QUEENSTOWN LAKES DISTRICT COUNCIL

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30 July 2023
Via Email: Rkconsultation@dia.govt.nz

SUBMISSION TO ARCHIVES NEW ZEALAND ON ITS REVIEW OF PROTECTED RECORDS FOR LOCAL AUTHORITIES

Thank you for the opportunity to present this submission on the review of protected records.

The Queenstown Lakes District Council (QLDC) is supportive of the review of protected records and supports the submission regarding the Explanatory Notes made by the Association of Local Government Information Management New Zealand (ALGIM).

QLDC's feedback is included in the provided feedback form which is attached as an appendix to this letter.

This submission responds to each class of records and outlines how each class is relevant to QLDC.

In the feedback to each class, where there are gaps, QLDC's response suggest further provisions be included in the class through the review. This is followed by excepts from the ALGIM submission's explanatory notes that QLDC specifically supports.

QLDC does not wish to be heard at any hearings that result from this consultation process.

Thank you again for the opportunity to comment.

Yours sincerely,
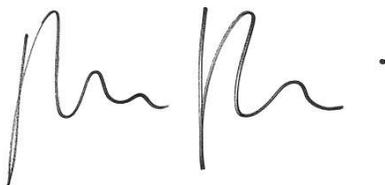
Meaghan Miller
GM – Corporate Services

Te Rua Mahara o te Kāwanatanga

archives
N E W   Z E A L A N D

List of Protected Records review: Feedback form

This feedback form has three sections:

1. **respondent information**
2. **classes of information and records**
3. *explanatory notes*

Please complete all the sections as appropriate.

Please email the completed form to Rkconsultation@dia.govt.nz by close of business, 30 July 2023.

1. Respondent information

Name:	Meaghan Miller
Local authority organisation:	Queenstown Lakes District Council
Role (if applicable):	General Manager, Corporate Services
Email address:	meaghan.miller@qldc.govt.nz
Phone number:	03 450 0449
I am submitting this feedback:	**as an individual** ☐	**on behalf of my organisation** ✓

2. Classes of information and records

We welcome your feedback on any of the draft classes of local authority information and records that are proposed and have included a few questions that may assist this:

- Are the classes worthy of preservation for administrative, accountability, heritage and/or research reasons?
- Are the classes relevant to current local authority structures and functions?
- Are there any gaps?
- Are the classes "future facing" enough for on-going changes to the structures and functions of local government?

Class 1 – Cemetery and crematoria management

Feedback
This class (previously Class 12 - Cemetery records) is relevant to current QLDC structures and functions and is of historical or research value and worthy of preservation.

QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class.

Explanatory notes:

In the examples list:

• Include Urupa.

• Update text "Management of closed historic cemeteries." to Management of closed cemeteries.

• Update text "Maps and plans of cemetery plots." to Maps, plans, and photographs (including aerial photographs).

Class 2 – Communications management

Feedback
This new class (expansion of Class 9 – Publications) is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation. The examples provided reflect how this function has grown since the List was created in 2013.

QLDC supports the ALGIM submission regarding the Explanatory Notes and suggestion to move 'development of sponsorship strategy and planning' to class 17 and to move 'significant gifts' to class 10.

Explanatory notes:

In the examples list:

• Include Local Authority websites.

• Update text "Publicity material, such as brochures, newsletters, press statements and guides." to
Publicity material, such as social media posts, brochures, newsletters, press statements and guides.

• Move "Development of sponsorship strategy and planning." To class 17 Statutory and strategic planning and reporting

• Move "Significant gifts presented to or received by the local authority." to class 10 Governance and democracy

Class 3 – Community safety

<table>
<tr><td>**Feedback**</td></tr>
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This new class (extrapolated from the previous Class 10 – Performance of statutory or other primary functions) is relevant to current QLDC structures and functions, is of high informational value and is worthy of preservation.

QLDC suggests that provision could be made in this class for **community wellbeing, health facilities and mental health.**

QLDC supports the ALGIM submission regarding the Explanatory Notes.

Explanatory notes:

In the examples list:

• Update text "Emergency management and response to significant incidents." to Emergency management and response to significant incidents (including drone and CCTV footage)

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Class 4 – Council controlled organisations (CCOs), trusts and commercial enterprises

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This new class is relevant to QLDC, of high informational value and worthy of preservation.

QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class.

Explanatory notes:

In the examples list:

• Include Financial reports

• Update text "Final accountability documents and minutes of shareholder/directors' meetings." to Final accountability documents, statements of intent, strategies, and minutes of shareholder/directors' meetings.

