



# List of protected records for local authorities

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## Explanatory notes

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# 1 Introduction

## 1.1 Protected Records

These explanatory notes have been produced to provide guidance in the application of the *List of Protected Records for Local Authorities* (the “List”) published as a [Supplement to the New Zealand Gazette, 28 August 2013, No. 117, page 3123](#). They provide more detail around the kinds of records that fall into the classes of the “List”.

Note: Under section 40 (3a) of the *Public Records Act 2005* a local authority must not dispose of a protected record without written authority from the Chief Archivist.

These notes must be considered alongside factors in the regulatory environment, any specific legislation or other legal requirements; e.g. the operation of the *Privacy Act 1993*, *Local Government Official Information and Meetings Act 1987* etc. Destruction of records must not occur contrary to legislation requiring retention.

The classes of local authority records specified in these notes (unless specifically stated) apply to records regardless of the media on which they are created and stored.

The examples of records to be retained for each class are not an exhaustive list of all the records required for retention. They represent some of the more common types of records produced by local authorities that require retention. The examples listed here are an extension and clarification of those in the “List”.

Local authorities also have to make sure protected records are:

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

For further guidance about protected records contact Archives New Zealand at [rkadvice@dia.govt.nz](mailto:rkadvice@dia.govt.nz)

## 1.2 Additional records to consider when identifying ‘Protected Records’:

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

These additional records are:

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

A part of best business practice for local authorities is providing availability and ease of access to these additional records. Given this, these ‘Explanatory Notes’ also include examples of:

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

**Note:** “long-term” is used here for 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 (which includes protected and additional local authority 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 IM R & D toolkit please contact ALGIM directly. Contact details are available via their website: [www.algim.org.nz](http://www.algim.org.nz).

In the instance a local authority is not signed up to the ALGIM IM R & D toolkit or does not have a retention and disposal schedule; please contact Archives New Zealand for advice about developing one via: [rkadvice@dia.govt.nz](mailto:rkadvice@dia.govt.nz).

## 2 Explanation

### 2.1 Meeting papers

- **Local authority meeting papers, for meetings as defined by the Local Government Official Information and Meetings Act 1987, consisting of agenda, a set of signed minutes and any other papers presented to and/or tabled.**
- **All agenda, minutes and papers of meetings of the senior/executive management team.**

#### Why are these records protected?

These records provide evidence of local authority policy, its application, precedents created, resources allocated, the introduction and operation of services and the raising of revenue.

#### Note:

Establishing how these records have been stored and managed over the years is important. Achieving a full set of the following items listed (for all the years the local authority has been in existence) is the ideal, whether these have been stored and managed separately or collectively.

#### Examples of the protected records:

All papers relating to the following:

- Authority committees.
- Subcommittees.
- Transitional committees.
- Special purpose boards and commissions.

#### Examples of additional records not required for long-term retention

Administration of meetings; e.g. arranging venues and catering.

## 2.2 Electoral records

- **Electoral records created by the local authority including signed rolls and ratepayers' lists.**
- **Returning officers' declarations of results from local authority elections and polls.**
- **Reports and submissions relating to representation reviews and boundary changes.**

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.

### Why are these records protected?

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

### Examples of the protected records:

- Examples of voting papers (both ordinary and special votes) .
- Special rolls for a particular poll.
- Records relating to the appointment of the returning officer.
- Reports regarding the conduct of the election written by the returning officer.

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

- Duplicates of voting papers.
- Central Government electoral rolls.
- Papers relating to positions on other authorities; e.g. if you are Wellington City Council you would not keep Greater Wellington Regional Council electoral records.

## 2.3 Valuation and rating records

- **Valuation and rating records (including permanent data records) created by valuers employed or contracted by the local authority.**
- **Rating records, including special rating records but excluding those relating solely to the payment of rates.**

### Why are these records protected?

They provide information about the nature and value of housing stock in the local authority's area. These records provide evidence of property ownership by individuals. They are useful for genealogical and social history research purposes.

### Note:

For valuation records, local authorities are able to contract their own valuation service and are obliged to maintain the rolls so they can provide information to Central Government.

For rating records, 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).

Those local authorities without a direct ratepayer base should aim to retain details of their citizens if they have a type of record which serves that purpose.

Examples of the protected records:

For Valuation Records:

- Equalisation of valuation certificates - these provide evidence of balancing the rates against setting the sum payable.
- Permanent data cards (including those of demolished buildings) – these cards provide data points of all structures being valued at a specific point in time. They can include attachments of photographs and drawings (including elevations and as-built)

For Rating Records:

The following rates details (as defined by Section 37 of the *Local Government Act 2002*) -these details form the equivalent of a modern day “rate book”:

- total areas of properties
- areas of land in each property included in any type or group of property for differential rating purposes as appearing in the valuation roll
- *amount per specified area payable*
- *names of occupiers or owners*
- *name of property*
- *rateable values*
- *special rateable values*
- *rates postponement values*
- *areas of properties*
- details of special ratings - these are often controversial and required for evidentiary purposes.

