# He tirohanga ki te whakahaere mōhiohio rāngai tūmatanui 2018/19 – He pūrongo kitenga

# The Chief Archivist's Report on the State of Government Recordkeeping 2018/19

Preserving the memory of government – protecting New Zealand's democracy

Te whakapūmau i te mahara o te kāwanatanga – te whakahaumaru i te manapori o Aotearoa

# Contents

# Chief Archivist's foreword

*Archives New Zealand exists not only to be a keeper, a holder of government records. In ensuring successive generations can access those records, and hold their government to account, we play a vital part in upholding our country's democracy and protecting our unique culture.*

E ngā minita, me ngā Kaiwhiriwhiri o te Whare Pāremata – tēnā koutou, tēnā koutou, tēnā koutou katoa.

I often hear people reflect on Archives New Zealand's role in supporting culture and heritage, but that's only part of our purpose.

Archives New Zealand is in fact one of the most important institutions for our democracy: it's our role to ensure that effective and trusted information management (IM) enables past, current and future governments to be held to account.

To me, Archives New Zealand's essential role in enabling government accountability is epitomised by our involvement in the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions *Te Kōmihana Karauna mō ngā Tūkino o Mua ki the Hunga i Tiakina e te Kāwanatanga i Tiakina hoki e ngā Whare o te Whakapono*. Our work with the Royal Commission, and the agencies responding to it, is helping them manage and use their historic public archives to support the inquiry's work.

This work brings together our regulatory functions, our stewardship of public archives, our IM leadership role, and our day-to-day work of assisting New Zealanders to access past records, while digitising and storing records for the future.

We see the accountability of our central government and local councils play out in the media, the council chamber, the floor of the House and at election time. Full, accurate and accessible records are a necessary ingredient of public participation in government decision-making.

And we often look back to re-examine our past decisions because they produce both benefit and harm across generations. The scope of the Royal Commission's work back to 1950 makes the inquiry an exercise in intergenerational government accountability. The effectiveness of its work will rest, at least in part, on the initial fullness and subsequent preservation of records created since 1950.

I anticipate that the Royal Commission will be examining the adequacy of government IM practice in this country, as have similar inquiries overseas. And it's the effectiveness of this practice that allows accounts to be called and any wrongs called out.

Plainly, our public archives are only as good as the IM that creates them. A major piece of work this year has been our information management survey of 254 public organisations. Across 38 questions we asked about their IM – how they did it, who did it, and what challenges and risks they faced. Their responses on key indicators are covered within this report and on the whole survey within a fuller upcoming findings report.

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We now have a baseline from which to measure improvements through what will be an annual activity. The survey's information is immensely helpful for everyone involved, not just us as the regulator.

For us, it gives valuable insight into our role as a regulator: how the public sector is performing in terms of IM, and how we can improve our IM leadership, thereby improving their performance. For the respondents, it gives them a better understanding of their IM weaknesses and strengths. Taken together, the survey's findings will feed into improving IM systems across government. Working with the public sector on improvement ties into our 'building systems together' theme under our Archives 2057 Strategy – one of its three key themes.

I also very much hope our shining a spotlight on the IM performance of the public sector will elevate the mana and importance of those whose role includes IM – traditionally an under-resourced and under-valued role. Certainly, the public sector have obligations under the Public Records Act 2005, the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987, but these should not be seen as a burden.

Rather, I stress that IM staff play a critical role in upholding democracy, promoting the accountability and transparency of government, and preserving our country's memory. Anyone who contributes to ensuring robust and accurate government information is fundamentally part of sustaining and strengthening our democracy through improved accountability and better governance. I thank them for their hard work towards shared goals.

This past year has been a busy one for everyone at Archives New Zealand, and I know this coming year will be just as fulfilling.

I hope you enjoy reading this year's report.

Ngā mihi whānui ki a koutou katoa.

**Richard Foy**
**Chief Archivist**

# 1.
# Highlights for 2018–19

From September to October 2018, Archives New Zealand engaged with regulated parties on our proposed Regulatory Programme – what we are planning to focus on for the sector.

We wanted to hear our stakeholders' views and gain a sense of how our proposed programme matched areas of activity they believed most important and would be most useful to them in terms of information management (IM).

We heard from 144 people who read content, gave us their views and comments, and participated in surveys. From that feedback we continued work on several projects over the 2018/19 year, which are running on into 2019/20 and 2020/21.

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# Survey of public sector information management 2019

**A significant focus for Archives New Zealand this year was our in-depth survey of the sector. Over six months we developed a survey that was sent to 254 public sector organisations, including 176 public offices and 78 local authorities. The survey recorded an 89.7% response rate.**

The data from those responses has given us a baseline of IM performance in the sector. We will repeat the survey annually, using the findings to identify new areas of focus to lift the sector's IM capability. It will also serve to illustrate whether we are offering the right sort of advice, support and regulation to fulfil the purposes of the Public Records Act 2005 (PRA).

Read more about the survey's findings under 3. Public sector information management survey.

# The Open Government Partnership

**The Open Government Partnership is an international agreement by governments to create greater transparency, increase civic participation and use new technologies to make governments more open, effective and accountable. The State Services Commission leads this work in New Zealand.**

Under the Third National Action Plan, we are leading Commitment 10: Monitoring the effectiveness of public body information management practices.

By signing up to the plan, we have committed to developing and implementing a monitoring framework that supports public reporting on how well government is managing information. The framework will extend across all the central and local government entities within our remit, including Ministers of the Crown.

As the framework is developed and rolled out, New Zealanders can expect to see improvements in the availability of insights and data on IM, in both individual organisations and government as a whole. These insights will cover current performance, progress over time and areas for improvement. We will also be using our monitoring data to identify which organisations are performing exceptionally well and which we need to work with more closely to lift performance.

# Audit programme

**Monitoring public sector information and records management is a shared responsibility between Archives New Zealand and each organisation, under the PRA and the mandatory Information and records management standard.**

As part of our monitoring framework, we are developing a continuous IM audit programme for public offices. Budget is confirmed to allow us to continue to develop the programme during 2019/20 and recommence audits 2020/21. The audits, along with the annual survey of public sector IM, will give us a new understanding of the state of government IM, its limitations, and how we can help.

We expect to audit between 40-50 public offices each year, enabling us to look more deeply into each organisation's IM practices than a survey alone allows. We then have the opportunity to provide relevant advice and guidance to lift performance.

This audit programme will initially cover approximately 200 central government public offices. The programme will be designed to enable audits of IM in Ministers' offices, but this will not occur in the first year.

We are not currently resourced to commence auditing of school boards of trustees (approximately 2,500 distinct public offices). They will require a bespoke approach and, as this sector is currently under reform, we will wait until its future shape becomes clearer.

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# Disposal transformation

**The ability to dispose of information is a key part of the regulatory system as it empowers public offices to manage their own data and records. However, they may not dispose of any information without a disposal authority (DA) from the Chief Archivist.**

Currently, DAs can often be very detailed and onerous for both the public office and Archives New Zealand. Once established, each DA must be renewed every 10 years to ensure they are still current and fit for purpose – a process which often results in a complete rewrite.

Using our work with District Health Boards (DHBs), we have started testing alternative DA models with the aim of finding better ways to support wider and easier-to-implement DA coverage across the public sector.

The DHB pilot provides three functional disposal authorities to encompass all of their business-specific information, data and records. These authorities are broad enough to be applicable in other agencies if their records fit. For example, a functional disposal class covering personal health information could be extended beyond DHBs to other public offices that hold this type of record. This would give consistency of treatment for these records across the public sector when deciding how long to hold onto them and whether or not to eventually transfer to Archives New Zealand, or destroy the records.

This approach could allow public offices to construct effective disposal coverage by selecting from the functional disposal authorities with broad applicability across government. We will be engaging with the organisations to test this concept and alternatives during 2019/20.

At the same time, we will work with public offices so they can accurately appraise and sentence information in a timely way, improving their IM systems.

# Technology-focused research

**Another focus for 2018/19 has been to get ahead of the technological developments that involve – and evolve – IM systems.**

The majority of government information is now created and managed within a Microsoft technology environment. Microsoft's office productivity suite Office 365, used in coordination with other Microsoft applications, including SharePoint Online, is being adopted by an increasing number of government organisations.

Forming a view on how Office 365 might positively or negatively impact on effective public IM is a key part of our work in 2018/19. This research project has already identified productive areas for further work.

This research is continuing to investigate Office 365's potential to change how organisations create and maintain records; how enduring access to information is assured; how government information can be used and re-used within and across organisations over time; and how the timely and effective transfer and/or destruction of information is done.

We will continue to work alongside IM personnel, and Microsoft, to ensue Office 365 and similar products are procured and utilised in a way that enhances government IM.

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# 2. Regulating government information

As the regulator of IM across the public sector, Archives New Zealand is responsible for looking into the alleged poor management, mishandling or improper disposal of public information.