In the exclusions examples list:

• Update text "Reporting to the local authority officers and committees." to Routine reporting to the local authority officers and committees

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Class 5 – Culture and recreation

Feedback
This new class is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation. QLDC supports the ALGIM submission regarding the Explanatory Notes however QLDC would retain the reference to playgrounds. QLDC suggests adding under 'Excludes': culture and recreation plans (see 2.16 Statutory and strategic planning and reporting) for clarity. *Explanatory notes:* *In the examples list:* *• Include Marae development (see feedback notes for class 12 Iwi/Māori relationships)* *• Update text "Final unpublished economic development research reports." to Final economic* *development research reports.* *• Update text "Design, construction, reconstruction, renovation of historic band rotundas, playgrounds,* *statues, memorials and sculptures." to Design, construction, reconstruction, renovation of historic* *band rotundas, statues, memorials and sculptures.* *• Move "Management of caravan parks." to class 14 Property and asset management*

Class 6 – Election management

Feedback
This class (previously Class 2 - Electoral records) is relevant to current QLDC structures and functions and is of historical or research value and worthy of preservation. QLDC has no further comments for this class.

Class 7 – Environmental health

Feedback
This new class is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation. QLDC welcomes the inclusion of this new class and associated examples, and suggests the inclusion of **responsible camping** in the examples for this class. QLDC supports the ALGIM submission regarding the Explanatory Notes. *Explanatory notes:* *In the examples list:* *• Delete text "Notification, reporting and monitoring of infectious diseases.". This is a Ministry of Health responsibility*

Class 8 – Environmental management

Feedback
This new class (extrapolated from Class 8 – Regulatory records & Class 10 - Performance of statutory or other primary functions) is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation. QLDC welcomes the inclusion of this new class and associated examples, and suggests that provision could be made in this class for **climate action, biodiversity and trade waste.** QLDC supports the ALGIM submission regarding the Explanatory Notes. *Explanatory notes:* *In the examples list:* *• Include Claims for protected customary rights and customary marine titles made under the Marine and Coastal Area (Takutai Moana) Act 2011, including maps, aerial photos.* *• Remove "Subdivision information."* *• Update text "Resource management consent applications and processing." to Resource management consent application and processing, including registers, indexes and databases of consents issued; subdivision information; and records of development contributions.*

Class 9 – Financial accountability

Feedback
This class (previously Class 5 – Financial accountability) is relevant to current QLDC structures and functions and is of high informational and accountability value and worthy of preservation. QLDC suggests the inclusion of significant **procurement** activities in the examples for this class.

Class 10 – Governance and democracy

Feedback
This class (previously Class 1 - Meeting papers & Class 4 - Bylaws, standing orders and records relating to Local Acts of Parliament) is relevant to current QLDC structures and functions and is of historical or research value, high informational and accountability value and worthy of preservation. QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class (see comments for Class 12 below). *Explanatory notes:* *In the examples list:* *• Include Iwi/Māori liaison and relationship records, including consultation, representation issues.* *• Include Strategies that identify opportunities for partnerships with iwi.* *• Include Liaison and relationships with iwi, including consultation, representation issues.* *• Include Final enacted bylaws (including superseded bylaws) and standing orders.* *• Move "Recordkeeping and information systems control records, including registers, indexes, data dictionaries, data schema." to new operational records class (see general feedback section).* *• Update text "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." to All agenda, minutes and papers, and recordings of meetings of the local authority senior management team, all committees, sub-committees, transitional committees, special purpose boards and commissions.* *• Move "Significant gifts presented to or received by the local authority." from class 2 Communications management*

Class 11 – Human resource management

Feedback

This class (previously Class 11 – Employee history) is relevant to current QLDC structures and functions and is of high administrative value and worthy of preservation.

QLDC has no further comments for this class.

Class 12 – Iwi/Māori relationships

Feedback

QLDC supports the ALGIM submission that information of value to iwi/Māori is not function-specific and hence should be referenced in the opening section rather than as a class.

This class should be removed as it is not a function of local government, rather it is an essential activity within the functions. The examples of this class should be moved to the appropriate functions.

Add to section 1.3 of the explanatory notes the importance of the identification, protection and preservation of iwi/Māori information and records:

Information and records which provide evidence of the local authority's relationships with iwi/Māori, recognition and respect for, or fulfilment of, the Treaty of Waitangi intentions and principles, or in the absence of this, evidence of failure to fulfil these, should be identified, protected and preserved within the List class that applies to the function they are created or received under. Identification of information and records which have high value to iwi/Māori (taonga tuku iho) is a significant activity to ensure that Treaty of Waitangi obligations under the Act and compliance requirements under the Standard are met.

