



List of protected records for local authorities

Explanatory notes

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New Zealand Government

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1 Introduction

1.1 Protected classes of information and records

Section 40 of the Public Records Act 2005 (the Act) allows the Chief Archivist to declare, by notice in the New Zealand Gazette, certain classes of local authority information and records are ‘protected’ for the purposes of the Act. It is important to note however, that this does not automatically mean ‘keep forever’. Local authorities wanting to dispose of ‘protected records’ in their custody must notify the Chief Archivist of their intention to dispose of those information and records, identifying the ‘protected record’ concerned, and specifying how they will be disposed of. Dispose means “decide what to do with”, for example, by destroying or transferring control to Archives New Zealand (Archives) or some other archival institution.

The [List of protected records for local authorities \(16/Sp4\)](#) (the List) specifies those classes of local authority information and records which, in the opinion of the Chief Archivist, are worthy of preservation for administrative, accountability, heritage and/or research reasons. The List is published as a Supplement to the New Zealand Gazette Notice [DD MMMM YYYY, No.X, page X.](#)

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This requirement must be considered alongside other factors in the regulatory environment, any specific legislation or other legal requirements, for example, the operation of the *Privacy Act 2020*, *Local Government Official Information and Meetings Act 1987* etc. Destruction of local authority information and records must not occur contrary to legislation requiring retention.

These Explanatory notes (16/G4) (the Notes) have been produced to provide guidance in the application of the List. They provide more detail around the kinds of information and records that fall into the classes of the List. The examples for each class are not an exhaustive list of all the information and records in a particular class but represent some of the more common types of information and records produced by local authorities that require protection. The examples listed here are an extension and clarification of those in the List.

Local authorities also need to ensure protected information and records are:

- Properly protected and preserved.
- Kept in a way that means they can still be used.

For example, if it is intended to retain digitised ‘protected’ information and records in electronic form only, the local authority must meet the requirements set out in the Contract and Commercial Law Act 2017. No authorisation from the Chief Archivist is required for destruction of the source ‘protected record’.

For further guidance about ‘protected records’, contact Archives New Zealand at rkadvice@dia.govt.nz.

1.2 Additional information and records to consider

When identifying 'protected records' local authorities should also consider additional information and records that relate to the 'protected records', the local authority and its area.

These additional information and records may be:

- Information and records created by the local authority in the process or alongside the process of creating 'protected records'.
- Information and records created by the local authority that inform and provide context about particular 'protected records'.
- Information and records that are not created by the local authority but relate to its area.

Part of best business practice for local authorities is providing availability and ease of access to these additional information and records. Given this, the Notes also include examples of:

- Additional information and records to retain for long-term best business practice.
- Additional information and records not required for long-term retention.

Note: The term "long-term" is used here for information and records kept until no longer in active use by the local authority or until they are at least 25 years old.

An approved retention and disposal schedule (RDS) (which includes protected and additional local authority information and records) is available for use through the Association of Local Government Information Management (ALGIM). To check if your local authority is currently signed up to use the ALGIM Toolkit RDS, please contact ALGIM directly. Contact details are available via their website: <http://www.algim.org.nz>.

In the instance a local authority is not signed up to the ALGIM Toolkit RDS or does not have a separate approved RDS, please contact Archives New Zealand for advice about developing one via: rkadvice@dia.govt.nz.

1.3 Other considerations

The term "significant" is used in these notes as a general term. Each local authority may have different criteria for determining what is significant to their individual needs.

The classes of local authority information and records listed in the Notes (unless specifically stated) apply regardless of the media or format on which they are created and stored.

For example:

- emails
- CD/DVD
- databases
- audio
- social media
- maps
- electronic documents
- photographs
- microfiche
- CCTV

The “protected records” outlined in classes 1-17 equally apply to information and records of any outsourced local authority functions as well as the following circumstances:

- **When formerly held by any public office, or instrument of any kind of the central government of New Zealand, and now in the custody of any local authority.**

This applies to information and records transferred from central government as a result of a transfer of functions from central to local government. They contain information that is evidence of the activities of central government organisations and are considered by Archives New Zealand to be archival value.