The PRA does not give Archives New Zealand specific powers to investigate, so any evaluation of a perceived breach of a regulated party's responsibilities under the PRA is termed an 'assessment'.

If we find there has been a breach, we then make recommendations to the public office responsible on what remedying action to take – i.e how they can improve their systems. Prosecution for an offence under the PRA is possible, but we have not actively considered this option during 2018/19, other than the case explained in our 2017/18 report.

# How we identify issues

Records are vital for accountability and transparency and form the basis for significant decision making. When problems with IM frustrate accountability, the Chief Archivist's regulatory role allows intervention.

**We find out about these problems through:**

**Our monitoring and compliance work**

**Our daily interactions with regulated parties**

**Complaints from directly affected or concerned members of the public**

**Information reported in the media or received as part of journalists' investigations**

**Complaints from concerned third-party organisations; and referrals from the Office of the Ombudsman**

**Our new monitoring framework will help us systematically identify issues across the sector**

# Working with the Ombudsman

**Archives New Zealand and the Office of the Ombudsman Tari o Te Kaitiaki Mana Tangata continued a close working relationship in 2018/19. The Ombudsman is a small but growing source of referrals about potential breaches of the PRA.**

The PRA intersects with several other Acts, notably the Official Information Act 1982 (OIA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA). Some complaints made to the Ombudsman include instances where organisations cannot supply information because:

- it cannot be located, despite extensive searching;
- it would require significant collation and research to be made available; and/or
- it is determined not to be held when it could be reasonably expected that the information should exist.

Under section 28(6) of the OIA and section 27(6) of the LGOIMA, the Ombudsman may notify the Chief Archivist when an information request has been refused by an organisation for these reasons.

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# Requests for official information

**In this year's survey, we asked organisations whether they had difficulty responding to official information requests because the information did not exist, or it exists but could not be found. (Q.29)**

This refers to sections 18(e) and 17(e) respectively of the OIA and LGOIMA which provide grounds for organisations to refuse a request for information.

As shown in Figure 1 below, almost three-quarters (74%) of our survey respondents strongly or mostly disagreed they could not respond to requests for official information because the information did not exist. A similar percentage (78%) mostly or strongly disagreed they could not respond to requests for official information because the information could not be found.

*Figure 1: Whether organisations had difficulties responding to requests for official information.*
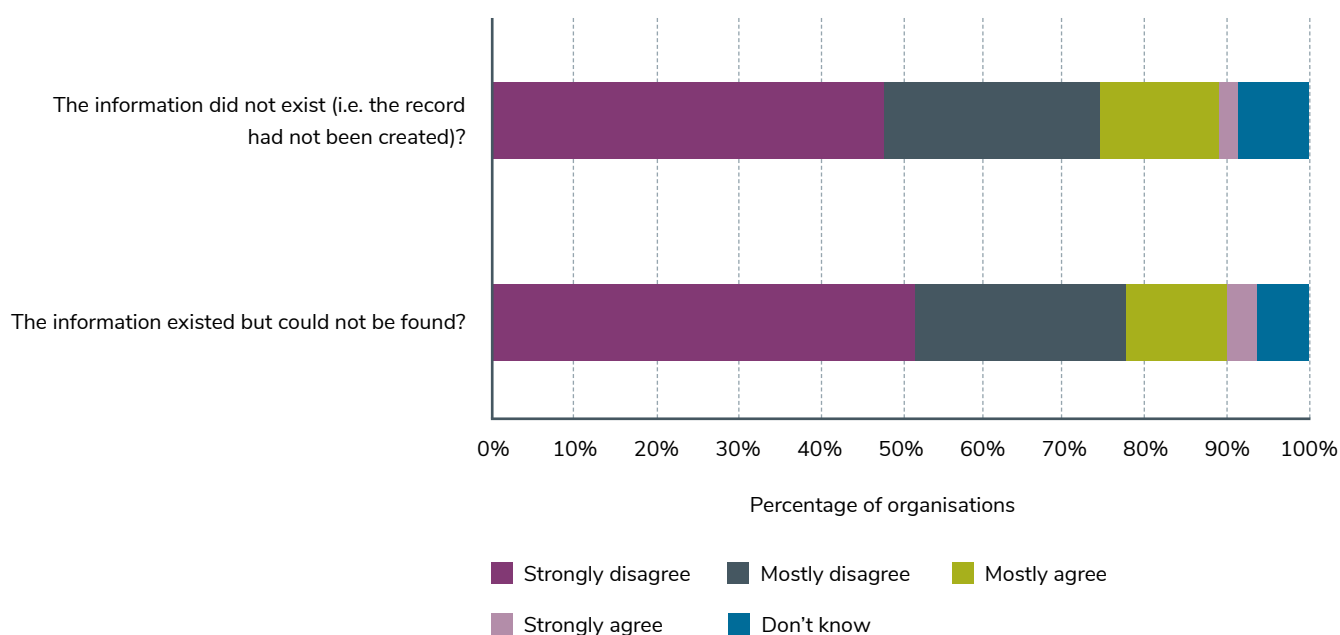


We compared this with information from the Ombudsman that stated the office received 189 notifiable complaints in the 2017/18 year. While the statistics cover slightly different timelines, 82 of these complaints referred to information that did not exist or could not be found.

Of those:

- 63 complaints were made under section 18(e) of the OIA; and
- 19 complaints were made under section 17(e) of the LGOIMA.

This suggests the confidence with which the survey participants answered our questions may be overstated.

Archives New Zealand and the Office of the Ombudsman are looking to strengthen our relationship with the aim of improving organisations' responses to OIA and LGOIMA requests by improving IM maturity and capacity.

# Understanding PRA obligations – protecting information

**While Archives New Zealand receives requests for assessment from the Office of the Ombudsman and from the public, we are also proactive when the media or other sources publicise information management (IM) concerns.**

Here are examples of Archives New Zealand being proactive.



**Case study**

## Evidence in Pike River investigations

**Lost evidence in the Pike River investigation lead to a request for assessment into the IM systems of both the New Zealand Police and the former Department of Labour.**

**Request for assessment:** An assessment was initiated in February 2019 regarding the IM practices of the Police during the investigation.

The assessment came after a Radio New Zealand news report highlighted the alleged mismanagement of records – the loss of evidence – as part of both organisations' investigations into the Pike River tragedy.

**The issue:** After the Pike River mine disaster in November 2010, the Police conducted a criminal investigation alongside the Department of Labour's workplace investigation. A debrief in April 2012 highlighted some poor IM practices in relation to the investigations, including around exhibits handling and interview recording, compromising the chain of evidence and the investigations' outcomes.

The debrief also highlighted the difficulties of IM and preserving a chain of evidence when two agencies work together on a large, time-pressured investigation. As part of the alleged mismanagement, the switchboard door – thought to be a key piece of evidence – went missing and has not been found.
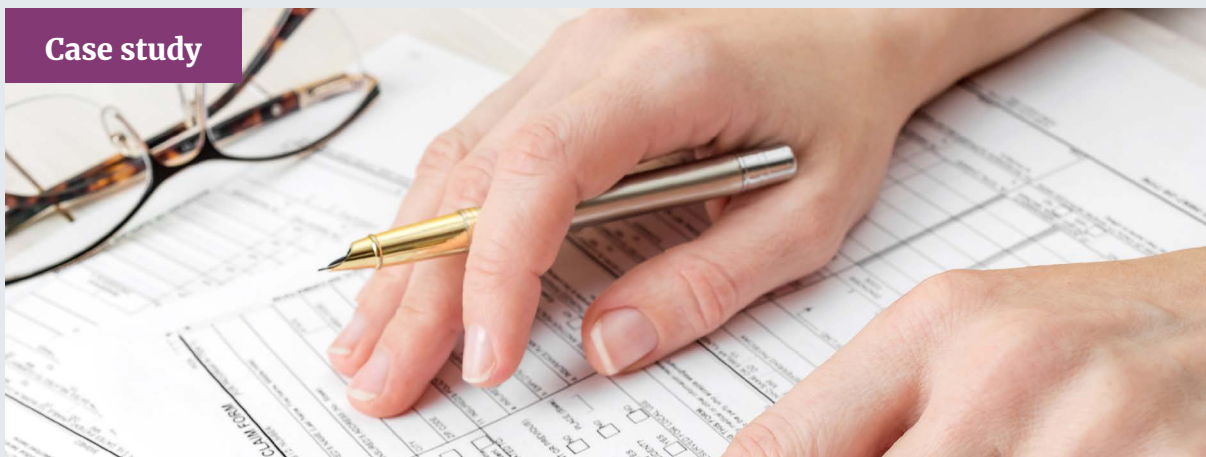
**Assessment and recommendation:** The request for assessment initially asked the Chief Archivist to make media statements about his "obligation to investigate", and statements to its stakeholders (especially local and central government agencies) about its "intention to investigate" the claims.

