



## List of protected records for local authorities

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MMMM YYYY



New Zealand Government

## Document details

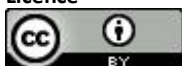
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| 0.1     | Aug 2013 | First publication   |              |
| 1.0     | Jul 2016 | Rebranded and document controls added. No change to content.  | Jul 2019     |
| 1.1     | Dec 2017 | Changed legislation reference from the Electronic Transaction Act 2002 to the Contract and Commercial Law Act 2017. |              |
| 1.2     | Jun 2021 | Reformatted to new template   |              |
| 2       | Mar 2023 | Reviewed and updated. Consultation draft.   |              |

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## Protected records of local authorities

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* (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 YYY, 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.

[Explanatory notes \(16/G4\)](#) have been created to assist with interpreting and implementing the Gazette Notice and should be read alongside the List.

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The Act defines a local authority as:

- A council-controlled organisation
- A council-controlled trading organisation
- 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 local authority information and records specified in the List (unless specifically stated) apply to information and records regardless of the media on which they are created and stored. 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."

If it is intended to maintain information and records in microform format only, the local authority must provide assurance to the Chief Archivist that the information and records will be maintained in compliance with international standard practice.

If it is intended to retain digitised information and records in electronic form only, the local authority must meet the requirements set out in the *Electronic Transactions Act 2002*. 'Protected records' may

be digitised and retained in electronic form only in certain circumstances and guidance on this is available from Archives.

All previous Local Government Schedule notices by the Chief Archivist published in the New Zealand Gazette are revoked and superseded by this List.

Note: 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.
- When local authority functions are or have been contracted to a private company.
- When formerly created and maintained by the local authority and transferred to the custody of a private company after 1989.
- When belonging to merged, preceding, abolished or other authorities and now in the custody of the local authority.

## **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.

## **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.

## **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<sup>1</sup>.

#### **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.

#### **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.

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<sup>1</sup> Responsibility of Fire and Emergency New Zealand from 1 July 2017.

## 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).

## 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.

## 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.

## 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

## 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 affected the local authority's operational activities and functions.
- Mayoral correspondence that is not replicated in other local authority protected record classes and concerning controversial/historical issues.
- Sister cities, friendship cities and nuclear free zones.
- Recordkeeping and information systems control records, including registers, indexes, data dictionaries, data schema.

## 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.

## 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.

## 13 Local authority funding and grants

For example:

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

## 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.

## 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.

## 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.

## 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.

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