

To: Public Offices

11 April 2024

Notification: Care Records Protection Instruction

The purpose of this Notification is to withdraw the ‘General Notice Revoking Authority to Dispose of Public Records relevant to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions’, which was issued 28 March 2019, and replace it with a temporary care records protection instruction.

Instruction

Pursuant to section 20 of the [Public Records Act 2005](#) (the Act), I am revoking authority to carry out the following three disposal actions on all records that are considered care records as defined by Te Rua Mahara o te Kāwanatanga Archives New Zealand (Te Rua Mahara) in our [care records definition](#)

- Section 20(1)
 - (c) altering or destroying the public record;
 - (d) selling the public record;
 - (e) discharging the public record;

Disposal actions 20(1)(a) transferring control of the public record to another public office and (b) transferring control of the public record to the Chief Archivist can still take place.

This Instruction should be read together with the care records definition and any individual authority to dispose issued to a public office that is currently in force.

The Instruction covers all records of public offices that create, receive, or hold records that can be defined as care records by the care records definition.

The care records protection instruction affects existing general, functional and agency-specific disposal authorisations issued under the Act. It supports the work of the Crown in response to the [Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions](#). The Royal Commission’s 2021 redress report ‘He Purapura Ora, He Māra Tipu’ recommendation [89 recommended that the Crown should:](#)

“urgently review disposal authorities relevant to care records and consider whether to prohibit the disposal of care records until at least the completion of its work on records...”

Te Rua Mahara is currently working on this review of the disposal authorities. This Instruction will be in place until such time as this work has been completed.

Public offices in exercising their duties to maintain public records under section 17 of the Act need to identify and actively preserve records that are considered care records by the care records definition. It is important to ensure that no records that are considered care records are inadvertently altered, destroyed, sold or discharged in what would otherwise be considered prudent business practices.

The degree of relevance of this Instruction for a public office is dependent on the functions it currently performs or has performed in the past. It is the responsibility of public offices to assess the records they hold to determine if any are considered care records.

Public offices are expected to make their own sentencing decisions and risk assessments of care records. Where there is any uncertainty regarding the relevance of any records to the care records definition, it is my expectation that public offices will be conservative in their approach and that the records will be protected.

A handwritten signature in black ink, appearing to read 'AR' followed by a stylized flourish.

Anahera Morehu

Poumanaaki Chief Archivist