Our work focused on what the Police had done to develop better practices in the future. In response to the request for assessment, Archives New Zealand emailed the Executive Sponsor at the Police, asking them the following:

1. To report on improvement activities taken since 2012 in relation to the findings in the debrief report – i.e what have they done since then to improve their investigation processes and related IM practices?

2. Have they developed, as mentioned on page 20 in the 2012 debrief report, some 'preformatted protocols and memorandums so when something happens there is a procedure to follow'?

We met with the Police after its Executive Sponsor responded and discussed their improvement plan that had been put in place. This includes a new policy, especially for shared investigations, and a new investigation management tool. We are satisfied that the Police have taken the right lessons from this case and are applying them in their organisation.

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**Case study**

## Mishandled and lost patient files

**When a Dunedin newspaper reported that patient files had been found in a public place in Christchurch, Archives New Zealand began an assessment focusing on the IM systems across two DHBs.**

**Request for assessment:** After the Otago Daily Times reported that patient files regarding West Coast DHB patients had been discovered in a Christchurch suburb, Archives New Zealand began an assessment of the DHB's IM procedures and systems.

The assessment involved both the Canterbury DHB and the West Coast DHB because they have a shared service agreement, and a shared Executive Sponsor.

**The issue:** A member of the public found the files, which included 300 patients' names and health numbers, and the private health information of at least 15 patients, including clinical notes. Some of the misplaced information remains missing.

The West Coast DHB had investigated the discovery as a serious employment issue. It issued a media statement, a formal apology to patients, and alerted the Office of the Privacy Commissioner about the breach.
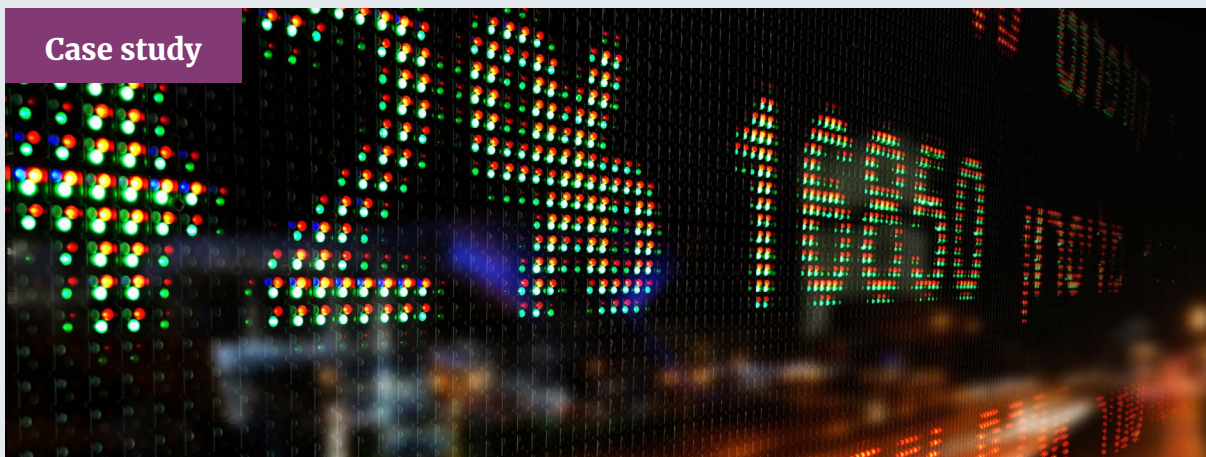
While the loss of files led to a breach of privacy, Archives New Zealand's remit allows the assessment of the IM practices that led to the files being misplaced and lost. Under the requirements of the mandatory *Information and records management standard* issued under section 27 of the PRA:

> 3.4 "Information and records must be protected from unauthorised or unlawful access, alteration, loss, deletion and/or destruction."

> 3.5 "Access to, use of and sharing of information and records must be managed appropriately in line with legal and business requirements."

With confidential patient information being left in a public place and lost, clearly the West Coast DHB was in breach of both requirements under the standard, so we instigated an assessment.

**Assessment and recommendation:** Focusing on the information mismanagement factor, the Chief Archivist directed the DHB to report under section 31 of the PRA. This direction sought information about the changes the DHB will make to its IM systems and policies, business rules and procedures to ensure the security and protection of information and records, as well as how the DHB intends to monitor and enforce these changes. We were satisfied with the actions the DHB had taken. The Chief Archivist also notified the Privacy Commissioner that he had reminded the West Coast DHB of its responsibilities under the PRA.

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**Case study**

## Lost government loan records

**Public offices can request their transferred files back from Archives New Zealand, through our Government Loans Service, if they need to refer to them. However, the records come with a duty of care – they must be protected and returned.**

**Request for assessment:** The Government Loans Service at Archives New Zealand notified the Chief Archivist that records lent to the Reserve Bank of New Zealand Te Pūtea Matua had not been returned and appeared to have been lost.

**The issue:** After public offices transfer records to Archives New Zealand, they may request them back through the Government Loans Service if they need to refer to them. However, after the Reserve Bank borrowed the records, and subsequently requested an extension in August 2018, they had to vacate their building while asbestos remediation was carried out. When staff returned to their building, they discovered they had lost track of the records.

**Outcome:** Archives New Zealand charged the Reserve Bank $6,000 (three instances of the set charge of $2,000 per lost record) and applied a partial suspension of access to the Government Loans Service that has since been lifted. Archives New Zealand will explore on a case-by-case basis options for delivering digital copies of requested records. No original records may be taken offsite.

We are exploring ways we can loan digitised copies of records as a matter of course, rather than allowing physical records offsite. This will help to minimise the risk of a situation like this happening again.

# Records demonstrate openness and transparency

**The PRA requires every public office and local authority to "create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice", (section 17) to enable the government to be held accountable.**

This includes minutes of any meetings with elected representatives, such as council or committee meetings. If information is inaccurate or incomplete they do not meet this requirement.

Here are some examples where we assessed potential failures to meet this requirement.



**Case study**

## Poor IM contributes to regulatory failure

**The New Zealand Transport Agency (NZTA) approached Archives New Zealand for support improving its compliance with the PRA.**

**Request for assessment:** After an inquiry into the NZTA's performance relating to a Northland vehicle inspection service showed up significant deficiencies in the Agency's IM practices, it approached Archives New Zealand for support improving its compliance with the PRA.

**The issue:** Following safety concerns regarding a Northland vehicle inspection service, a Queen's Counsel (QC) was appointed to enquire into NZTA's regulation of that service, and the Agency's regulatory functions for New Zealand's vehicle inspection services as a whole.

In the report, released in January 2019, the QC wrote that NZTA failed to take "appropriate regulatory action…in a timely or responsible manner", allowing the service to keep issuing warrants of fitness to drivers. She found this failure was an example "of wider systemic failures within NZTA's regulatory function" and determined some of the failures related to IM issues.

She recommended NZTA "reviews its recordkeeping and information management systems in relation to IOs [inspecting organisations] and VIs [vehicle inspectors] in order to:

a) ensure the records held for IOs or VIs are complete and readily accessible;

b) identify gaps or deficiencies in recordkeeping and information management;

c) ensure any such gaps or deficiencies are remedied."

Following the report, NZTA carried out a self-assessment of its compliance with the PRA and found areas of low capability and maturity in its compliance, so approached us for support.

**Assessment and recommendation:** We assessed NZTA against its PRA compliance and found some issues. Currently NZTA is working with us to address and improve the issues identified.

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# Recordkeeping advice – supporting the sector

**Archives New Zealand provides a phone and <u>email advisory service</u> to all government and local authority staff with a role in information and records management. This is known as rkadvice.**

We support organisations to clarify matters or resolve dilemmas by highlighting the most relevant factors to consider and include in our advice any wider management or risk issues of which we are aware.

We respond to most enquiries directly and draw on the information from our online channels. Rkadvice also co-ordinates with, or refers queries to, subject matter experts within Archives New Zealand.

## Who uses rkadvice?

More than 490 people used the service in 2018/19, an average of 41 queries a month. Those contacting us range from very experienced information managers, through to those new to the PRA. We often direct this last group to the introductory guidance on our <u>Managing Information web page</u>.

## What are the trends?

Most enquiries are essentially asking how to apply or implement digital ways of working in business, operational and legislative environments. There are many inquiries about our <u>Destruction of source information after digitisation</u> guidance, with a wide range of specific questions asked. These have included questions about checksums, metadata, technical standards, scanning, signatures, formats, and whether source records could or should be destroyed.

Queries about whole-of-government IM areas are increasing, including questions about cloud storage, data security and privacy. We generally respond with referrals to our <u>online guidance</u> and links to the whole-of-government guidance on <u>digital.govt.nz</u>.

## How queries help improve guidance

When we see a number of similar questions flowing through, we know it's a common area of interest. This helps us to know what areas we should develop more in-depth guidance on.

For example, when people asked about file formats, we forwarded the queries to our digital preservation experts, and their advice was later shared on our <u>Managing Information web page</u>.

