public recordkeeping responsibilities for Ministers

1 Introduction

The Chief Archivist's review in 2015 into the Prime Minister's recordkeeping practices in regard to text messages provided an opportunity to clarify that Ministers and Associate Ministers of the Crown (Ministers) are public offices as defined in section 4 of the Public Records Act 2005 (the Act). Any information that is created or received by a public office in the conduct of its affairs is a public record as defined in the same section of the Act. As a Minister, you are ultimately responsible for meeting the requirements of the Act for the management of your public records. Creating, maintaining and disposing of your records will, however, depend on the support of staff in your office.

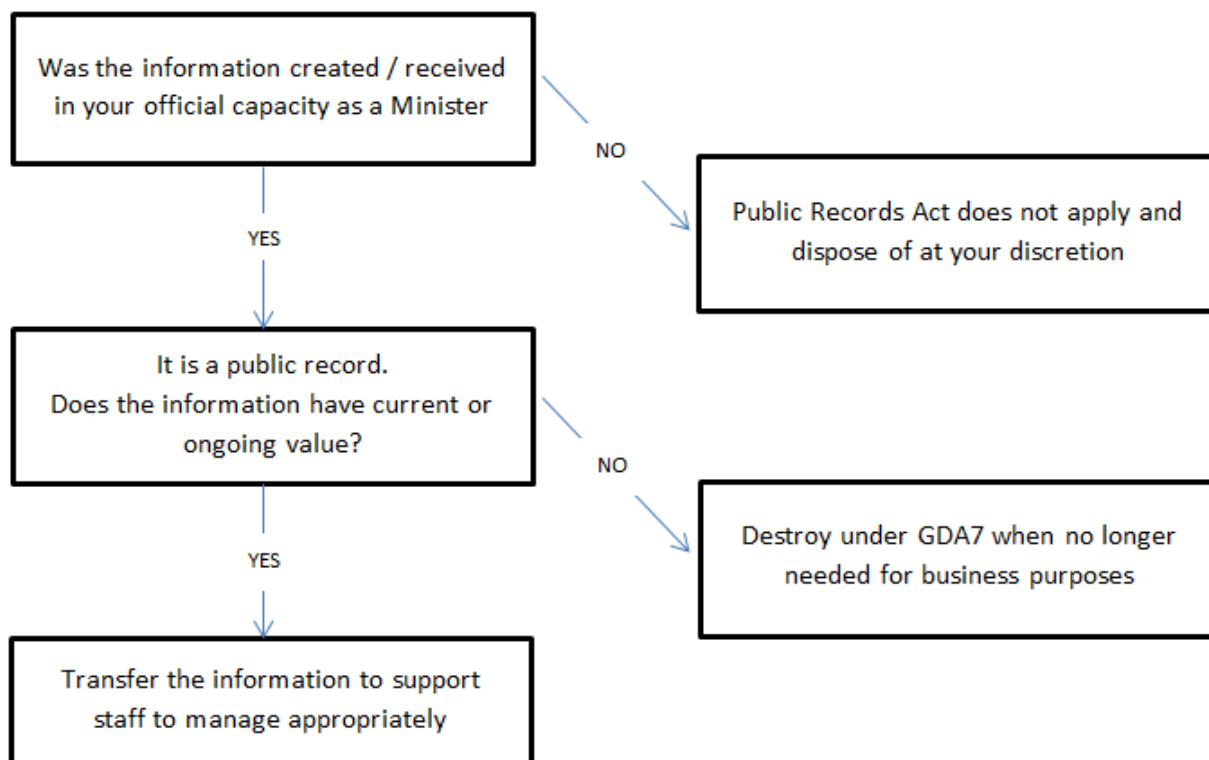
This factsheet assists you to comply with your core obligations to **create and maintain** full and accurate public records (section 17 of the Act), and **dispose** of those records legally and appropriately (section 18).

Please also see the factsheet *17/F25 - Text messages: advice for Ministers*.

2 Which records are public records?

Records in any format created or received in a Minister's official capacity, that is, in the conduct of Ministerial affairs, are public records under the Act. For help in identifying what is and what is not a public record, use the decision tree below.

Decision tree for identifying public records



Non-public records are records relating to:

- constituency business and matters relating to your role as a Member of Parliament including correspondence not relating to your portfolio
- political party matters such as election campaigns, party organisation, caucus affairs and appointments to party roles
- your private life and personal business or professional interests and associations.

3 What are your core obligations?

3.1 Create and maintain

Records should be created routinely as part of your Ministerial work. Some records may automatically be created such as when sending or receiving an email. In other cases, where the activity does not naturally result in a record, you or your staff will need to create one. Examples of information which should be captured as a public record include:

- your decision on a departmental briefing paper
- decisions made in a meeting with your advisors about a significant change to policy.

Many of the records you work with will be managed by others, for example, Cabinet Office manages Cabinet records and your portfolio public offices manage the records of their work with you as their Minister.

3.2 Disposal of public records

In general, your public records cannot be disposed of, i.e. destroyed, deposited or transferred to Archives New Zealand, without the authority of the Chief Archivist. However, some types of public records have only transitory, facilitative and/or short-term value and are already authorised for destruction when they are no longer required¹. For example:

- draft or incomplete documents
- casual or instantaneous communications such as emails and text messages that contain information of an ephemeral, non-transactional nature.

Other public records have longer-term value and must be retained. For example:

- records related to your portfolio that originated in another public office and were subsequently responded to or annotated by you or your staff
- communications with the Prime Minister and/or other Ministers on policy matters directly relating to your portfolio.

Your support staff will be able to advise you on which types of public records you create that have longer-term value and which do not, and can provide practical guidance on what to do in both cases.

3.3 Deposit of public records

When you leave office, your public records of long-term value may be deposited in the care of the Chief Archivist (or an approved repository) under section 42 of the Act. Any special conditions relating to access to any of the public records which you deposit must be agreed between you and the Chief Archivist at the time of deposit. This is done by means of an Access Authority.

¹ <https://records.archives.govt.nz/assets/Guidance-new-standard/16-Sp6-GDA7.docx>

Your support staff should contact Archives New Zealand about this.