

Appraisal Report Functions, Activities and Records Evaluation Template

Appraisal Report Functions, activities and records evaluation for Ministry of Justice

File/Document ID	F-24-R&D 220 Replacement (Ministry of Justice Head Office Current Records)
Agency	Ministry of Justice (MoJ), Agency Code ABVP
Contact Name and Details	[Name Removed]
Date	January 2016

Contents

1. Purpose.....	3
2. Scope.....	3
3. Format.....	3
4. Agency and System Information.....	4
5. Methodology.....	5
6. Consultation.....	9
6.1 Internal Consultation.....	9
6.2 External Consultation.....	9
7. Disposal Classes.....	9
Class 1 – Crime Prevention Programmes.....	9
Class 2 - Marine and Coastal Area (Takutai Moana) Act Management.....	11
Class 3 – Internal Operational Policy, Procedures and Standards.....	13
Class 4 – International Law Enforcement.....	16
Class 5 – Judicial Appointments.....	19
Class 6 – Justice Policy Formulation.....	20
Class 7 – Legislation Monitoring.....	22
Class 8 – Publication Management.....	23
Class 9 – Records Management.....	24
Class 10 – Research and Evaluation.....	25
Class 11 – Sector Leadership.....	27
Class 12 – Statutory Appointments.....	31
Class 13 – Treaty Claims Settlement.....	32
Class 14 – Treaty Settlement Asset Management.....	35
Class 15 – Requests for Information.....	38
8. Access Recommendations.....	40
8.1 Restriction by series.....	41
9. Attachments.....	42
1. Internal Consultation – Appendix 1.....	42
2. External Consultation – Appendix 2.....	43
3. Retention and Disposal Schedules (Current) – Appendix 3.....	44

1. Purpose

This report is a replacement of the current Ministry of Justice retention and disposal schedule DA220 approved by the Chief Archivist in 2006. The expiry date for this schedule is January 2016.

The above schedule has been reviewed in order to:

- Remove classes of records covered by the Archives New Zealand General Disposal Authorities (GDA) and activities no longer performed by the Ministry of Justice.
- Incorporate all current activities that were not performed by the Ministry of Justice when the schedule was written in 2005.
- Revise classes of records to provide better description and definition of records to align with Ministry of Justice business functions and activities, and to provide unique numbers for the application of the schedule.
- Reformat the schedule for ease of use by Ministry of Justice staff.

The Ministry of Justice has a wide policy domain and a role in leadership of the Justice Sector. The operational areas of the Ministry of Justice generate a considerable quantity of records that are of enduring archival value. Therefore the proportion of records that will be transferred to Archives New Zealand will be relatively high.

2. Scope

The schedule covers all current records that relate to the core business functions of the Ministry of Justice including operational, policy records and records of the Office of Treaty Settlements. It also covers classes of records not included in GDAs.

This coverage includes records in the new classification system developed in 2013. It also includes **some** records of judicial appointments that are not managed in the main classification system for reasons of confidentiality. In the Ministry of Justice, the process of making judicial appointments is managed entirely separately in order to maintain confidentiality about appointees and appointments.

The records are dating back to 1995 when the Ministry of Justice was established.

The schedule **does not** cover the records created by the former Department for Courts, which was incorporated into the Ministry of Justice on 1 October 2003 including court proceedings and case files. These records are already covered by DA564.

The disposal schedule DA220 (Ministry of Justice Head Office Current Records) will be superseded by this schedule.

3. Format

All electronic and paper records, format independent.

4. Agency and System Information

The Ministry of Justice was established in October 1995 after the restructuring of the Department of Justice.

The Ministry of Justice (MoJ) is led by the Secretary for Justice and Chief Executive. The Strategic Leadership Team sets the Ministry of Justice's strategic direction and is responsible for the Ministry of Justice's performance. The Strategic Leadership Team (SLT) is the core leadership team in the Ministry of Justice and is headed by the Secretary for Justice and Chief Executive.

The Senior Management Team is made up of the Strategic Leadership Team and third tier managers of business units.

The Ministry of Justice is responsible for the following **core functions**:

- The delivery of operational services, including court and tribunal-related services, collections and negotiations for settling historical Treaty of Waitangi claims.
- The provision of support to the judiciary.
- The provision of policy advice.
- Leadership of the Justice Sector.

The Ministry of Justice administers these functions in three Votes: **Justice, Courts, and Treaty Negotiations**.

The Ministry of Justice provides advice and services to the Minister of Justice, Associate Ministers of Justice, the Attorney-General and the Minister in Charge of Treaty of Waitangi Negotiations.

The Ministry of Justice is the lead agency in the **Justice Sector**. The Ministry of Justice administers:

- The court system.
- The legal aid system and the Public Defence Service.
- Collects and enforces fines and civil debts.
- Provides policy advice on matters related to justice and administration of the law.
- Negotiates Treaty of Waitangi settlements for the Crown.

It also provides a research and evaluation function supplying statistical and survey information.

The **Policy Group's** functions include developing justice-related legislation and providing advice as required by the Minister of Justice and Minister for Courts, Associate Minister of Justice, and the Attorney General. The policy areas include civil and constitutional, courts and justice services, criminal justice and safeguarding the durability of historical Treaty settlements.

The Ministry of Justice's **Office of Legal Counsel** provides administration and advice on statutory, Justice of the Peace and judicial appointments. It also provides legal advice on statutory interpretation, contract, human rights, Official Information Act, Privacy Act, and New Zealand Bill of Rights Act issues. In addition, Office of Legal Counsel advises the Minister of Justice on applications for the Royal prerogative of mercy and claims for compensation for wrongful conviction and imprisonment.

The **Office of Treaty Settlements (OTS)** negotiates the settlement of historical Treaty of Waitangi

claims and builds positive relationships between the Crown and Māori. OTS represents and supports the Crown in negotiations and settlements, and provides policy advice on specific negotiations and generic settlement policies. It reports to the Minister for Treaty of Waitangi Negotiations. OTS oversees and administers the [Marine and Coastal Area \(Takutai Moana\) Act 2011](#). The Act aims to protect the interests of all New Zealanders in our common marine and coastal area.

The Ministry of Justice also publishes the **Directory of Official Information**.

Recordkeeping Environment:

- A large number of shared network drives are in use.
- One electronic document management system ‘Jukebox’ is used by a few business units/teams.
- A number of line-of business information systems are used to manage content e.g. FMIS, HRIS.
- Email accounts.
- Websites.
- Considerable quantities of current hardcopy files are located on site – management of current hardcopy filing systems managed by the business unit/team.
- Large quantities of non-current hardcopy files stored are off-site – files are listed and boxed by the business units/teams under the supervision of Information Management Services.