Here are some examples of our rkadvice team in action during 2018/19.

## Scanning high-value files

A consultant working for a local authority contacted us regarding the technical specifications for digitisation. During our discussion they described a context indicating a higher-than-usual risk around the future usability and access to core business property records.

When digitising, it's not just the scanning process that must be planned; the ongoing management of the digitised record also requires careful planning and monitoring. Due to previous issues with quality, and difficulty recruiting suitably skilled staff, the local authority had additional risk factors.

We suggested a risk review strategy, including the advice that quality assurance, usability and accessibility mitigation factors be implemented consistently over a number of years before the original source records were destroyed.

# Paper only for evidence?

An information and records management practitioner asked whether very high-value contracts could be scanned and the paper records subsequently destroyed. They were concerned about destroying the original paper contracts because, if a dispute ended in court, past cases had required paper contracts.

A contract could consist of many parts that may have been created over decades by multiple people, teams and information systems, meaning they were 'high-value and high-risk'. In this case, creating and maintaining digital contract records with sufficient evidential quality is complex with many risks needing mitigation.

It was important to consider the wider environment and the needs of multiple stakeholders – including the courts' requirements.

We advised:

- conducting an in-depth analysis of the local authority's business processes and information systems;
- involving the local authority's risk and legal staff; and
- considering other relevant legislation.

By then implementing the principles of the mandatory _Information and records management standard_ the local authority would be able to create and maintain full, accurate and accessible record.

# 3.
# Public sector information management survey

In 2018/19 Archives New Zealand reinstated an annual survey of information management (IM) practices in public offices and local authorities.

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*Objectives of the survey:*

| | | | |
|---|---|---|---|
| **Establish and track how well public sector organisations are performing against the requirements of the PRA, the *Information and records management standard* (the Standard), and good practice IM.** | **Allow tracking of improvements in organisations' performance over time.** | **Identify the risks, challenges, opportunities and emerging trends affecting IM in organisations, so we can feed this intelligence into responsive regulation.** | **Provide public visibility of organisations' performance.** |

The 2018/19 annual survey sets a baseline to allow future comparisons. As part of the survey design, we selected five key indicators to measure the overall state of government IM and provide a high-level perspective on whether IM within the public sector was improving, deteriorating or remaining stable.

These key indicators are not the sole measure of the state of public sector IM. All the survey's questions and answers were designed to be useful, but the key indicators have been selected because they are fundamental building blocks to improvement. The survey results provide more data beyond these indicators, which will enable us to understand the current state of government IM.

The findings from the survey and our recommendations are presented in a separate report: Survey of public sector information management 2018/19 – Findings report. This is available on our website and the raw data is published as a dataset on data.govt.nz.

Our observations and recommendations on the five key indicators are outlined below, with the relevant survey questions referenced. Executive Sponsors and IM staff should consider these recommendations and, if they apply to their organisations, take action.

## Who was surveyed?

The survey was sent to **254 public sector organisations**, including **176 public offices**, which were required to respond by a direction to report (section 31 of the PRA), and **78 local authorities**, which were requested to respond.

The survey recorded an **89.7% response rate**. The eight public offices that did not respond before the close-off date for the survey were followed up. All but one of the eight contacted did submit a full or partial survey response, but none of the late responses could be included in the survey's analysis.

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# Indicator 1: An increasing number of organisations have implemented governance groups for information management



## What we asked and why it is important

We asked how many survey participants have an active formal governance group in place for ensuring that IM requirements are considered at a strategic level. (Q.8)

Information is at the core of government business and is a key strategic asset. IM is the discipline that allows information assets to be governed, protected and prioritised.

> *The Information and records management standard requires that: Information and records management must be the responsibility of senior management. Senior management must provide direction and support to meet business requirements as well as relevant laws and regulations. (1.2)*

An active governance group will ensure, at a strategic level, that IM requirements are considered when developing organisational strategies and policies, and implementing systems and processes.

## What we found

Figure 2 shows that just over half of the organisations (54%) have either a formal governance group or are in the process of developing one. While this is encouraging, it means nearly half do not have a formal governance group and are not developing one.

Figure 2 also shows the response split by the type of organisation. For public offices, 61% of public office organisations either have a formal governance group or are developing one. However, there is still a significant number (65) of public offices that do not have a formal governance group.

The picture is not as encouraging with the local authorities. Here, relatively small numbers either have a formal governance group or are developing one. Almost two thirds (65%) of local authority organisations do not have a formal governance group and are not developing one.

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*Figure 2: Does the organisation have an active formal governance group for IM?*



Number of organisations

■ Formal governance group  ■ In development  ■ No formal governance group
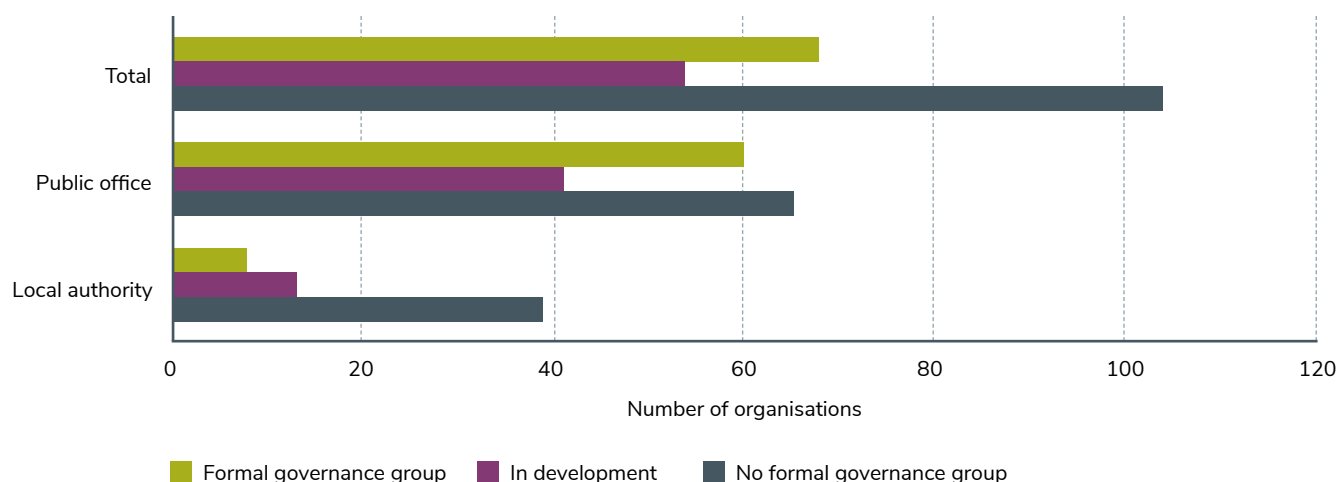
We also noted that the top four IM challenges survey participants agreed or mostly agreed with are management-related challenges that an active governance group could help address. (Q.7) These challenges are shown in Figure 3.

*Figure 3: IM challenges – the percentage of respondents who agreed these factors were an issue*



■ Strongly agree  ■ Mostly agree
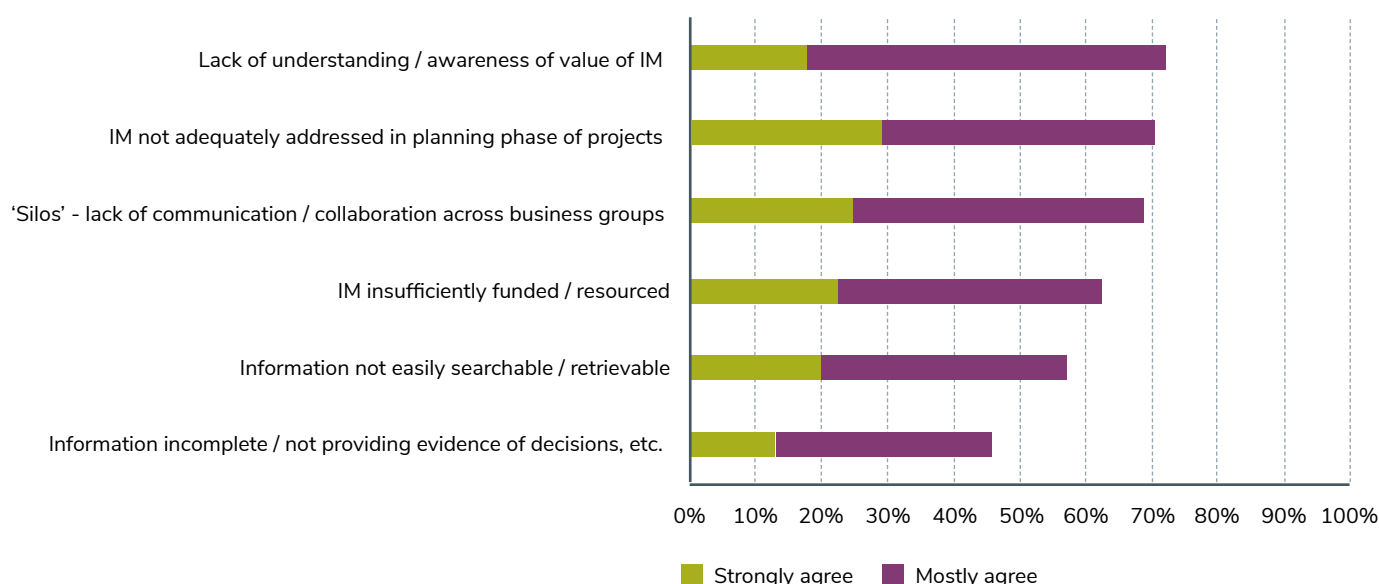
## Recommendations

We recommend that Executive Sponsors take a lead in their public offices and local authorities to establish and/or sustain active governance groups for IM, ensuring IM staff are involved in:

- helping design good IM into organisational strategic plans;
- encouraging collaboration across business groups;
- promoting the importance of active stewardship of information; and
- ICT strategies, technology projects, systems and process development and implementation.

