

# Appraisal Report Amendment to an Existing Disposal Authority

---

## Appraisal Report Amendment to an Existing Disposal Authority Ministry of Justice

<b>File/Document ID</b>	APP2021/0045
<b>Agency</b>	Ministry of Justice
<b>Contact Name and Details</b>	[name and details removed]
<b>Date</b>	10/03/2022
<b>Disposal Authority to be changed</b>	DA642 – Ministry of Justice Head Office

### Purpose/Circumstances

In 2022, the Ministry of Justice (the Ministry) is planning to introduce body-worn cameras (BWCs) for use by bailiffs while interacting with individuals at their place of business or home. The BWCs will generate audio-visual footage that is not covered by existing disposal rules set out in Ministry disposal authorities or the general disposal authorities (GDAs) issued by the Archives New Zealand (Archives NZ). The purpose of this appraisal report is to seek amendment of DA642 to provide disposal coverage for routine, non-evidentiary footage captured by BWCs.

### Background

Bailiffs are responsible for:

- Resolving outstanding fines
- Collecting reparation

- Resolving civil debt
- Seizing property
- Performing evictions
- Serving court documents
- Reaching resolutions

As a result, bailiffs encounter a higher level of risk than most Ministry employees, ranging from verbal abuse and threats of harm to physical violence. The primary purpose of BWCs is to act as a preventative measure against such risks and support the Ministry to meet its obligations under the Health and Safety at Work Act 2015. Creating an evidential record of the bailiff activities listed above is **not** the purpose for capturing the footage. On occasion, footage captured by BWCs may be required as supporting evidence for a reported health and safety incident, participant complaint, staff disciplinary matter or litigation against the Ministry. It may also be referred to for training purposes.

### Circumstances

The Ministry consulted Archives NZ on applicability of the GDAs and was advised that it was not appropriate to apply disposal rules from GDA7 to routine footage. There are no disposal rules in GDA6 that are applicable to the monitoring of in-person interactions with individuals using on-body devices.

Although there is work underway to develop full disposal coverage for the Ministry, it will not be completed within the timeframes of the BWC initiative. It is estimated that once BWCs are operational they will generate ~300GB of footage per month across all bailiffs. There will be storage capacity limitations in place which mean that footage needs to be disposed of regularly. For these reasons, retaining it until the disposal schedule project delivers full coverage is unworkable.

The BWCs will capture audible conversation and video footage of interactions between bailiffs, individual participants and potentially other individuals present that are not directly involved with the interaction. This footage will capture verbal confirmation of the identity of the participant and the purpose of the interaction. As such, it will contain highly sensitive personal information which, in accordance with Privacy Principle 9, should not be kept for longer than necessary.

Due to the above circumstances, and on the advice of Archives NZ, the Ministry has determined that the appropriate course of action is to amend DA642.

### Description of Amendment

This amendment proposes the inclusion of a new class and class grouping.

### Methodology

The business process that results in BWC footage was analysed using the SIPOC technique, while the value of the footage was considered against the principles set out in the [Public](#)

[Sector Archival Selection Statement](#). Other legislation/requirements concerning the retention of data and information were also considered, including the Privacy Act 2020.

Ministry staff considered the following scenarios where footage might be required as supporting evidence:

1. A health and safety incident occurs
2. A complaint is received about an interaction – investigated and no action required
3. A complaint is received about an interaction – investigated and results in staff disciplinary matter
4. Litigation is initiated against the Ministry concerning an interaction
5. Footage is requested under the Official Information Act 1982
6. Footage is requested under the Privacy Act 2020
7. A Privacy Act complaint is made involving footage
8. Team Managers conduct random monthly quality checks
9. Bailiff requests review of footage for feedback and/or development
10. Redacted footage is incorporated into training material for bailiffs

The conclusion was that most scenarios are either covered by existing disposal rules from GDA6 (see Appendix 1) or will occur within the minimum retention period for routine footage proposed by this amendment. Litigation against the Ministry is not covered by existing disposal rules but will be addressed through other work to develop full disposal coverage for the Ministry.

The retention periods set out in GDA6 were discussed with key staff leading the BWC initiative and were considered appropriate. The BWC storage solution has functionality available to flag evidentiary footage with alternative disposal rules so that it is retained in line with the relevant GDA6 class.

## Precedent

There are several agencies in both central and local government that use BWCs. The Ministry was unable to identify examples of disposal authorities that explicitly cover footage generated by BWCs. However, there are published examples of transparency statements concerning BWCs that indicate a brief minimum retention period for routine footage, followed by destruction, is appropriate. These are summarised in the following table.

Agency Name	Jurisdiction	Records description	Retention period	Disposal action
<a href="#">Department of Corrections</a>	New Zealand	On-body camera footage	90 days	Destroy
<a href="#">Australian Maritime Safety Authority</a>	Australia	Non-evidentiary footage	30 days	Destroy
<a href="#">Victoria Police</a>	Australia	Non-evidentiary footage	90 days	Destroy

## Consultation

This appraisal report was prepared in consultation with key Ministry staff from National Service Delivery, as the business unit leading the BWC initiative.

The Ministry nominates the following stakeholders to be directly informed by Archives NZ of the proposed amendment and intention to dispose. They comprise other users (or prospective users) of BWCs and parties with an interest in privacy and/or employee health, safety and welfare.