5. Methodology

5.1 Appraisal Process

The following criteria and appraisal statements have been used in assessing the value of Ministry of Justice records. The criteria and relevant appraisal statements have been taken from the [Archives New Zealand Appraisal Statement 2014](#), which has been developed to provide the rationale for long-term retention of records as archives.

Criteria 1. Business value

Records that are fundamental to the ability of a public office or local authority to carry out its business and enable continuity of services to the New Zealand public.

Statement	Records identified will be considered essential for the particular business processes or services of an agency or public office, or for fulfilment of other requirements whether legislative, regulatory or commercial. These records will need to be retained for a period of time as opposed to records of a transitory nature.
Guidance	<p>Indicators of value may include:</p> <ul style="list-style-type: none"> • requirements for business continuity – vital records; • evidence of decision-making; • use for business intelligence for the development of new services; • risk management; • use in other business processes by other agencies. <p>Length of retention will be determined by the business need for access to that information. Although records determined to have business value may need a long retention period their value beyond that date may not merit them becoming public archives.</p>

<p>Criteria 2. Accountability</p> <p>Records that are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.</p>	
Statement	Records identified will be considered essential for the protection and well-being of current and future generations and enhance public confidence in the actions of public offices and local authorities. This includes records documenting the impact of government activities on the community or individuals, and the intervention of the government in people's lives.
Guidance	<p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> • the impact of the Public Office or Local Authority's actions, on people's lives; • agreements between governments; • audit or monitoring of government interventions in response to inequalities. <p>Length of retention will be determined by the type of activity and influenced by the scale of impact and the level of accountability. Many activities have a big impact on individuals for a relatively short period of time, but once that activity is over accountability will diminish. However, the impacts of other activities have longer and wider implications and the level of accountability remains high.</p>
<p>Criteria 3. Rights and entitlements</p> <p>Records providing evidence of the legal status and fundamental rights and entitlements of individuals and groups.</p>	
Statement	Records that are essential for the establishment and protection of fundamental rights and entitlements of individuals, legal or natural, and groups within the community and nation, and the ongoing administration of the government of New Zealand. This includes records documenting the existence of individuals or groups, their rights to participate in the affairs of the nation and make claim to entitlements, and protection provided by the government.
Guidance	<p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> • impact on individuals/groups, people who are disadvantaged, effect on wellbeing, and the right to participate; • the effect on individual identity; • proof of rights/qualification for ongoing rights. <p>Length of retention will be influenced by the nature of the right or entitlement and the length of time that right or entitlement may need to be proved.</p>
<p>Criteria 4. Legitimacy of Authority</p> <p>Records that identify and document the source of authority and foundation of the machinery of government of New Zealand and its public sector bodies.</p>	
Statement	Records that document the establishment and allocation of functions to government agencies and local authorities. They will define the nature and extent of their jurisdiction, obligations and powers. They will originate from legislation and central agencies of the public service.

Guidance	<p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> validation of authority e.g.: high level public service appointments; formal instruments or authorities establishing or dis-establishing functions, jurisdictions, mandates, powers and operations; judgments or rulings determining the extent of jurisdiction or powers. <p>Length of retention will be determined by requirement for proof of authority.</p>	
<p>Criteria 5. Te Tiriti o Waitangi /Treaty of Waitangi</p> <p>Records that provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi /Treaty of Waitangi principles and the Crown’s obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles.</p>		
Statement	<p>Records provide evidence of government decisions that have been documented in relationship to consultation, negotiations, debates and discussions including those that document failure to fulfil obligations. They will also provide evidence of post-Treaty settlement relationships and partnerships with Iwi Māori. These records will be taonga available for all New Zealanders, iwi and the Crown.</p>	
Guidance	<p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> Treaty negotiations and settlements; the principles of Te Tiriti o Waitangi /Treaty of Waitangi being acknowledged and embedded; strategies to identify opportunities for partnerships with tangata whenua; the Crown sustaining and protecting Mātauranga Māori <p>Length of retention will be determined by the level of evidential value.</p>	
<p>Criteria 6. Knowledge</p> <p>Records that will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society, culture and achievements and New Zealanders’ sense of their national identity.</p>		
Statement	<p>All records carry knowledge through time. Ongoing retention is only justified for records or information identified as having the capacity and potential to substantially contribute to the body of knowledge or understanding that will materially improve the life of New Zealanders now and in the future.</p>	
Guidance	<p>Societal</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> cohesion and conflict between social groups and the government; development and management of infrastructure; social wellbeing. 	<p>A ‘New Zealand’ Identity</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> New Zealand’s place in the world, international relations, involvement in, or opposition to global developments; involvement with, relevance to, global events, movements; uniquely New Zealand enterprises, systems, services;

		<ul style="list-style-type: none"> contributions of notable individuals to New Zealand's character; Treaty settlements.
	<p>Whakapapa/genealogical</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> family relationships – links between the past and the present. 	<p>Cultural</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> Iwi, hapu, ethnic community/group identity, issues and initiatives; Government responses to, or services for, specific ethnicities; management/registration/preservation of areas of cultural or heritage importance/meaning; initiatives to preserve and/or promote a resurgence of languages.
	<p>Scientific/technical/engineering</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> innovation, development or improvement to services/processes /infrastructure; degree of transformation of a service, delivery or process; major discoveries of importance for communities/New Zealanders. 	<p>Stewardship/ Kaitiakitanga</p> <p>Indicators may include evidence of:</p> <ul style="list-style-type: none"> environmental monitoring, data - collections and analysis of environmental data; changes to land use e.g.; National Parks, marines reserves; contaminant usage, hazardous substances.

Length of retention will be determined by the level of contribution that can be demonstrated.

The schedule is a class-based schedule developed through review of the existing schedule against the high level Ministry of Justice Business Classification Structure developed in 2013. The disposal recommendations made for records covered in the 2006 schedule have remained the same.

A comprehensive list of the Ministry of Justice's files (excluding those from the former Department for Courts) was examined and mapped to the existing Ministry of Justice schedule and to the GDAs.

Any classes in the existing schedule that corresponded to a GDA class were removed. The schedule was also reformatted using the Archives New Zealand template. At the same time, the schedule classes were revised to provide better description and definition of records, and to provide unique numbers for the application of the schedule.

5.2 Relevant Disposal Authorities

A list of current retention and disposal authorities that relate to Ministry of Justice functions and activities has been compiled. Please refer to appendix 3.

