



List of protected records for local authorities

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1 Introduction

1.1 Mandate

Section 40 of the Public Records Act 2005 (the Act) allows the Chief Archivist to declare, by notice in the New Zealand Gazette, that certain classes of local authority information and records are 'protected' for the purposes of the Act. These classes may not be disposed of (for example, by destruction or transfer to an archival repository) without the prior approval of the Chief Archivist.¹

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.

It is important to note however, that 'protected' 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 a local authority archive or some other archival institution.

1.2 Purpose

The *List of protected records for local authorities* (the List) specifies those classes of local authority information and records which, in the opinion of the Chief Archivist, reflect the core functions of local government. These classes are worthy of preservation for administrative, accountability, heritage and/or research reasons.

The List supports the purposes of the Act in that it enables the New Zealand Government to be held accountable by:

- ensuring that full and accurate information and records of the affairs of local government are created and maintained
- providing for the preservation of, and public access to, information and records of long-term value, and
- enhancing public confidence in the integrity of local authority information and records.

The List does not cover classes of information and records that are not required for accountability or legal purposes and may be eligible for destruction. The List is published as a Supplement to the New Zealand Gazette Notice **DD MMMM YYY, No.X, page X.**

Although all previous Local Government Schedules and List of Protected Records for Local Authorities Notices by the Chief Archivist published in the Gazette are revoked and superseded by this List, this

¹ Local authorities that have adopted the Association of Local Government Information Managements (ALGIM) Toolkit Disposal Schedule, do not need to seek this approval.

does not nullify the continued protection and preservation of any information and records meeting those previous Notices.

1.3 Application

The Act defines a “local authority” as:

“(a) has the same meaning as in section 5(1) of the Local Government Act 2002; and

(b) includes the following organisations defined in section 5(1) of that Act:

(i) a council-controlled organisation:

(ii) a council-controlled trading organisation:

(iii) a local government organisation”

The Act defines a “local authority record” as:

“...a record or class of records in any form, in whole or in part, created or received (whether before or after the commencement of this Act) by a local authority in the conduct of its affairs.”

The classes of information and records in the List (unless specifically stated) apply to information and records regardless of the media on which they are created and stored.

This includes for example but is not limited to:

<ul style="list-style-type: none"> • emails • CDs/DVDs • databases, including cloud-based and on-premise • audio • social media • videos 	<ul style="list-style-type: none"> • maps, plans • photographs • microfilms • microfiche • drone/CCTV footage • digital files • artwork
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The Act defines a “record” as:

“... information, whether in its original form or otherwise, including (without limitation) a document, a signature, a seal, text, images, sound, speech or data compiled, recorded, or stored, as the case may be, in written form on any material, or on film, negative, tape or other medium so as to be capable of being reproduced, or by means of any recording device, or process, computer, or other electronic device or process.”

2 How to use the List

The classes of information and records in the List are arranged in alphabetical order, not in order of importance. The classes reflect the core functions of local government, which is why they have been declared as 'protected' under the Act. When identifying and assessing sets of information and records, local authorities should consult the classes of the List to determine which, if any, apply.

An assessment should then be made on the value of the information and records to determine whether they:

- meet the criteria to be protected
- have other long-term value
- have other legislative protections, or
- have short-term or transitory value.

Note: The term "long-term" is used here for information and records that are retained until no longer in active use by the local authority or until they are at least 25 years old. The minimum retention period for all other information and records is up to each local authority.

The List can also be used as a starting point for the identification of high-value and/or high-risk information and records, and the basis of an information asset register.

Explanatory notes (16/G4) have been created to assist with interpreting and implementing the protected record classes and should be read alongside the List.

2.1 Grandparent date

Over time, most local authorities have experienced some form of significant disaster/event, whether natural (for example, earthquake, flooding) or human-made (for example, building fire, burst water pipes), national, regional, or more localised, which may have destroyed or significantly damaged information and records. The date of these events may be considered the individual local authority's "Grandparent date".

Consequently, in addition to information and records covered in the classes of the List, local authorities should identify, protect, and preserve information and records which reflect the core functions of local government that were created prior to their "Grandparent date" due to their potential scarcity. Where there is no later "Grandparent date", local authorities should use the previously accepted date of "prior to 1946".

2.2 Information and records of significance to Māori

Section 4 of the Local Government Act 2002 requires local authorities to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and provide opportunities for Māori to contribute to local government decision-making processes. Section 77 also requires local authorities to consider the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, flora and fauna, and other taonga, in significant decisions relating to land or a body of water.

It is the responsibility of all local authorities to ensure that the following information and records are identified, protected, and preserved within the protected record class in which they are created or received.

- Information and records that provide evidence of the local authority's 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.
- Information and records that provide evidence of the local authority's relationships with iwi/Māori.
- Information and records which have high-value for tangata whenua (taonga tuku iho).

