

# Core public recordkeeping responsibilities for Ministers

Ministers and Associate Ministers of the Crown (Ministers) are public offices as defined in section 4 of the Public Records Act 2005 (the Act). Any information that is created or received by a public office in the conduct of its affairs is a public record as defined in the same section of the Act. As a Minister, you are ultimately responsible for meeting the requirements of the Act for the management of your public records. Creating, maintaining and disposing of your records will, however, depend on the support of staff in your office.

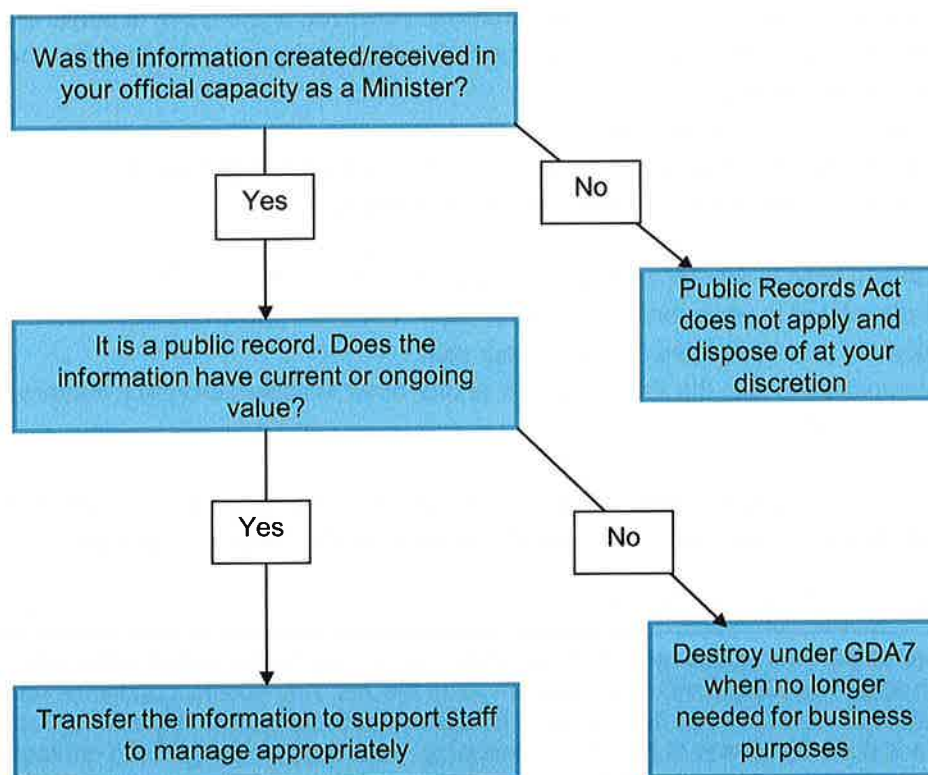
This quick guide assists you to comply with your core obligations to **create and maintain** full and accurate public records (section 17 of the Act), and **dispose** of those records legally and appropriately (section 18).<sup>1</sup>

Please also see the quick guide on **Text messages: advice for Ministers**.

## Which records are public records?

Records in any format created or received in a Minister's official capacity, that is, in the conduct of ministerial affairs, are public records under the Act. For help in identifying what is and what is not a public record, use the decision tree below.

### Decision tree for identifying public records



<sup>1</sup> For an explanation of any recordkeeping terms, please see Archives New Zealand's *Glossary*

<http://www.records.archives.govt.nz/resources-and-guides/>

Non-public records are records relating to:

- constituency or party political matters (such as the management of electorate offices, constituent or party officials correspondence, party organization, party-political material including party manifestos and advertising, election material and campaigns, caucus affairs and appointments to party roles)
- your role as a member of Parliament
- matters relating to your private life and personal, business or professional interests and associations (such as personal diaries or correspondence)

The requirements of the Act **do not apply** to this category of records and their disposal is at your discretion.