5.3 Functional Analysis

A functional analysis of the Ministry of Justice's business functions and activities has been carried out. The high level core functions have been identified as:

- Policy
- Operational Service Delivery
- Treaty Settlement
- Service Transformation
- Legal Management
- Sector Management

The high level support functions have been identified as

- Governance
- Procurement and Property Management
- Business Group Management
- Communications Management
- Financial Management
- Human Resources Management
- Information and Communications Technology
- Information Management

6. Consultation

6.1 Internal consultation: Following the completion of the functional analysis a draft model retention and disposal schedule was developed and presented to representative staff across the Ministry of Justice for discussion and input. Gaps and ambiguities were identified, clarified, redundant functions/activities removed/updated for currency, accuracy and relevance. A second round of consultation involved circulating the revised draft retention and disposal schedule to selected staff for further clarification and input. Appendix 1 has a list of staff consulted.

6.2 External consultation: A number of organisations were identified by the business as external stakeholders that may have an interest in the disposal of Ministry of Justice records. The agencies included Public Service Departments, Departmental agencies, Non-Public Service Departments and Crown Entities. All feedback/recommendations were analysed and incorporated into the retention and disposal schedule where appropriate. Appendix 2 has a list of external stakeholders consulted.

7. Disposal Classes

Class: 1 – Crime Prevention Programmes

Description

The Ministry of Justice provides funding to communities for crime prevention activities, and supports the social sector trials. These trials consist of local initiatives aimed at a range of areas, including reducing offending, reducing levels of alcohol and substance abuse, reducing truancy rates, and increasing participation in education, training and employment. Records also include evaluation and administration of programmes.

1.1 Crime prevention programme administration

Includes administrative records of all relevant programmes/projects and initiatives such as general enquiries, administrative correspondence etc.

1.2 Crime prevention programmes content and operation

Includes all records from initiation to conclusion of relevant programmes/projects/initiatives, records also cover evaluation of programmes.

Value statement

1.1 Crime prevention programme administration

The administrative records are not of long term value (not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014). These records are recommended for destruction as:

- They concern routine administration matters only.
- They document decisions and activities that are made at a low-level administrative level.
- The impact of any decisions and activities is short term (10 years or less).

1.2 Crime prevention programmes content and operation

The substantive records concerning crime prevention programmes provide a comprehensive set of information about crime prevention programmes, and about the methods by which the Ministry of Justice provided assistance and advice to them. They provide evidence of the performance of one of the Ministry's functions and a valuable sociological research resource.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to Aotearoa/New Zealand public.

- They document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of prevention programmes in the area of the Ministry of Justice's substantive functions.
- Provide information on reducing the rates of crime and reoffending.
- Evidence of the Ministry of Justice's position or perspective on, or involvement in government initiatives.

Accountability:

These records are fundamental to providing citizens with trust in government:

- Provide evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.
- Provide information about a current or past event significant to the history of the country or to the Ministry of Justice.

Rights and Entitlements:

These records provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of relevant prevention programmes.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of crime prevention programmes and the legal/justice system of New Zealand in general.

Retention and disposal recommendation**1.1 Crime prevention programme administration**

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Destroy

1.2 Crime prevention programmes content and operation

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 2 – Marine and Coastal Area (Takutai Moana) Act Management**Description**

The Ministry of Justice administers the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). The Minister for Treaty of Waitangi Negotiations has primary Ministerial responsibility under the Act with the Minister for Land Information and Minister of Conservation having responsibility for specific parts.

The Act repealed the Foreshore and Seabed Act 2004 and restored the ability to determine and legally recognise customary interests extinguished by that Act. Two types of customary rights can be recognised within the common marine and coastal area: customary marine title and protected customary rights. Rights can be recognised by the Crown through a recognition agreement with an applicant (given effect through legislation and by Order in Council) and by recognition order of High Court.

This class of records relates to all information concerning direct engagement and agreements with groups applying for recognition of customary interests and monitoring of applications in the High Court.

The Minister for Land Information is responsible for maintaining a register of all customary rights recognised by the Court and by the Crown. Office of Treaty Settlements (OTS) is in the process of establishing a standalone website providing information on the Act and recording progress on all applications made to the Crown. This will include information on:

- All applications formally accepted for consideration (including the name of the applicant and area to

which the application relates).

- All applicants with whom the Minister has formally engaged.
- Consultation process with third parties.
- Determination by the Minister.
- Recognition agreements reached with applicants.
- Progress with legislation (including opportunity to make submissions to select committees) and orders in council; and
- Final enactment of legislation and making of orders in council.

2.1 Engagement and Agreements

All records containing information concerning direct engagement and agreements with groups applying for recognition of customary interests and monitoring of applications in the High Court.

Value statement

2.1 Engagement and Agreements

The Foreshore and Seabed Act was a controversial piece of legislation. The records relating to the review of this Act and its repeal by the Marine and Coastal Area (Takutai Moana) Act 2011 will have considerable research potential in the future. Records of the administration of the Act have both evidential and informational value, and will provide a record of the developmental processes for its administration, Ministerial and High Court determinations on individual applications and case law.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Evidence of the Ministry of Justice's position or perspective on, or involvement in government initiatives.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide information about Marine and Coastal Area (Takutai Moana) Act 2011 administration, concerning direct engagement and agreements with groups applying for recognition of customary interests and monitoring of applications in the High Court.
- Document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of Aotearoa/New Zealand, or permit the settlement of legal claims.

Rights and Entitlements:

These records provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction with relevant groups as appropriate and their influence on the development of policy and/or procedures.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles.

- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society, culture and achievements and New Zealanders' sense of their national identity.

- Events significant to the history of Aotearoa/New Zealand e.g. the repeal of the Foreshore and Seabed Act 2004, as these are records with considerable research potential for Aotearoa/New Zealand.

Retention and disposal recommendation

2.1 Engagement and Agreements

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 3 – Internal Operational Policy, Procedures and Standards

Description

Value statement

3.1 Appointments

Policies, procedures and standards in the management of statutory appointments are of evidential value, and demonstrate how the appointment decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of policies, procedures and standards in the area of the Ministry of Justice's substantive functions.
- Provide evidence of the structure, organisation, administration and planning of the Ministry of Justice.

Accountability

These records are fundamental to providing citizens with trust in government; providing evidence of the impact of Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

3.2 Marine and Coastal Area Management

Policies, procedures and standards in the management of Marine and Coastal Area Management are of evidential value, and demonstrate how the management decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of policies, procedures and standards in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.

- Document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles.

- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society, culture and achievements and New Zealanders' sense of their national identity.

- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.
- Research potential in the areas of policy, development of legislation and the Crown's settlement of historical Treaty of Waitangi claims.

3.3 Policy Precedents and Examples

The policy precedents and examples are more like reference documents, as the actual precedents will

be in the policy subject files (not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014). These records are recommended for destruction as:

- Their business value is not sufficient for permanent retention as archives.
- The impact of any decisions and activities is short term (when no longer administratively required).
- They are drafts and/or duplicates of other records.