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# Indicator 2: An overall increasing number of IM staff employed by public sector organisations



## What we asked and why it is important

We asked how many dedicated, full-time equivalent (FTE) IM staff organisations employed. (Q.15) The question asked respondents to exclude geospatial information systems, business intelligence, data management and medical records staff.

The measure is a useful initial indicator for more detailed testing of the capability and capacity required to ensure the Information and records management standard is met.

Over time, technology may reduce the need for dedicated IM staff, but we are a long way from that point. Given the unique IM profiles of each organisation, there is not a consistent relationship between overall staff levels and the IM staff head count.

> *The Information and records management standard requires that: Organisations must have information and records management staff, or access to appropriate skills. (1.4)*

IM impacts all areas of business, and information managers should be involved in numerous business activities. This includes system and process design, information and records sharing, risk management, and managing information, data and records for accountability and value.

## What we found

During our analysis of the survey results, we cross-referenced the number of IM FTEs with organisation size.

For small organisations with lighter IM needs we would not necessarily expect there to be a full-time, dedicated IM resource. The organisation might instead manage its IM needs using third-party providers or multi-role administrative support staff. For larger organisations, complexity will generally drive the need for dedicated and specialised IM resources.

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Figure 4 shows the number of dedicated IM staff within organisations of different sizes, excluding the small organisations where dedicated staff would not be expected.

*Figure 4: Number of dedicated IM FTEs working in the organisation by size*



From this chart we see that the number of organisations with no dedicated IM FTEs tends to decrease as the size of organisation increases, with more staff being present in bigger organisations. Despite this overall trend, it is surprising that of the organisations with 300-499 and 500-2,999 staff (FTEs) there is such a high percentage with no dedicated IM FTE resources (8% and 18% respectively).

Twenty-seven organisations with staff numbers of 3,000 or more responded. Of the 27 organisations:

- 4 have 1 dedicated IM FTE staff, or fewer;
- a further 4 have between 1 and 3 dedicated IM staff; and
- 13 employ more than 10 dedicated IM staff.

It is especially concerning that some of the larger organisations seem to be significantly under-resourced in the area of IM. This is particularly concerning where a large volume of high value and/or high risk information is held.

## Recommendations

The vision for government in New Zealand is increasingly digital, with an increased focus on sharing information. It is important for organisations to realise that dedicated IM specialists are essential to support digital government.

IM specialists understand the importance of information management in all its aspects and can contribute usefully to organisations' transition to an increasingly digital way of working.

We recommend the following:

- Executive Sponsors in organisations with 3,000 or more staff, but 3 or fewer IM staff, consider whether this creates a risk to effective IM, apply their organisation's risk management approach, and take action to manage the risk; and
- Executive Sponsors in organisations of all sizes that reported no dedicated IM staff consider whether this creates a risk to effective IM, apply their organisation's risk management approach, and take action to manage the risk.

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# Indicator 3: An overall increase in organisations that have identified their high value and/or high risk information



## What we asked and why it is important

We asked how many public sector organisations have identified their high value and/or high risk information. (Q.20)

> The Information and records management standard requires that:
> High value and/or high risk information areas of business, and the information and records needed to support them, must be identified and regularly reviewed. (2.2)

High value and/or high risk information includes that information needed to carry out core or unique functions, make key decisions and provide evidence of decision making. Typically, this will also encompass information that protects New Zealanders and New Zealanders' entitlements and information relating to land, environment, infrastructure and research.

Creating and managing information requires an investment of time, money and resources. The business value of the information should be proportionate to the cost of maintaining it.

## What we found

One hundred and forty-four (64%) organisations stated they have identified their high value and/or high risk information. For public offices, the percentage of organisations that identified high value and/or high risk information is even higher at 71%.

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As Figure 5 shows, the number of local authorities that identified high value and/or high risk information is lower than those that have not. Only 43% of local authorities have identified their high value and/or high risk information.
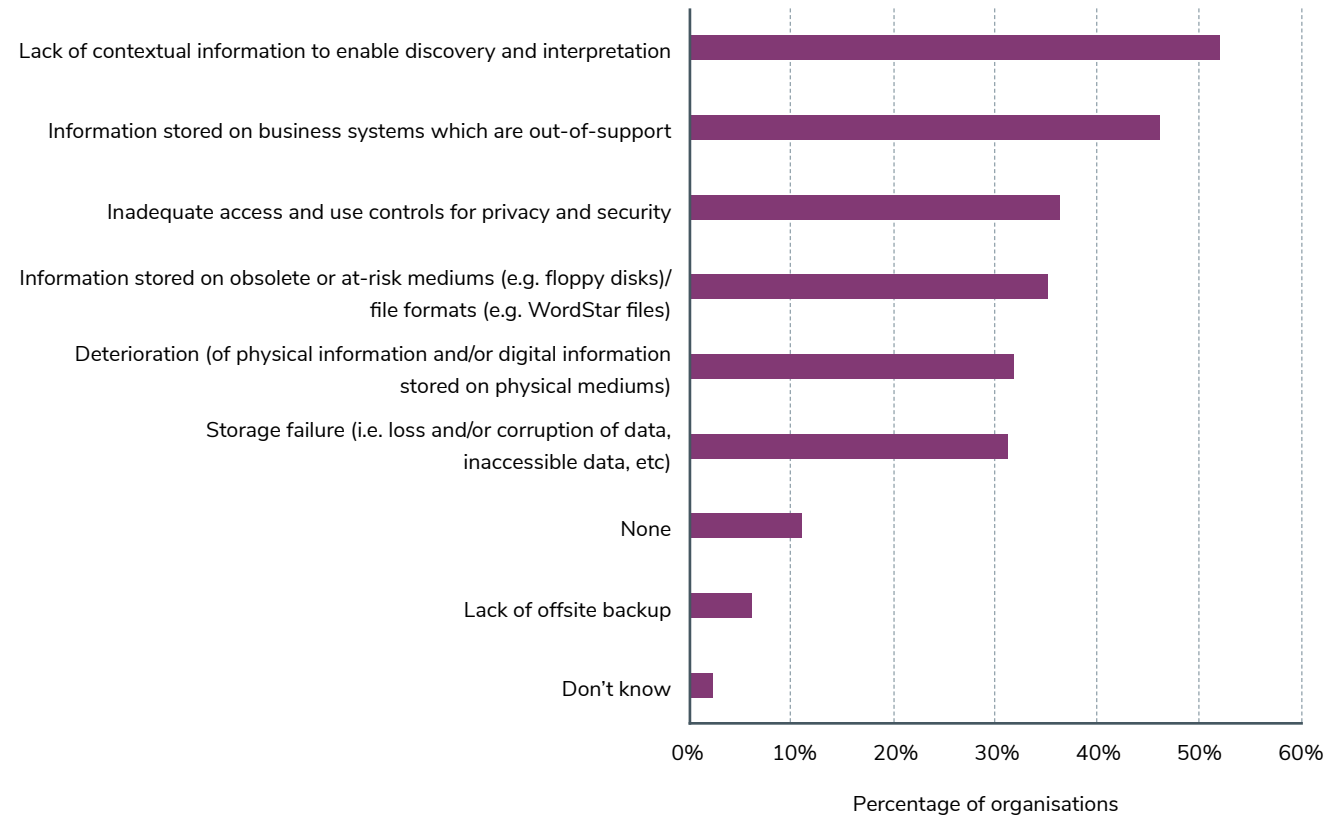
*Figure 5: Whether organisations have identified their high value and/or high risk information*



Number of organisations

■ Yes, high value and/or high risk information identified　　■ No, high value and/or high risk information not identified　　■ Don't know

Once organisations have identified their high value and/or high risk information, they can prioritise, ensure risks are mitigated, and that the cost of managing and retaining this information and making it accessible is proportionate to the information's value.

Survey participants agreed there are a number of risks to organisations' information. Many of these risks are relevant to high value and/or high risk information and are set out below in Figure 6.

