

**APPRAISAL MEMORANDUM:
AMENDING AN EXISTING DISPOSAL
AUTHORITY**

**Update to DA582 Covering Records of
the Central Agencies – Treasury,
Department of the Prime Minister, and
Cabinet and State Services
Commission,**

July 2013

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File/Document ID:

Agency Name: Central Agencies (The Treasury, State Services Commission and the Department of the Prime Minister and Cabinet)
Consultant Name and Contact Details: [Details removed]

Agency Name and Contact Details: [Details removed]

Schedule to be changed: DA582

1. Appraisal Circumstances

This appraisal amendment memorandum applies to the approved records retention and disposal schedule (DA582) which covers records of the three Central Agencies.

The Central Agencies – the State Services Commission (SSC), Treasury, and the Department of the Prime Minister and Cabinet (DPMC) – are working together as a “Corporate Centre” to lead the State Sector to deliver better public services. The Central Agencies Shared Services Unit (CASS) has been established to centralise a number of corporate functions (including provision of information management services) of the Treasury, the State Services Commission and the Department of the Prime Minister and Cabinet.

The Central Agencies schedule (DA582) was developed to apply to public records in any format pertaining to the functions of the Treasury, State Services Commission and certain functions of the Department of the Prime Minister and Cabinet (namely Policy Advisory Group, Office of the Chief Executive, Government House, and the corporate records common to all of DPMC). At the time of development of DA582 a decision was made to exclude the records of five business units of the Department of Prime Minister and Cabinet, namely

- Cabinet Office
- National Assessments Bureau
- Security and Risk Group
- Intelligence Coordination Group
- National Cyber Policy Office

Records of the Cabinet Office were excluded as this function has traditionally been covered by a separate disposal authority, which is in the process of being updated by the Cabinet Office.

Records of the other excluded DPMC functions were excluded because of their nationally sensitive nature.

An Information Management Review of DPMC was carried out in the first quarter of 2013. One of the aims of the Review was to determine ways in which the CASS IM service could work more collaboratively with the non-CASS IM services embedded in DPMC. An outcome of this review was an agreement to include records of the intelligence functions performed within DPMC into the Central Agencies Retention and Disposal Schedule DA582

The purpose of this amendment is to ensure that there is appropriate records disposal coverage in place for all records of the four DPMC business units originally excluded from (DA582)

A number of groups of records covered by this amendment have specific security requirements and classifications. CASS IM will be responsible for the implementation of disposal actions on low-side systems (i.e. those systems that do not house highly classified materials). The National Assessments Bureau (NAB) Information and Research Services team will be responsible for implementing disposal actions on high-side systems (i.e. material with higher national security classifications).

In addition, this amendment makes some minor changes to two sub-classes of records relating to Government House function. Since the disposal authority was approved a project has been underway to sentence and implement the decisions on a large group of non-current government house records. To ensure there is full disposal coverage over the groups of records found at Government House two sub-classes required minor updating.

2. Inclusion of new DPMC functions

Business unit descriptions

The Department of Prime Minister and Cabinet exists to support the effective conduct of executive government by the Prime Minister, the Governor-General and members of the Cabinet. The Department's principal role is provision of advice, on a daily basis, to the Prime Minister and Cabinet on the wide range of complex issues that confront the Government, particularly its policy priorities.

DPMC also provides impartial advice, through the Clerk of the Executive Council and Government House, to the Governor-General.

In addition DPMC plays a role in coordinating and leading the work of government departments and agencies, and other entities as appropriate, to ensure that decision making takes account of all relevant viewpoints and that advice is as coherent and complete as possible.

The functions of the four business units covered by this RDS amendment are outlined below. The descriptions of functions have been taken largely from the DPMC website.

National Assessments Bureau

The National Assessments Bureau (NAB) was renamed in March 2010, having formerly been the External Assessments Bureau. Its function is to provide assessments to the Prime Minister, other ministers, senior officials and New Zealand's diplomatic missions abroad, on events and developments that bear on New Zealand's interests. In carrying out this function, the Bureau's purpose is to help to inform decision-making by the government.

The Bureau forms part of New Zealand's intelligence community. It uses a wide range of media sources and other public information, such as academic research, commentaries by think-tanks, and internet sites. It also draws on diplomatic reporting and other forms of classified material from intelligence sources

NAB's antecedents date back to 1949 when, under a different name and with different functions, it was part of New Zealand's military. Over time the Bureau has evolved into a fully civilian agency. For most of the time since 1975 the Bureau has been part of DPMC. It is situated in this central location within the government system because its work is based on information drawn from many departments and agencies, and because it is responsible for drawing together reporting from across New Zealand's intelligence community. The resulting assessments touch on a wide range of government activities and policies, and so are of particular importance to the Prime Minister and the Cabinet.