3.4 Treaty Settlements and Treaty Settlement Asset Management Policy and Procedures

Policies, procedures and standards relevant to Treaty settlements and Treaty settlement asset management are of evidential value, and demonstrate how the decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry.
- Provide evidence of the development of policies, procedures and standards in the area of the Ministry of Justice's substantive functions.

Accountability

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice activities on them, in compliance with relevant legislation and regulations.

- Document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of Aotearoa/New Zealand, or permit the settlement of legal claims.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles.

- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society, culture and achievements and New Zealanders' sense of their national identity.

- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.
- Research potential in the areas of policy, development of legislation and the Crown's settlement of historical Treaty of Waitangi claims.

Retention and disposal recommendation

3.1 Appointments

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

3.2 Marine and Coastal Area Management

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

3.3 Policy Precedents and Examples

- Retention Period: N/A
- Trigger Point: Destroy when no longer administratively required
- Disposal Action: Destroy

3.4 Treaty Settlements and Treaty Settlement Asset Management Policy and Procedures

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 4 – International Law Enforcement

Description

Records of the processing of requests from other countries for the extradition of individuals. These files relate to the Extradition Act 1999 and in particular to requests from other countries for the extradition of their nationals from New Zealand, normally because they face criminal charges in their country of origin. They generally include requests for extradition, instructions to and correspondence with Crown solicitors, correspondence with the lawyers of the person being extradited, file notes of phone conversations with lawyers, background information, legal opinions and advice to the Minister of Justice (under the Extradition Act the Minister has the final approval of the extradition request).

There are also records of extradition requests that did not proceed (that is when an extradition was requested but the process was not completed).

Records of the negotiation and agreement of extradition treaties and treaties of mutual assistance with other countries. Records concerning international law enforcement also include information gathered by the Ministry of Justice as part of maintaining 'watching briefs' on international law enforcement issues.

4.1 Extradition Requests

Records include requests for extradition, instructions to and correspondence with Crown solicitors, legal opinions, advice to the Minister of Justice and records of extradition requests that did not proceed. These records also provide a good record of the processes undergone in order to extradite someone from New Zealand under the Extradition Act and under various extradition treaties with specific countries.

4.2 International Law Enforcement Policy Formulation – other agency lead

Information received and collected about international issues in relation to law enforcement, where another agency is the lead agency. Information received and collected about international issues in

relation to law enforcement, where the Ministry of Justice is not actively involved in policy development but simply maintains a watching brief on the issue, or another agency is the lead agency, will be held in more complete form by other agencies.

4.3 International Treaties and Assistance

Records of the negotiation and agreement of extradition treaties and treaties of mutual assistance with other countries. Records concerning international law enforcement also include information gathered by the Ministry of Justice as part of maintaining 'watching briefs' on international law enforcement issues. The Ministry of Justice is New Zealand's representative in negotiating international treaties in relation to human rights, law enforcement and extradition, which have both evidential and informational value.

Value statement

4.1 Extradition Requests

Records of extradition requests are essentially case files. It is possible that these records may include information about cases or persons that become significant or notorious.

These records also provide a good record of the processes undergone in order to extradite someone from New Zealand under the Extradition Act and under various extradition treaties with specific countries. It is recommended that these records be retained as archives, as they provide evidential value, and demonstrate how the decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide information about persons of historical interest – persons important in New Zealand's social or political history, of significance in the history of the Ministry of Justice.

Accountability

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.

- Requests, advice, legal opinions under the Extradition Act.

4.2 International Law Enforcement Policy Formulation – other agency lead

Information received and collected about international issues in relation to law enforcement, where the Ministry of Justice is not actively involved in policy development but simply maintains a watching brief on the issue, or another agency is the lead agency, will be held in more complete form by other agencies. They are not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities for the Ministry is short term (10 years or less).

4.3 International Treaties and Assistance

The Ministry of Justice is New Zealand's representative in negotiating international treaties in relation to human rights, law enforcement and extradition, which have both evidential and informational value, and how the decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand and its history.

- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.
- Research potential in the areas of human rights, law enforcement and extradition.

Retention and disposal recommendation

4.1 Extradition Requests

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

4.2 International Law Enforcement Policy Formulation – other agency lead

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Destroy

4.3 International Treaties and Assistance

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 5 – Judicial Appointments

Description

Information includes the Judge's expression of interest in appointment, statutory declaration, health and financial information and a copy of the warrant/s. This information is held by the Ministry of Justice on behalf of the Attorney-General. The Ministry of Justice does not hold any judicial appointment documentation.

In the Ministry, the process of making Judicial Appointments is kept separate from the process of making other statutory appointments, and in fact the term Statutory Appointments as used within the Ministry of Justice specifically excludes Judicial Appointments. This is because the process of making Judicial Appointments is managed entirely separately in order to maintain confidentiality about appointees and appointments. Some team processes and administrative information are managed within the Ministry of Justice's main filing system, but the records of the appointment process and appointees are maintained separately.

5.1 Judges Appointments

The records of appointment of Judges document the process by which particular persons are appointed to these significant positions in the legal system. Records include the Judge's expression of interest, statutory declaration, and a copy of the warrant/s.

5.2 Routine Administration

Includes records of administrative assistance throughout the appointment process. Also includes records of enquiries.

Value statement

5.1 Judges Appointments

The records of appointments of Judges document the process by which particular persons are appointed to these significant positions in the legal system. It is recommended that these records be retained as archives, as they provide evidential value, and demonstrate how the decisions were made.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the function of a substantive function of the Ministry of Justice.
- Provide information about persons important in New Zealand's social or political history, or significant in the history of the Ministry of Justice.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

- Provide information about a current or past event significant to the history of the country or to the Ministry of Justice.

5.2 Routine Administration

Records of administrative assistance throughout the appointment process are not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- These records concern routine administrative matters only.
- The impact of any decisions, activities and processes is short-term (3 years or less).

Retention and disposal recommendation

5.1 Judges Appointments

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

5.2 Routine Administration

- Retention Period: 3 years
- Trigger Point: close date
- Disposal Action: Destroy

Class: 6 – Justice Policy Formulation

Description

The Ministry of Justice is responsible for developing policy relating to a number of aspects of the justice and legal system, including matters of criminal justice, civil law and constitutional policy, and the legislation governing access to and the operations of courts and tribunals. The Ministry of Justice advises on legislation required to give effect to settlements of historical breaches of the area of Treaty of Waitangi. The Ministry of Justice also advises on maintaining and strengthening the gains made through Treaty settlements to Crown-Māori relationships, including by providing advice on policy development being led by other agencies.