While these information and records are considered “public records” they are included in the “List” as the transfer of custody means that it is the local authority that is responsible for ensuring archival retention.

- **When local authority functions are or have been contracted to a private company.**

This applies to information and records created by a private company for the period of time that the private company was contracted by the local authority.

- **When formerly created and maintained by the local authority and transferred to the custody of a private company after 1989.**

In 1989 New Zealand’s local government structural arrangements were significantly altered when approximately 700 councils and special purpose bodies were amalgamated to create 86 local authorities.

- **When belonging to merged, preceding, abolished or other authorities and now in the custody of the local authority.**

This applies to information and records formerly held by any public office or central government and now in the custody of the local authority.

2 Explanation

2.1 Cemetery and crematoria management

For example:

- **Registers and indexes of burials, cremations and grave plots.**
- **Maps and plans of cemetery plots.**
- **War graves.**
- **Management of closed historic cemeteries.**

Why are these information and records protected?

These information and records provide evidence of the use of cemeteries and crematoria and are also of genealogical or local history research interest. They identify individuals buried and cremated at cemeteries within the local authority at specific points in time, and act as a finding aid for cemetery plots.

Note: where these 'protected records' are incomplete, burial permits and plot payment information and records will need to be retained.

Excludes:

- Maintenance of cemetery grounds (see class **2.14 Property and asset management**).

Examples of additional information and records not required for long-term retention:

- Routine cemetery operation and maintenance.
- Burial and cremation administration.

2.2 Communications management

For example:

- **Final approved documentation of local authority branding, logos and style, including patents and copyright applications.**
- **Publicity material, such as brochures, newsletters, press statements and guides.**
- **Internal publications such as staff magazines.**
- **Management of major and ongoing sponsorship relationships.**
- **Development of sponsorship strategy and planning.**
- **Radio and television recordings produced or commissioned by the local authority.**
- **Significant gifts presented to or received by the local authority.**

Why are these information and records protected?

These information and records document the communications of the local authority, its branding and promotion, and its interactions with the media. They are of high informational value as they provide promotional information about the function and relationship of local authorities with their communities and other organisations.

Excludes:

- Final external publications (not affected by the requirements of any other section of this notice) that are donated under legal deposit to the National Library of New Zealand.
- Promotion of cultural and recreational facilities and events (see **2.5 Culture and recreation**).
- Provision of local authority funding, grants and sponsorship (see **2.13 Local authority funding and grants**).
- Final long-term community plans, annual reports and plans (see **2.17 Statutory and strategic planning and reporting**).

Examples of additional information and records not required for long-term retention:

- Publications from other organisations (unless the local authority made lengthy comments on the publication supplied, for example, reports sent by a regional council).

2.3 Community safety

For example:

- **Crime prevention and community safety initiatives that were precedent setting/resulted in policy changes/of significant public interest.**
- **Emergency management and response to significant incidents.**
- **Significant public education programmes for civil defence.**
- **Summaries and reviews of emergency management training exercises.**
- **Rural fire management pre-1 July 2017.**

Why are these information and records protected?

These information and records provide evidence of the local authority's activities to protect the public from loss or injury and to minimise threats to life and property, including management of civil defence emergency events.

Excludes:

- Rural fire management post 1 July 2017 (now the responsibility of Fire and Emergency New Zealand).
- Protection and improvement of public health (see **2.7 Environmental health**).
- Documentation of land hazards (see **2.8 Environmental management**).

Examples of additional information and records not required for long-term retention:

- Management of civil defence emergency facilities and equipment.

2.4 Council controlled organisations (CCOs), trusts and commercial enterprises

For example:

- **Establishment/disestablishment/sale of CCOs, trusts or boards, including legal opinions, legal advice, trust deeds, etc.**
- **Final accountability documents and minutes of shareholder/directors' meetings.**
- **Reviews of the management or structure of a CCO, trust or commercial enterprise.**

Why are these information and records protected?