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Classes

Class 1 Cemetery and crematoria management

Description

Cemetery and cremation services are an essential part of a local authority's functions and infrastructure. Under the Burial and Cremation Act 1964, local authorities have responsibilities and functions to provide for burials, manage cemeteries and keep cemetery information and records. Under the Local Government Act 2002, local authorities are also required to periodically assess provision of cemetery and cremation services, including the current and future demand and the quality of services.

For some local authorities, this includes information and records that document urupā (Māori burial grounds). Urupā is any land set apart for the purposes of a burial ground under section 439 of the Māori Affairs Act 1953 or from 1993, section 338 of Te Ture Whenua Māori Act 1993. Information and records held on urupā can also document the affiliated iwi/hapu/marae.

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's region or district at specific points in time. They act as a finding aid for cemetery plots as well as for locating natural and undocumented burials such as 'unclaimed' urns in rose gardens.

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

Class 2 Community health

Description

This class applies to a local authority's monitoring and regulating activities to protect and improve public health and minimise the risk of disease to the community within its region or district.

This includes information and records that document the provision of support and advice for groups in the community, and plans and strategies for the development and/or revitalisation of particular populations, such as for example, holiday programmes for school children.

Why are these information and records protected?

These information and records provide evidence of and information about the local authority's role in protecting and improving public health, including community wellbeing and mental health. They also provide evidence of the local authority's bylaw-making powers under Part 8 of the Local Government Act, particularly for alcohol and animal control purposes.

Class 3 Community safety

Description

This class applies to a local authority's activities to protect current and future communities from injury or loss, and to minimise threats to life and property.

This includes information and records that document the development and delivery of community crime prevention initiatives, as well as education and training in civil defence preparedness, and hazard reduction. This also includes information and records relating to the local authority's readiness and response to disasters and emergency events.

Why are these information and records protected?

These information and records provide evidence of the local authority's leadership in preventing or reducing the potential community impact of accidents, incidents, disasters, and emergencies. They also provide evidence and information about the local authority's fulfilment of its responsibilities under section 64 of the Civil Defence Emergency Management Act 2002, in planning for and providing civil defence response within its region or district.

Class 4 Corporate management

Description

This class applies to a local authority's management of corporate business functions that are common across all local authorities, such as management of communications, public relations, financial services, human resources, and information and records systems.

This includes information and records that document the local authority's:

- communications, branding and promotion
- financial planning and implementation
- employment relations and development, and
- information infrastructure.

Why are these information and records protected?

These information and records provide evidence of:

- communications created for the general public which provide information about the relationship of the local authority with their communities and other organisations
- financial accountability to Parliament and ratepayers, without requiring the retention of the large volume of day-to-day transactions
- the recruitment, development, welfare, conduct, remuneration and working conditions of individuals working for the local authority at specific points in time that may be of value for genealogical research, and
- the structure of the local authority's recordkeeping systems, what information and records were created and managed over time, as well as their final fate.

Class 5 Culture and recreation management

Description

This class applies to a local authority's management of cultural, recreation and sporting facilities and activities, as well as regional tourism and economic development initiatives.

This includes information and records that document the planning and promotion of arts and cultural heritage projects and events, and the development of innovative business and employment projects or programmes. This also includes what the community thought about these facilities, activities, and initiatives.

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 the social, economic, and cultural wellbeing of people and communities in its region or district. They also provide evidence the local authority is meeting the purpose of local government stated in section 10 of the Local Government Act.

Class 6 Election management

Description

This class applies to the local authority's management and administration of the process of electing council members.

This includes information and records that document the conduct of elections, alteration of electoral boundaries, compilation of electoral rolls, and electoral and representation system reviews. The general powers given to local authorities under the Local Government Act apply equally to regional councils and territorial authorities. To avoid services or functions being duplicated, all local authorities within a region are required to agree to protocols for communication and co-ordination (called triennial agreements) covering the period until the next triennial general election of members.

Why are these information and records protected?

These information and records provide evidence of the process of local authority elections (i.e., those elections conducted under the provisions of the Local Electoral Act 2001 for councils, community and local boards). They also provide information about how electoral representation and boundaries were determined as well as information of genealogical interest about individuals living in specific areas at specific points in time.

Class 7 Environmental management

Description

This class applies to a local authority's management, conservation and monitoring of air, land and water quality, as well as its protection of environmentally sensitive areas, heritage sites, and threatened and native plant and animal species.

This includes information and records that document the development and delivery of projects to conserve and sustain indigenous forests and wildlife, management of coastal marine areas, rivers, lakes and wetlands. Also, the management of flood control or protection schemes, biosecurity, pest

management and irrigation schemes, water races and environmental incidents, including monitoring and enforcement.

Why are these information and records protected?