Records document the formulation of policy and the provision of policy advice in the above mentioned areas. Records include surveys, memoranda, literature reviews, correspondence, meeting papers, Ministerial and Cabinet briefings, results and reports from research, forecasting and modelling, submissions, discussion papers, comments from other agencies. There are also records of policy formulation where another agency leads.

6.1 Policy – MoJ Lead

Records of Justice related policy formulation in the areas of criminal justice, constitutional and human

rights, civil and family, courts and tribunals and post-Treaty settlements.

6.2 Policy – other agency lead

Includes records of policy formulation where another agency leads.

Value statement

6.1 Policy – MoJ Lead

These records have evidential and informational value as the substantive record of the development of public policy in the Justice Sector. These records are recommended for long-term retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of public policy in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand and its history.

- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.
- Research potential in the areas of social policy, corrective and penal policy, development of legislation and the legal system of New Zealand in general.

6.2 Policy – other agency lead

Records concerning the Ministry of Justice's involvement in and comments upon policies led by other agencies will be replicated in more complete form in the other agency. These records are recommended for destruction as:

- These records contain information summarised, more complete and/or more readily accessible

in other records recommended for retention elsewhere.

- The impact of any decisions and activities for the Ministry of Justice is short-term (10 years or less).

Retention and disposal recommendation

6.1 Policy – MoJ Lead

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

6.2 Policy – other agency lead

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Destroy

Class: 7 – Legislation Monitoring

Description

The Ministry of Justice monitors other agencies' legislation for compliance with the Bill of Rights Act, the Marine and Coastal Area (Takutai Moana) Act and the Treaty of Waitangi Act. In the latter case, both the Ministry of Justice's Public Law Group and OTS' policy advisers may comment separately. Although Ministry comments will of course be retained in the records of the originating agency, the Ministry of Justice's records may also include internal discussions that do not find their way into the final record. These records have both informational and evidential value.

7.1 Reviews of Legislation of other agencies

All records containing relevant information of the legislation in review.

Value statement

7.1 Reviews of Legislation of other agencies

All records of the legislation in review have both informational and evidential value. These records are recommended for long-term retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the Ministry of Justice's position or perspective on, or involvement in, significant national events or government initiatives.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Criteria 3. Rights and Entitlements

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provides evidence of the Ministry of Justice's interaction with the public and their influence on the development and review of legislation.

Criteria 6. Knowledge

These records will substantially contribute to knowledge and understanding of New Zealand and its history.

- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.
- Research potential in the development of legislation and the legal system of New Zealand in general.

Retention and disposal recommendation**7.1 Reviews of Legislation of other agencies**

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 8 – Publication Management**Description**

The Ministry of Justice is responsible for the publication of the Directory of Official Information. Records cover the information collected from other agencies for publication, and the management of the publication process. This is an operational activity, not simply a corporate communications activity, hence requiring a separate class for these records. This activity is specific to the Ministry and is not covered by GDA6.

8.1 Directory of Official Information Management

Includes information collected from other agencies for publication and publication management.

Value statement
<p>8.1 Directory of Official Information Management</p> <p>Records are essentially drafts and working papers, and have no long term value. These records are recommended for destruction as:</p> <ul style="list-style-type: none"> • These records concern routine administrative matters only. • They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere. • The impact of any decisions and activities are short-term (3 years or less).
Retention and disposal recommendation
<p>8.1 Directory of Official Information Management</p> <ul style="list-style-type: none"> • Retention Period: 3 years • Trigger Point: 3 years after publication date • Disposal Action: Destroy

Class: 9 – Records Management
Description
<p>Records concerning the management of the physical storage and retrieval of current and non-current records, including relationship with suppliers, reviews of non-current storage, registers of retrieval requests. Although GDA6 has a class for Information Management Systems (8.0.0) none of the entries in this class are appropriate for these records.</p> <p>9.1 Records Storage Management</p> <p>Records include information relating to vendor management, storage management, requests and retrievals, lists.</p>
Value statement
<p>9.1 Records Storage Management</p> <p>Records of routine administrative short term business are recommended for destruction as:</p> <ul style="list-style-type: none"> • These records concern routine administrative matters only. • They document low-level decisions and activities. • The impact of any decisions and activities is short-term (7 years or less).

Retention and disposal recommendation
<p>9.1 Records Storage Management</p> <ul style="list-style-type: none"> • Retention Period: 7 years • Trigger Point: Close date • Disposal Action: Destroy

Class: 10 – Research and Evaluation
Description
<p>The Ministry of Justice undertakes research projects/programmes, information and analysis on behalf of other groups including sector research, policy related and operational projects, as well as conducting its own research programme into significant justice and social policy issues. Most of the records created by the research projects comprise the raw data and analysis of the raw data.</p> <p>Because the Ministry of Justice was established as the policy and research agency to complement the operational agencies in the Justice Sector, the research undertaken is frequently of Sector-wide interest, and also of interest internationally.</p> <p>A key output is the New Zealand Crime and Safety Survey (NZCASS). The survey provides information for researchers, policy makers and public about the extent of crime in New Zealand. Also includes the evaluation of the Alcohol and Other Drug Treatment Court, the evaluation of Family Justice Reforms, the delivery of the Court User Survey, Public Perceptions Survey and the Sector Survey of District Court Judges.</p> <p>10.1 Research Projects/Programmes – MoJ Records include information on all projects/programmes/initiatives where MoJ is the lead agency.</p> <p>10.2 Research Projects/Programmes – other agencies Records include information on all projects/programmes/initiatives/information and analysis on behalf of other agencies/groups.</p> <p>10.3 Research Raw Data and Analysis Records include all data/information collected under confidentiality agreements relevant to the programmes/projects/initiatives as appropriate.</p>
Value statement
<p>10.1 Research Projects/Programmes – MoJ</p> <p>These are records of research projects/programmes related to policy and significant justice and social policy issues. The research undertaken is frequently of Sector-wide interest, and also of interest internationally.</p> <p>Information about the design, development, planning and conduct of the research projects, as well as the final reports has both evidential and informational value. They are of long-term value and</p>

recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of public policy in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction with outside groups and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of relevant policy, development of legislation and the legal system of New Zealand in general.

10.2 Research Projects/Programmes – other agencies

Comments on and contributions to research managed by other agencies will be documented more fully in the records of the other agencies.

Although these records have both informational and evidential value, they are not of substantial long term value and therefore recommended for destruction as:

- These records contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (10 years or less).

10.3 Research Raw Data and Analysis

This raw data is not recommended for permanent retention, as it is often collected under confidentiality agreements, and/or contains information of a personal nature, and also it is summarised in the final research analysis and results. These groups of records have been recommended for destruction as:

- These records contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (10 years or less).