The director of NAB is accountable to the chief executive of DPMC for the Bureau's day-to-day operations, but is directly accountable to the Prime Minister for the content and quality of its assessments. This arrangement ensures that NAB does relevant work that is clearly independent of that done by policy departments.

Compared with most parts of the public service, NAB is an unusual organisation. It has no role in providing policy advice to the government and no operational functions, and nor does it provide services

to the public. Its mandate is sharply defined: NAB's role is to provide assessments, not advice. This means that it seeks to explain events and developments, but it does not offer advice on what actions the government might take. (That function lies with policy departments and operational agencies.) NAB's work needs to be relevant to the issues with which the government is dealing, and to help inform the decision-making process, but the Bureau does not itself engage in policy advocacy.

Security and Risk Group

The Security and Risk Group (SRG) coordinates and provides leadership on a range of strategies, policies and operations for strengthening national security and stability. In doing so it draws on a wide range of open source information and some classified material.

Created in March 1987 as the Domestic and External Secretariat, the group was renamed in 2010 as a result of changes which included the establishment of the Intelligence Coordination Group (ICG). The change in name reflects the changing nature of potential security risks to New Zealand, which present more complex challenges than indicated by a simple "domestic / external" distinction.

SRG works with government agencies, local authorities and other entities that contribute to national security in order to:

- Strengthen early warning of emerging security issues
- Assess and evaluate potential national risks
- Identify potential vulnerabilities and likely consequences
- Determine options for controlling significant risks and building resilience
- Develop management strategies for government
- Coordinate planning and responses around security risks

SRG plays a visible coordination and advisory role in times of actual crises requiring coordination of a national response. The shifting nature of potential security risks requires a strong understanding of national security as well as continuous environment scanning and assessment. SRG needs to analyse and assess current and emerging national security risks in order to develop long-term strategies for mitigation, preparation, and management of these risks by appropriate agencies. SRG constantly engages with agencies and entities to ensure national security risks are well understood and appropriately managed in line with government's expectations.

SRG is responsible for providing timely, rigorous, relevant and accurate advice to the Prime Minister on issues affecting the security of New Zealand including, policy, legislative, operational and budgetary issues. A key role is to support the Prime Minister in leading a coherent and immediate national response to security crises and emergencies, and ensure the Prime Minister is kept informed of significant issues in these areas.

As part of its coordination role, SRG provides administrative support for the DESC system, which involves organising meetings of ODESC and the consideration of security and intelligence issues by working groups, senior officials, and Cabinet Committee.

Intelligence Coordination Group

The Intelligence Coordination Group (ICG) is charged with advising the Prime Minister on intelligence issues and assisting intelligence agencies to provide coordinated and useful information for government

decision-making. ICG supports the Officials Committee for Domestic and External Security Coordination (ODESC) in its governance role in relation to those agencies.

Its key functions are to provide advice to the Prime Minister, and to lead and coordinate the intelligence community agencies for requirements, priority setting, risk management and functional performance reporting. It also coordinates the New Zealand intelligence community's overall relationships with foreign partners.

The ICG is part of the Department of the Prime Minister and Cabinet (DPMC) and has a close working relationship with the Security and Risk Group (SRG) and the National Assessments Bureau (NAB) within DPMC. Outside of DPMC the ICG has responsibilities relating to the New Zealand Intelligence Community, particularly the New Zealand Security Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB). The ICG also maintains relationships with its counterpart agencies in other jurisdictions.

ICG also provides support to the Commissioner of Security Warrants, a statutory officer under the New Zealand Security Intelligence Service Act 1969. The Commissioner is appointed by the Governor-General on the recommendation of the Prime Minister following consultation with the Leader of the Opposition.

National Cyber Policy Office

The National Cyber Policy Office (NCPO) was established in July 2012 to lead the development of cyber security policy advice for government and to advise on investing government resources in cyber security activities.

The NCPO is responsible for oversight and coordination of the development, implementation and review of national cyber security policy and strategies, including New Zealand's Cyber Security Strategy, launched in 2011. It is also responsible for leading international engagement on cyber security and facilitating coordinated engagement with the private sector on cyber security policy issues.