These information and records document CCOs, trusts or boards established to manage particular functions or activities, or commercial enterprises owned or part owned by the local authority. This class includes information and records held in the circumstances noted above in **1.2 Additional information and records to consider**.

Excludes:

- Planning, operation and performance of the local authority function or service (see relevant class).

Examples of additional information and records not required for long-term retention:

- Reporting to the local authority officers and committees.

2.5 Culture and recreation

For example:

- **Management of and information about items in the collections of the local authority's cultural institutions such as archives, art galleries, libraries and museums, including their acquisition and disposal.**
- **Final annual events calendar.**
- **Employment and recreation plans, programmes, projects and initiatives that were innovative/precedent setting/of significant public interest.**
- **Final unpublished economic development research reports.**
- **Design, construction, reconstruction, renovation of historic band rotundas, playgrounds, statues, memorials and sculptures.**
- **Construction of artificial beaches/local authority owned boat ramps.**
- **Management of caravan parks.**

Why are these information and records protected?

These information and records provide evidence of and information about the local authority's management and promotion of cultural, recreation and sporting facilities and activities for regional tourism and economic development.

Excludes:

- Provision of local authority funding, grants and sponsorship (see **2.13 Local authority funding and grants**).
- Public artworks ownership information (see **2.14 Property and asset management**).

Examples of additional information and records not required for long-term retention:

- Preservation and conservation of cultural collections.
- Customer relations of facilities.
- Facility operations.

2.6 Election management

For example:

- **Conduct of elections including the appointment of the returning officer and declaration of results.**
- **Electoral boundary changes.**
- **Representation system reviews including submissions.**
- **Triennial reviews of the local authority structure and election system.**
- **Final electoral maps.**
- **Final local authority electoral rolls.**
- **Examples of voting papers (both ordinary and special votes).**

Why are these information and records protected?

These information and records provide evidence of the process of local authority elections and information about how electoral representation and boundaries were determined. Including information about individuals living in specific areas at specific points in time.

Note: the term “submissions” is defined here as both public submissions received by the local authority and submissions sent by the local authority to the review authority.

Excludes:

- Local authority decision-making and representation (see **2.10 Governance and democracy**).

Examples of additional information and records not required for long-term retention:

- Administration of electoral processes.
- Returns of electoral expenses.
- Other local authority or Central Government electoral rolls.

2.7 Environmental health

For example:

- **Strategic community support projects and initiatives such as council housing, care for the aged or disabled, anti-drug campaigns, epidemics, childcare, etc.**
- **Prosecutions and litigation cases that were precedent setting/resulted in policy changes/of significant public interest, including tenancy disputes, alcohol licensing.**
- **Sale and supply of alcohol licencing registers.**
- **Notification, reporting and monitoring of infectious diseases.**

Why are these information and records protected?

These information and records provide evidence of the local authority's regulating, monitoring and management activities to protect and improve public health, including the provision of support for groups in the community such as social housing, care for the aged, holiday programmes, etc.

Excludes:

- Protection of life and property (see **2.3 Community safety**).
- Protection of the environment (see **2.8 Environmental management**).

Examples of additional information and records not required for long-term retention:

- Refused/not granted permit, consent and licenses applications.
- Dog, liquor and health licenses.

2.8 Environmental management

For example:

- **Registers and databases of parks and reserves leases, licences and occupation agreements.**
- **Land hazards registers.**
- **Submissions and evidence presented at resource consent hearings including joint hearings and appeals to the Environment Court and other courts.**
- **Registers and photographs of heritage buildings, historic trees, etc.**
- **Subdivision information.**
- **Commercial and industrial schemes such as energy generation, hydro-electric dams/thermal power, forestry plantations.**
- **Noxious weeds and abattoirs.**
- **Sewage and drainage, parks and reserves, foreshore.**
- **Maps and aerial photos of land, marine and coastal areas.**
- **Resource management consent applications and processing.**
- **Resource management monitoring and enforcement that was controversial/of significant public interest.**
- **Lakes and waterways water quality management reporting.**
- **Rivers, lakes and wetlands condition monitoring and management reporting.**

Why are these information and records protected?