Class 13 – Local authority funding and grants

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Feedback

This class (extrapolated from Class 5 – Financial accountability) is relevant to current QLDC structures and functions and is of high administrative and accountability value and worthy of preservation.

QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class.

Explanatory notes:

In the examples list:

• Update text "Summary records of applications for local authority funding." to Summary records of applications for local authority funding, including decision making and outcomes.

• Move "Development of sponsorship strategy and planning." from class 2 Communications management

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Class 14 – Property and asset management

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Feedback

This class (previously Class 7 – Property/assets management) is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation.

QLDC supports the ALGIM submission regarding the Explanatory Notes.

Explanatory notes:

In the examples list:

• Include Treaty of Waitangi claims concerning the local authority's assets and property, including claim documents, legal opinions, Tribunal decisions, settlement process.

• Include City/District property information, including property files, approved building consent applications and process documentation, Building Act compliance documentation, as-built and drainage plans

• Include Local authority accreditation as a Building Consent Authority

• Update text "Public art ownership information." to Management of public art as an asset

• Update text "Approved building permits and consents." to Approved building permits and consents submitted by council.

Update "Why are these information and records protected?"

These information and records provide evidence of the local authority's ownership and administration of property and land, as well as major infrastructure provided to the public. They also provide evidence of the local authority's management of development activities in relation to land and buildings.

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Class 15 – Rating and valuations

> **Feedback**
>
> This class (previously Class 3 – Valuation and rating records) is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation.
>
> QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class.
>
> *Explanatory notes:*
>
> *In the examples list:*
>
> *• Delete text "Permanent valuation data cards." These are not a common record type to warrant*
>
> *inclusion*.

Class 16 – Regional transport, roads and traffic

> **Feedback**
>
> This new class (previously Class 7 – Property/assets management) is relevant to current QLDC structures and functions and is of high informational value and worthy of preservation.
>
> QLDC welcomes the addition of this new class and suggests the inclusion of **active travel [and public parking]** in the examples.
>
> QLDC supports the ALGIM submission regarding the Explanatory Notes.
>
> *Class title:*
>
> *Update title "Regional transport, roads and traffic" to Transport, roads and traffic. This is consistent with the*
>
> *name of this function in the ALGIM business classification scheme and disposal schedule.*
>
> *Explanatory notes:*
>
> *In the examples list:*
>
> *• Update text "Road closures." to Permanent road closures.*

Class 17 – Statutory and strategic planning and reporting

Feedback

This class (previously Class 6 – District, Regional and Unitary plans and Class 14 - Consultation drafts and final strategic planning records) is relevant to current QLDC structures and functions and is of high informational and administrative value and worthy of preservation.

QLDC supports the ALGIM submission regarding the Explanatory Notes and has no further comments for this class.

Explanatory notes:

In the examples list:

• Include Final (including superseded) district, unitary and regional plans

3. Explanatory notes

We also welcome your feedback on any of the application and interpretation guidance in the redrafted Explanatory Notes and have included a few questions that may assist this:

- Is the guidance in applying and interpreting the classes clear and comprehensive? If not, how could this be improved?
- Are the reasons why these information and records are protected justified and sufficient? If not, what other reasons can you suggest?
- Are the illustrative examples helpful? If not, what other examples could you suggest?

Feedback

QLDC has commented with suggestions for the Explanatory Notes additions or exclusions against each Class. QLDC supports the ALGIM submission on the Explanatory Notes and has no further comments for this section.

Section 1.1:

Expand on the advice in this text (addition in bold):

For example, if it is intended to retain digitised 'protected' information and records in electronic form only, the local authority must meet the requirements set out in the Contract and Commercial Law Act 2017. No authorisation from the Chief Archivist is required for destruction of the source 'protected record'. ***However, any local authorities wishing to destroy source protected records must ensure that their digital repositories meet the standards for digital archival to ensure that the records are properly protected and preserved in their digital form.***

Section 1.2:

• Update text "ALGIM Toolkit RDS" to ALGIM Toolkit DS

Section 1.3:

1. Add to format examples:

o Drone footage

o Streamed video

o Documents (hard copy and digital)

o Online meeting content (including meeting recordings, chat, attachments)

o Update "databases" to databases and datasets

o Update "social media" to social media content (including posts and comments)

2. Add extra advice explaining the new approach to grandparent dates (with the removal of current class 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.

