

# Appraisal Report – Amendment to an Existing Disposal Authority

## Amendment to General Disposal Authority GDA6

<b>Job Reference/ Document ID:</b>	APP2020/0011 <a href="#">KYDT2QVSND5F-1145462858-461</a>
<b>Public Office:</b>	Archives New Zealand (Department of Internal Affairs)
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<b>Date Submitted:</b>	31 August 2020
<b>Disposal Authority to be Amended</b>	General Disposal Authority GDA6 (DA558), Common Corporate Service Public Records

### Purpose

The purpose of this appraisal report is to obtain disposal authorisation from the Chief Archivist for changes to General Disposal Authority 6 (GDA6), *Common Corporate Service Public Records*. A change is needed to allow for the disposal of common records created by public offices as a result of the coronavirus pandemic of 2020. This work also provided the opportunity to make other changes to address known issues with specific sub-classes.

GDA6 was approved by the Chief Archivist on 17 May 2013 as DA558, replacing earlier general disposal authorities.

A new class and sub-class have been created to cover tracing records created by public offices, which are not currently covered. The other amendments proposed are:

- Removing class 9/sub-class 9.1.1, All Records Opened Prior to 1946;
- Amending the disposal action for sub-class 8.1.8, Records of Agency History/Social Development.
- Amending the minimum retention period for sub-class 3.5.2, Accident and First Aid Records.

Under section 20(1) of the Public Records Act 2005, the Chief Archivist must authorise the transfer, alteration, destruction, sale, or discharge (collectively called 'disposal') of public records. Before authorising any disposals, the Chief Archivist must also give no less than 30 days' public notice of the intention to dispose of public records.

This report, which makes disposal recommendations for a new class of records and the amendment of others, is submitted to the Chief Archivist as part of the public notification and authorisation process.

## Circumstances

### **COVID-19 Pandemic**

On 30 January 2020 the coronavirus disease (COVID-19) outbreak was declared a Public Health Emergency of International Concern and pandemic by the World Health Organization (WHO). The first case in New Zealand was reported on 28 February, and by 21 March a 4-level alert system was introduced by the New Zealand Government:

- COVID-19 Alert Level 4 (Lockdown);
- COVID-19 Alert Level 3 (Restrict);
- COVID-19 Alert Level 2 (Reduce);
- COVID-19 Alert Level 1 (Prepare).

Under COVID-19 Alert Levels, the New Zealand Government requires businesses (including public offices) to keep a record of everyone who visits their workplace or place of business, and to save their contact information into a contact tracing register. This is to help keep track of people's movements to help prevent the spread of COVID-19.<sup>1</sup>

The information required to be kept in a contact tracing register is full name, phone number, e-mail address, date, time in and out, and signature.<sup>2</sup> Registers are required to be kept in a secure place for at least 2 months from the date of the last information entry. Access to the information in a tracing record is to only be shared and used by the Ministry of Health or District Health Boards.

To ensure that the disposal of contact tracing records complies with the Public Records Act 2005, Archives New Zealand decided to add a class to the General Disposal Authority GDA6 (disposal authority number DA558).

### **Other proposed changes**

Amending GDA6 to incorporate contact tracing records gave Archives New Zealand the opportunity to make some other changes to classes and sub-classes with known issues. Although most of these proposed changes require Archives New Zealand or the Chief Archivist's approval only, they are included in this appraisal report for transparency.

## Description of Amendments

It is proposed that the following amendments be made to GDA6:

1. Addition of a new class to cover tracing records created by public offices during epidemics, pandemics, or any other similar emergencies (assessed to be a significant change, requiring a minimum 30-day public notification period of the intention to dispose of public records, and the Chief Archivist's approval).
2. Removal of a redundant class (assessed to be a minor change).
3. Amendment of the disposal action for one sub-class (assessed to be a significant change, requiring a minimum 30-day public notification period of the intention to dispose of public records, and the Chief Archivist's approval).
4. Amendment of the retention period for one sub-class (assessed to be a minor change, requiring the Chief Archivist's approval only).

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<sup>1</sup> **Contact Tracing Information Sheet**, <https://Covid19.govt.nz> (accessed May 2020).

<sup>2</sup> Templates were provided by the New Zealand Government on the **Unite against COVID-19** website: [https://covid19.govt.nz/assets/resources/posters/COVID-19-L2-Contact-Tracing-Register-A4\\_NON-RETAIL\\_no-address.pdf](https://covid19.govt.nz/assets/resources/posters/COVID-19-L2-Contact-Tracing-Register-A4_NON-RETAIL_no-address.pdf) and [https://covid19.govt.nz/assets/resources/posters/COVID-19-L2-Contact-Tracing-Register-A4\\_RETAIL\\_no-address.pdf](https://covid19.govt.nz/assets/resources/posters/COVID-19-L2-Contact-Tracing-Register-A4_RETAIL_no-address.pdf) (accessed 27 August 2020).