These information and records provide evidence of the local authority's management, protection and monitoring of air, land and water, including environmentally sensitive areas and heritage sites such as parks and reserves. Including information about activities that caused changes to land, marine and coastal areas and water bodies.

Excludes:

- Rural fire management pre-1 July 2017 (see **2.3 Community safety**).
- Claims for customary rights in marine and coastal areas (see **2.12 Iwi/Māori relationships**).
- Development of public utilities such as wastewater or water supply reticulation (see **2.14 Property and asset management**).
- Public and private roading (see **2.16 Regional transport, roads & traffic**).
- Final coastal and land management plans (see **2.17 Statutory and strategic planning and reporting**).

Examples of additional information and records not required for long-term retention:

- Raw monitoring data.
- Complaints and enforcement.
- Water conservation.

2.9 Financial accountability

For example:

- **Strategic documentation and management of bequests.**
- **Consultation drafts and final funding policies, financial strategies and submissions.**
- **Audited financial statements.**
- **Significant investment and borrowing management policies.**
- **Records relating to the raising of major loans and their use.**
- **Gift registers/spreadsheets and gift declarations.**

Why are these information and records protected?

These information and records provide evidence of the accountability (of the local authority) to Parliament and ratepayers. These are the base financial documents which show the planning and implementation of financial transactions without requiring that the large volume of day-to-day transactions be retained.

Note: the term “submissions” is defined here as submissions from the public received by the local authority in relation to the class above.

Excludes:

- Provision of funding, grants and sponsorship from the local authority (see **2.13 Local authority funding and grants**).
- Development of the annual plan and report (see **2.17 Statutory and strategic planning and reporting**).

Examples of additional information and records not required for long-term retention:

- Day-to-day financial transaction records i.e., receipts, financial/cashier system reconciliation data, trial balances, monthly journals.

Legislation to consider here:

Local authorities will also need to satisfy the requirements of taxation legislation and retain certain information and records for the periods specified by the Inland Revenue Department.

2.10 Governance and democracy

For example:

- **All agenda, minutes and papers of meetings of the local authority senior management team, all committees, sub-committees, transitional committees, special purpose boards and commissions.**
- **Minutes and decisions of the local authority predecessors, i.e., borough and county councils, water boards, rabbit boards, harbour boards, road boards, domain boards, other governance boards.**
- **Working papers such as consultation drafts, legal opinions, submissions, etc on the development of bylaws and standing orders relating to the local authority or geographic area where there was controversy/significant public interest.**
- **Review of and comments and submissions on, central government legislation where it directly affects the local authority's operational activities and functions.**
- **Mayoral correspondence that is not replicated in other local authority protected record classes and concerns controversial/significant issues.**
- **Sister cities, friendship cities and nuclear free zones.**
- **Recordkeeping and information systems control records, including registers, indexes, data dictionaries, data schema.**

Why are these information and records protected?

These information and records provide evidence of the governance, high-level organisation and structure of the local authority, such as the development of local authority policy, its application, precedents created, resources allocated, the introduction of services and the raising of revenue. Including the authority's interaction with its constituency and stakeholders, other local authorities and central government.

Note: the term "submissions" is defined here as submissions from the public received by the local authority in relation to the class above.

Excludes:

- Operation of local authority services and functions (see relevant class).
- Local authority election process (see **2.6 Election management**).
- Delegations and declarations of interest (see **2.11 Human resources management**).
- Strategy and planning for the development of the region (see **2.17 Statutory and strategic planning and reporting**).

Examples of additional information and records to retain for long-term best business practice:

- Local Acts of Parliament which relate to the local authority or the geographical area in which it falls.

Examples of additional information and records not required for long-term retention:

- Administration of meetings, such as arranging venues and catering.
- Policies, procedures or instructions from other local authorities.
- Low-level administrative policies and procedures, for example, motor vehicle usage policy.
- Minor correspondence about local authority functions.