*Figure 6: Risks identified to the organisation's information*



Percentage of organisations

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Many of these risks are specific to an organisation's ICT environment and infrastructure. The lack of contextual information to enable discovery and interpretation is directly related to ensuring metadata is applied and is consistent across data. We are also concerned about information that may be stored on obsolete or at-risk mediums and platforms.

## Recommendations

We recommend that public sector organisations:

- make a start to managing high value and/or high risk information by identifying what they hold – an information asset register (IAR) will help;

- ensure that systems specifications for business that is high value and/or high risk value includes information and records management requirements; and

- ensure that systems specifications include minimum requirements for metadata needed to support information identification, usability, accessibility and context.

# Indicator 4: An overall increase in the number of organisations building IM requirements into new business systems



## What we asked and why it is important

We asked if IM requirements are built into new business information systems. (Q.23)

Building in IM requirements means that the principles for creating, managing, storing and disposing of full, accurate and accessible information are applied across all business systems.

*The Information and records management standard requires that: Information and records management must be design components of all systems and service environments where high risk/high value business is undertaken. (2.3)*

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Business information systems may include:

- business systems that create and manage business information, such as finance, HR information, and line-of-business systems unique to the organisation's environment;
- electronic documents and records management systems, enterprise content management systems;
- network drives;
- collaborative systems between government organisations and/or external parties; and
- email and email archiving systems.

## What we found

As seen in Figure 7, only 23% of organisations reported that requirements for creating, managing, storing and disposing of information were built into new business systems. The majority, 62% of organisations, stated the IM requirements were partially built in. Thirty-three organisations (15%) stated they were not built in.

*Figure 7: Whether requirements for creating, managing, storing and disposing of information are built into the organisation's new business information systems*



Number of organisations

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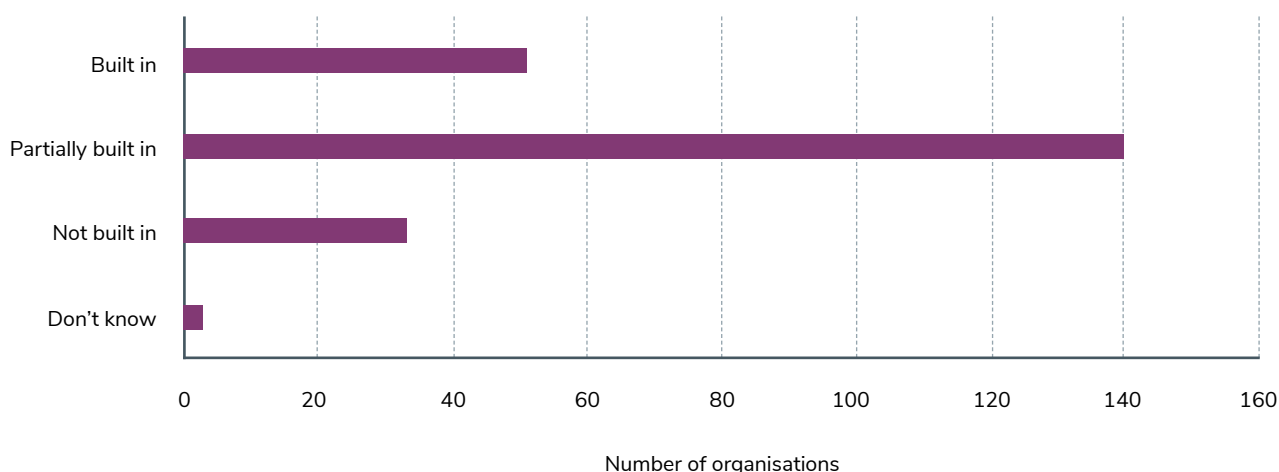
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Figure 8 shows the challenges faced by the 175 organisations that stated their IM requirements have not been built into any or all of their systems (i.e they responded 'partially', 'not built in', and 'don't know'). (Q.24)

*Figure 8: Challenges faced in building in requirements for creating, managing, storing and disposing of information in the organisation's new business information systems*



Percentage of organisations identifying this challenge
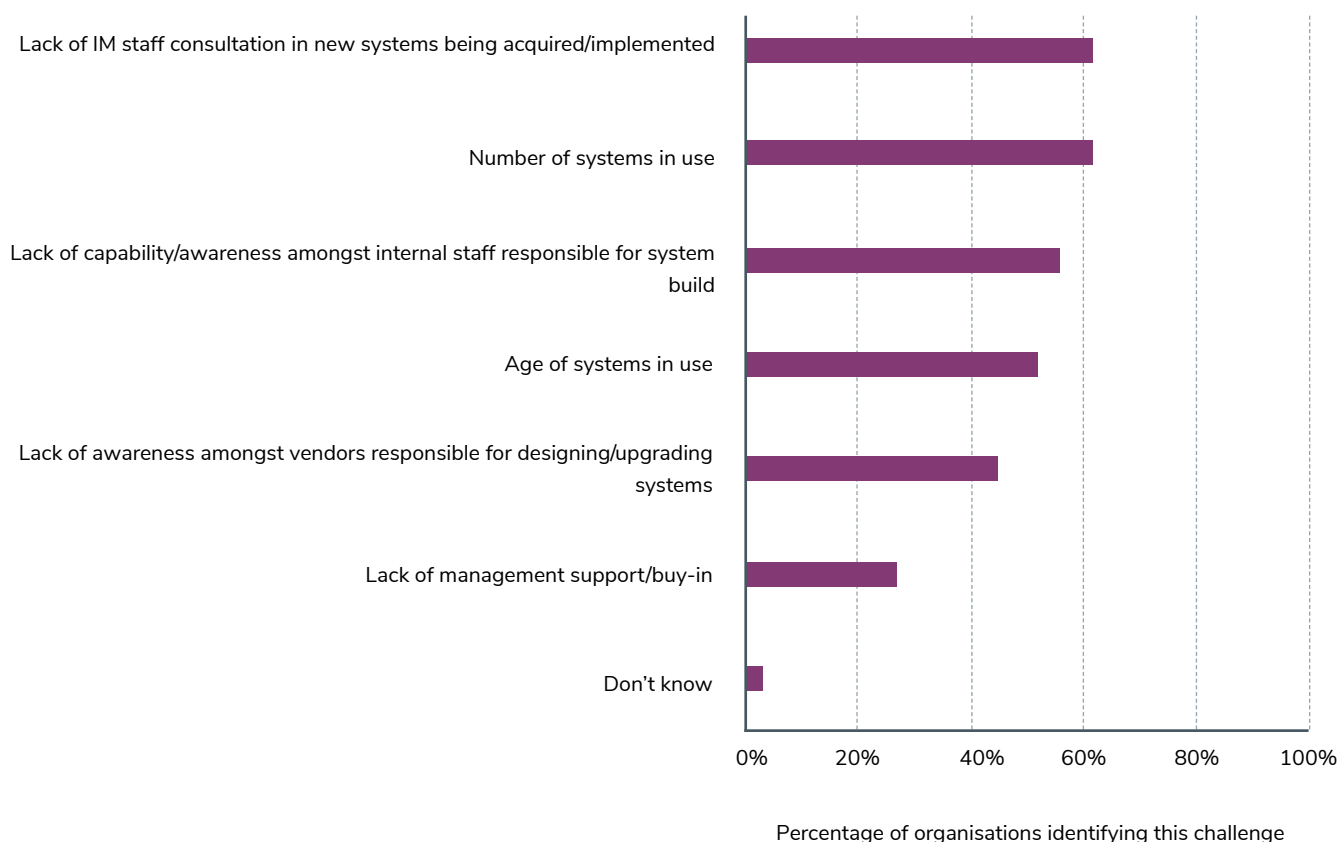
## Recommendations

The challenges listed touch on many areas of the business, including ICT, IM staff, vendors and management. Steps to address these challenges could involve the Executive Sponsor directing coordinated improvement from the governance level, and ensuring IM staff are involved in new business system projects.

Other recommendations are to:

- ensure that systems specifications for business that is high value and/or high risk include IM requirements; and

- ensure that systems specifications include minimum requirements for metadata needed to support information identification, usability, accessibility.

# Indicator 5: An overall increase in the number of organisations actively doing authorised destruction of information



## What we asked and why it is important

In Q.39 we asked survey participants whether they had actively destroyed information in the past 12 months (that is, planned and authorised destruction as distinct from loss through negligence or accidental destruction).

This indicator focuses on destruction as one of the approved methods of disposal. We also asked questions about other methods of disposal, which are discussed in the full survey findings report.

> *The Information and records management standard requires that: Information and records must be systematically disposed of when authorised and legally appropriate to do so. (3.7)*

Actively destroying information that is no longer required for business purposes or long-term preservation is a key element of effective IM. The benefits from active, authorised destruction include:

- decreased storage costs;
- increased system efficiency and effectiveness, as the properly justified destruction of low value information means an organisation's high value information is less obscured, more discoverable and easier to manage; and
- mitigation of the risks associated with retaining information for longer than required (e.g. privacy and security breaches, unauthorised access or destruction).