Retention and disposal recommendation
<p>10.1 Research Projects/Programmes - MoJ</p> <ul style="list-style-type: none"> • Retention Period: 10 years • Trigger Point: Close date • Disposal Action: Retain as public archives <p>10.2 Research Projects/Programmes – other agencies</p> <ul style="list-style-type: none"> • Retention Period: 10 years • Trigger Point: Close date • Disposal Action: Destroy <p>10.3 Research Raw Data and Analysis</p> <ul style="list-style-type: none"> • Retention Period: 3 years • Trigger Point: Close date • Disposal Action: Destroy

Class: 11 – Sector Leadership
Description
<p>The Ministry of Justice is mandated with a Justice Sector leadership role in:</p> <ul style="list-style-type: none"> • Coordinating cross-sectoral collaboration. • Developing a Justice Sector-wide strategy. • Sector investment, moving resources to their highest value use across the sector. • Participating in and leading social science research collaboration in the Justice and Social Policy Sectors. • Sector performance, monitoring, reporting, forecasting and modelling. <p>The Ministry of Justice creates links across the Justice Sector, working closely with the New Zealand Police, Department of Corrections, Crown Law Office, Serious Fraud Office and a range of other agencies including Crown entities.</p> <p>11.1 Justice Sector Strategy Justice Sector strategy records include strategy development and specific strategic projects and programmes.</p> <p>11.2 Justice Sector Collaboration Records include information in engaging across the Justice Sector to facilitate information sharing, developing consistent processes, dissemination of Justice Sector data and facilitation of data analysis across the Justice Sector.</p> <p>11.3 Sector Investment Records include the four-year plan implementation, Justice Sector fund management, Crown entity monitoring, evidence-based investment and analytic frameworks.</p> <p>11.4 Sector Forecasting and Modelling Records include the Justice Sector forecasts including prison population, volume of community sentences, legal aid case volumes and expenditure, volume and value of court-imposed fines, and volume of Crown Law cases.</p>

Value statement

11.1 Justice Sector Strategy

Records of activities and decisions made about the directions of the Justice Sector and the broad settings within which it operates are of long-term evidential and informational value. These records are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of public policy in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups:

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of relevant policy, development of legislation and the legal system of New Zealand in general.

11.2 Justice Sector Collaboration

Records of activities and decisions made in engaging across the Justice Sector to facilitate information sharing, developing consistent processes, dissemination of Justice Sector data and facilitation of data analysis across the Justice Sector are of long-term evidential and informational value. These records are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of the development of public policy in the area of the Ministry of Justice's

substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups:

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of relevant policy, development of legislation and the legal system of New Zealand in general.

11.3 Sector Investment

Records of the activities and decisions made to move resources to the highest value use across the Sector and improving expenditure and investment outcomes in the Justice Sector have both evidential and informational value.

These records are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of activities and decisions in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.
- Document financial accountability in the context of improving expenditure and investment outcomes in the Justice Sector.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups:

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of relevant policy, development of legislation and the legal system of New Zealand in general.

11.4 Sector Forecasting and Modelling

Records of Justice Sector forecasts including prison population, volume of community sentences, legal aid case volumes and expenditure, volume and value of court-imposed fines, and volume of Crown Law cases are of long-term value. These records are of evidential and informational value, recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence of activities and decisions in the area of the Ministry of Justice's substantive functions.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups:

- Provide evidence of the Ministry of Justice's interaction with the public and their influence on the development of policy and/or procedures.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its society and events significant to the history of the country or to the Ministry of Justice.

- Provide information that has research potential in the areas of relevant policy, development of legislation and the legal system of New Zealand in general.

Retention and disposal recommendation**11.1 Justice Sector Strategy**

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

11.2 Justice Sector Collaboration

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

11.3 Sector Investment

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

11.4 Sector Forecasting and Modelling

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 12 – Statutory Appointments

Description

The GDA 6 – Common Corporate Service Public Records – has a class for Statutory Appointments (3.2.4 – Administration of Statutory & Regulatory Appointments), which covers administrative records relating to the appointment of people to statutory or regulatory positions, records include information on persons nominated but not appointed, general correspondence and remuneration. It does not cover records of complaints, investigations and outcomes, and statutory declaration authorisations.

The Ministry manages the appointments of Justices of the Peace (JP), as well as of Coroners and many other statutory appointments. As well as the records covered by the GDA classes, the Ministry has separate records regarding complaints about the conduct of JPs and the removal of JPs. It also receives copies of statutory declaration authorisations from other agencies.

This class has been created as a separate class from class 5, which relates to Judicial Appointments, as the two processes, and the records created from the processes, are kept separately in the Ministry of Justice. Within the Ministry the term Statutory Appointments specifically excludes Judicial Appointments.

12.1 JP Complaints and Removal

Records of complaints, investigations and outcomes.

12.2 Statutory Declaration Authorisations

Records include statutory authorisations from other agencies.

Value statement

12.1 JP Complaints and Removal

Records of the appointment of JPs are retained under the GDA. Records of complaints about JPs and the removal of JPs also have evidential and informational value. These records are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry.
- Provide information about persons important in New Zealand's social or political history.

Accountability:

Records that are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of government activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.
- Provide information about a current of past event significant to the history of the country or to the Ministry of Justice.

12.2 Statutory Declaration Authorisations

Statutory declaration authorisations from other agencies are not of long-term value. These groups of records have been recommended for destruction as:

- These records concern routine operational matters only.
- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (3 years or less).

Retention and disposal recommendation

12.1 JP Complaints and Removal

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

12.2 Statutory Declaration Authorisations

- Retention Period: 3 years
- Trigger Point: Close date
- Disposal Action: Destroy

Class: 13 – Treaty Claims Settlement

Description

This class contains information about the process of settling an historical Treaty claim - from initiation/development, negotiations to final implementation/settlement. It includes ministerials, OIA requests, project management, property information, maps, photographs, news clippings, reports, minutes, negotiation records, deeds of settlements, financial records, formal agreements, legislation

development and managing relationships with other agencies concerned with Treaty of Waitangi matters relating to historical Treaty claims.

13.1 Treaty Claims Process

The records contain all information of initiation, terms of negotiations, Crown offer, settlement package, overlapping claims, deeds of settlement and Post Settlement Governance Entity (PSGE).

13.2 Treaty Relationship Management

Records include relationships between the Crown and Māori, and with other relevant agencies.

Value statement

13.1 Treaty Claims Process

The records of the settlement of historical Treaty of Waitangi claims are of enormous significance to New Zealanders and provide valuable historical research material for the future. Even though the records are sometimes voluminous, we recommend retention of all the records concerning historical Treaty claims settlement, to provide a complete record of the process.