Note: The “low-level” criteria should be determined by individual local authorities. The example provided above is a good guide.

2.11 Human resources management

For example:

- **Summary information documenting employees’ name, position, salary, dates of employment, gender and date of birth.**
- **Mayoral and councillor personnel records, including fees, allowances, duties and declarations of interest.**
- **Reports on internal organisation and structure such as efficiency audits, personnel reports and working conditions.**

Why are these information and records protected?

These information and records provide evidence of the local authority’s management of the recruitment, development, welfare, conduct, remuneration and working conditions of staff, including information about individuals’ employment at specific points in time that may be useful for genealogical research.

Excludes:

- Final internal policies and procedures such as codes of conduct, guidelines for employee relations, etc (see **2.10 Governance and democracy**).

Legislation to consider here:

Confusion may arise between the demands of the *Privacy Act 2020* and the demands of the *Public Records Act 2005*. The focus of each Act is different.

The *Privacy Act* is focused on having reason for the collection of personal information. The reason is dependent on its connection to an activity or function of the authority. Where a reason no longer exists, the Act requires that that information should no longer be retained.

However, this does not override the requirements of the *Public Records Act* which provides for a framework within which local authorities should create and maintain local authority records. Retention of personnel information allows the “creator” and “maintainer” context about the records to be understood. The newly archival status of the information and records provides an adequate reason for the local authority to collect and retain these provided they have appropriate restrictions on access.

2.12 Iwi/Māori relationships

For example:

- **Treaty of Waitangi claims concerning the local authority’s assets and property, including claim documents, legal opinions, Tribunal decisions, settlement process.**
- **Claims for protected customary rights and customary marine titles made under the Marine and Coastal Area (Takutai Moana) Act 2011, including maps, aerial photos.**
- **Liaison and relationships with iwi, including consultation, representation issues.**
- **Marae developments.**

Why are these information and records protected?

These information and records provide evidence of the local authority’s relationships with Iwi/Māori, recognition and respect for, or fulfilment of, the Treaty of Waitangi intentions and principles, or in the absence of this, evidence of failure to fulfil these. Including strategies that identify opportunities for partnerships with tangata whenua and claims under the Marine and Coastal Area (Takutai Moana) Act.

Excludes:

- Management of the environment (see **2.8 Environmental management**).
- Management of civic properties and assets (see **2.14 Property and asset management**).

Examples of additional information and records not required for long-term retention:

- Advice and guidance by/to the local authority re. the provisions and application of the Marine and Coastal Area (Takutai Moana) Act.

2.13 Local authority funding and grants

For example:

- **Summary records of applications for local authority funding.**
- **Successful applications for local authority funding or sponsorship.**

Why are these information and records protected?

These information and records provide evidence of the provision of local authority funding or sponsorship, including the mayoral relief fund. This covers all types of funding, including community groups, heritage, business assistance, waste minimisation, etc.

Excludes:

- Strategic management of major and ongoing sponsorship relationships (see **2.2 Communications management**).
- External funding applications by the local authority (see **2.9 Financial accountability**).

Examples of additional information and records not required for long-term retention:

- Administration of local authority funding and grants.
- Unsuccessful applications.
- Management of external funding schemes.

2.14 Property and asset management

For example:

- **Information and records relating to the acquisition, development (including design, construction and substantial improvement), management, and disposal of land and buildings.**
- **Contract documents, as-built plans and photographs for major works and permanent structures, or for the significant improvement of specific assets.**
- **Final published Reserve Management plans and infrastructure asset management plans.**
- **Public art ownership information.**
- **Approved building permits and consents.**
- **Security incidents concerning intrusion, theft, vandalism or injury that were significant/of high public interest.**
- **Registers of dangerous and unsanitary buildings, dams, earthquake-prone buildings, swimming pools.**

Why are these information and records protected?

These information and records provide evidence of the local authority's ownership and administration of property and land, as well as major infrastructure provided to the public.