Approach

Activities

An information gathering and mapping exercise was carried out to identify which records of activities from the National Assessments Bureau (NAB), Security and Risk Group (SRG), Intelligence Coordination Group (ICG), National Cyber Policy Office (NCPO) would already be covered by the approved Central Agencies RDS, DA582.

The exercise identified that some classes in the approved RDS could be applied without change. This includes records of activities carried out within the four business units as outlined in the table below.

Activity	Covered by DA582
Governance and Management	Class 1 (various sub-classes) or GDA 6
Policy Projects	Sub-class 2.1 Policy review and development where agency is the lead
International Engagement	Sub-class 9.7 Relationship management with peer organisations
Research and Environmental Scanning	Sub-class 2.2 Research and analysis supporting policy development
Provision of Strategic	Sub-class 17.2 Policy review and advice prepared for Prime Minister

Activity	Covered by DA582
Advice to Prime Minister	
Strategic Prioritisation and Planning	Sub-class 1.11 Operational Strategy and Planning
International Relationships	Sub-class 9.2 or 9.3 or 9.7 depending on the role with the other parties

The activities identified below are those that are not covered by an existing sub-class in the approved RDS.

- Cyber incident response planning
- Coordination of cyber security education programmes
- Carrying out of strategic risk reviews
- Managing special projects, committees and national security issues response
- Forum and committee coordination
- Providing secretariat services for the Commissioner of Security Warrants
- ODESC coordination and support
- Coordination of incident response
- Development and production of intelligence assessments
- Relationship management in the intelligence community within NZ and overseas

To ensure that appropriate disposal coverage is in place for the records of the activities listed above a new class has been created for DA582 known as Class 19, Intelligence and National Security Coordination.

Consultation

Consultation was undertaken within each of the DPMC business units covered by this amendment to ensure that the description of records, time periods and disposal actions were appropriate.

In addition, external consultation on this amendment was carried out with primary external stakeholders that may have some interest in these records, namely:

- Prime Minister's Office
- Government Communications and Security Bureau (GCSB)
- New Zealand Security Intelligence Service (NZSIS)
- Commissioner of Security Warrants
- Inspector General of Intelligence and Security
- Ministry of Foreign Affairs and Trade
- Office of the Ombudsman
- Crown Law Office
- Professional Historians Association of New Zealand (PHANZA)
- Archives and Records Association of New Zealand (ARANZ)
- Centre for Strategic Studies, Victoria University of Wellington.

Precedent

There is no full precedent that applies to all sub-classes of the new class 19.

A previously expired disposal authority covering domestic and external intelligence secretariat records (OP 01/0046) has provided some precedent for several sub-classes. The relevant sub-classes have been noted on the retention and disposal spreadsheet (Appendix 1).

In addition, correspondence and verbal agreements made between Archives New Zealand and the National Assessments Bureau relating to the deferral of transfer of records of the development of intelligence assessments has informed relevant sub-classes.

Classified Records

The nature of the work carried out by the four business units of DPMC covered in this amendment means there are a number of highly classified records that will be covered by Class 19.

The general principle adopted in development of this amendment is that if the records are not classified and have archival value they will be transferred to Archives New Zealand. If, however, the records have archival value and are of a classified nature then a deferral of transfer will be sought so they remain under the custody of DPMC.

Refinement of Government House sub-classes

A project has been underway to sentence and dispose of approximately 200 linear metres non-current records from Government House. The records date back to 1917.

This exercise has provided a valuable 'test' of the approved disposal authority and implementation interpretation of the disposal authority. To ensure consistency of ongoing interpretation and coverage two classes of the approved disposal authority have been identified for amendment

The two sub-classes of records relate to Prerogative of Mercy Applications – specifically those relating to immigration applications, and administration of the Royal New Zealand Honours system.

3. Description of Amendments

The change requested for DA582 is the refinement of two sub-classes relating to Governor General records (sub-classes 18.3 and 18.6) and addition of a whole new class (Class 19, Intelligence and National Security Coordination) to cover the records of NAB, SRG, ICG and NCPO that are not already covered by the approved DA582

Please see details and recommendations for the changes outlined below.

Please see Appendix 1 for an updated schedule spreadsheet that includes the new class.

Class no. 18 – Supporting the Governor General

Special event and honours records – sub-class 18.3

Description

During sentencing of the records at Government House a group of records relating to the Royal New Zealand Honours process which had not been known about when the RDS was originally developed were identified.