## What we found

Figure 9 shows that of the 166 public offices, 104 (63%) are doing some form of authorised destruction of information.

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This destruction is mostly the destruction of physical information only, or of both physical and digital information. For local authority organisations, 78% are destroying some information.

Overall, 75 organisations (33% of the 226 public and local authority organisations) stated they destroyed no information in the last 12 months.
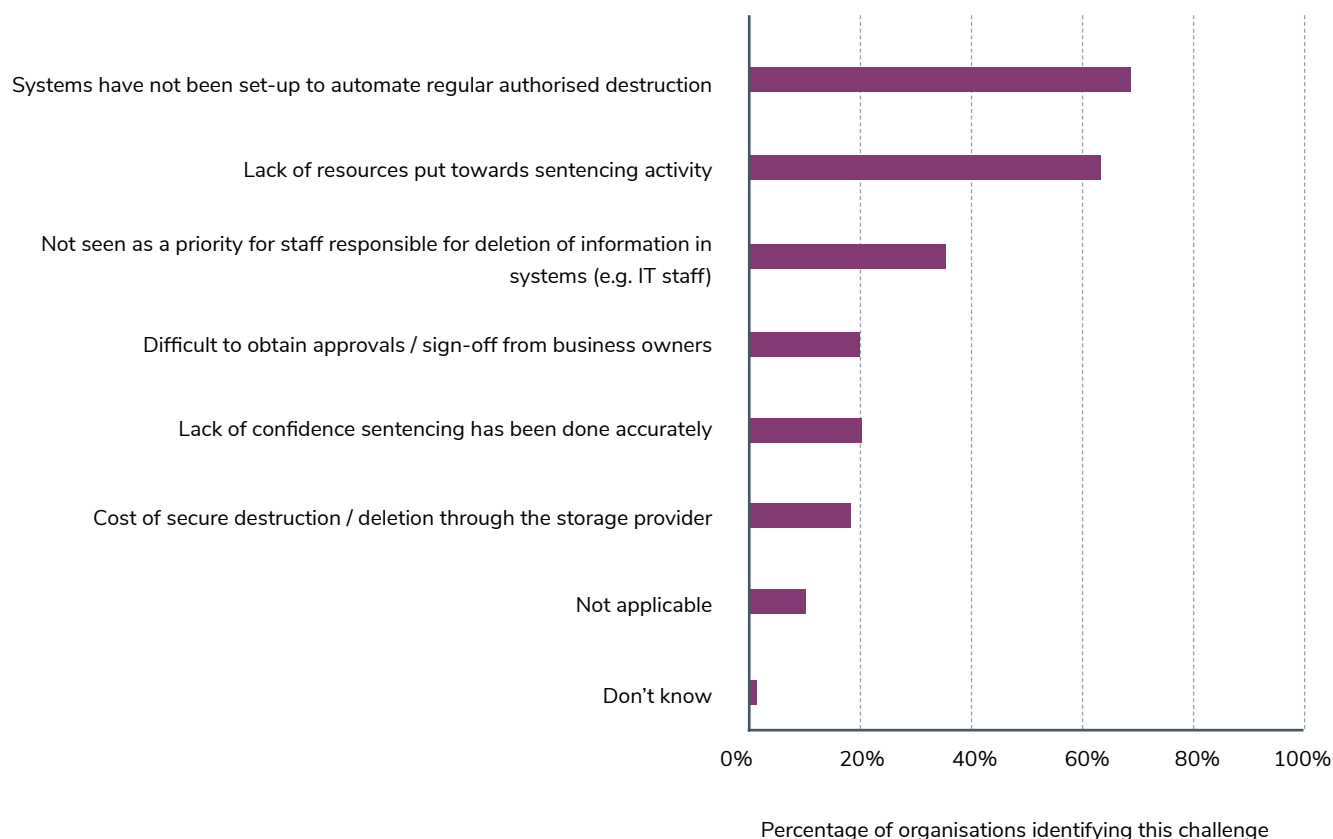
*Figure 9: Organisations that have undertaken authorised destruction of information in the last 12 months*
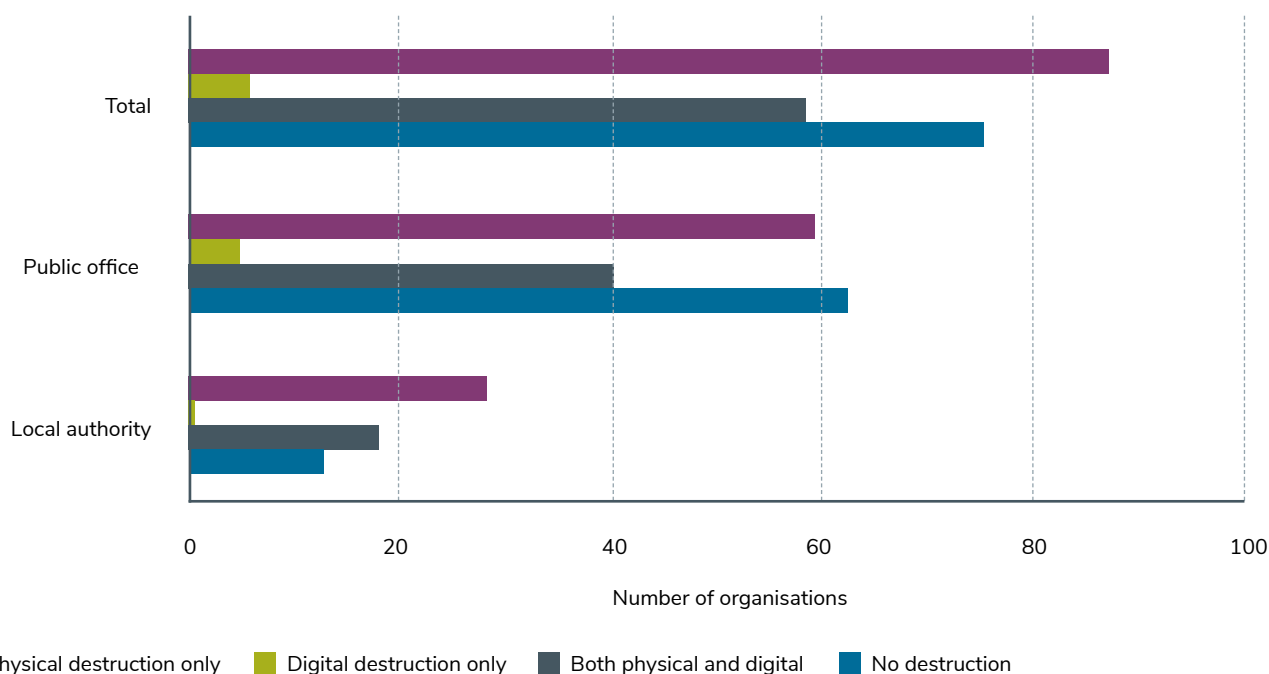


The challenges facing organisations in the destruction of information are set out in Figure 10. The top challenge faced is that systems have not been set up to automate regular authorised destruction, with the lack of resources put towards sentencing activities another key challenge.

Both these could be linked to other indicators, including a lack of staff with appropriate IM skills (Indicator 2), and not building IM requirements into new systems (Indicator 4).

**Figure 10: Challenges faced by organisations for undertaking regular, approved and authorised destruction of information**

| Challenge | |
|---|---|
| Systems have not been set-up to automate regular authorised destruction | |
| Lack of resources put towards sentencing activity | |
| Not seen as a priority for staff responsible for deletion of information in systems (e.g. IT staff) | |
| Difficult to obtain approvals / sign-off from business owners | |
| Lack of confidence sentencing has been done accurately | |
| Cost of secure destruction / deletion through the storage provider | |
| Not applicable | |
| Don't know | |

