

## Appraisal Memorandum:

### Extending an existing disposal authority about to expire

**Agency Name:** Ministry of Justice (the Ministry)  
**Contact Name:** [Name removed]  
**Contact Details:** Knowledge & Information Services,  
Level 4 Vogel Centre  
19 Aitken Street

**Schedule to be changed:** DA53

#### 1. Description

The Ministry of Justice is seeking approval for the expired schedule DA53 (Courts schedule) to be extended for a period of 12 months. The expiry for DA53 was 31 December 2010. The retention and disposal schedule was issued and approved on 24 February 2003 in accordance with the Archives Act 1957. It covers all court records from all High Court registries and District Courts. It also covers the former Supreme Court, Resident Magistrates and Magistrates Courts, Children's Court and Family Court. Administrative records created by the courts are not covered by this schedule.

#### 2. Justification

The Ministry has put considerable effort into identifying and understanding issues surrounding court records in order to expedite the review and replacement of the current disposal authority covering courts case files, DA53. An independent in-depth investigation covering court records and related issues resulted in a comprehensive report and high level work plan being produced in July 2010.

The proposed work plan includes:

- (i) Clarifying and determining what particular documents constitute the formal court record and case files, and the Ministry's responsibility for managing court records and meeting the requirements of the PRA with regard to those records
- (ii) Clarifying and assigning responsibility for oversight of all records administered by the Ministry of Justice
- (iii) Development of a new disposal schedule for all courts -
  - Consulting with the judiciary, Archives New Zealand (ANZ), and within the Ministry for agreement to proceed on the basis of developing a disposal authority (or authorities) for all records (court and non-court);
  - Beginning with the Higher Courts and District Courts, work with the judiciary to determine what particular documents constitute the formal

court record and case files for each jurisdiction, and whether it is appropriate to have different retention periods and disposal treatments for components of the court records;

- Develop the scope of work to appraise records, develop the disposal schedule and draft the appraisal report;
- Engage an external provider to lead and perform much of that work;
- Conduct records appraisal, consult with stakeholders, develop the disposal schedule and appraisal report and consolidate with the Ministry of Justice disposal schedule where appropriate.

A project to address the review and replacement of DA53 is currently being set up. The General Manager Higher Courts, [Name removed] will oversee the project to completion.

The Ministry recognises the importance and urgency of reviewing the soon-to-expire Courts schedule to take account of considerable changes in both appraisal standards and the recordkeeping environment since the original authority was developed. At the same time the Ministry wishes to continue the efficient disposal of legacy records using DA53 while the new schedule is being developed.

### **3. Recommendation**

It is recommended that DA53 be extended until 31 December 2011.