Agency Name	Contact Name	Contact Email
Ministry of Business Innovation and Employment	[name and details removed]	[name and details removed]
Department of Corrections	[name and details removed]	[name and details removed]
Ministry for Primary Industries	[name and details removed]	[name and details removed]
Department of Conservation	[name and details removed]	[name and details removed]
Association of Local Government Information Management	[name and details removed]	[name and details removed]
New Zealand Police	[name and details removed]	[name and details removed]
Office of the Privacy Commissioner	[name and details removed]	[name and details removed]
Public Service Association	[name and details removed]	[name and details removed]
WorkSafe New Zealand	[name and details removed]	[name and details removed]

### 1.b. Proposed Inclusion of a New Class or Class Grouping

If you are creating a new class or class grouping, populate the following table. If you are creating more than one new class or class grouping, the 'class or class grouping', 'description', 'value statement' and 'retention and disposal recommendation' should be repeated in the report for every new class or class grouping that is being created. This action will require **public consultation for 30 days** and **Chief Archivist approval**.

	New Class Details
<b>Class Name</b>	Employee Health, Safety and Welfare
<b>Class Number</b>	16
<b>Sub-Class Number</b>	16.1
<b>Sub-Class Name</b>	Monitoring in-person interactions with individuals
<b>Description</b>	Audio-visual footage captured for the primary purpose of ensuring employee health, safety and welfare that is not required for evidentiary purposes.
<b>Excludes</b>	Audio-visual footage required as supporting evidence and/or reference in relation to another business activity. For example, where a health and safety incident, complaint, staff disciplinary matter or litigation against the Ministry occurs. Surveillance footage captured for the purposes of building or facility security, e.g. closed-circuit television.
<b>Minimum Retention Period</b>	90 days
<b>Trigger</b>	Date of capture
<b>Disposal Action</b>	Destroy

<b>Justification and Value Statement</b>	<p>Routine, non-evidentiary footage that requires no further action has short-term business value and no continuing societal (i.e. archival) value. Given the personal nature of the information captured it is desirable to retain the footage for as short a time as possible, while also allowing an appropriate period for:</p> <ul style="list-style-type: none"> <li>• Reporting and management of health and safety incidents, including any that result in a fatality or prosecution</li> <li>• Submission and management of complaints, including any that result in a staff disciplinary matter or litigation</li> <li>• Requests for access to footage</li> <li>• Random quality checks</li> <li>• Staff training</li> </ul> <p>BWCs are not currently being proposed for use by any other parts of the Ministry. However, there are Ministry staff working in other roles that expose them to similar risks to bailiffs. Therefore, the class has been drafted without specific reference to bailiffs to cover any future expansion of BWC use where employee health, safety and welfare is the primary driver.</p> <p>The class intentionally avoids specific reference to the type of device/technology used to capture footage. This is to accommodate new technologies that may arise in the future and be used in support of employee health, safety and welfare.</p>
<b>Access Recommendations</b>	<p>Not applicable as no records are recommended for transfer to Archives New Zealand.</p>

## Appendix 1 – Assessment of disposal coverage under GDA6 for evidentiary footage

Evidentiary use for footage	GDA6 Class	Minimum retention period	Disposal action
Health and safety incident occurs (excluding fatality or prosecution)	GDA6 Class 3.5.2 – Accident and First Aid Records	5 years from date of last entry  <i>Health and Safety at Work Act 2015, s.57 requirement to keep records</i>	Destroy
Health and safety incident occurs involving fatality or prosecution	GDA6 Class 3.5.3 – Accident Fatalities and Prosecution	10 years from last information entry date	Transfer to control of Chief Archivist
A complaint is received about an interaction – investigated and no action required	GDA6 Class 6.1.7 – Minor Complaints	When no longer administratively required	Destroy
A complaint is received about an interaction – investigated and results in disciplinary matter	GDA6 Class 3.6.4 – Individual Staff Grievances, Disputes and Dismissals	7 years from last information entry date	Destroy
Litigation against the Ministry concerning an interaction	Not covered by GDA6. Retain until disposal rules for litigation records are included in new Ministry disposal authority.	N/A	N/A
Footage requested under the Official Information Act 1982	GDA6 Class 7.3.1 – Requests made under the Official Information Act 1982  <i>Note: Only applies to copies of footage provided as part of an OIA response and that form part of the OIA record. Raw footage can still be destroyed under new class, but best practice is to flag until OIA is resolved.</i>	7 years from last entry date	Destroy

Evidentiary use for footage	GDA6 Class	Minimum retention period	Disposal action
Footage requested under the Privacy Act 2020 or subject to a Privacy Act complaint	<p>GDA6 Class 7.4.2 – Privacy Act Requests and Complaints that do not set precedent</p> <p><i>Note: Only applies to copies of footage provided and that form part of the request or complaint record. Raw footage can be destroyed under new class, but best practice is to flag until request/complaint resolved.</i></p>	7 years from last entry date	Destroy
Redacted footage incorporated into training material	<p>GDA6 Class 3.7.1 – Training Administration</p> <p><i>Note: Only applies to redacted footage. Raw footage can be destroyed under new class.</i></p>	7 years from last entry date	Destroy