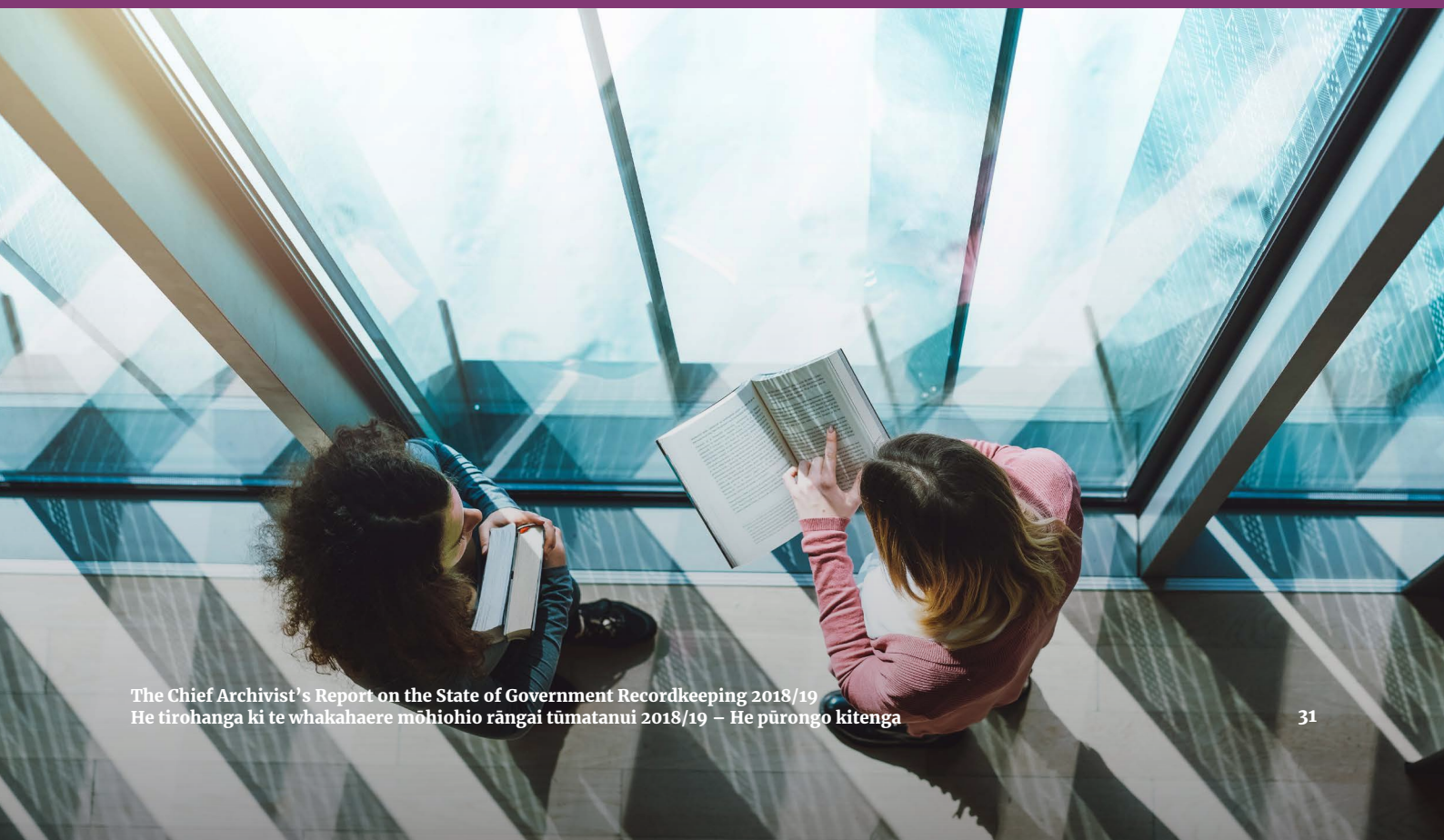Percentage of organisations identifying this challenge

## Recommendations

Our general disposal authorities (GDAs) (GDA 6 & GDA 7) have been developed for the public sector to enable the lawful destruction of common corporate records without requiring organisation-specific authorisation from the Chief Archivist. GDAs are designed to make it easy to destroy administrative information that has no long-term value.

We recommend that:

- at a minimum, organisations establish policies, plans and capability to apply GDAs regularly and continuously to physical and digital administrative information that can be lawfully destroyed; and

- organisations with an approved organisation-specific DA start applying it by destroying information as appropriate.

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# 4. Regulatory role

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# The Public Records Act 2005 (PRA)



**Public sector organisations in New Zealand have always kept records of their activities.**

However, until the introduction of the PRA, there were no general legislative requirements for what information and records needed to be created and how they should be managed.

The PRA sets out a regulatory framework for IM across the public sector. Its primary purpose is to enable the accountability and transparency of government decision making by ensuring organisations create and maintain full and accurate records of their activities.

The PRA also establishes the statutory role and duties of the Chief Archivist. These include:

- exercising a leadership role for IM across public offices;
- setting standards for public sector IM;
- authorising organisations to dispose of records when they are no longer needed for business purposes; and
- providing advice and support for organisations so they can comply with the requirements of the PRA.

Two types of organisations are covered by the PRA, each with different compliance requirements. These are public offices and local authorities. A wide range of organisations are public offices, including government departments, district health boards, Crown entities, state owned enterprises, school boards of trustees, and government ministers.

Regional councils and territorial authorities are local authorities under the PRA, as are council-controlled organisations, council-controlled trading organisations and local government organisations.

# Archives New Zealand as a regulator
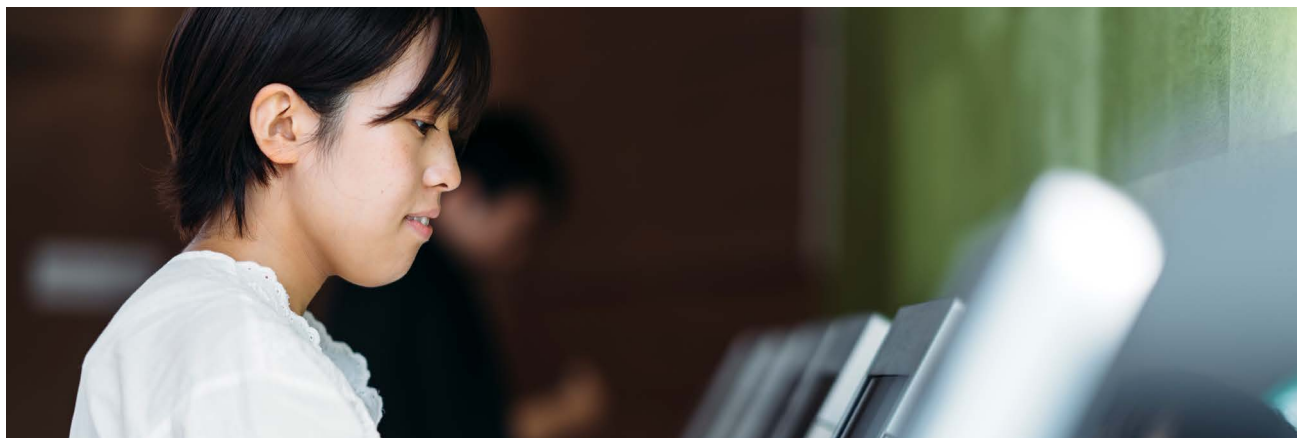


**The PRA establishes the Chief Archivist as an independent information regulator within government.**

In delivering this role, we have responsibility for supporting, monitoring and directing the sector to facilitate compliance with IM requirements.

We regulate approximately 3,000 public offices and local authorities (including around 2,500 school boards of trustees). These organisations vary widely in their size, complexity, access to funding, staffing levels, and the number of functions they carry out.

These factors all affect the level of IM maturity in organisations, as well as the level of risk associated with not being able to find or access information that has been created.

# Ongoing assessment of public office status

**Archives New Zealand monitors change in the structure of the public sector to ensure that we and regulated organisations correctly understand the extent of our regulatory responsibilities.**

When we formally assess an organisation, we examine how it was established and structured to determine whether it comes within the PRA's definition of public office or local authority. We advise the organisation of our conclusions and inform them of their responsibilities under the PRA.

We work with new and newly-restructured public offices to determine how they can best meet their requirements under the PRA in a way that is compatible with the intent of their functions and organisational structure.

This will often involve collaboration and agreement between departmental agencies and host departments, or between contractors and the contracting department. We will also start work with new organisations to ensure they have disposal authorisation.

Some assessments are straight-forward because the organisation's status is very clear. Others are complex and require the use of a legal Crown control weighting test.

# Examples of public office status assessments

New Zealand Green Investment Limited: This company was recently set up to accelerate low emissions investment. After applying the Crown control weighting test, we concluded there was sufficient ministerial control over the company to make it an agency or instrument of the executive branch of Government and therefore a public office under the PRA.

Te Arawhiti: The Office for Māori Crown Relations, Te Arawhiti, is a departmental agency established under the State Sector Act 1988 and hosted by the Ministry of Justice. Departmental agencies are designed to be operationally autonomous but for PRA purposes are legally not distinct public offices and remain part of the host department.

Departmental agencies and hosts have flexibility in how their working arrangements are set. We are working with Te Arawhiti and the Ministry to ensure the IM arrangements meet the purposes of the PRA, support Te Arawhiti's autonomy and functions, and ensure the Ministry's host department responsibilities can be met.

Commercial Fisheries Services Limited: The Ministry for Primary Industries asked us to check the status of this company, known as FishServe. On the face of it, FishServe, as a privately owned company, appeared not to be a public office.

A full assessment concluded that FishServe, in its role as an approved service delivery organisation under the Fisheries Act 1996, is a public office within the period of its 2013 to 2023 contract. However, it is only a public office within the parameters of its role as an approved service delivery organisation.

Te Rua Mahara o te Kāwanatanga

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