



Authority to retain public records in electronic form only

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New Zealand Government

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2.0	Oct 2017	Legislation reference changes due to repeal of the ETA 2002, replaced by the CCLA 2017, Part 4	Oct 2020

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1 Mandate

This *Authority to retain public records in electronic form only* (the Authority) is issued by the Chief Archivist under section 229(2) of the Contract and Commercial Law Act 2017 (CCLA).

2 Purpose

The purpose of the Authority is to grant general approval from the Chief Archivist to public offices to retain public records in electronic (digital) form only, subject to the exclusions listed in 4 *Exclusions to this Authority* below. This means that the source public records do not need to be retained after digitisation and can be destroyed without further authorisation.

3 Approval to retain in electronic form

The Chief Archivist approves public records **not** excluded under 4 *Exclusions to this Authority* below for retention in electronic form only, after these have been digitised.

4 Exclusions to this Authority

The following categories of public records are excluded from the general approval given in 3 *Approval to retain in electronic form* above:

- unique or rare information, information of importance to national or cultural identity or information of historical significance
- unique or rare information of cultural value to Māori (land and people) and their identity
- all information created prior to 1946.

For more detail on each of these categories, refer to the guide *Destruction of source information after digitisation 17/G13*. Archives New Zealand will consider applications to retain public records from these categories in electronic form only on a case-by-case basis.

5 Compliance with section 229(1) of the CCLA

A public office can retain public records in electronic form only, and destroy the source information, only if the:

- public record is covered by the approval given in this Authority (or specific authorisation has otherwise been given by the Chief Archivist); and the
- conditions of section 229(1) of the CCLA are met.

The two conditions of section 229(1) are:

(a) the electronic form provides a reliable means of assuring that the integrity of the information is maintained

In accordance with section 221 of the CCLA, “the integrity of information is maintained only if the information has remained complete and unaltered, except for the addition of any endorsement, or immaterial change that arises in the normal course of communication, storage, or display.”

The Chief Archivist considers that if any unique characteristics of the source information, which contribute to the value of that information, would be lost during digital conversion then the integrity of the information would not be maintained. The source information must then be retained.

(b) the information is readily accessible so as to be usable for subsequent reference

Usable information is information that can be located, retrieved, presented and interpreted within a reasonable time period. A usable record should be connected to the business process or transaction that produced it. Linkages between records that document related business transactions should be maintained (sourced from ISO 15489-1:2016 *Information and documentation – Records management – Concepts and principles*).

Note: Public offices should be aware that section 229 of the CCLA does not apply to those enactments and provisions of enactments listed in Schedule 5 to the CCLA (*Enactments and provisions excluded from subpart 3 of Part 4*).

For further detail, the Authority should be read in conjunction with the guide *Destruction of source information after digitisation 17/G13*.

If there is any doubt about the application of the Authority, contact Archives New Zealand.