Note: The details in italics should be taken from the valuation roll.

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

For Valuation Records:

- 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 records not required for long-term retention

- Copies of rates accounts.

- Rates receipts.
- Miscellaneous correspondence about rates (unless a gap exists in the record of ratepayers which those records could fill).

## 2.4 Bylaws, standing orders and records relating to Local Acts of Parliament

- **One copy of all existing and superseded bylaws.**
- **Related legal opinions and submissions.**
- **Consultation drafts and working papers only where there was considerable public interest in the particular Act of Parliament, bylaw or standing order.**

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

### Why are these records protected?

These records provide evidence of the way in which the local authority and ratepayers must act in their community. They demonstrate the role of the local authority in its dealings with the community and the development of regulations and rights which are imposed and given.

### Examples of the protected records:

- Bylaws and standing orders which relate to the authority or the geographical area in which the authority falls.
- Working papers and developmental records (only where there has been controversy and considerable public interest e.g. mentioned in the local newspaper).
- Records as described above that are held on behalf of the authority by legal firms contracted to do their legal work for them.

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

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

## 2.5 Financial accountability

- **Consultation drafts and final funding policies, financial strategies and submissions.**
- **Audited financial statements.**
- **Significant investment and borrowing management policies.**

### Note:

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

“Significant” is used here as a general term. Each local authority may have different criteria for determining what is significant to their individual needs.

### Why are these records protected?

These records provide evidence of financial 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.

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

Day to day financial transaction records such as:

- Receipts.
- Financial/cashier system reconciliation data.
- Trial balances.
- Monthly journals.

### Legislation to consider here:

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

## **2.6 District, Regional and Unitary plans**

- **Consultation drafts and final District, Regional and Unitary plans.**
- **Significant working papers, submissions and minutes of hearings or hearing documents relating to plans.**

### Note:

“Significant” is used here as a general term. Each local authority may have different criteria for determining what is significant to their individual needs.

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

### Why are these records protected?

These records provide the framework within which a local authority conducts much of its regulatory work. The records provide evidence of how the local authority and its community (through the consultation process) agreed to manage the land and the natural resources of the area, what kind of development activities were permitted or controlled and how those changed over time. They provide evidence of the interactions between the local authority and differing community interest groups in deciding how the local environment will be managed and how the local authority’s Resource Management Act obligations will be met.

### Examples of the protected records:

- Commissioner hearings documents.
- Summaries of submissions.
- Selected submissions. These plans generally generate a significant number of public submissions. For manageable implementation only a selection of submissions are



required for permanent retention; e.g. submissions on controversial sections of the plan.

Note: the “selected” criteria should be determined by the individual local authority. The example provided above is a good guide.

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

- Major comments on the plans of other local authorities; e.g. objections to specific aspects of the plan.

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

- Administration of consultation process; e.g. arranging meetings.

## 2.7 Property/assets management

**Records which relate to property or assets owned by and/or administered by the local authority.**

**For example:**

- **Records relating to the acquisition, development (including design, construction and substantial improvement) management, and disposal of land and buildings.**
- **Asset management plans.**
- **Asset registers.**
- **Contract documents and as-built plans of public utilities and services such as; roading, drainage, sewerage and storm water, water supply, flood control, power generation and supply, refuse disposal and public transport.**

Why are these records protected?

These records provide evidence of the local authority’s ownership and administration of property and land and all major infrastructure provided to the public.

Examples of the protected records

- Reserve Management plans.
- Infrastructure asset management plans.
- Registers of infrastructure, building and property.
- Drainage plans.
- Public art ownership information; e.g. statues, memorials and sculptures.

Examples of additional records not required for long-term retention

- Registers of furniture and other office equipment.
- Routine property maintenance records; e.g. cleaning of public toilets, mowing of lawns etc.
- Records of acquisition and disposal of council motor vehicles.

## 2.8 Regulatory records

- **Records of permits, consents and licences issued by the local authority in respect of land, buildings, marine and coastal area or water bodies and activities associated with these.**
- **Land hazards registers.**
- **Submissions and evidence presented at resource consent hearings including joint hearings and appeals to the Environment Court and other courts.**

### Why are these records protected?

These records provide evidence of a local authority's implementation of its District, Regional or Unitary plan, its management of development activities in relation to land and buildings and its performance of its obligations under the Resource Management Act. They also provide information about activities that caused changes to land, marine and coastal areas and water bodies

**Note:** Because of their content, these records are generally high access items by members of the public.

### Examples of the protected records

- Approved permit, consent, resource consent and licenses applications.
- Registers, indexes and databases. These provide a record of permits/consents, resource consent and licenses that were issued where a physical copy may no longer exist. This includes heritage registers that capture special sites of interest and historic trees.
- Subdivision information.