## Proposed New Class

New Class	
<b>Title</b>	Health and Safety
<b>Class Number</b>	9.0.0
<b>Sub-class Title</b>	Tracing records
<b>Sub-class Number</b>	9.1.1
<b>Description</b>	<p>All records that contain personal information of everyone that visits a public office, collected for the purposes of tracking people's movements during a pandemic, epidemic, or other similar public health related emergency. Information collected in these records may include some or all of the following – full name, phone number, e-mail address, date, time in and out of premises, signature of the individual. Such records are used to trace individuals for health purposes during an emergency (e.g. where exposure to a contagious virus has been identified). Examples of such records include contact tracing registers.</p> <p>Note: this excludes records created by a contact tracer as defined under section 92ZZA of the Health Act 1956, who is undertaking this work as part of a public office's core business.</p>
<b>Minimum Retention Period</b>	When all legislative requirements have been met and administratively no longer required.
<b>Disposal Action</b>	Destroy
<b>Value Statement</b>	<p>Tracing records are operational and have short-term value. They contain information of a personal nature required for health purposes only and no other business activity. They are required to be held by public offices for administrative purposes (for example, contact tracing records during the COVID-19 pandemic were required to be held for a period of 2 months from the date of last entry).</p> <p>Tracing records do not meet any of the principles in the <b>Public Sector Archival Selection Statement</b>.</p>
<b>Disposal Recommendation</b>	It is recommended that tracing records be destroyed.

## Proposed Removal of a Redundant Class

Current Class	
<b>Title</b>	All records opened prior to 1946
<b>Class Number</b>	9.0.0
<b>Sub-class Number</b>	9.1.1
<b>Retention Period</b>	All records opened prior to 1946
<b>Disposal Action</b>	Retain for appraisal
<b>Justification for removing the current Class</b>	<p>It is recommended that this class be removed from the schedule. It acts as an advisory notice and does not have a legal disposal action as set out under section 20(1) the Public Records Act 2005.</p> <p>Placed at the end of GDA6, the class is advising public offices to retain all common corporate services public records created prior to 1946 for further appraisal.</p>

	<p>However, GDA6 classes 1 to 8 can be used to dispose of common corporate services public records as the retention periods and disposal actions for each class/sub-class are robust and fit for purpose, regardless of when the records were created.</p> <p>GDA6 contains General Instructions that apply to the entire authority. One of them states:</p> <p><i>If you think that records marked for destruction ought to be preserved permanently, do not destroy them. Contact the Disposal and Acquisition team at Archives New Zealand to discuss an appraisal of the records</i></p> <p>This instruction applies to records created prior to 1946. If a public office has pre-1946 records that are sentenced for destruction under GDA6, and it believes they should be transferred to the control of the Chief Archivist it should contact Archives New Zealand for discussion and advice so it can undertake an appraisal of the records.</p> <p>Pre-1946 records that are sentenced under GDA6 classes with the disposal action “transfer to Archives New Zealand” would be transferred to the control of the Chief Archivist under current transfer processes.</p>
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## Proposed Amendment of a Current Class (disposal action)

Current Class	
<b>Title</b>	Business Information Systems
<b>Class Number</b>	8.0.0
<b>Sub-class Title</b>	Records of Agency History / Social Development
<b>Sub-class Number</b>	8.1.8
<b>Minimum Retention Period</b>	10 years from last information date
<b>Current Disposal Action</b>	Retain for appraisal
<b>Proposed Disposal Action</b>	Transfer to Archives New Zealand (Retain as public archive)
<b>Justification for amending the Disposal Action</b>	<p>It is recommended that the disposal action for this sub-class be amended to ‘transfer to Archives New Zealand’, providing a legal disposal action as required under section 20(1) the Public Records Act 2005.</p> <p>Records of Agency History / Social Development meet Principle 1 (New Zealand public sector authority, functions and activities), Principle 2 (Treaty of Waitangi/Te Tiriti o Waitangi) and Principle 3 (Individual and community knowledge, identity and memory) of the <b>Public Sector Archival Selection Statement</b>.<sup>3</sup> They contain information about the history and social development of public offices, engagement with various sectors of the community, contemporary national and international issues, changes in societal values, and have the potential to document public office</p>

<sup>3</sup> <https://www.archives.govt.nz/manage-information/resources-and-guides/statutory/public-sector-archival-selection-statement> (accessed 4 June 2020).

	engagement with iwi and demonstrate the Government’s commitment to the principles of Te Tiriti o Waitangi.
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**Proposed Amendment of a Current Class (minimum retention period)**

Current Class	
<b>Title</b>	Human Resources Management
<b>Class Number</b>	3.0.0
<b>Sub-class Title</b>	Employee Health, Safety and Welfare
<b>Sub-class Number</b>	3.5.0
<b>Sub-class Title</b>	Accident and First Aid Records
<b>Sub-class Number</b>	3.5.2
<b>Current Minimum Retention Period</b>	7 years from last information date <i>Health and Safety in Employment Act 1992, s.25 Recording and notification of accidents and serious harm</i>
<b>Proposed Minimum Retention Period</b>	5 years from last information date <i>Health and Safety at Work Act 2015, section 57 Requirement to keep records</i>
<b>Justification for amending the Disposal Action</b>	The Health and Safety in Employment Act 1992 was repealed and replaced by Health and Safety at Work Act 2015 on 4 April 2016. Under section 57 (Requirement to keep records), a person conducting a business or undertaking (PCBU) is required to keep a record of each notifiable event for at least 5 years. This is a change from the requirement under the previous Act, which was 7 years.