The Governor General (and therefore Government House) has a significant role to play with the awarding of **Honours** and the investiture events. Such events are covered by sub-class 18.3 and the records have been approved for retention.

Records that extended beyond the investiture ceremonies were located during the implementation of the RDS. The records located date between 1917 – 1980s and include record of recommendations and decisions about honours to be awarded. This function is now undertaken by the Honours Unit in the DPMC, and all record post-1980s are under the control of that unit or already lodged with Archives New Zealand. It is not expected that any further records relating to the Honours process apart from those of the investiture ceremonies will be located at Government House.

Recommendation

To ensure that appropriate coverage is documented, and that there is consistency with the retention and disposal schedule currently being developed by the Cabinet Office (which covers Honours records) it is recommended that sub-class 18.3 be broadened slightly to include records about the awarding of honours as well as the investiture ceremonies.

The description in the RDS now reads that the sub-class covers “special event and honours records - .Records of special events such as a Royal visit, investiture of honours, awarding of honours. Includes all records”

Prerogative of Mercy Applications – sub-class 18.6

Description

Sentencing of the records at Government House identified a group of some **Prerogative of Mercy** applications relating to immigration appeals. It appears that during the 1980s (when the found applications date from) the Governor General had a role in the awarding of Prerogative of Mercy to

members of the public seeking to appeal rulings about their immigration status. The process for these appeals is now managed through the Immigration and Protection Tribunal (IPT).

Recommendation

It is recommended that the description of the class in the retention and disposal schedule is updated to ensure that Prerogative of Mercy records clearly include immigration cases as well as criminal justice cases and that both types of records are retained as archives. The description now reads:

“The Royal Prerogative of Mercy records for criminal justice cases and immigration cases include:

- applications and supporting documents from applicant
- correspondence with the responsible Minister
- recommendation from the responsible Minister
- final response from the Governor General”

Class no. 19 – Intelligence and National Security Coordination

Description

This class applies to records created by business units in DPMC only.

This class covers records that are created as part of the coordination of New Zealand's intelligence community and the provision of national (delete strategic) security advice to the Prime Minister. It includes sub-classes of records covering:

- Cyber incident response planning
- Education programmes
- Strategic risk reviews
- Special projects, committees and national security issues
- Forum and committee coordination
- Commissioner of Security Warrants records
- Inspector General of Intelligence and Security records
- ODESC coordination and support
- Incident records
- Records created or used to develop and produce intelligence assessments
- Information not used to develop intelligence assessments
- Intelligence community relationships within NZ and overseas
- Routine administrative records.

Records of **cyber incident response planning** are those that document the testing of cyber security incident response plans with other agencies in case of wide-ranging cyber-attack.

Education programme records are those that document the establishment, management and review of education programmes such as Cyber Security Awareness Week.

Records of **strategic risk reviews** document reviews undertaken of the functionality of a process, agency, approach, in relation to security functions of government. Records include review planning, information gathered as part of the review and reports produced as output of the review.

Following a strategic risk review or a national security issue there are often one-off **special projects or committees** set up in response. This sub-class covers the records of projects, committees or one-off responses to issues relating to national security as a result of reviews or issues. Example committees are:

- Special Committee on Nuclear Propulsion
- Interdepartmental Committee on Terrorism
- Interdepartmental Committee on Security
- Other inter-agency committees including watch groups

Examples of the types of issues that may be responded to are:

- terrorism threats
- troops in Afghanistan
- Christchurch earthquakes
- civil defence issues such as flooding

Records in this sub-class may include:

- formal committee records
- national security advice
- press releases prepared for the Prime Minister
- project records
- security assessments, civil and military contingencies

Forum and committee coordination records are those that document the activities and decisions of cross-agency forums and committees where business units within DPMC provide secretariat services. Examples are:

- New Zealand Intelligence Community Leaders Forum
- Geospatial Intelligence Governance Board
- Intelligence and Security Committee
- Interdepartmental Committee on Security
- Other inter-agency committees including watch groups

Records of the forums or committees may include:

- agendas
- meeting minutes
- papers presented

Records of the Commissioner of Security Warrants document the granting of warrants and correspondence relating to the issuing of intelligence warrants, interception warrants and access authorisations. The Intelligence Coordination Group of DPMC provides secretariat services for the Commissioner of Warrants. The Commissioner operates under the following legislation:

- New Zealand Security Intelligence Service Act 1969
- Government Communications Security Bureau Amendment Act 2013
- Government Communications Security Bureau Act 2003

Inspector General of Intelligence and Security records document the oversight of, and investigation of complaints made about, the NZSIS and GCSB. The position of Inspector-General was created in 1996. It replaced an earlier Commissioner for Security Appeals, a position created in 1969. The Intelligence Coordination Group of DPMC provides secretariat services for the Inspector General of Intelligence and Security.