Grandparent dates

Over time, most local authorities have experienced some form of significant disaster/event, whether natural (e.g., earthquake, flooding) or man-made (e.g., building fire, burst water pipes), national, regional or more localised, which may have destroyed or significantly damaged information and records. The date of these events are considered the individual local authority's Grandparent date. In addition to records covered to the classes in the List, local authorities should identify, protect and preserve information and records of high informational, accountability, administrative, research or heritage value which reflect the core functions of local government created prior to their Grandparent date due to the potential scarcity. Where there is no later Grandparent date, local authorities should use the generally accepted Grandparent date of "prior to 1946".

4. Additional comments

And finally we also welcome any feedback or comments you have that may or may not fit anywhere else on this form.

Feedback

QLDC agrees with the proposal from ALGIM that providing examples solely in the Explanatory Notes is preferable since they can be updated more easily as and when required, which will allow for more flexibility and future-proof the guidance for local authorities in line with the aims of the review, and QLDC agrees that replacing examples in the List with the rationale for why each class of records are protected would be preferable.

QLDC supports the addition of a paragraph on 'How to use the List' and also the creation of a new class 'Significant operational records' as submitted by ALGIM.

QLDC would also like to note the following for further consideration. Under the Local Government Act (LGA) 2002, Section 10 (1) the purpose of local government is *a) to enable democratic local decision-making and action by, and on behalf of, communities; and b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.* It would be beneficial if the List stated in the purpose section how the Public Records Act supports the purpose of local government as defined by the LGA. It would also be good to see that the Classes, the reasons why each class of records are protected and/or the examples are clearly linked back to this purpose. Environmental and cultural themes are well covered in the proposed draft but social and economic themes not so much. Social housing is mentioned under environmental health but there is a community wellbeing and welfare aspect to housing, and as in many other areas, affordable housing is a significant issue and focus for the Queenstown Lakes district. Economic development and regional tourism are mentioned in the reason for protecting records under Class 5 – Culture and Recreation, but they, and immigration, are significant focus areas for this council and important to the local community. QLDC would like to request that consideration is given to either including the terms 'economic' and 'social' in the appropriate class names, or creating two new classes.

ALGIM submission:

Overall, I think this is a great initial draft of a revised List, however I think it still needs some changes to make it more robust and future-proofed, and to improve clarity. There are still some grey areas, and some critical local authority records do not appear to be fully covered by the proposed classes. As there will always be a degree of interpretation and opinion as to whether a class applies to a set of records, this needs to be acknowledged. Whilst keeping the integrity of the primary purpose of the List (i.e. a legal instrument for the Chief Archivist and Archives New Zealand as the regulatory body), I believe the following proposed changes to the List (in addition to the changes/amendments listed under each class above) will help to make it a more valuable tool for local authority IRM practitioners as they develop and implement their information and records management processes in their organisations. These changes should also help to make the list more robust in the rapidly changing IRM environment (to ensure that it covers information and records in formats and media that aren't yet identified), without having to go through the review process (as the bulk of the 'changeable' content will be in the explanatory

notes) – changes to local government functions notwithstanding. To make the List functional for local authorities, practitioners should be able to apply the classes to record sets, rather than trying to fit record sets into the classes.

add the following after paragraph three:

How to use the List:

The List classes are mapped to the core functions of local government, which is why they have been declared as 'protected' under the Act. When identifying and assessing sets of records, the classes of the List should be consulted to see which, if any, apply. An assessment should then be made on the value of the records to determine whether they are meet the criteria to be protected, have other long-term/archival value, have other legislative protections, or whether they have short-term/transitory value.

The List can also be used as a starting point for the identification of high-value records (Principle 2.2 of the Standard), and the basis of an Information Asset Register.

The List classes:

• Remove all examples listed. These should be in the explanatory notes only, as this documentation can be updated more regularly and more easily as new examples are identified/current examples become obsolete.

*• Include the section **"Why are these information and records protected?"** from the explanatory notes to each class.*

• There are still some gaps where it's possible that record sets that are currently protected under the List are not protected under the new list. To that end, please include the following new class in the List:

Significant operational records

For example:

o Include Internal policy and procedure manuals

o Include Codes of conduct

o Include Standards of practice

o Include Records of significant business systems, including procurement, upgrades and migration

o Move "Recordkeeping and information systems control records, including registers, indexes, data dictionaries, data schema." from class 10 Governance and democracy

Why are these information and records protected?

These information and records provide evidence of the internal operational environment of the local authority. Evidence of significant business systems, processes, and organisational change initiatives help to show how the local authority operated to perform its functions and the standards and procedures that it used to ensure quality and consistency of performance.

Thank you!

Thank you for taking the time to complete your form. Archives New Zealand values your feedback!