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

- Refused/not granted permit, consent, resource consent and licenses applications.
- Payment processing records; e.g. application fees processing details generated from a finance system.
- Dog, liquor and health licences.
- Withdrawn and non-completed applications.

## 2.9 Policy manuals, procedure manuals, instructions and guides

**Records documenting policies and procedures (and the development of these) which inform decision-making**

**For example:**

- **Policy and procedure manuals.**
- **Procedural guidelines.**
- **Codes of conduct.**
- **Standards of practice.**

- **Policy directives, instructions and memoranda.**
- **Guidelines for employee relations.**

Why are these records protected?

These records provide evidence of the internal rules and regulations of local authorities. They demonstrate how the organisation operated to perform its functions and the standards and procedures that it used to ensure quality and consistency of performance.

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

- Policy, procedure or instruction documents, manuals and guides from other local authorities/organisations.
- Low-level administrative policies and procedures; e.g. motor vehicle usage policy, instructions for filling out trip records, stationery ordering etc.

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

## **2.10 Performance of the local authority’s statutory or other primary functions**

**In addition to files and documents affected by the requirements of any other section of this notice, records that document policy development or provide evidence of legal action, controversy, submissions on legislation, legal or administrative precedent, important instances of application of policy and records which provide evidence of performance of primary functions.**

**For example, including topics such as:**

- **Management of the environment.**
- **Relations with the community, community organisations, other local authorities and central government with which the local authority has dealings.**
- **Historic and heritage matters relating to the local authority and its region.**
- **Management of civil defence emergency events.**

Why are these records protected?

These records provide evidence of local authority activities and its interaction with the community, community organisations, other local bodies and central government in carrying out its substantive functions.

Examples of the protected records (Records on the following suggested topics)

- Papers on community housing, care for the aged or disabled, health and welfare matters; e.g. anti-drug campaigns, epidemics, childcare.
- Commercial and industrial schemes such as energy generation, hydroelectric dams or and thermal power or forestry plantations.
- Employment and recreation plans.
- Sources of finance and revenue, computer and data processing systems.
- Cultural institutions such as archives, art galleries, libraries and museums.

- Noxious weeds and abattoirs.
- Mayoral and councillor records including fees, allowances duties and declarations of interest.
- Reports on internal organisations and structure such as efficiency audits, personnel reports and working conditions.
- Sister City and nuclear free zones.
- Celebrations, receptions and conferences initiated by the local authority.
- Boundary changes, building codes, regulations, property development, major construction works such as parking buildings, clocks, playing fields, road closures, sewage and drainage, parks and reserves, foreshore, marae developments and golf courses.
- Special projects, events or issues, research reports, surveys including opinion surveys and studies and equal employment opportunities initiatives.
- Policies around communication and engagement with the community.
- Emergency management and response.

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

- Papers sent from other organisations that are information items only, such as minutes, plans and brochures.
- Papers sent from other organisations where the local authority has made no significant response to the issues raised in these papers.
- Administrative details of conferences and course bookings.
- Minor correspondence about dogs, trees, litter, noise, rates payments, cars, office equipment purchases and brochures.

## 2.11 Employee history

**Summary information from personnel management information systems documenting employees' name, position, salary, dates of employment, gender and date of birth.**

Why are these records protected?

The records provide evidence of and information about individuals working for local authorities at specific points in time that may be useful for genealogical research.

Examples of the protected records

- The listed summary details for all employees (aim for the format that gives the most information but takes up the smallest space).
- Files on senior staff.
- Files on staff with more than 20 years of service.
- Files on staff who were also prominent local personalities.
- Files on Mayors and Councillors.

Legislation to consider here:

Confusion may arise between the demands of the *Privacy Act 1993* 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 2005* 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 records provides an adequate reason for the local authority to collect and retain the records provided they have appropriate restrictions on access.

## 2.12 Cemetery records

**Registers and indexes of burials, cremations and grave plots as well as maps and plans of cemetery plots.**

Why are these records protected?

These records provide evidence of individuals buried and cremated at cemeteries within the local authority at specific points in time. They also act as a finding aid for cemetery plots.

Note: where the records listed are incomplete burial permits and plot payment records will need to be retained.

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

- Routine cemetery operation and maintenance records.

## 2.13 Recordkeeping and information systems control records

- **Records used to establish the physical, administrative and intellectual control over records in both paper-based and electronic records systems.**
- **Schedules and listings of all records destroyed or archived.**

Why are these records protected?