The Inspector-General is responsible for ensuring that the SIS and GCSB comply with the law, and with investigating public complaints about their activities.

The Inspector-General is chosen by the Prime Minister, after consultation with the Leader of the Opposition. The appointee must be a retired High Court judge. The Inspector-General makes an annual report to the Prime Minister, with a copy going to the Leader of the Opposition. A version with secret information removed is presented to Parliament.

ODESC coordination and support records are the formal records of the Officials Committee for Domestic and External Security Coordination. DPMC provides secretariat services for this standing committee. Records include:

- agendas
- meeting minutes
- papers presented

Incident records are records documenting the coordination of response to an event of national security concern from an intelligence community and national security perspective. For example:

- epidemics
- biosecurity
- civil defence
- transnational organised crime

Records created or used to **develop and produce intelligence assessments** are those that are used as part of intelligence assessment reports produced. This includes information gathered and provided by external sources (NZ and overseas) that is used to provide resource material for the analysis and research carried out in the development of intelligence assessments.

Assessments are produced in a variety of formats. Short situational reports are issued by NAB's director as events unfold and information becomes available. The greater part of NAB's assessments are focussed on national security and foreign policy related issues. The Bureau also covers environmental, scientific, security and strategic issues. **Information not used to develop intelligence assessments** covers information gathered and provided by external sources (NZ and overseas) that is not used in the development of intelligence assessments.

All business units covered by this amendment form and maintain relationships within New Zealand and overseas. Exchanges of information and views with counterpart organisations help enhance capacity and

effectiveness, and provide a measure of peer review. **Records of intelligence community relationships within NZ and overseas** are those that document the DPMC relationships within the New Zealand intelligence community, or between a New Zealand intelligence community group and an overseas counterpart. Records may include:

- coordination records
- meeting records
- correspondence
- conference records

Routine administrative records are those of a low-level nature created to support all other sub-classes in the Intelligence and National Security Coordination class. This sub-class has been included to continue the precedent begun with the full DA582. Examples of records include:

- routine correspondence
- low-level internal memos/correspondence
- minor drafts not covered by any of the other sub-classes
- information received for reference purposes
- duplicates
- working papers

Value

Many of the records in this added class relate to a core function of the Department of the Prime Minister and Cabinet – namely the provision of strategic and policy advice to the Prime Minister. This includes the sub-classes of records covering:

- Strategic risk reviews
- Special projects, committees and national security issues
- Forum and committee coordination
- Commissioner of Security Warrants records
- Inspector General of Intelligence and Security records
- ODESC coordination and support
- Incident records
- Records created or used to develop and produce intelligence assessments
- Intelligence community relationships within NZ and overseas

These records also provide evidence of how the New Zealand government coordinated its approach and response to intelligence and national security – both at incident level and at strategic planning and policy level. They are therefore recommended for retention as archives.

Records of Cyber incident response planning, managing education programmes and the information not used to develop intelligence assessments are routine operational records. They are therefore recommended for destruction.

Routine administrative records are recommended for destruction as they are of a low-level nature only and of limited business value.

Recommendations

The appraisal criteria used to support the disposal recommendations are the same as those approved in DA582

Records recommended for retention as public archives:

Reference no.	Record type	Disposal criteria
19.3	Strategic risk reviews	A7
19.4	Special projects, committees and national security issues	A7
19.5	Forum and committee coordination	A7
19.6	Commissioner of Security Warrants records	A7
19.7	Inspector General of Intelligence and Security records	A7
19.8	ODESC coordination and support	A7
19.9	Incident records	A7
19.10	Records created or used to develop and produce intelligence assessments	A7
19.12	Intelligence community relationships within NZ and overseas	A7, A8

Records recommended for destruction:

Reference no.	Record type	Disposal criteria
19.1	Cyber incident response planning	D2
19.2	Education programmes	D2
19.11	Information not used to develop intelligence assessments	D2
19.13	Routine administrative records	D1

4. Access Restrictions

[Details removed]

5. Deferral of Transfer

[Details removed]