These information and records provide evidence that the local authority is ensuring that its stewardship and use of its resources in the interests of its region or district maintains and enhances the quality of the natural environment. They also provide evidence of the performance of the local authority's obligations under the Resource Management Act 1991, the Reserves Act 1977, and the Soil Conservation and Rivers Control Act 1941.

Class 8 Governance and democratic representation

Description

This class applies to a local authority's responsibility to establish and maintain systems and processes for democratic local decision-making and representation. The Local Government Act provides the general framework under which New Zealand's democratically elected and accountable local authorities operate, empowering them to make bylaws, set and collect rates, and decide which activities they undertake and how.

This includes information and records that document a local authority's interaction with its constituency and stakeholders, other local authorities and central government. Also the development of local policy, both operational and administrative, its application, precedents created, resources allocated, the introduction of services and the raising of revenue.

Why are these information and records protected?

These information and records provide evidence of the governance, management, high-level organisation, and structure of the local authority, including evidence of how the local authority performed its functions, and the standards and procedures it used to ensure the quality and consistency of its performance.

Class 9 Local authority commercial enterprises management

Description

This class applies to the establishment, disestablishment, governance, accountability and reporting of council-controlled organisations, trusts or boards established to manage specific functions or activities of a local authority, or commercial enterprises owned, or part owned by the local authority.

This includes information and records that document periodic assessments by a local authority that the expected returns from its investments in, or undertaking of, commercial activities, outweigh the risks.

Why are these information and records protected?

These information and records provide evidence that the local authority is conducting its business in an open, transparent, and democratically accountable manner. They also provide evidence that the local authority's activities are in accordance with sound business practice and the principles of the Local Government Act.

Class 10 Local authority funding and grants management

Description

This class applies to a local authority's provision of funding and sponsorship to its community, including the mayoral relief fund. This covers all types of local authority funding, including community groups, heritage, business assistance, waste minimisation, etc.

This includes information and records that document the development and management of a local authority's funding schemes, as well as the level of interest within the community for a particular funding scheme.

Why are these information and records protected?

These information and records provide evidence of and information about the local authority's involvement in the economic development and support of its region or district. Applications for local authority funding or grants, whether successful or not, show the local authority's reach into and interaction with the community.

Class 11 Local authority property, asset and infrastructure management

Description

This class applies to the acquisition, disposal of, development and maintenance of local authority assets such as land and buildings. Local authorities are empowered under the Public Works Act 1981 to acquire and maintain property that is necessary for the performance of their functions.

This includes information and records that document a local authority's consideration of any implications for or impacts on tangata whenua, mana whenua, and Māori heritage, values and culture, as well as any Memorandum of Understandings, partnership agreements and the principles of the Treaty of Waitangi.

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. They also provide evidence the local authority is meeting its statutory stewardship obligations and is managing its assets efficiently and effectively in the interests of its region or district.

Class 12 Local authority transport, roads and traffic operations

Description

This class applies to a local authority's land transport planning and operation function, including the management of safe road usage and vehicle behaviour, regulation of public transport services, and the legalising, closing, naming, and numbering of roads.

This includes information and records that document the development of road safety programmes by a local authority as well as bylaws regulating traffic and parking, including as a road controlling authority under the Land Transport Act 1998.

Why are these information and records protected?

These information and records provide evidence of the local authority's ownership and administration of land transport, roading and traffic within its region or district. They also provide evidence the local authority is meeting its obligations under the Public Transport Management Act 2008 to provide an affordable, integrated, safe, responsive, and sustainable public transport system.

Class 13 Rating and valuations

Description

This class applies to the regulation, setting and collection of a local authority's income through the valuation of rateable land.

This includes information and records that document a local authority's granting of rates rebates, rates relief or remissions, as well as the process of calculating and assessing district property values.

Why are these information and records protected?

These information and records provide evidence the local authority is meeting its obligations under the Local Government (Rating) Act 2002 to ensure that rates are set and collected in a transparent and consultative manner. They also provide information about property ownership by individuals and are useful for genealogical or local history research purposes.

Note: For valuations, although local authorities can outsource valuation services, they are obliged to maintain certain information and records, such as registers of territorial authority boundary changes and district valuation rolls, so they can provide information to central government.

Class 14 Statutory and strategic planning and reporting

Description

This class applies to the development, maintenance and monitoring of any planning and reporting undertaken by a local authority to meet legislated requirements and the current and future management of its assets.

In the course of its decision-making processes, a local authority must give consideration to the views of all of the communities within its region or district, taking into account their diversity and interests. In particular, a local authority must consult with Māori on ways to seek and provide opportunities for their participation, as well as enable their contribution.

This includes information and records that document the interactions between a 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.

Why are these information and records protected?

These information and records provide evidence of the local authority's strategy and planning for the development of the region or district, and the activities it planned to take to perform its functions. They also provide evidence that the local authority is making decisions in the interests of future as well as current communities, in an open, transparent, and democratically accountable manner in accordance with the principles of the Local Government Act.

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