Excludes:

- Management of public artworks (see **2.5 Culture and recreation**).
- Resource consent management (see **2.9 Environmental management**).
- Treaty of Waitangi claims related to the local authority's property or assets (see **2.12 Iwi/Māori relationships**).

Examples of additional information and records not required for long-term retention

- Registers of fixed assets such as furniture and other office equipment.
- Routine property and asset maintenance.
- Refused/not granted consents.

2.15 Rating and valuations

For example:

- **Permanent rates relief or remissions.**
- **Rates setting calculations.**
- **Rates strike/rates database extracts.**
- **Equalisation of valuation certificates.**
- **Permanent valuation data cards.**
- **Rating registers prescribed by the Valuer-General under s.4 of the Rating Valuations Rules.**

Why are these information and records protected?

These information and records provide evidence of the regulation, setting and collection of the local authority's income through valuation of rateable land. They also provide evidence of property ownership by individuals and useful for genealogical or local history research purposes.

Note: For valuations, local authorities are able to contract their own valuation service and are obliged to maintain the rolls so they can provide information to the central government.

For rates, there are several important classes of rating records (defined by the *Local Government (Rating) Act 2002*). These are:

- Rate settings (includes rating calculations).
- Collection management.
- Relief and remissions.
- Rate strike (usually generated from the rates database).

Examples of additional information and records to retain for long-term best business practice:

- The district valuation roll (or its equivalent) for every year the authority was/has been in existence. Each roll should contain appropriate details as outlined in the *Rating Valuations Act 1998*. This act prescribes registers that must be sent to the Valuer-General.

Examples of additional information and records not required for long-term retention

- Copies of rates accounts.
- Rates receipts.
- Miscellaneous correspondence about rates (unless a gap exists in the documentation of ratepayers which this could fill).

2.16 Regional transport, roads and traffic

For example:

- **Traffic management and road network planning.**
- **Applications for external roading funding.**
- **Registration and monitoring of private roading and access.**
- **Road use approval such as easements, kerb crossings, encroachments, service lanes, etc.**
- **Road naming.**
- **Road closures.**
- **Development of road safety programmes.**

Why are these information and records protected?

These information and records provide evidence of the local authority's ownership & administration of public transport, roading and traffic.

Excludes:

- Management of the environment (see **2.8 Environmental management**).
- Final regional transport plans (see **2.17 Statutory and strategic planning and reporting**).

Examples of additional information and records not required for long-term retention

- Minor correspondence about parking, street cleaning, road safety, etc.
- Provision and management of public parking.
- Passenger transport operations.
- Roading network operations.
- Traffic management.

2.17 Statutory and strategic planning and reporting

For example:

- **Consultation drafts including pre-draft, proposed changes and variations.**
- **Public submissions on plans that were controversial/of high public interest.**
- **Documentation of hearings including minutes, recordings and Commissioners' reports.**

- **Final coastal plans, regional transport plans, cultural and recreation plans, land management plans, long-term community plans, annual reports and annual plans.**
- **Appeals to the Environment Court and other courts.**
- **Judicial review proceedings.**
- **Research and background information on the development of plans/policies/strategies that derive from the statutory and strategic plans.**

Why are these information and records protected?

These information and records provide evidence of the interactions between the local authority and its community (through the consultation process) in deciding how to manage the land and natural resources of the area, what kind of development activities were permitted and/or controlled and how those changed over time. They also provide evidence of the local authority's strategy and planning for the development of the region or territory and the activities and actions planned to perform its functions.

Excludes:

- Planning, operation & performance of the local authority function (see relevant class).
- Final funding policies & financial strategies (see **2.9 Financial accountability**).
- Liaison with iwi/Māori (see **2.12 Iwi/Māori relationships**).

Examples of additional information and records to retain long-term for best business practice:

- Major comments on the plans of other local authorities, for example, objections to specific aspects of the plan.

Examples of additional information and records not required for long-term retention

- Routine submissions.
- Administration of the public consultation process.