These records provide evidence of the structure of recordkeeping systems, what records were created and managed by the local authority over time and what has happened to the records once they have ceased to be current.

Examples of the protected records

- Those relating to accessibility when the records were current – indexes and filing system classifications.
- In-house user training manuals for record keeping systems.
- Data/metadata dictionaries or glossaries for record keeping systems.
- Data schema and flow diagrams for record keeping systems.
- Retention and disposal decisions and schedules.

## 2.14 Consultation drafts and final strategic planning records

**Records of any policy, plan or strategy involving a process of public consultation, including submissions or hearing of documents**

**For example:**

- **Long term plans.**
- **Strategic plans.**
- **Annual plans.**
- **Consultation on policies, strategies and plans.**

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

Why are these records protected?

These records provide evidence of authority planning to ratepayers. They document the local authority’s strategy and planning for the development of their region or territory and the activities and actions it plans to take to perform its functions.

They complement the records retained in class 6, as some are developed as a result of requirements in District, Regional or Unitary plans.

Examples of the protected records

- Coastal plans.
- Regional transport plans.
- Culture and recreation plans.
- Land management plans.
- Policy documents.
- Minutes of hearings or hearing documents relating to plans, policies and strategies.
- Significant working papers.

Note: “Significant” is used here as a general term. Each local authority may have different criteria for determining what is significant to their individual needs.

- Selected submissions. These plans generally generate a significant number of public submissions. For manageable implementation only a selection of submissions are required for permanent retention; e.g. submissions on controversial sections of the plan.

Note: the “selected” criteria should be determined by the individual local authority. The example provided above is a good guide.

## 2.15 Publications

**Official publications by the local authority.**

**For example:**

- **The long term community plan, annual report and annual plan.**
- **Publicity material, such as brochures, newsletters, press statements and guides.**
- **General informational material such as fact sheets, "how to" guides and books.**
- **Internal publications such as staff magazines.**

**Excludes publications in digital form (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 and made available via the library's website.**

Why are these records protected?

These records provide evidence of publications created by the local authority for the general public. They are valuable for research purposes in that they provide concise information on the function and relationship of local authorities with their communities and other organisations.

Note: local authorities adopt different formats and applications/media to publish information both internally and externally. Official and internal publications can fall under any classes of records outlined in any other section of this notice. This class of records covers any additional official and internal publications of the local authority.

Examples of the protected records:

- Commemorative publications.
- Research notes which have been used to prepare the publications.
- Guides to local authority functions and activities and brochures about particular issues.

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

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

## 2.16 Visual and sound records of high informational, accountability, administrative, research or heritage value

**In addition to visual and sound records affected by the requirements of any other section of this notice, records held in the following formats:**

- **Maps.**
- **Aerial photographs.**
- **Plans.**
- **Photographs.**

- **Sound recordings or other media.**
- **Registers and indexes to these records.**

Why are these records protected?

These records represent visual or audio content of value. They can complement existing business practices and the context of other protected records. They can be used for research and reproduction purposes; e.g. the development of internal and external publications.

Note: “High informational” means that the record provides heritage, community or promotional information about the local authority. The records relate to the area, local organisations, people, opening or special event which will be of research value to users of the records now or in the future. If in doubt about what records meet “high informational” status please contact Archives New Zealand for advice via: [rkadvice@dia.govt.nz](mailto:rkadvice@dia.govt.nz).

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

- Visual and sound records from outside the area of the local authority
- Books which look old but which do not directly relate to the local authority
- Certificates and presentations for donations made (unless the local authority was a major sponsor of a particular event)

**2.17 In addition to the requirements of any other section of this notice, all records of high informational, accountability administrative, research or heritage value created prior to 1946 which reflect the core functions of local government.**

Why are these records protected?

They provide evidence of council actions prior to 1946. Archives from the 19<sup>th</sup> and early 20<sup>th</sup> century are often scarce. Rare records can be valuable, especially if they are the only remaining archives from an early period or from fire or other disaster where records were lost. Records that detail the origins of an authority have enhanced value.

Note: “High informational” means that the record provides heritage, community or promotional information about the local authority. The records relate to the area, local organisations, people, opening or special event which will be of research value to users of the records now or in the future. If in doubt about what records meet “high informational” status, please contact Archives New Zealand for advice via: [rkadvice@dia.govt.nz](mailto:rkadvice@dia.govt.nz).

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**Protected records outlined in classes 1-17 apply to records covered by 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 records transferred from central government as a result of transfer of functions from central to local government. They contain information that is evidence of the activities of central government agencies and are considered by Archives New Zealand to be records of archival value.



Note: While these 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 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.**

Note: 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 records formerly held by any public office or central government and now in the custody of the local authority.