## What are your core obligations?

### 1. Create and maintain

Records should be created routinely as part of your ministerial work. Some records may automatically be created, such as when sending or receiving an email. In other cases, where the activity does not naturally result in a record, you or your staff will need to create one. Examples of information which should be captured as a public record include:

- your decision on a departmental briefing paper
- decisions made in a meeting with your advisors about a significant change to policy

Many of the records you work with will be managed by others, for example, Cabinet Office manages Cabinet records and your portfolio public offices manage the records of their work with you as their Minister.

### 2. Disposal of public records

In general, your public records cannot be disposed of, i.e. destroyed, deposited or transferred to Archives New Zealand, without the authority of the Chief Archivist. However, some types of public records have only transitory, facilitative and/or short-term value and are already authorised for destruction when they are no longer required.<sup>2</sup> For example:

- draft or incomplete documents
- casual or instantaneous communications such as emails and text messages that contain information of an ephemeral, non-transactional nature

Other public records have longer-term value and must be retained. For example:

- records related to your portfolio that originated in another public office and were subsequently responded to or annotated by you or your staff
- communications with the Prime Minister and/or other Ministers on policy matters directly relating to your portfolio

Your support staff will be able to advise you on which types of public records you create that have longer-term value and which do not, and can provide practical guidance on what to do in both cases.

### 3. Deposit of public records

When you leave office, your public records of long-term value may be deposited in the care of the Chief Archivist (or an approved repository) under section 42 of the Act. Any special conditions relating to access to any of the public records which you deposit must be agreed between you and the Chief Archivist at the time of deposit. This is done by means of an Access Authority. Your support staff should contact the Ministerial Resourcing Team to liaise with Archives New Zealand about this.

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<sup>2</sup> Archives New Zealand's *General Disposal Authority for Facilitative, Transitory and/or Short-term Value Records* (GDA 7)

<http://www.records.archives.govt.nz/resources-and-guides/general-disposal-authority-7/>

# Text messages: advice for Ministers

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## 1 Introduction

This factsheet steps you through the decision process for managing your text messages in accordance with the Public Records Act 2005 (the Act).

For more information, please see the separate factsheet *17/F24 - Core public recordkeeping responsibilities for Ministers*.

## 2 Step 1: is the information a public record?

If you are conducting business in your official capacity as a Minister or Associate Minister of the Crown by text messages, these are public records and therefore must be managed appropriately under the Act.

Not all information that you create or receive as a text message is a public record. Text messages about personal or non-ministerial business are not public records under the Act. For example, if you receive an invitation to lunch from a friend or the agenda for your next party political meeting.

## 3 Step 2: assess the value of the information

The majority of text messages that you create or receive in your official capacity are facilitative, transitory and/or short-term value. For example, you don't need to retain a notification that the car is waiting, or personal notes from a meeting where a separate formal record is made.

However, some text messages may require or initiate further action, or are potentially of longer-term value. In these cases the text message may need to be sent on to someone else to action or to be retained for a period of time as evidence of a decision or a transaction. For example, if you are notified of a problem or a complaint, or you make a decision on an issue relating to your portfolio.

When assessing the value of information and deciding whether to delete or retain your texts, some of the questions you might ask yourself are:

- does the information record a decision or action you have taken as a Minister?
- does it affect the rights and entitlements of New Zealanders?
- will the information be needed by yourself or others in the future?
- is it a copy of information received by others?

## 4 Step 3: delete or transfer the information

You can delete a text message that you create or receive in your official capacity if the information contained in it is only facilitative, transitory and/or short-term value under a disposal authority issued by the Chief Archivist<sup>1</sup>.

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<sup>1</sup> <https://records.archives.govt.nz/assets/Guidance-new-standard/16-Sp6-GDA7.docx>

**OR**

You can transfer the information in the text message to your support staff if it facilitates the creation of another record or if the information has potential longer-term value. Your office support staff will assist to work out and agree on the most efficient means for you to do this. The original text message may then be deleted.