These records have both informational and evidential value, they are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide information about a current or past event significant to the history of the country.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement, document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand, or permit the settlement of legal claims.
- Provide evidence of the Ministry of Justice's position or perspective on, or involvement in, significant national events or government initiatives.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction and engagement with relevant groups as appropriate and their influence on the settlement process.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles.

- Treaty negotiations and settlements.
- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society and culture in the context of the Crown's settlement of historical Treaty of Waitangi claims.

- Records provide information that has research potential in the Crown's settlement of historical Treaty of Waitangi claims and the legal system of New Zealand.
- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.

13.2 Treaty Relationship Management

Records of managing relationships between the Crown and Māori, and with other relevant agencies are of long-term value. These records have both informational and evidential value, they are recommended for retention as public archives.

Business Value:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and enable continuity of services to the New Zealand public. They:

- Document the performance of a substantive function of the Ministry of Justice.
- Contain information concerning direct engagement and agreements with relevant groups/stakeholders.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of the Ministry of Justice's activities on them, in compliance with relevant legislation and regulations.

- Provide proof of a particular event or agreement; document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand.
- Provide evidence of the Ministry of Justice's position or perspective on, or involvement in, significant national events or government initiatives.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction and engagement with relevant groups and their influence on the engagement process.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles. These records provide evidence of relationship management in the context of:

- Treaty negotiations and settlements.
- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society and culture in the context of the Crown's settlement of historical Treaty of Waitangi

claims.

- Records provide information that has research potential in the Crown's settlement of historical Treaty of Waitangi claims and the legal system of New Zealand.
- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.

Retention and disposal recommendation

13.1 Treaty Claims Process

- Retention Period: 10 years
- Trigger Point: Implementation completed
- Disposal Action: Retain as public archives

13.2 Treaty Relationship Management

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 14 – Treaty Settlement Asset Management

Description

Records relating to the management of the land assets used as part of the Treaty settlement process , including landbanks, the Crown Settlement Portfolio, and the Protection Mechanism.

Landbank property records include records about individual properties as well as records concerning the Office's role as landlord, including records concerning insurance, contracting property managers, valuation, disposals, acquisitions etc.

Administration records of the Protection Mechanism include advertising, withdrawn properties, applications, exemptions, etc.

Protection Mechanism decision-making records include decisions, schedules, historical assessments, sites of significance, reviews of decisions.

14.1 Landbank Portfolio Management

Records of management of properties that have been purchased by the Crown for use in future Treaty settlements including updated lists of properties and advice on property aspects of Treaty settlements.

14.2 Property Records

Property records include records about individual properties as well as records concerning the Office's role as landlord, including records concerning insurance, contracting property managers, valuation, disposals, acquisitions etc.

14.3 Protection Mechanism Administration

Records include all information with regard to the administration of the Protection Mechanism or regional landbanking processes to protect surplus Crown-owned land for potential use in historical Treaty settlement claims.

14.4 Protection Mechanism Decision-Making

Records of the Cabinet-agreed process for the Crown to consult with Māori when selling surplus land and implementation of the work required on behalf of the Crown, applications for protection from Treaty claimants and the protection mechanism process.

Value statement

14.1 Landbank Portfolio Management

The records of the management of the individual properties, acquisition and disposal of properties and contracting of property managers are routine operational records, and are not of long-term value. These records are of routine administrative value only (not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014). These records are recommended for destruction as:

- These records concern routine operational matters only.
- The impact of any decisions and activities is short-term (7 years or less).

14.2 Property Records

The records about individual properties as well as records concerning the Ministry's role as landlord, including records concerning insurance, contracting property managers, valuation, disposals, acquisitions etc. are not of long-term value. These records are not of sufficient archival value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- These records concern routine operational matters only.
- The impact of any decisions and activities is short-term (3 years or less).

14.3 Protection Mechanism Administration

The administration of the Protection Mechanism are routine operational records, and are not of sufficient long term value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- These records concern routine operational matters only.
- They document low-level decisions and activities.
- The impact of any decisions and activities is short-term (3 years or less).

14.4 Protection Mechanism Decision-Making

Records of the Cabinet-agreed process for the Crown to consult with Māori when selling surplus land and implementation of the work required on behalf of the Crown, applications for protection from Treaty claimants and the protection mechanism process. Protection Mechanism decision-making records include decisions, schedules, historical assessments, sites of significance, and reviews of decisions. The records of Protection Mechanism decision making have both evidential and informational value, they are recommended for retention as public archives.

Legitimacy of Authority:

These records are fundamental to the ability of the Ministry of Justice to carry out its business and

enable continuity of services to the New Zealand public.

- Document the performance of a substantive function of the Ministry of Justice.
- Provide evidence about a current or past event significant to the history of the country or to the Ministry of Justice.

Accountability:

These records are fundamental to providing citizens with trust in government; providing evidence of the well-being of the community and the impact of Ministry of Justice activities on them, in compliance with relevant legislation and regulations.

- They provide proof of a particular event or agreement, document the rights/legal interests/obligations of the Government, the Ministry of Justice or the citizens of New Zealand, or permit the settlement of legal claims.
- Provide evidence of the Ministry of Justice's position or perspective on, or involvement in, significant national events or government initiatives.

Rights and Entitlements:

These records also provide evidence of the legal status and fundamental rights and entitlements of individuals and groups.

- Provide evidence of the Ministry of Justice's interaction and engagement with relevant groups as appropriate and their influence on Protection Mechanism decision-making activities.

Te Tiriti o Waitangi / Treaty of Waitangi:

These records also provide evidence of recognition and respect for, fulfilment of or aspirations to Te Tiriti o Waitangi / Treaty of Waitangi principles and the Crown's obligations, or in the absence of this, evidence of failure to fulfil obligations and/or principles. These records provide evidence of relationship management in the context of:

- Treaty negotiations and settlements.
- These records will also be taonga available for all New Zealanders, iwi and the Crown.

Knowledge:

These records will substantially contribute to knowledge and understanding of New Zealand, its history, geography, society and culture in the context of the Crown's settlement of historical Treaty of Waitangi claims.

- Records provide information that has research potential in the Crown's settlement of historical Treaty of Waitangi claims and the legal system of New Zealand.
- Events significant to the history of Aotearoa/New Zealand.
- Records with considerable research potential for Aotearoa/New Zealand.

Retention and disposal recommendation

14.1 Landbank Portfolio Management

- Retention Period: 7 years
- Trigger Point: Close date
- Disposal Action: Destroy

14.2 Property Records

- Retention Period: 3 years
- Trigger Point: After property is disposed

- Disposal Action: Destroy

14.3 Protection Mechanism Administration

- Retention Period: 3 years
- Trigger Point: Close date
- Disposal Action: Destroy

14.4 Protection Mechanism Decision-Making

- Retention Period: 10 years
- Trigger Point: Close date
- Disposal Action: Retain as public archives

Class: 15 – Requests for Information

Description

Applications, responses and requests for information under the Privacy Act, including requests for copies of any criminal convictions held on the Ministry of Justice's business information systems and the Official Information Act. The recommended minimum retention periods in GDA6 sections 7.3.0 and 7.4.0 applied to these classes/series of records are not optimal considering the value of the content in the context of Ministry specific business activities and the sheer volume of accumulation. Annually the Criminal Records Unit of the Ministry receives around 450,000 of signed hardcopy applications from either individuals or third parties for information on the convictions of individuals held in the Ministry's courts and collection information systems. The applications are required in hardcopy because a signature is required before the information requested can be released.

15.1 Privacy Act Requests Internal

Records include signed hardcopy applications from Ministry staff and contractors hired by the Ministry for criminal record checks as part of the employment process.

15.2 Privacy Act Requests External

Records include signed hardcopy applications from either individuals or third parties for information on the convictions of individuals held in the Ministry's courts and collection information systems.

15.3 Privacy Act Complaints

Records relating to complaints regarding the agency under the Privacy Act 1993 that set no precedent.

15.4 Official Information Act Requests

Records include applications/requests by 3rd party under the Official Information Act (OIA) 1982 for a copy of an individual's criminal convictions held on the Ministry of Justice's business information systems.

Value statement

15.1 Privacy Act Requests Internal

Records of signed hardcopy applications from Ministry staff and contractors hired by the Ministry for criminal record checks as part of the employment process are not of long-term value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- They concern routine operational matters only.

- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (1 year or less).

15.2 Privacy Act Requests External

Records of signed hardcopy applications from either individuals or third parties for information on the convictions of individuals held in the Ministry's courts and collection information systems are not of long-term value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- They concern routine operational matters only.
- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (3 months or less).

15.3 Privacy Act Complaints

Records relating to complaints regarding the agency under the Privacy Act 1993 that set no precedent are not of long-term value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- They concern routine operational matters only.
- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (5 years or less).

15.4 Official Information Act Requests

Records of applications/requests by 3rd party under the Official Information Act (OIA) 1982 for a copy of an individual's criminal convictions held on the Ministry of Justice's business information systems are not of long-term value to justify permanent retention as public archives in terms of criteria 1-6 of the Archives NZ Appraisal Statement 2014. These records are recommended for destruction as:

- They concern routine operational matters only.
- They contain information summarised, more complete and/or more readily accessible in other records recommended for retention or elsewhere.
- The impact of any decisions and activities is short-term (3 months or less).

Retention and disposal recommendation

15.1 Privacy Act Requests Internal

- Retention Period: 1 year
- Trigger Point: From date of request
- Disposal Action: Destroy

15.2 Privacy Act Requests External

- Retention Period: 3 months
- Trigger Point: From date of last action
- Disposal Action: Destroy

15.3 Privacy Act Complaints

- Retention Period: 5 years
- Trigger Point: From date of last action
- Disposal Action: Destroy

15.4 Official Information Act Requests

- Retention Period: 3 months
- Trigger Point: From date of last action
- Disposal Action: Destroy

8. Access Recommendations

[Removed]

9. Attachments

1. Internal Consultation – Appendix 1
2. External Consultation – Appendix 2
3. Retention and Disposal Schedules – Current – Appendix 3

1. Appendix 1 – Internal Consultation

Listed below are staff who provided input on the development of the retention and disposal schedule.

Group/Unit/Team	Name/Role
Office of the Chief Executive/Office of the Legal Counsel	[Name Removed]
Office of the Chief Executive/Office of the Legal Counsel	[Name Removed]
Policy/Human Rights & Civil Law	[Name Removed]
Policy/Criminal Justice	[Name Removed]
Policy/Civil and Constitutional	[Name Removed]
Policy/Post Settlement Commitments Unit	[Name Removed]
Office of Treaty Settlements/Marine and Coastal Area Team	[Name Removed]
Office of Treaty Settlements/Work Programme & Strategy	[Name Removed]
Office of Treaty Settlements/Work Programme & Strategy	[Name Removed]
Office of Treaty Settlements/Work Programme & Strategy	[Name Removed]
Office of Treaty Settlements	[Name Removed]
Sector	[Name Removed]
Sector/Sector Information and Analysis Team	[Name Removed]
Sector/Sector Research and Evaluation Team	[Name Removed]
Sector/Sector Strategy	[Name Removed]

Corporate/Criminal Records Unit	[Name Removed]
Corporate/Security and Policy	[Name Removed]
Corporate/Commercial and Property	[Name Removed]
ICT/Information Management Services	[Name Removed]
ICT/Information Management Services	[Name Removed]
Higher Courts/Judicial Libraries	[Name Removed]

2. Appendix 2 – External Consultation

Listed below are organisations invited to provide input on the development of the retention and disposal schedule.

Organisation	Name and Role
Ministry of Social Development (MSD)	[Name Removed]
Department of Corrections	[Name Removed]
New Zealand Police	[Name Removed]
Crown Law Office	[Name Removed]
Ministry of Business Innovation and Employment (MBIE)	[Name Removed]
Ministry for the Environment (MfE)	[Name Removed]
Ministry of Education	[Name Removed]
Accident Compensation Corporation	[Name Removed]
Land Information New Zealand (LINZ)	[Name Removed]
Te Puni Kōkiri (TPK)	[Name Removed]
Department of Conservation	[Name Removed]
Ministry for Culture and Heritage (MCH)	[Name Removed]
Waitangi Tribunal (WT)	[Name Removed]
Department of Internal Affairs (DIA)	[Name Removed]
Crown Forestry Rental Trust (CFRT)	[Name Removed]
Ministry for Primary Industries (MPI)	[Name Removed]
Inland Revenue Department (IRD)	[Name Removed]
Landcorp	[Name Removed]
Parliamentary Counsel Office (PCO)	[Name Removed]
Ministry of Defence	[Name Removed]
The Treasury	[Name Removed]
Department of Prime Minister and Cabinet (DPMC)	[Name Removed]

3. Appendix 3 – Relevant current Retention and Disposal Schedules

Schedule No.	Description	Date of Expiry
DA220	Ministry of Justice Head Office current records	Jan-16
DA564	Court Case File Schedule, including the Supreme Court and Court of Appeal as well as the previously covered High Court and District Courts	Jan-23
DA415	Ministry of Justice Tribunals Unit current records	Feb-20
DA472	Legacy records inherited from the Department for Courts and Department for Justice	Oct-21
DA570	Legal Services disposal authority	Apr-23